

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 6 June 2024 at 10.00 a.m.

Present
in County
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Mark Dixon and Martin Kilbride.

Present
Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apologies: Councillors Alec Clark, Alan Lamont and Duncan Townson.

Attending
in County
Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); J. Hall, Co-ordinator (Planning Strategy); G. Senior, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

Attending
Remotely: F. Sharp, Supervisory Planner.

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, confirmed that 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.

- (1) The Minutes of previous meeting of 30 April 2024 ([Special](#)) were submitted (issued).

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

By a majority, the Panel approved the Minutes.

- (2) The Minutes of previous meeting of 9 May 2024 ([issued](#)) were submitted and approved.

Councillor Mackay did not take part in the undernoted application as he had not been present at the Regulatory Panel (Site Visit) on 5 June 2024.

3. Application continued from the Regulatory Panel of 9 May 2024 and the Regulatory Panel (Site Visit) which took place on 3 June 2024: 23/00728/APP Prestwick St Cuthbert Golf Club, Prestwick.

There was submitted a report ([issued](#)) of February 2024 by the Housing, Operations and Development Directorate on planning application continued from this Panel on 9 May 2024 and subsequent site visit on 3 June 2024.

23/00728/APP - Prestwick St Cuthbert Golf Club, Prestwick. - Erection of 60-bedroom residential care home with associated car parking, access and landscaping.

The Panel heard the applicant's agent in response to Members questions.

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

- (1) that the development hereby permitted must be begun within three years of the date of this permission.

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;

- (2) 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.

To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;

- (3) that, prior to the commencement of the development a peat management plan shall be submitted for the prior written approval of the Council, as planning authority, and thereafter, the development shall be implemented in accordance with the recommendations of the approved plan, and any mitigation measures contained therein.

To accord with the advice of SEPA;

- (4) prior to the commencement of development a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling shall be submitted to and approved in writing by the planning authority, in consultation with SEPA. The CEMP shall include (but shall not be limited to):

- a) a site waste management plan;
- b) a dust management plan;
- c) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;
- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;

- f) soil storage and management;
- g) a water and drainage management plan for all groundwater, surface and waste water;
- h) details of any temporary site illumination;
- i) the method of construction of the access into the site and the creation and maintenance of associated visibility splays; and
- j) details of the methods to be adopted to reduce the effects of noise occurring during the construction period.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in writing by the planning authority.

To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment;

- (5) Prior to the commencement of works on-site, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the development on the closest residential properties to the application site. . The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact residential properties, using the current British Standard (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows;

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

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

The noise assessment shall be undertaken from the closest publicly accessible point to the residential properties, or alternatively, within the properties. The location of the noise assessment shall first be agreed in writing by the Planning Authority.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority and implemented prior to the care home becoming operational.

To avoid noise disturbance in the interests of residential amenity;

- (6) 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.

To ensure all contamination within the site is dealt with;

- (7) that the development shall be implemented in accordance with the section 4.2 recommendations, as set out in the submitted Flood Risk Assessment dated September 2023, prepared by Cundall.

;

To alleviate any risk of flooding to the development;

- (8) that the development shall be implemented in accordance with the section 7 recommendations, including the biodiversity enhancements as set out in the Phase 1 Habitat Survey, Protected Species Surveys and Ecological Impact Assessment date November 2023, prepared by ESS Ecology.

To clarify the terms of this permission, and in the interests of ecology, and the natural environment;

- (9) 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. Plans 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 fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard. The landscape scheme shall also have full cognisance of the species advice of the Council's landscape consultants (AECOM), in its response of October 2023.

In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;

- (10) 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.

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;

- (11) that the existing trees along East Road shall be retained and maintained, and no trees shall have roots cut or be lopped, topped, felled, uprooted, or removed.

In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;

- (12) that the development shall be implemented in accordance with the sections 6 and 7 in relation to recommendations, summary and conclusions as set out in the report entitled Survey of Trees, dated May 2023, prepared by Hinshelwood Arboricultural Consultants. Precise details of the proposed tree protection measures for the existing trees within the site shall be submitted for the prior written approval of the Council as planning authority, prior to the commencement of works on-site. Thereafter the development shall be implemented as per the agreed written specification, to the satisfaction of the Council, as planning authority.

