

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 14 December 2022 at 10.30 a.m.

Present

In County

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

Attending

Remotely:

Councillor Craig Mackay.

Apology:

Councillor Mary Kilpatrick.

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); A. McGibbon, Supervisory Planner; F. Sharp, Supervisory Planner; D. Hearton, Lead Conservation Planner; D. Lewis, Planner; S. Groves, Planner; D. Delury, Planning Assistant; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer, and C. McCallum, Committee Services Assistant.

1. Welcome and Declarations of Interest.

The Chair welcomed everyone to the meeting and took the sederunt.

In terms of Council Standing Order No. 17 and the Councillor's Code of Conduct, Councillor Cavana advised that he would declare an interest in item 4(7) below, as he had spoken with objectors and would withdraw from the meeting during consideration thereof.

2. Minutes of Previous Meeting.

The minutes of 17 November 2022 ([issued](#)) were submitted and approved subject to the inclusion of Councillor Brian Connolly as being present at the meeting.

3. Application for Planning Permission continued form a site visit – Recreation Ground, Winehouse Yett, Dundonald (Ref: [21/00998/APP](#)).

Following consideration of an application for planning permission and subsequent site visit in relation to Recreation Ground, Winehouse Yett, Dundonald, the Panel considered the determination thereof.

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

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

- (1) 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;
- (2) that notwithstanding the terms of condition 1 above, the applicant shall undertake a conditional survey of the existing outflow pipe located at the north-west perimeter of the application site, within 1 month of the date of this decision, so as to demonstrate that the existing outflow pipe is capable of accommodating the calculated greenfield run off rates set out in the Drainage Strategy Report dated July 2022. Should the conditional survey determine that the outflow pipe is in an unsuitable condition to accommodate the calculated greenfield run off rates set out in the Drainage Strategy Report dated July 2022, then an alternative proposal(s) for surface water run-off collection shall be submitted within 2 months of the date of this decision for the prior written approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance. Thereafter, the agreed alternative proposal for surface water run-off collection shall be implemented within 3 months of the date of this decision, to the satisfaction of the Planning Authority; and
- (3) that notwithstanding the terms of condition 2 above, the requirements and recommendations set out in the Drainage Strategy Report, dated July 2022, shall be fully incorporated into the final design solution of the development hereby approved and shall be fully undertaken and completed within 2 months of the date of this decision, to the satisfaction of the Planning Authority.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to ensure the site is drained in an acceptable manner and the drainage infrastructure is properly maintained; and
- (3) to ensure the site is drained in an acceptable manner and the drainage infrastructure is properly maintained.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan;
Drawing - Reference No (or Description): Pitch Details;
Drawing - Reference No (or Description): 2022-001-100;
Drawing - Reference No (or Description): 2022-001-200; and
Other – Drainage Strategy Report dated July 2022.

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. **Applications for Planning Permission**

There were submitted reports ([issued](#)) of November 2022 by the Housing, Operations and Development Directorate on planning applications for determination.

Variation in Order of Business.

In terms of Council Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

The Panel considered the following applications:-

- (1) [22/00783/APP](#) – **TROON – Land adjacent to 130 Bentinck Drive** – Erection of boundary wall and formation of vehicular access.

The Panel noted that this application had been withdrawn.

- (2) [22/00395/APP](#) – **MINISHANT - Site to the rear of 1-10 Mure Place** – Part change of use of agricultural land to form commercial dog walking field.

The Panel heard from an interested party.

The Panel adjourned to allow a Member of the Panel to discuss the wording of a possible Motion with the relevant officers. Upon reconvening, the Panel

Decided: to refuse the application on the grounds that the proposed dog walking facility would generate an increased demand for parking and servicing in the area which would have an unacceptable impact on existing residents and the road network.

At this point, Councillor Mackay left the meeting.

- (3) [22/00692/APP](#) – **AYR – land adjacent to 19 Roman Road** – Erection of dwellinghouse.

The Panel heard the Service Lead – Legal and Licensing read a statement from an interested party who could not connect remotely to this meeting today.

