

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 6 June 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, D. Love, 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 7 May 2019 ([issued](#)) were submitted and approved.

3. Application for Planning Permission.

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

The Panel decided as follows:-

- (1) **[19/00031/APPM](#) - DUNDONALD – land to the south and west of Olympic Business Park, B730 Dundonald A759 – Council boundary – Extension to the existing recycling facility; to include storage of inert materials, construction of haul roads, installation of plant and machinery, formation of lagoons and associated screening and landscaping (partly retrospective).**

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) 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, agreed by the West of Scotland Archaeology Service, 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 in agreement with the West of Scotland Archaeology Service;
- (c) no 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 submitted to and approved by the planning 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;
- (d) should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing;
- (e) that the mitigation measures detailed within the Extended Phase 1 Habitat Survey Report dated 28th September 2018, shall be implemented in full;
- (f) that the presence of any previously unsuspected or unencountered 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; and
- (g) that the Tree Maintenance Strategy, dated January 2019, shall be implemented in full.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (c) in the interest of road safety;
- (d) in the interest of protecting local wildlife;
- (e) in the interest of protecting local wildlife;
- (f) to ensure all contamination within the site is dealt with; and
- (g) in the interest of protecting trees.

Advisory Notes:

South Ayrshire Council Sustainable Development (Biodiversity) advise the following:

- Works should not lead to the 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).
- Works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- 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.
- 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.
- Where possible the developer considers the inclusion of bird and bat boxes within the development.
- Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
- Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
- If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.
- 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.
- That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*).
- All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- 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.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN 10681;
 Drawing - Reference No (or Description): TREE SURVEY 12254;
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT DECEMBER 2018;
 Other - Reference No (or Description): HABITAT SURVEY REPORT P18-552;
 Other - Reference No (or Description): NOISE IMPACT ASSESSMENT 1711/R1;
 Other - Reference No (or Description): PLANNING PAC REPORT DECEMBER 2018;
 Other - Reference No (or Description): PLANNING SUPPORTING STATEMENT DECEMBER 2018;
 Other - Reference No (or Description): TECHNICAL NOTE - JUNCTION ASSESSMENT 44493-550;1
 Drawing - Reference No (or Description): ACCESS STRATEGY AND SITE GENERAL ARRANGEMENT 3563.HTL-002 RevA;
 Drawing - Reference No (or Description): EXISTING SECTIONS 12254;
 Drawing - Reference No (or Description): EXISTING TOPOGRAPHICAL 12254;
 Drawing - Reference No (or Description): PROPOSED SECTIONS 12254;
 Other - Reference No (or Description): TREE SURVEY REPOR; and
 Other - Reference No (or Description): TREE MANAGEMENT MAINTENANCE STRATEGY JANUARY 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.

- (2) [19/00172/PPP](#) – TROON – 130 Bentinck Drive – Erection of dwellinghouse.

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

- (a) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements by reason that the; sub-division of the application site creates plot which is not sympathetic or characteristic of the locality, which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, a loss of garden ground for the donor property at 130 Bentinck Drive, and the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area;

- (b) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to the Historic Environment, and Historic Environment Scotland's Policy Statement, in terms of having an adverse impact on the setting of Troon conservation area and setting of the adjacent listed building by virtue of; the locality not being characterised infill developments, and the sub-division of the application site creating a plot which is not sympathetic or characteristic of the locality which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the character, setting and visual amenity of the locality, resulting in over-development and suburbanisation of the site, a loss of garden ground for the donor property at 130 Bentinck Drive, the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area;
- (c) that the sub-division of the application site is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the distinctiveness of the site and its townscape setting, creates a plot which is not sympathetic or characteristic of the locality which is characterised by sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open nature and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, and a loss of garden ground for the donor property at 130 Bentinck Drive, and the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area;
- (d) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements by reason that the proposed development would be detrimental to the amenity of the flats to the north by reason of loss of light and the proximity of the proposed dwelling to existing windows, thereby creating a sense of enclosure;
- (e) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements and Council Guidance in relation to Open Space provision by reason that the lower conversion at 130 Bentinck Drive (donor property) would not be served by any private rear garden, to the significant detriment of the amenity of this property; and

- (f) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development, Residential Development within Settlements and Historic Environment by reason that insufficient information has been submitted to allow an assessment to be carried out in relation to the scale of the dwelling relative to the surrounding environment and whether it preserves or enhances the character of the conservation area.

List of Determined Plans:

Drawing - Reference No (or Description): Development Maps 1857-2019 Existing;
 Drawing - Reference No (or Description): Development Maps 1857-2019 Proposed;
 Drawing - Reference No (or Description): 90-001 REVISION A;
 Drawing - Reference No (or Description): 90002 REVISION A;
 Drawing - Reference No (or Description): 90010 REVISION C;
 Drawing - Reference No (or Description): 90012 REVISION B;
 Drawing - Reference No (or Description): 90013 REVISION B; and
 Drawing - Reference No (or Description): SK001.

- (3) [19/00245/APP](#) – AYR - 31 Raithhill –Erection of decking.