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;

- (13) that, prior to first occupation, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with Ayrshire 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 clearly define the system of management, monitoring, review, reporting and the duration of the plan.

To encourage sustainable means of travel;

- (14) that the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 6 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with 6 metre radius curves. The access shall be constructed, as approved, prior to first occupation of the development.

In the interest of road safety and to ensure an acceptable standard of construction;

- (15) 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, and shall be implemented as agreed thereafter.

In the interest of road safety and to avoid the discharge of water onto the public road;

- (16) that cycle parking accommodating a minimum of 6 cycles shall be provided within the site 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. Thereafter the cycle parking shall be implemented as agreed, and shall be available for use on first operation of the premises.

To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;

- (17) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council, and shall be implemented and agreed as per the aforementioned specification.

In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;

- (18) that 33 off-road parking spaces shall be provided within the proposed site boundary and shall be available from first operation of the development. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the development shall be implemented as per the agreed specification.

In the interest of road safety and to ensure adequate off-street parking provision;

- (19) that, prior to the commencement of development, 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. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety;

- (20) that, prior to the commencement of development, plans, supplemented by swept path analysis of service vehicle arrangements within the curtilage of the site shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Service vehicle areas shall be constructed, as approved, prior to completion of the development. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- (21) that a 2 metre wide public footway(s) shall be provided along the site frontage on Fairway View, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, and shall be available for use on first operation of the development.

In the interest of road safety and to ensure that adequate provision is made for pedestrians.

- (22) that no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with ARA. The CTMP shall be required to include:

- Full confirmation of the approved/agreed routes for use by construction traffic movements;
- A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
- Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
- Full details of all arrangements for emergency vehicle access;
- Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
- Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
- Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless approved otherwise in writing with the Planning Authority, in consultation with ARA.

In the interests of road safety;

- (23) that the development shall be implemented in accordance with the Sustainable Urban Drainage System (SUDS) as set out in the "SUDS & Drainage Strategy Report" prepared by GM Civil and Structural Engineers Ltd in conjunction with the submitted and approved plans.

To ensure the site is drained in an acceptable and sustainable manner; and

- (24) that the on-site café facilities shall be for the sole use of residents of the care home and their visitors only, and shall not be utilised by members of the public.

To clarify the terms of this permission.

Advisory Notes:

- (1) In order to minimise nuisance in the surrounding area from dust, noise and vibrations, during all demolition and construction works, the plant and machinery used should be used in accordance with British Standard 5228 Noise Control on Construction and Open Sites Order (as amended) 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.
- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF

- (3) Adequate provision must be made for the storage and disposal of food waste, non-edible by-products and other refuse. Refuse stores are to be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.
- (4) Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

Glasgow Prestwick Airport
 Aviation House
 Prestwick
 Ayrshire
 KA9 2PL
 Tel: 01292 511012
www.glasgowprestwick.com

- (5) Any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping that is considered, and as the facility is in close proximity to an aerodrome the Developer should incorporate measures to minimise their attractiveness during both the construction and operational phases of the site. To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity - fully enclosed or covered skips should be used.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) The Council as Roads Authority advises that the Council will not adopt the road on its completion.

List of Determined Plans:

