

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 14 November 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: L. Reid, Executive Manager – Place; K. Briggs, Service Lead – Legal and Licensing (Legal Services, Property and Contracts); N. Feggans, Planning Co-ordinator; A. Cooke, Planning Co-ordinator; A. Edgar, Supervisory Planner; A. McGibbon, Supervisory Planner; K. Braidwood, Ayrshire Roads Alliance; S. Murray, Ayrshire Roads Alliance; and J. McClure, Committee Services Lead 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 2 October 2019 ([issued](#)) were submitted and approved.

3. South Ayrshire Council (Town of Troon) (Waiting Restrictions) (Civil Enforcement) Order 2012 Amendment Order No.1 2019.

There was submitted a report ([issued](#)) of 9 October 2019 by the Director – Place seeking formal approval to make a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984, namely; "South Ayrshire Council (Town of Troon) (Waiting Restrictions) (Civil Enforcement) Order 2012 Amendment Order No.1 2019".

Following questions and clarification on the enforcement of this Order, the Panel

Decided: to approve the making of the above Traffic Regulation Order.

4. Applications for Planning Permission.

There were submitted reports of October 2019 by the Director - Place on current applications for determination.

The Panel decided as follows:-

- (1) [19/00255/APPM](#) – AYR - Seafield Hospital for Sick Children, Arrol Park - Restoration, conversion and extension of Seafield House to form ten residential units, erection of twenty-seven dwellinghouses in the grounds including the formation of a new vehicular access, associated access, infrastructure and landscaping.

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 plans hereby approved, no more than 16 of the 27 new build dwellings hereby approved shall be occupied for residential use before Seafield House is rendered wind and watertight by works, including the completion of the "Proposed Roof Plan Seafield House" Edesign Drawing No. 18-0284-PL-SH-15;
- (c) that prior to the commencement of works, a schedule of works document which illustrates the concurrent works on Seafield House and the new build dwellings together with details of regular monitoring meetings with Council Officers shall be submitted for the written approval of the Planning Authority;
- (d) that notwithstanding the plans hereby approved, 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;
- (e) 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;
- (f) that vegetation required to be removed is undertaken outwith the breeding bird 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;

- (g) that notwithstanding the plans hereby approved, the scheme of landscaping as approved shall be implemented within the first planting season following the completion or occupation of the last unit in the development, whichever is the sooner. An alternative landscaping scheme in lieu of the proposed wildflower meadow area shall be submitted for the written approval of the Planning Authority prior to commencement of works on site and thereafter, the open space/landscaped area shall be retained as open space and to the approved standard;
- (h) that 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;
- (i) that 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;
- (j) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (k) that the first 10 metres of the private access road (Arrol Park) from its junction with A719 Doonfoot Road shall be resurfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation of the first dwelling. A detailed specification shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (l) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (m) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion 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;

- (n) that a factoring agreement and maintenance schedule shall be put in place for all trees and planting within public road limits. Thereafter the maintenance schedule shall be adhered to at all times by the nominated factor for the site, and no changes shall be undertaken without the prior written approval of the Council as Roads Authority;
- (o) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS). Full details of the methods to be employed, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by the Council as Planning Authority prior to the commencement of any works on site. None of the dwellings shall be occupied until the Sustainable Urban Drainage System (SUDS) has been completed in accordance with the submitted and approved plans;
- (p) 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 to 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;
- (q) that should the development hereby approved not be implemented by 1 May 2020, the developer shall instruct a further bat survey to be undertaken (in season) for potentially roosting bats. If the bat survey demonstrates that bats and/ or a known roost are likely to be affected by the development, the developer should apply for, and obtain, a European Protected Species Licence (EPS) before work commences.

- (r) that the construction of the development shall seek to achieve that noise levels in the dwellings meet the maximum target noise levels unless it can be demonstrated that any remedial measures would be to the detriment of the setting of the listed building and visual amenity.

Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination

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

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;

- (s) that notwithstanding the plans hereby approved and before any works start on site; the applicant shall submit a drawing which illustrates the proposed boundary wall on the eastern elevation (with Doonfoot Road) to the Planning Authority for written approval;
- (t) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. 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 and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (u) that the trees to be retained within the site shall be protected in accordance with BS5837:2005 Trees in relation to construction, to the satisfaction of the Planning Authority;
- (v) that a landscape bond, or a suitable alternative financial arrangement, relating to the approved landscaping scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site. For the landscape bond (or a suitable alternative financial arrangement) calculation purposes a plan shall be submitted, with all planting details, such as: area, plant species, sizes and densities; and
- (w) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that satisfactory arrangements are made to secure the enabling benefits of the proposed new build dwellings to ensure the restoration and re-use of the listed building on the site;
- (c) to ensure that satisfactory arrangements are made to secure the enabling benefits of the proposed new build dwellings to ensure the restoration and re-use of the listed building on the site;
- (d) in the interests of visual amenity;
- (e) in the interests of visual and residential amenity;
- (f) in the interest of protecting local wildlife;
- (g) in the interest of visual amenity and to compensate for the loss of mature trees within the site;
- (h) in the interest of road safety;
- (i) in the interest of road safety;
- (j) to encourage sustainable means of travel;
- (k) in the interest of road safety and to ensure an acceptable standard of construction;
- (l) 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;
- (m) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (n) in the interest of road safety;
- (o) to ensure the site is drained in an acceptable and sustainable manner;
- (p) to ensure any contamination within the site is dealt with;
- (q) to ensure that there is no detrimental impact on European Protected Species;
- (r) to avoid noise disturbance in the interests of residential amenity;
- (s) in the interests of visual and residential amenity;
- (t) in order to ensure that no damage is caused to the existing trees during development operations;
- (u) to ensure that the trees to be retained are satisfactorily protected before and during works on site;
- (v) to ensure that the site is adequately landscaped in the interests of amenity; and
- (w) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

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

- That Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
- The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002' are permitted within public road limits.
- 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 Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- 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
- That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
- That the applicant is made aware that 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.
- If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.

- 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.
- 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 spinosa*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). * May be Applicable to sites > 13km distance from Prestwick Airport.
- 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:

Other - Reference No (or Description): REPORT ON CONDITION OF FORMER SEAFIELD HOSPITAL;

Drawing - Reference No (or Description): 3D VISUAL AS PROPOSED;

Drawing - Reference No (or Description): LANDSCAPE LAYOUT 020-02;

Drawing - Reference No (or Description): TREE PLANTING PLAN 020-03;

Drawing - Reference No (or Description): SEAFIELD HOUSE - ENTRANCE GATES 18-0284-PL-DET-01;

Drawing - Reference No (or Description): PROPOSED PLAN DOUBLE GARAGE 18-0284-PL-DG-01;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS DOUBLE GARAGE 18-0284-PL-DG-02;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 1 LODGE HOUSE 18-0284-PL-HT1-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 1 LODGE HOUSE 18-0284-PL-HT1-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 1 LODGE HOUSE 18-0284-PL-HT1-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 2 18-0284-PL-HT2-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 2 18-0284-PL-HT2-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 2 18-0284-PL-HT2-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 3 18-0284-PL-HT3-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 3 18-0284-PL-HT3-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 3 18-0284-PL-HT3-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 4 18-0284-HT4-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 4 18-0284-PL-HT4-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 4 18-0284-PL-HT4-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 5 18-0284-PL-HT5-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 5 18-0284-PL-HT5-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 5 18-0284-PL-HT5-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 5A (PLOT 23) 18-0284-PL-HT5A-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 5A (PLOT 23) 18-0284-PL-HT5A-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 5A (PLOT 23) 18-0284-PL-HT5A-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 6 18-0284-PL-HT6-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN HOUSE TYPE 6 18-0284-PL-HT6-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 6 18-0284-PL-HT6-03;

Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN HOUSE TYPE 7 18-0284-PL-HT7-01;

Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN 18-0284-PL-HT7-02;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS HOUSE TYPE 7 18-0284-PL-HT7-03;