Decided: to refuse the application on the following grounds:

- (a) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the landscape buffer and natural appearance, and landscape setting of the site to the detriment of the visual and residential amenity, character, setting, distinctiveness of the site the overall sense of place in the locale, and no justification has been provided for a departure from this policy;

- (b) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan (2022) policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites by virtue of the loss of open space, erosion of and adverse impact on landscape character and setting of site, loss of natural visual and physical buffer, being an incongruous development in an area characterised by planned residential estates, the loss of protected trees, potential harm to trees adjacent to the site and in the wider woodland area, to the detriment of the visual and residential amenity of the locale, and potential harm to the natural environment should protected species be found to be present within the site, and no justification has been provided for a departure from this policy; and
- (c) that the development proposal would result in the loss of protected trees within the site which are protected under Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) and recognised as being ancient long-established woodland of plantation origin, and also could potentially undermine and threaten further protected trees adjacent to the site, and no justification has been provided for a departure from this policy.

List of Determined Plans:

Drawing - Reference No (or Description): L01;
Drawing - Reference No (or Description): L02;
Drawing - Reference No (or Description): P01;
Drawing - Reference No (or Description): P02;
Drawing - Reference No (or Description): P03;
Drawing - Reference No (or Description): P04;
Drawing - Reference No (or Description): P05;
Drawing - Reference No (or Description): P06; and
Drawing - Reference No (or Description): P07.

- (4) **[22/00820/APP](#) - GIRVAN – Multi User Games Area, Linden Avenue – Installation of 2 No. 8m high floodlight columns at existing MUGA.**

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; and
- (c) that the proposed floodlights shall not be switched on or be in use before 9:00am and after 9:00pm, to the satisfaction of the Council as 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;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) to define the terms of this planning permission.

Advisory Notes:

Please ensure the advice on light pollution contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" is followed. [http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)

List of Determined Plans:

Drawing - Reference No (or Description): SAC/GLEND/MUGA/101;
Drawing - Reference No (or Description): SAC/GLEND/MUGA/102;
Drawing - Reference No (or Description): SAC/GLEND/MUGA/103; and
Other - Reference No (or Description): LIGHTING ASSESSMENT.

- (5) **22/00698/APP** - AYR – 2 Burns Wicket – Alterations and extension to existing sports club and upgrade works to existing grounds and car park.

The Panel heard from applicant's agent.

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) Travel Plan: 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 clearly define the system of management, monitoring, review, reporting and the duration of the plan. Thereafter the Travel Plan shall be implemented in accordance with the details approved under the terms of this condition;

- (d) Event Management Plan: The applicant/ developer shall, prior to the completion of the works, submit an Event Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the arrangements for the management of trip generation associated with events to the development of varying sizes and frequencies, including any proposed traffic management measures, parking management, coach pick-up and drop-off arrangements, etc. Thereafter, the Event Management Plan shall be implemented as approved;
- (e) Access Construction: That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide. The access shall be constructed, as approved, prior to completion of the development;
- (f) Private Access Surfacing: That the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing 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;
- (g) Discharge of Water: 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 thereafter be implemented as approved;
- (h) that notwithstanding the plans hereby approved, precise details of the proposed depth of the upper floor balcony area to be sited on the rear (northern) elevation of the existing building shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site. Thereafter, the agreed details of the balcony area shall be implemented to the satisfaction of the Planning Authority;
- (i) that notwithstanding the plans hereby approved, no permission is granted for a fence to be erected along the south and eastern boundary of the application site; and
- (j) that notwithstanding the plans hereby approved, no permission is granted for additional lighting within the car park of the application site.

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 encourage sustainable means of travel;
- (d) in the interest of road safety;
- (e) in the interest of road safety and to ensure an acceptable standard of construction;

- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to avoid the discharge of water onto the public road;
- (h) in the interests of residential amenity;
- (i) in the interests of visual amenity and as per the agreement of the applicant's agent in correspondence with South Ayrshire Council Planning Service dated 16 November 2022; and
- (j) in the interests of residential amenity and as per the agreement of the applicant's agent in correspondence with South Ayrshire's Planning Service dated 16 November 2022.

Advisory Notes:

Road Opening Permit: 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.

Roads (Scotland) Act: 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.

New Roads and Street Works Act 1991: 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.

Costs of Street Furniture: 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.

Costs of TROs: 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. In this instance the ARA will require that the applicant meets the costs for the promotion of no waiting, no loading at any time “junction clearance” restrictions at both the existing and proposed site access and egress junctions.

Signage to TSRGD 2016: 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.