Drawing - Reference No (or Description): L(90)0001 rev B;
 Drawing - Reference No (or Description): L(92)0001 rev C;
 Drawing - Reference No (or Description): Drawing - Site Plan (Updated);
 Drawing - Reference No (or Description): Site Plan as Proposed (Updated);
 Drawing - Reference No (or Description): 101-01 (Rev. C);
 Drawing - Reference No (or Description): 1192 (97) 001 (Rev. 2);
 Drawing - Reference No (or Description): 200-01 (Rev. C);
 Drawing - Reference No (or Description): 203-01 (Rev. B);
 Drawing - Reference No (or Description): 210-L(10)-100 (Rev. P2);
 Drawing - Reference No (or Description): 210-L(20)-CH-300 (Rev. P8);
 Drawing - Reference No (or Description): 210-L(20)-CH-301 (Rev. P8);
 Drawing - Reference No (or Description): 210-L(20)-CH-302 (Rev. P8);
 Drawing - Reference No (or Description): 210-L(20)-CH-30R (Rev. P4);
 Drawing - Reference No (or Description): 210-L(20)-CH-400 (Rev. P3);
 Drawing - Reference No (or Description): 210-L(20)-CH-410 (Rev. P3);
 Drawing - Reference No (or Description): 210-L(20)-CH-500 (Rev. P4);
 Drawing - Reference No (or Description): 210-L(20)-CH-501 (Rev. P4); and
 Drawing - Reference No (or Description): 210-L(20)-CH-510 (Rev. P4).

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 Mackay re-joined the meeting at this point.

4. Hearing relating to Application for Planning Permission.

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

The Panel considered the following application:-

- (1) [24/00029/APP](#) – AYR – 6A Elmbank Street – Change of use from existing workshop to dance school.

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.

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) 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.

To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;

- (c) prior to the occupation of development, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the dance studio on noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person and shall include all relevant noise sources that may impact on nearby residential properties. The assessment shall be undertaken using the current British Standard (or as may be amended) from the closest accessible location to the nearest noise sensitive dwelling from where noise can be measured, or other location as may be agreed. The assessment shall identify any mitigation measures required to achieve British Standard ratings and shall be agreed in writing with the Planning Authority, in consultation with the Council's Environmental Health Service, prior to the occupation of the development. The location from where the noise can be measured from will first be agreed in writing by the Planning Authority.

To avoid noise disturbance in the interests of residential amenity;

- (d) that before the occupation of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.

To encourage sustainable means of travel; and

- (e) that the kitchen shall be used solely for purposes incidental to the use of the premises as a dance school and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

To define the terms of this planning permission, and to retain proper planning control over the development.

Advisory Note:

The hours of operation for any construction/alterations to the development shall be restricted to between 8 am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No operations or activity shall take place at any time on a Sunday

List of Determined Plans:

Drawing - Reference No (or Description): A514-L01;
 Drawing - Reference No (or Description): A514-L02;
 Drawing - Reference No (or Description): A514-L03;
 Drawing - Reference No (or Description): A514-L04;
 Drawing - Reference No (or Description): A514-L05;
 Drawing - Reference No (or Description): A514-L06 Rev. D;
 Supporting Information - Reference No (or Description): Design and Access Statement; and
 Supporting Information – Reference No (or Description): Additional Supporting Documentation.

Reason for Decision:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), consultations, representations received (14 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly complies with the development plan. It is considered that the proposal represents a sustainably located development involving the re-use of vacant property, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. In acknowledging the recommendation of the Ayrshire Roads Alliance, it is considered that the consultation responses do not raise any issues of over-riding concern that cannot be addressed by absorbing on street parking in the area such as on Elmbank Street and by way of the parking spaces which can be accommodated within the application site. 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, on balance, the proposal, suitably conditioned, will not detract from the character or appearance of the surrounding area or introduce any significant, adverse amenity issues. The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

5. Public Access Exemption Orders: The South Ayrshire Council (Lochgreen Golf Course) Exempting Land from Access Rights Order 2024 and The South Ayrshire Council (Marr Rugby Club) Exempting Land from Access Rights Order 2024.

There was submitted a report ([issued](#)) of 4 June 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 two temporary public access exemption orders for areas of land to be used as camping sites during the 152nd Open 2024 at Royal Troon Golf Course.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

By a majority, the Panel

Decided:

- (1) to note the outcome of the public consultation on the proposed public access exemptions for land at Lochgreen Golf Course (holes 11-14) and Marr Rugby Club; and to agree the proposed Council responses to the representations received, as set out in Appendix 1 of the report; and
- (2) to agree to make temporary public access exemption orders under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Lochgreen Golf Course (holes 11-14) and at Marr Rugby Club, as set out in the plans included in Appendix 2 and 3 of the report.

The meeting ended at 11.15 a.m.