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): DRG.No.1 BROWN.

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.

- (4) [19/00246/APP](#) – AYR – 58 Whinhill Road – Erection of dwellinghouse and garage.

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 notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order revoking and re-enacting the Order) all development falling within Classes 1A, 1B, 3A and 3B (covering the enlargement of a dwellinghouse and other development within the curtilage of a dwellinghouse) shall be the subject of a formal application for planning permission;
- (c) that before any works start on site, details shall be submitted of the proposed boundary treatment for the formal written approval of the Council as Planning Authority. Thereafter, the boundary treatment shall be implemented as per the agreed specification, prior to the occupation of the dwellinghouse;
- (d) the garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority;
- (e) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard trees during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations;
- (f) that the proposed access 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 occupation;
- (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 the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public footway prior to occupation. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (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 3 off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the existing site boundaries prior to completion of the dwellinghouse;
- (k) that prior to completion of the development any gates shall open inwards away from the public roadway; and
- (l) that prior to 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

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of the amenity of the area;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of residential amenity;
- (e) to protect and retain the existing trees where possible;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (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 adequate off-street parking provision;
- (k) in the interest of road safety; and
- (l) in the interests of visual amenity.

Advisory Notes:

- 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 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 costs incurred with crossing existing footway to be borne by the applicant/developer and carried out to SAC specification.
- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.
- 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.

List of Determined Plans:

Drawing - Reference No (or Description): JG-001;
 Drawing - Reference No (or Description): JG-002;
 Drawing - Reference No (or Description): JG-003;
 Drawing - Reference No (or Description): JG-006;
 Drawing - Reference No (or Description): JG-022;
 Drawing - Reference No (or Description): 105;
 Drawing - Reference No (or Description): 110; and
 Drawing - Reference No (or Description): GNS/MRA/001.

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.

- (5) [19/00252/APP](#) – AYR – 3 Broomfield Road– Installation of ventilation system and floodlights.

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

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

- (a) that the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Spatial Strategy, LDP Policy: Sustainable Development, and LDP Policy: Historic Environment, by reason that the ventilation system has a significant detrimental visual impact on the character and appearance of the conservation area; and
- (b) that the proposal is contrary to the provisions of the Scottish Planning Policy, Historic Environment Policy for Scotland, Historic Environment Scotland's Managing Change in the Historic Environment document External Fixtures, and South Ayrshire Council's Supplementary Guidance on the Historic Environment, by reason that the ventilation system has a significant detrimental impact on the character and appearance of the conservation area.

List of Determined Plans:

Drawing - Reference No (or Description): A2a;
 Drawing - Reference No (or Description): V1;
 Drawing - Reference No (or Description): V1;
 Drawing - Reference No (or Description): V2;
 Drawing - Reference No (or Description): V3;
 Drawing - Reference No (or Description): V3a;
 Drawing - Reference No (or Description): V4; and
 Drawing - Reference No (or Description): V4a.

- (6) [19/00297/APP](#) – TROON – 31 Bentinck Crescent – Erection of flatted residential development of 8 No. units.

Decided: Councillors Convery, Kilpatrick, Mackay and Toner abstaining, to agree that the Director Place be given delegated powers to approve the application subject to the lodging of an appropriate financial contribution in lieu of play equipment, and appropriate conditions as set out below:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that 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 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 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;
- (d) that the existing access shall be widened to a minimum of 5.5m in width for a distance of 5.0m, and be surfaced for a distance of at least 4.0m, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide prior to operation;
- (e) 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;
- (f) 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;
- (g) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;

- (h) that notwithstanding the plans hereby approved, the location of the bin store area is not hereby approved. Details and specifications of the siting and design of bin collection points in a location behind the front building line shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (i) details and specifications of the proposed car park lighting shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site; and
- (j) 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, the details of which shall be submitted for the prior approval of the Planning Authority, and prior to the commencement of works on site.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) in the interests of visual amenity;
- (c) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (d) in the interest of road safety and to ensure an acceptable standard of construction;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (g) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking;
- (h) to ensure that suitable arrangements are made for bin store provision;
- (i) in the interests of residential amenity; and
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

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.
- 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): 18.132.01B;
Drawing - Reference No (or Description): 18.132.02B;
Drawing - Reference No (or Description): 18.132.03B;
Drawing - Reference No (or Description): 18.132.04C;
Drawing - Reference No (or Description): 18.132.05D;
Drawing - Reference No (or Description): 18.132.06B;
Drawing - Reference No (or Description): 18.132.08B;
Drawing - Reference No (or Description): 18.132.09C;
Drawing - Reference No (or Description): 18.132.10C;
Drawing - Reference No (or Description): 18.132.11A;
Drawing - Reference No (or Description): 18.132.12C;
Drawing - Reference No (or Description): 18.132.13;
Drawing - Reference No (or Description): 18.132.22A;
Drawing - Reference No (or Description): 18.132.23A; and
Drawing - Reference No (or Description): 18.132.26A.

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 12 noon