

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 15th September 2011 at 10.00 a.m.

For items 1 to 8:

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.

Also Present: Councillor Nan McFarlane (in attendance for item 6(2) only).

Attending: W. Carlaw, Acting Legal Manager; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; D. Burns, Manager (Housing Development and Monitoring) C. Parish, Priority Projects Team Leader; S. Hamilton, Engineering/Technical Officer; J. Webb, Engineering Officer (Traffic); and A. Gibson, Committee Administrative Officer.

For items 9 to 15:

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.

Apology: Councillor Alec Oattes.

Attending: C. Neillie, Solicitor; K. Leinster, Head of Community Care and Housing; D. Burns, Manager (Housing, Development and Monitoring); M. Toshner, Building Standards Manager; G. Lauder, Senior Environmental Health Officer; D. Scobie, Licensing Monitoring Officer; C. Bradshaw, Assistant Public Communications Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Inspector A. Clapperton and D. Hastings, Strathclyde Police.

1. Variation in order of business.

In terms of Council Standing Orders Nos. 8 and 10, the Panel agreed to vary the order of business as hereinafter minuted.

2. Modernisation of the Planning System.

The Planning Manager advised

- (1) that there had recently been widespread media comment on the modernisation of the planning system following a report commissioned by Audit Scotland; and
- (2) that in light of the above, this Council was currently undertaking a review of its own Planning Service.

Decided: to note the position.

3. **Planning Enforcement Charter.**

There was submitted a report (issued) of 31st August 2011 by the Executive Director - Development and Environment

- (1) recommending an update to the Planning Enforcement Charter which operated in South Ayrshire; and
- (2) advising that this Charter was required to be reviewed and updated biennially under the terms of Section 158A of the Planning etc. (Scotland) Act 2006.

Following questions from Members relating to staffing, retrospective planning applications and conservation areas, various Officers responded accordingly.

Decided: to approve the updated Planning Enforcement Charter.

4. **South Ayrshire Council (Various Streets, Alloway) (20mph Speed Limit) Order.**

There was submitted a report (issued) of 8th September 2011 by the Executive Director - Development and Environment seeking approval to make a Road Traffic Regulation Order under the Road Traffic Regulation Act 1984, namely, "(Various Streets, Alloway) (20 mph Speed Limit) Order".

Decided: to grant approval to make the above Order to reduce the speed limit to 20mph on the B7024 Alloway, Doonholm Road, Clochranhill Road, Burness Avenue, Arnprior Place and Wellpark.

5. **South Ayrshire Council (New Road, Waggon Road, Virginia Gardens, Ayr) (Waiting and Loading Restrictions, Restricted Turns, and Bus Lane Amendment) Order.**

There was submitted a report (issued) of 6th September 2011 by the Executive Director - Development and Environment seeking approval to make a Road Traffic Regulation Order under the Road Traffic Regulation Act 1984, namely, "(New Road, Waggon Road, Virginia Gardens, Ayr) (Waiting and Loading Restrictions, Restricted Turns and Bus Lane Amendment) Order".

Following a question from a Member relating to possible congestion, the Engineering/Technical Officer responded accordingly.

Decided: to grant approval to make the above Order.

6. Applications for Planning Permission.

There were submitted reports (issued) of September 2011 by the Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

- (1) **06/00098/FUL – EAST OF CULZEAN – Knowside Hill, A719 Croy Brae, Dunure – B7023 at Pennyglen** – Erection of windfarm, wind monitoring mast and switchgear building and formation of associated access tracks.

Decided: to note that this application had been withdrawn by the applicant.

- (2) **11/00540/PPPM – TROON – Land at Kilmarnock Road – A759, Barassie**– Planning permission in principle for the erection of residential development.

The Panel heard Councillor McFarlane, local member (in attendance for this item only) and also a statement read out by her from Councillor Convery, local member, who could not be present at the meeting.

Adjournment.

Following detailed discussion regarding the application and an Amendment that had been moved and seconded, the Panel agreed to adjourn to allow the competency of the Amendment to be considered. The time being 11.35 a.m., it was agreed that the meeting be adjourned for five minutes.