Drawing - Reference No (or Description): SITEPLAN - EXISTING 18-0284-PL-LAY-01;

Drawing - Reference No (or Description): SITEPLAN - TOPOGRAPHICAL SURVEY 18-0284-PL-LAY-02;

Drawing - Reference No (or Description): SITEPLAN - CONSTRAINTS OVERVIEW 18-0284-PL-LAY-03;

Drawing - Reference No (or Description): SITEPLAN - OBSERVATIONS AND OPPORTUNITIES 18-0284-PL-LAY-04;

Drawing - Reference No (or Description): SITEPLAN - PROPOSED 18-0284-PL-LAY-05;

Drawing - Reference No (or Description): TECHNICAL SITEPLAN - PROPOSED 18-0284-PL-LAY-06;

Drawing - Reference No (or Description): VEHICLE MOVEMENT - PROPOSED 18-0284-PL-LAY-07;

Drawing - Reference No (or Description): PROPOSED STREETScape 18-0284-PL-LAY-13;

Drawing - Reference No (or Description): LOCATION PLAN 18-0284-PL-LOC-01;

Drawing - Reference No (or Description): EXISTING GROUND FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-01;

Drawing - Reference No (or Description): EXISTING FIRST FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-02;

Drawing - Reference No (or Description): EXISTING SECOND FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-03;
 Drawing - Reference No (or Description): EXISTING THIRD FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-04;
 Drawing - Reference No (or Description): EXISTING ROOF PLAN SEAFIELD HOUSE 18-0284-PL-SH-05;
 Drawing - Reference No (or Description): EXISTING NORTH AND EAST ELEVATIONS SEAFIELD HOUSE 18-0284-PL-SH-06;
 Drawing - Reference No (or Description): EXISTING SOUTH AND WEST ELEVATIONS SEAFIELD HOUSE 18-0284-PL-SH-07;
 Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-11;
 Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-12;
 Drawing - Reference No (or Description): PROPOSED SECOND FLOOR PLAN 18-0284-PL-SH-13;
 Drawing - Reference No (or Description): PROPOSED THIRD FLOOR PLAN SEAFIELD HOUSE 18-0284-PL-SH-14;
 Drawing - Reference No (or Description): PROPOSED ROOF PLAN SEAFIELD HOUSE 18-0284-PL-SH-15;
 Drawing - Reference No (or Description): PROPOSED NORTH AND EAST ELEVATIONS SEAFIELD HOUSE 18-0284-PL-SH-16;
 Drawing - Reference No (or Description): PROPOSED SOUTH AND WEST ELEVATIONS SEAFIELD HOUSE 18-0284-PL-SH-17;
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT;
 Other - Reference No (or Description): ECOLOGICAL APPRAISAL;
 Other - Reference No (or Description): NEW BUILD HOMES - EXTERNAL MATERIAL SCHEDULE 18-0284-PL-LAY-12;
 Other - Reference No (or Description): PRE APPLICATION CONSULTATION REPORT 18/0284 FEBRUARY 2019;
 Other - Reference No (or Description): PLANTING NOTES AND LANDSCAPE MAINTENANCE AND MANAGEMENT PROPOSALS Job No. 020;
 Other - Reference No (or Description): BAT SURVEY;
 Other - Reference No (or Description): TREE SURVEY AND ARBORICULTURAL CONSTRAINTS DECEMBER 2017;
 Other - Reference No (or Description): TREE IMAGES;
 Other - Reference No (or Description): VIABILITY AND ENABLING REPORTS; and
 Other - Reference No (or Description): PLANNING SUPPORTING STATEMENT.

Reason for Decision:

The siting and design of the development hereby approved is considered to broadly accord with the provisions of the development plan with the exception of impact on natural heritage by way of the loss a number of trees which are protected by a Tree Preservation Order. The loss of trees is justified in this case on the basis of the enabling nature of the new build dwellings component of the development and the potential for the viable restoration and sustainable re-use of a valued historic listed building. Furthermore, there is no significant impact on the amenity of neighbouring land and buildings.

