

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 9 May 2024 at 10.00 a.m.

Present

in County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Alan Lamont and Duncan Townson.

Present

Remotely:

Councillors Mary Kilpatrick and Craig Mackay.

Attending

in County

Buildings:

K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; D. Clark, Supervisory Planner; D. Hearton, Lead Conservation Planner; and F. Sharp, Supervisory Planner; A. Gibson, Committee Services Officer; and C. McCallum, Clerical Assistant.

Attending

Remotely:

G. Senior, Ayrshire Roads Alliance.

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, Councillor Kilbride advised that, in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, he would declare an interest in item 3(1) below as he had met with the applicant. No further declarations of interest by Members of the Panel were made.

2. Minutes of previous meetings.

The Minutes of previous meetings of 22 March 2024 ([Site Visit](#)) and 28 March 2024 ([issued](#)) were submitted and approved.

3. **Hearings relating to Applications for Planning Permission.**

There was submitted reports ([issued](#)) of May 2024 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

Having previously declared an interest in the following planning application, Councillor Kilbride left the meeting at this point.

- (1) [24/00040/APP](#) – AYR – Lorne Arcade, High Street – Alterations to Shopping Arcade Entrances.

The Panel heard from various interested parties and the applicant's agent.

The Panel adjourned to allow Members to discuss the application further.

Upon reconvening, the Panel

Decided: to refuse this application on the grounds that the proposed installation of shutters was contrary to the provisions of Policy 15 of NPF4 and the provisions of South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and LDP Policy: Outdoor Public Access and Core Paths, as they would obstruct a right of way through the Lorne Arcade and access by all non-motorised means which was exercisable under the Land Reform (Scotland) Act 2003 and did not meet with the principles of good place making, local living or 20-minute neighbourhoods; the shutters would adversely affect interconnectivity and permeability between streets and facilities within Ayr town centre, to the detriment of the locale.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)01;
 Drawing - Reference No (or Description): AL(0)02;
 Drawing - Reference No (or Description): AL(0)03;
 Drawing - Reference No (or Description): AL(0)04;
 Drawing - Reference No (or Description): AL(0)05;
 Drawing - Reference No (or Description): AL(0)07; and
 Other - Reference No (or Description): SHUTTER SPECIFICATIONS.

Councillor Kilbride re-joined the meeting at this point.

- (2) [23/00728/APP](#) – PRESTWICK – Prestwick St Cuthbert Golf Club, East Road – Erection of 60-bedroom residential care home with associated car parking, access and landscaping.

The Panel heard from various interested parties.

The Panel

Decided: that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel.

- (3) [23/00761/PPP](#) – SYMINGTON – Knockendale Farm C93 From B730 Junction North West of Bogend South West To Brewlands Road – Planning permission in principle of agriculture buildings to form two dwellinghouses and erection of dwellinghouse.

The Panel heard from an interested party.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Eight Members voted for the Motion, no Members voted against the Motion, one member abstained and the Panel

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

- (a) that the development to which this permission relates must be commenced no later than 5 years from the date of this permission;
- (b) a further application(s) for the full details of the proposed development including the siting, design, external appearance, means of access, landscaping measures and biodiversity enhancements and any other matters specified in conditions below shall be submitted for the approval of the Planning Authority. No works shall commence on site until the written permission of the Planning Authority has been obtained for the specific matter to which the works relate;
- (c) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (d) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted, for approval, which demonstrates how the design, siting and appearance of the development takes cognisance of the character of the surrounding area. The siting, design and appearance of the dwellinghouse and design statement shall have cognisance of the provisions of Planning Advice Note 72 and the Council's policy guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing. The proposed dwelling shall not exceed one and a half storeys in height, the details of which shall be agreed with the Council, as planning authority, within an Approval of Matters Specified in Conditions application;
- (e) that at the Approval of Matters Specified in Conditions stage details shall be submitted, for approval, of private garden ground in accordance with the Council's planning policy guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas;
- (f) that at the Approval of Matters Specified in Conditions stage, 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, and shall comprise the use of native planting rather than the use of high boundary walls and fences, and that with the exception of any new access to serve the dwelling, the existing hedgerows around the site shall be retained and maintained;

