

## **REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 14 September 2023 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Hugh Hunter, Martin Kilbride and Duncan Townson.

Present

Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apology: Councillor Mark Dixon.

Attending

in County

Buildings: K. Briggs, Service Lead – Legal and Licensing; E. Goldie, Co-ordinator (Place Planning); E. McKie, Planner; D. Lewis, Planner; K. Braidwood, Head of Roads, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and C. McCallum, Clerical Assistant.

### **Chair's Remarks.**

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

### **1. Sederunt and Declarations of Interest.**

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll and in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Hunter declared an interest in item 3(2) below as he had written an article for a local magazine supporting the Bothy, Mossblown.

### **2. Minutes of previous meetings.**

- (1) The minutes of 4 May 2023 (Site Visits) ([issued](#)) were submitted but could not be approved as there was not a sufficient quorum present from that meeting here today to approve them.
- (2) The minutes of 27 June 2023 ([issued](#)) were submitted and approved.

### 3. Hearings relating to Applications for Planning Permission -

There were submitted reports ([issued](#)) of September 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) [23/00495/FUR](#) – AYR – 3 Summerfield Cottages, 66 Monument Road, KA7 4NG  
– Further application to renew planning permission 20/00435/APP.

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that the 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 and be surfaced for a minimum of 5 metres, as measured from the rear of the public footway prior to operation;
- (d) 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;
- (e) 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; and
- (f) that prior to completion of the development any gates shall open inwards away from the public roadway;

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety and to ensure an acceptable standard of construction;
- (d) in the interest of road safety and avoid the discharge of water on to the public road;
- (e) in the interest of road safety and to ensure acceptable visibility at road junctions; and
- (f) in the interest of road safety.

**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 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.

**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 explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

*Councillor Hunter, having previously declared an interest in the following application, left the meeting at this point.*

- (2) [23/00258/APP](#) – MOSSBLOWN – The Bothy, B743 from A77T at Whitletts roundabout to Mauchline Road, KA6 5AE – Erection of three residential accommodation units.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that 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 and implemented in accordance with the approved details;

- (d) that prior to the commencement of development, full details of the finishing materials to be used to form the access track/road, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details;
- (e) that before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall also dissuade trips to and from the site via the C37. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan;
- (f) the applicant shall make provision of warning signage consisting of Diagram 506.1 (Side road ahead) signage compliant with the TSRGD on the B743 on both directions of approach to the site access junction at the East Lodge gateway, prior to occupation of the development. The precise details and siting of the signage shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority);
- (g) 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;
- (h) that the existing trees, other than those agreed or approved for removal, shall be retained, and protected in accordance with BS5837:2005 Trees in relation to Construction, and the arboricultural recommendations in the submitted Tree Survey Report, to the satisfaction of the Planning Authority;
- (i) the developer shall utilise the protective measures necessary to safeguard the trees on the site during operations as specified in Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1. The Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (j) the approved landscaping scheme as set out in Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1 shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The landscaped area shall be retained for the lifetime of the development and to this approved standard; and

- (k) that prior to the commencement of any construction works, a Construction Management Plan shall be submitted for the prior written approval of the Planning Authority. The Construction Management Plan shall detail anticipated construction traffic movements, including numbers of movements, deliveries, timings and associated warning signage on the B743 public road. Thereafter the Construction Management Plan shall be implemented as approved.

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure that the materials are appropriate for the site and in the interests of visual amenity;
- (d) to ensure that the materials are appropriate for the site and in the interests of visual amenity;
- (e) to encourage sustainable means of travel;
- (f) for the purposes of road safety and the functional operation of the local road network;
- (g) 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;
- (h) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (i) in order to ensure that no damage is caused to the existing trees during development operations;
- (j) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (k) for the purposes of road safety and the functional operation of the local road network.

**Advisory Notes:**

- 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 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](http://www.sepa.org.uk)
- 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 NatureScot may be required and the ecologist should be able to determine this. Further information available at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/>

- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**List of Determined Plans:**

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-LP01 Location Plan;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE01 Rev P2 Site Plan as Existing;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE02 Rev P4 Site Plan as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE04 Rev P1 Landscaping as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN01 Building 1 Floorplan as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN02 Building 2 Floorplan as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN03 Building 3 Floorplan as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL01 Building 1 Elevations as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL02 Building 2 Elevations as Proposed;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL03 Building 3 Elevations as Proposed

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-Tree01 Tree Survey;

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SP03 Rev P1 Drainage Plan as Proposed;

Other – Reference No (or Description): Tree Survey; and

Other – Reference No (or Description): Drainage Strategy.

**Reason for Decision:**

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (47 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on the residential character or amenity of the locality.

The meeting ended at 10.25 a.m.