- (2) [19/00701/MSCM](#) – TROON – Link to the north-east of Barassie Farm – Kilmarnock Road - Approval of matters specified in conditions of planning permission in principle 17/00814/FURM incorporating amended proposals for 63 market housing (including 20 additional units), erection of one shop unit (class 1) and erection of 52 affordable homes and associated roads, footpaths and landscaping.

Councillor Fitzsimmons, seconded by Councillor Toner, moved approval of the application as proposed in the officer's report.

By way of Amendment, Councillor Mackay, seconded by Councillor Cavana, moved that the application be approved subject to an amendment to condition (i) on page 13 of this minute, namely that the final sentence be deleted and substituted with "the approved footpath shall be constructed and available for use prior to the occupation of the first house within the adjacent affordable housing pod".

On a vote being taken by a show of hands, three Members voted for the Amendment and five for the Motion which was accordingly declared carried and the Panel

Decided: to agree that the Director- Place be granted delegated powers to approve this application for approval of matters specified in conditions subject to the signing of a S75 legal agreement relating to the delivery of affordable housing and education contributions and relevant planning conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans 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 internal noise level (L_{aeq} TdB) within the proposed properties shall not exceed 45dB(A) daytime 07.00 hours to 23.00 hours and 35dB(A) night time 23.00 hours to 07.00 hours (internal measurements assessed with windows slightly (5%) open for ventilation), unless otherwise agreed as acceptable in writing by the Planning Authority in consultation with Environmental Health. In order to achieve this, the measured external background L_{Aeq} daytime shall not exceed 55dB(A) and 45dB(A) night time in rear gardens. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person;
- (c) 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;
- (d) that the housing development hereby approved shall accord with the conditions of the application for approval of matters specified in conditions 12/00163/MSCM in terms of the provision of the spine road and housing layout, earthworks strategy including agreed levels, drainage arrangements, provision of structural landscaping south western and southern boundary of the site and provision of footpaths within and linking to the surrounding area;

- (e) that prior to the commencement of development, a detailed phasing plan for the development shall be submitted to and approved by the Planning Authority. The phasing plan shall detail the sequence in which the roads, footpaths, housing, structural landscaping, internal landscaping, village greens and equipped play areas hereby approved will be constructed. The phasing plan shall stipulate the timing of the implementation of the landscaping, footpaths and equipped play areas which shall generally be commenced upon completion of the last house within the respective phase of the development. The development shall, thereafter, be implemented in accordance with the approved phasing plan, unless otherwise agreed in writing with the Planning Authority;
- (f) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. The required landscape details shall detail the requirements of Section 8 the Design and Access Statement dated 15th September 2011, approved under planning permission 11/00514/PPP, specifically the landscaping of the spine road, avenues, streets, lanes, parking and footpaths. This includes further details of heights of hedgerows to provide lower hedge heights around the village greens and near road junctions, and higher heights of hedgerows around the landscape buffer areas. This shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any walls and fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.
- (g) that an equipped play area shall be provided within both of the areas denoted as "Village Green" on approved drawings 6319/PL-004 and 6319/PL-003. Prior to the commencement of development, details and specifications of all proposed play equipment, surfacing and seating shall be submitted for the prior written approval of the Planning Authority. The proposed play equipment provision shall cater for all ages and include 'inclusive' equipment items to cater for users of all abilities. Equipment for toddlers and younger children should include such items as a multi-unit with low-level access and slide, a cradle swing unit, a 1.8m high cone-climber, a 'dig-in' trampoline, role-play units - such as a playhouse, play boat, play train etc., 'sit-in' or 'sit-astride' springer units that offer good body support, a low-level springer see-saw, a small dish or bowl roundabout, and musical/sensory/activity panels and items, etc. The range of equipment for the older children and teens should include such items as a senior climbing frame/multi-unit, a timber adventure trail, a zip slide, and either a single-point/cantilever/tyre/or flat seat swing unit as well as 'inclusive' units such as an inclined dish roundabout, and a basket swing. Items of 'dynamic' play equipment such as overhead spinners, air surfer/skater units, and fast sliding/swinging/spinning units should also be included. The details of seating includes seating to be provided along the remote footpaths and landscape buffers. The equipped play area approved under this condition, shall be completed prior to the occupation of the last house to be constructed within the area denoted as "Affordable Housing Pod 1" on the approved plans;