List of Determined Plans:

- Drawing - Reference No (or Description): (00)000;
- Drawing - Reference No (or Description): (01)006;
- Drawing - Reference No (or Description): 2337_00_002 P3;
- Drawing - Reference No (or Description): 2337_00_004 P5;
- Drawing - Reference No (or Description): 2337_01_001;
- Drawing - Reference No (or Description): 2337_01_002;
- Drawing - Reference No (or Description): 82337_01_003;
- Drawing - Reference No (or Description): 2337_01_004 P4;

Drawing - Reference No (or Description): 2337_01_005 P4;
Drawing - Reference No (or Description): 2337_02_001;
Drawing - Reference No (or Description): 2337_02_002 P3;
Drawing - Reference No (or Description): 2337_03_001;
Drawing - Reference No (or Description): 2337_03_002;
Drawing - Reference No (or Description): 2337_04_001 P1;
Drawing - Reference No (or Description): (90) 001; and
Other - Reference No (or Description): Design and Access Statement.

- (6) [22/00391/FURM](#) – **MOSSBLOWN** – **Scottish Agricultural College** – Further planning permission to alter the wording in the Planning Condition 19 relating to the timing of infrastructure (roundabout provision).

The Panel heard from the applicant.

Decided:

- to approve the application with the same conditions as those within application 09/01416/PPPM, together with a change to condition 19 (length of time of consent) and the addition of a further condition in respect of junction upgrade (condition 78) as below:-

Roundabout

19. that the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of the required new roundabout at the junction between the B743 and the C37. The roundabout (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the approved plans prior to the occupation of the 201st new residential unit. For the avoidance of doubt the new roundabout and junction shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and the bus stop opposite the B7035. The applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations.

Reasons:

19. in the interest of road safety and to ensure an acceptable standard of construction. To encourage sustainable means of transport.

Additional Roads and Transportation

78.that the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of a required new priority-controlled junction incorporating a ghost lane for right turning traffic at the junction between the B743 and the C37, designed to fully comply with the standards as set out in the SCOTS National Roads Development Guide, as adopted by the Council, and the Design Manual for Roads and Bridges (DMRB, as appropriate. The priority-controlled junction (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the plans to be approved by the Council as Roads Authority prior to the occupation of any proposed new residential unit. For the avoidance of doubt, the new priority-controlled junction with ghost right turn lane shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and bus stop opposite the B7035.

Reason:

78 in the interest of road safety and to ensure an acceptable standard of construction.

- to note that a Section 75 obligation/agreement would require to be updated by all landowners before the decision notice could be issued.

Having previously declared an interest, Councillor Cavana left the meeting at this point.

- (7) [22/00747/APP](#) – AYR – 111 Craigie Way – Change of use of garden ground and erection of a dog grooming unit.

The Panel heard from the applicant.

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) the outbuilding and associated dog grooming business hereby approved shall operate in strict accordance with the operational statement dated 13 September 2022. Specifically, the dog grooming business shall:
- Be operated solely from the outbuilding hereby approved;
 - Be operated by the applicant that resides at 111 Craigie Way, Ayr and without any employees;
 - only operate between the hours of 9am-5pm Monday-Saturday; and
 - Not exceed one dog at any one time or appointment;
- (d) that prior to the dog grooming business operating from the outbuilding hereby approved, a minimum of 2 off-road parking spaces shall be provided within the existing application site curtilage to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall first be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) and thereafter implemented as approved;
- (e) that parking within the existing application site curtilage shall have dimensions of a minimum of 6m x 3m, per vehicle space;
- (f) that no permission is granted for the display of any advertisement, either within the curtilage of the property at 111 Craigie Way or on or attached to the outbuilding hereby approved or the residential dwellinghouse at 111 Craigie Way;
- (g) that prior to the dog grooming business operating from the outbuilding hereby approved, a screen fence measuring 1.8 metres in height when measured from ground level shall be erected along the northern boundary of the application site with No.10 Beech Grove (parallel with the gable of No.10. Beech Grove).

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 residential amenity;
- (d) In the interest of road safety and to ensure adequate off-street parking provision;
- (e) in the interest of road safety and to ensure adequate off-street parking provision;
- (f) in the interests of the residential amenity and character of the area; and
- (g) in the interests of neighbouring amenity.

Advisory Notes

- (1) Road Opening Permit:
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.
- (2) Roads (Scotland) Act:
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.
- (3) New Roads and Street Works Act 1991:
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.
- (4) Costs of Street Furniture:
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/ documents:

Drawing - Reference No (or Description): 2022/70/1;
Drawing - Reference No (or Description): 2022-70-3;
Drawing - Reference No (or Description): 2022-70-3;
Drawing - Reference No (or Description): 2022-7-2(REV.A);
Drawing - Reference No (or Description): 2022-70-5; and
operational statement dated 13 September 2022.

The meeting ended at 12.35 p.m.