Resumption of meeting.

The meeting resumed at 11.50 a.m. and the Acting Legal Manager advised that further consideration would require to be given to the competency of the Amendment and that the Panel would further consider this application when it re-convened at 2.00 p.m. this afternoon.

- (3) **11/00757/APP – AYR – 242 High Street** – Change of use of retail unit to form amusement arcade and installation of new shopfront.

Decided: to refuse the application on the following grounds:-

- (a) that the proposal for an amusement arcade within the core retail area of Ayr town centre, as defined by the South Ayrshire Local Plan, is contrary to the provisions of Policy RET4, of the adopted South Ayrshire Local Plan, by reason of having a detrimental effect on the vitality and viability of the Ayr shopping centre;
- (b) that the proposal for an amusement arcade is contrary to the policy of RET6 of the adopted South Ayrshire Local Plan as the site is not located within the retail periphery of Ayr town centre, as defined by the South Ayrshire Local Plan, which is identified as a suitable location for amusement arcades; and
- (c) that the proposal for an amusement arcade, being a non-retail use, is contrary to policy RET7 of the South Ayrshire Local Plan as it does not accord with the Planning Strategy for Ayr Town Centre.

List of Determined Plans:

Drawing - Reference No (or Description): EXISTING FLOOR PLANS, ELEVATION;
 Drawing - Reference No (or Description): LOCATION PLAN; and
 Drawing - Reference No (or Description): PROPOSED FLOOR PLANS, ELEVATION.

At this point, the time being 12.05 p.m., it was noted that the Panel would resume at 2.00 p.m. to further consider item 6(2) above and the Licensing Applications.

7. Resumption of Meeting.

The meeting resumed at 2.00 p.m. It was noted at this point that Councillor Oattes was no longer in attendance.

8. Application for Planning Permission - 11/00540/PPPM – TROON – Land at Kilmarnock Road – A759, Barassie.

With reference to item 6(2) above, the Acting Legal Manager advised that an Amendment which had previously been moved and seconded was not competent and could not be considered.

Decided: to agree that the Executive Director – Development and Environment be given delegated powers to approve this planning permission application in principle subject to the signing of appropriate legal agreements and the conditions as detailed at (1) to (48) below:-

The following elements will form part of any section 75 or other legal agreements for this site so as to provide:-

- a contribution of land of up to 100 units for the provision of affordable housing on site in compliance with the Council's affordable housing policy;
- a financial contribution towards educational provision at Marr College and Struthers Primary School as a consequence of the development;
- a financial contribution towards an all-weather pitch facility and car parking at Struthers Primary School;
- a financial contribution for additional car parking at Barassie Railway Station;
- the provision of a connection between the proposed footpath at the centre-west of the site with the existing open space to the rear of Sark Drive, Euchar Place, Garry Place and Noran Crescent; and
- the provision of a bus service through the site.

Condition (1) proposes to extend the duration of planning permission from 3 years to 10 years. This is due to the scale of development proposed and to allow for future applications to comply with the Barassie, North East Troon Masterplan and Design and Access Statement.

Duration of Permission:

- (1) that formal application(s) for the Approval of Matters Specified in Conditions indicating the siting, design, external appearance of, means of access and landscaping shall be submitted to, and approved by the Council before commencement of development. Such application(s) shall be made not later than ten years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;

Approval of Uses:

- (2) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (3) that approval is granted in principle for the indicative layout, land uses and urban form as set out within the Barassie, North East Troon Masterplan drawing BFT/ARC-001 Revision A dated August 2011 and Design and Access Statement dated August 2011. The scale of development approved in this planning permission in principle is as follows:

- Residential:
the total number of residential units to be developed throughout the entire site shall not exceed 680 units (inclusive of affordable housing units); and
- Retail Unit:
Land shall be reserved of approximately 600 square metres to accommodate a 150-200 square metres retail unit, a car park for at least 12 car parking spaces, space for recycling facilities, and associated landscaping. This retail unit shall be in the general location as shown in the approved Masterplan drawing BFT/ARC-001 Revision A and in accordance with the Design and Access Statement;