- (h) that performance bonds or a suitable alternative financial arrangement shall be submitted to the Planning Authority for each phase of development prior to the commencement of the respective phase of development to cover the costs of the following:-
- Structural landscaping for the landscape buffers and wildlife corridors of Barassie and Struthers Burns, and all internal landscaping including the village greens within and land immediately adjacent to the respective phase of development; and
 - The provision of play equipment and street furniture within the village greens and public open space areas;
 - Landscape works, grassed and planted areas, including trees within the public road limits, trees culverts and burns
- For the avoidance of doubt, in order to calculate the landscape bond for the proposed areas, the following information is required; The total length of the proposed hedge, the areas of the proposed riparian, mixed woodland and evergreen rich screening woodland mix as well as shrub, ornamental planting, grass and bulb areas in m² and the number of plants for each area as well as species and sizes proposed to be planted in the above areas. The details should cover only areas that will be maintained by a factor;
- (i) that notwithstanding approved drawing 6319/PL-004, a pedestrian footpath shall be constructed, extending from the south western corner of the proposed "Village Green" to be located within the affordable housing pod 1 to the site boundary. Prior to the commencement of development, full details of the footpath location, width, build-up and finished surface treatment shall be submitted to and approved by the Planning Authority. The timing of the provision of the approved footpath shall be in accordance with the phasing plan approved under condition 5 of this permission;
- (j) that prior to the commencement of development, full details of the footpaths shown on the approved drawings, including their width, build-up and finished surface treatment shall be submitted to and approved by the Planning Authority. The timing of the provision of the approved footpaths shall be in accordance with the phasing plan approved under condition 5 of this permission;
- (k) that all works shall be carried out in accordance with the Ecological Management Plan, dated March 2012, prepared by MacKenzie Bradshaw Environmental Consulting and approved under planning permission for approval of matters specified in conditions reference 12/00163/MSCM, and if works to remove existing hedges or trees is required, a qualified ecologist shall be employed, to the satisfaction of the Planning Authority;
- (l) that all landscaping works and open space provision shall be retained as open space;
- (m) 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;

- (n) that notwithstanding the plans hereby approved the boundary treatments are not approved. Details of the boundary treatments for each plot, adhering to the guidance in paragraph 8.5.4 of the Design and Access Statement (subject to the requirements of condition 2 of this permission) shall be submitted for the prior written approval of the Planning Authority prior to the commencement of development. Such details shall show either masonry walls, combination of masonry walls and timber fencing or timber fencing screened on the public side by soft landscaping for all plot boundaries that front a road;
- (o) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (p) that all new roads infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified by the Council's National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of the first dwellinghouse in this phase of the development;
- (q) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (r) that plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), and shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide. The turning areas shall be constructed, as approved, prior to completion of the development;
- (s) that the carriageway, footway and verge arrangements for the proposed access road linking the development to the boundary with Struthers Primary School are not hereby approved. Prior to the commencement of the development, amended details shall be submitted which shall show a layout which incorporates priority for pedestrians and passive traffic calming features;
- (t) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the site boundaries prior to completion of the dwellinghouse(s);