- (g) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of any additional landscaping, using native species, along with details of biodiversity enhancement measures to be Implemented within the site, for the written approval of the Council as the planning authority;
- (h) that at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the access arrangements. The proposed access shall be widened in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to the completion of the development;
- (i) that at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the surfacing, off-road parking, and means of surface water run off which shall be prevented from discharging to the public road. The aforementioned details shall accord with the provisions of the National Roads Development Guide; and
- (j) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed drainage arrangements for the for the written approval of the Council as the planning authority, with any private waste arrangements being designed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended).

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006;
- (c) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (d) in order to retain the rural character and amenity of the area, and to accord with the Council planning guidance;
- (e) to comply with the Council's planning policy guidance in relation to open space;
- (f) in the interests of visual and residential amenity;
- (g) in the interest of visual amenity and biodiversity enhancement;
- (h) in the interests of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety; and
- (j) to ensure the development can be adequately serviced.

Advisory Notes:

- That 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.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

List of Determined Plans:

Drawing - Reference No (or Description): EX(0)001;
 Drawing - Reference No (or Description): L(00)003 Rev A; and
 Drawing - Reference No (or Description): L(00)004.

Reason for Decision:

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

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

- (4) [24/00119/APP](#) – AYR – Doonfoot Primary School, 28 Abbots Way – Proposed revised layout of existing car park, installation of lighting and erection of fencing.

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; and
- (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.

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; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

- 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.
- Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note 1 The Reduction of Obtrusive Light".
Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

List of Determined Plans:

Drawing - Reference No (or Description): 01;
 Drawing - Reference No (or Description): 02;
 Drawing - Reference No (or Description): 03;
 Drawing - Reference No (or Description): 04;
 Drawing - Reference No (or Description): 05;
 Drawing - Reference No (or Description): 10;
 Drawing - Reference No (or Description): 11;
 Drawing - Reference No (or Description): 12;
 Drawing - Reference No (or Description): 15;
 Drawing - Reference No (or Description): 17;
 Drawing - Reference No (or Description): 18;
 Drawing - Reference No (or Description): EX001;
 Drawing - Reference No (or Description): GA 001 REV D;
 Drawing - Reference No (or Description): GA 002 REVA;
 Drawing - Reference No (or Description): GA 004 Rev A;
 Drawing - Reference No (or Description): GA 005 A;
 Drawing - Reference No (or Description): LP+SP;
 Drawing - Reference No (or Description): Car Park 1 Contours;
 Drawing - Reference No (or Description): Car Park 2 Illuminance;
 Other - Reference No (or Description): Supporting Statement;
 Other - Reference No (or Description): Product Datasheet – lighting;
 Other - Reference No (or Description): Statement in relation to trees; and
 Other - Reference No (or Description): Marshalls Tactile Blister Brochure

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.

4. **Public Access Exemption Order: The South Ayrshire Council (Royal Troon Golf Course 152nd Open) Exempting Land from Access Rights (No. 3) Order, 2024.**

There was submitted a report ([issued](#)) of April 2024 by the Housing, Operations and Development Directorate seeking authority to agree a Council response to the public consultation representations and to proceed to make a temporary public access exemption order for area of land affected by the 152nd Open 2024 at Royal Troon Golf Course and South Beach car park.

The Panel

Decided:

- (1) to notes the outcome of the public consultation on the proposed public access exemption for land at Royal Troon Golf Course and to agree the proposed Council response to the representations received, as set out in Appendix 1 of the report; and
- (2) to agree to make a temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Royal Troon Golf Course, and a section of the Smugglers Trail/Wrack Road (Core Paths SA1, SA2 and SA6 and Right of Way SKC 28), and the South Beach car park, as set out in the plan included in Appendix 2 of the report.

The meeting ended at 12.40 p.m.