A formal application for approval of matters specified in conditions for the retail unit shall include orientation, design treatment, parking and access arrangements, and landscaping proposals which meet with the design aspirations of the Design and Access Statement;

Programme of Development:

- (4) that the first application for Approval of Matters Specified in Conditions shall provide a phasing plan and programming for the provision of the Spine Road, the housing development, structural landscaping, provision of the strategic footpaths, provision of the pedestrian and vehicular access to the rear of Struthers Primary School, provision of all village greens and other associated works and provision of the Sustainable Urban Drainage Systems in the form of detention ponds. Each subsequent application for Approval of Matters Specified in Conditions shall provide a detailed programme of works for each phase of development including landscaping and play provision to be agreed with the Planning Authority. This phasing plan shall be adhered to unless otherwise agreed with the Planning Authority;

Development Principles for the Development of the Site:

- (5) that in terms of condition (1) above, the design principles as set out in the approved Indicative Masterplan drawing BFT/ARC-001 Revision A and as shown in figure 7.14 of the Design and Access Statement are hereby approved. The full details are not hereby approved and shall be the subject of applications for Approval of Matters Specified in Conditions for this site, which shall have full regard to the following matters of principle:-
- wherever possible, houses adjacent to the Spine Road shall front onto and take access from the Spine Road. No garages shall be positioned such that they extend in front of the building line of the houses. The building line shall reflect the curves of the line of the main spine road. Where houses are located on corner sites between the Spine Road and the vehicular access points from this main spine road, these houses shall be dual fronted with living accommodation windows facing both street elevations. Unless otherwise approved by the Planning Authority, the Spine Road shall follow the topography of the site and shall work within existing ground levels not exceeding +/- 1.5 metres to the satisfaction of the Planning Authority;
 - wherever possible, houses located in proximity to the northern and south-eastern entrances to the site from the Spine Road shall be positioned facing onto the main approach with any car parking and garages set behind the building line;
 - all houses adjacent to the western boundary of the site shall be a maximum of two storeys in height, and on the northern, eastern and southern boundaries shall be two storeys in height unless otherwise agreed with the Planning Authority;
 - wherever possible, houses adjacent to the pedestrian /vehicular spine and the two strategic footpaths running south-east to north-west as identified in the approved Indicative Masterplan and figure 7.11 'Vehicular and Pedestrian Network' in the approved Design and Access Statement shall front onto the main pedestrian routes, or where this is not possible the houses shall be dual fronted with some living accommodation windows facing onto these strategic footpaths. No garages shall be positioned such that they extend in front of the building line of these houses;
 - wherever possible, the existing topography of the site shall be respected to ensure that in constructing these houses and determining the floor levels of these houses, cognisance shall be given to existing levels within the site. Wherever possible, the position of houses across the site shall take advantage of south-facing views and views into and out of the site towards Arran and the Firth of Clyde;
 - the character areas as set out in the approved Design and Access Statement in the Guidelines for density, scale and housing mix (section 8.3), streetscape (section 8.4), frontages/edges boundaries (section 8.5) and housing design, building materials and surfacing (section 8.6) shall be adhered to;