- (u) that the layout of the on-street parking to the east of the proposed retail unit, west of plot 46, east of plot 39 and opposite plots 02-09 is not hereby approved. Prior to the commencement of the development, an amended layout for the parking shall be submitted to and approved by the Planning Authority, in consultation with Ayrshire Roads Alliance. Such details shall show any footway or service strip positioned on the carriageway side of any allocated parking and clearly delineated;
- (v) that cycle parking accommodating a minimum of 1no. cycle shall be provided within each plot boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (w) that designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site. Any details submitted pursuant to this condition shall show the flatted properties served by a communal bin store capable of housing Euro Bins;
- (x) that 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 that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (y) that 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;
- (z) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS). Full details of the methods to be employed, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by the Council as Planning Authority prior to the commencement of any works on site. None of the dwellings shall be occupied until the Sustainable Urban Drainage System (SUDS) has been completed in accordance with the submitted and approved plans; and
- (aa) that a scheme for the retention or reuse elsewhere within the landscaping scheme for the site of the natural stone wall located within the area denoted as Private Pod 3 on the approved drawings shall be submitted to and approved by the Planning Authority prior to the commencement of any development within this part of the application site.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of residential amenity;
- (c) to ensure all contamination within the site is dealt with;
- (d) to comply with the terms of the first formal application for matters specified in conditions 12/00163/MSCM;
- (e) in order to ensure that the timing of the provision of public open spaces, landscaping, footpaths and play areas is appropriate to meet the needs of the new residents;
- (f) in the interests of sustainable development, amenity and to ensure a high quality public realm;
- (g) in the interests of sustainable development, amenity and to ensure a high quality public realm;
- (h) to ensure that the whole site is developed in an integrated manner and in the interests of visual amenity;
- (i) to encourage sustainable means of travel and to ensure compliance with the approved 17/00814/FURM;
- (j) to encourage sustainable means of travel and in the interest of visual amenity;
- (k) in the interests of bio-diversity;
- (l) in the interest of visual amenity and bio-diversity;
- (m) in the interest of visual amenity and to ensure compliance with the Design and Access Statement approved under permission 17/00814/FURM;
- (n) in the interest of visual amenity and to ensure compliance with the approved 17/00814/FURM;
- (o) to encourage sustainable means of travel;
- (p) in the interest of road safety and to ensure an acceptable standard of construction;
- (q) in the interest of road safety and to avoid the discharge of water onto the public road;
- (r) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (s) in the interest of road safety and to ensure an acceptable standard of construction;
- (t) in the interest of road safety and to ensure adequate off-street parking provision;
- (u) in the interest of road safety;
- (v) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (w) in the interest of road safety and to ensure adequate storage arrangements for refuse bins;
- (x) in the interest of road safety;
- (y) in the interest of road safety;
- (z) to ensure the site is drained in an acceptable and sustainable manner; and
- (aa) in order to retain the existing historic features of the site and in the interest of visual amenity.

Advisory Notes:

- Environmental Health advise that to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228 (current version) Code of Practice for noise and vibration control on construction and open sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- Scottish Water advises that they are unable to confirm capacity at the Meadowhead PFI Waste Water Treatment Works. Scottish Water suggest that the developer completes a Pre-Development Enquiry and submits this directly to Scottish Water. The developer can download a copy of the PDE Application form and other useful guides from the Scottish Water website. The developer should be aware that Scottish Water are unable to reserve capacity at water and/or waste water treatment works. Once a formal connection application is submitted to Scottish Water, after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the developer accordingly. The developer should contact Scottish Water to identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team directly at service.relocation@scottishwater.co.uk.
- South Ayrshire Council Waste Management advise that the flatted properties will require a communal bin store which is capable of housing Euro Bins.
- Scottish Environment Protection Agency advises as follows. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:- is more than 4 hectares, - is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: SEPA, 31 Miller Road, Ayr, KA7 2AX.

- The proposed carriageway serving plot 26 & plot 32/33 shall not be adopted by the Ayrshire Roads Alliance. A Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site. 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. Any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer. The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings, and 20mph orders for all residential streets off the spine road. The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits. Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy. All driveways within the development site shall be by way of dropped kerbs, in accordance with paragraph 3.1.2 of the Council's National Roads Development Guide.

List of Determined Plans:

Drawing - Reference No (or Description): 3896.AHA-005 (Rev. A) LEVELS 1;
 Drawing - Reference No (or Description): 3896.AHA-006 (Rev. A) Levels 2;
 Drawing - Reference No (or Description): 3896.AHA-007 (Rev. A) Levels 3;
 Drawing - Reference No (or Description): 3896.AHA-008 (Rev. A) Drainage Plan 1;
 Drawing - Reference No (or Description): 3896.AHA-009 (Rev. A) Drainage Plan 2;
 Drawing - Reference No (or Description): 3896.AHA-010 (Rev. A) Drainage Plan 3;
 Drawing - Reference No (or Description): 6319-10+ House Type 10;
 Drawing - Reference No (or Description): 6319-11a+ House Type 11;
 Drawing - Reference No (or Description): 6319-D91 House Type D91;
 Drawing - Reference No (or Description): 6319-D92 House Type D92;
 Drawing - Reference No (or Description): 6319-HT 12 House Type 12;
 Drawing - Reference No (or Description): 6319-HT 3 House Type 3;
 Drawing - Reference No (or Description): 6319-HT 5 (Rev. A) House Type 5 A;
 Drawing - Reference No (or Description): 6319-SH 01 Shop Plans _ Elevation;
 Drawing - Reference No (or Description): 6319/LAN-001 Landscape Plan Pods1_4;
 Drawing - Reference No (or Description): 6319/LAN-002 Landscape Plan Pod 2;
 Drawing - Reference No (or Description): 6319/LAN-003 Landscape Plan 4;
 Drawing - Reference No (or Description): 6319/PL-001 (Rev. L) proposed site plan;
 Drawing - Reference No (or Description): 6319/PL-002 Proposed Layout Pods 1_4;
 Drawing - Reference No (or Description): 6319/PL-003 proposed layout pod 2;
 Drawing - Reference No (or Description): 6319/PL-004 Proposed layout pod 3;
 Drawing - Reference No (or Description): 6319/STR-001 Strategy Plan;

Drawing - Reference No (or Description): 6403-HT 10 (Rev. A) House Type 1;
 Drawing - Reference No (or Description): 6403-HT 20 (Rev. A) House Type 2;
 Drawing - Reference No (or Description): 6403-HT 2A0 (Rev. A) House Type 2A;

 Drawing - Reference No (or Description): 6403-HT 30 (Rev. A) House Type 3;
 Drawing - Reference No (or Description): 6403-HT 40 (Rev. A) House Type 4;
 Drawing - Reference No (or Description): 6403-HT 50 (Rev. A) House Type 5;
 Drawing - Reference No (or Description): 6403-HT 60 House Type 6 Floor Plans;
 Drawing - Reference No (or Description): 6403-HT 61 (Rev. A) House Type 6 Elevations 1;
 Drawing - Reference No (or Description): 6403-HT 62 (Rev. A) House Type 6 Elevations 2;
 Drawing - Reference No (or Description): 6403-HT 70 (Rev. A) House Type 7;
 Drawing - Reference No (or Description): House Type 8;
 Drawing - Reference No (or Description): 6403-HT 80 (Rev. A) House Type 8;
 Drawing - Reference No (or Description): 6403-S 01 Affordable Housing Elevations Key Plan;
 Drawing - Reference No (or Description): 6403-S 02 Street Elevations Sheet 1 of 2;
 Drawing - Reference No (or Description): 6403-S 03 Street Elevations Sheet 2 of 2;
 Drawing - Reference No (or Description): 6403-S 04 Affordable Housing House Type Key Plan;
 Drawing - Reference No (or Description): 8319-D1500 House Type D1500;
 Drawing - Reference No (or Description): D93-01 House Type D93 Floor Plans;
 Drawing - Reference No (or Description): D93-03 House Type D93 Elevations;
 Drawing - Reference No (or Description): D94-01 House Type D94 Floor Plans;
 Drawing - Reference No (or Description): D94-03 House Type D94 Elevations;
 Drawing - Reference No (or Description): 6319/LOC-001 (Rev. A) Location Plan;
 Other - Reference No (or Description): Design Statement; and
 Other - Reference No (or Description): Garden Schedule.

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 11.40 a.m.