- landscaping and wildlife corridors as shown in the approved Indicative Masterplan, figure 7.14 and figure 7.13 'Landscape, Open Space and Play Space Strategy' of the approved Design and Access Statement linking to each other to create a green network across the site;
- there shall be a minimum of five village greens, and in all amenity open space areas active frontages with some living accommodation windows of houses shall front onto the village green and/or amenity open space area;
- where there are children's play areas, the houses shall have active frontages with some living accommodation facing onto these areas;
- the road layout shall follow the street hierarchy as defined in section 8.2 and indicated in Figure 7.11 'Vehicular and Pedestrian Network' of the approved Design and Access Statement and the roads layout shall maximise the potential for shared surface areas;
- the use of engineered traffic calming measures shall be avoided (speed humps), unless it can be established as a preference in terms of the underlying geometry for the roads. Wherever possible, any engineered traffic calming measures shall use natural landscape features e.g. trees (which shall be root ball protected) and shall in all cases ensure the smooth passage of pedestrians and cyclists. Attention shall be given to the angle of visibility splays at junctions to reduce driver speed;
- there shall be a presumption against closed cul-de-sacs and where there is a cul-de-sac pedestrian footpath links shall be provided to other footpaths and streets within the development site. Where turning heads/hammerheads are provided, these shall be sensitively designed to merge with the surrounding hard surfaced areas;
- wherever possible, houses shall front onto or have an active frontage with some living accommodation windows facing onto adjacent footpaths, and in particular along Barassie Burn landscape buffer area and along the pedestrian /vehicular spine in the Approved Masterplan and the strategic footpaths as indicated in Figure 7.11 'Vehicular and Pedestrian Network' of the approved Design and Access Statement;
- wherever appropriate, measures shall be taken which lead to minimising street signage by the use of signage on buildings and high quality street signage; and
- wherever possible, existing stone walls shall be retained and if these walls cannot be retained the existing stone shall be re-used within the site to the satisfaction of the Planning Authority; and

Formal Applications

- (6) that in terms of condition (1) above and in relation to the approved Design and Access Statement, the first formal application for Approval of Matters Specified in Conditions for this development, details shall be submitted and approved by the Planning Authority of the following:-

- a plan for the Spine Road to provide for appropriate landscaping including clusters of trees where appropriate, existing and proposed ground levels which respect the natural topography of the site as far as possible, and suitable treatment of the internal local roads fronting onto the Spine Road, and provisions for lowered kerbs and footpaths to link with strategic routes as identified in the Vehicular and Pedestrian Network in figure 7.11 of the Design and Access Statement. All elements shall integrate with each other to the satisfaction of the Planning Authority;
 - a plan of the earthworks strategy for the whole site as indicated in the approved Design and Access Statement figure 7.5 'Earthworks Strategy'. This plan shall show the existing and indicative proposed ground levels for the houses within the site and cross-sections across the site, with particular attention to the identified areas of infill of between 3-5 metres and the areas of cut of between 2-3 metres. Wherever possible, ground modelling across the site shall not exceed 2 metres above the existing ground levels. Any variation to the approved ground levels shall not be implemented without the prior written approval of the Planning Authority;
 - a plan locationally defining the village greens, which shall have equipped play areas and those which shall have a different hard and soft landscape/public realm treatment, the function of each village green, street furniture and means of enclosure and shall be generally in accordance with the approved Indicative Masterplan and figure 7.14. A programme shall be submitted for the timing of the submission of landscaping and play equipment bonds for each housing phase of the development within which there is a village green;
 - a plan locationally defining the proposed vehicular access from the Spine Road to Struthers Primary School;
 - a plan of the location of the pedestrian/vehicular spine and the two strategic footpaths as indicated in figure 7.11 'Vehicular and Pedestrian Network' of the approved Design and Access Statement, which shall include the landscaping treatment and the provision of primarily heavy standard trees, the provision of differentiating surfaces for vehicle, shared surfaces and pedestrian/cycle only routes;
 - a plan showing the location along the western boundary of the application site of the proposed four points of pedestrian access to the adjacent housing area and the proposed footpaths linking into these as shown in the approved Indicative Masterplan figure 7.14; and
 - proposals for the hard and soft landscape treatment of the three new roundabouts and the principal entrances to the site from the north and south of the site in order to create attractive entrances to the site. These details shall be agreed with the Roads and Planning Authority and implemented in accordance with the phasing programme as set out in condition 4 above;
- (7) that at the application for Approval of Matters Specified in Conditions for the land adjacent to Collenan Smallholdings, notwithstanding the approved Design and Access Statement, details shall be submitted for the approval of the Planning Authority of the provision for a 5 metre minimum landscaped strip with tree planting as appropriate along the north-west, south-west and the south-eastern boundaries of Collenan Smallholdings;

- (8) that the first formal Application for Approval of Matters Specified in Conditions for the phase of housing development taking access from the A759 Loans Road shall include details for the provision of the Struthers Burn landscape/wildlife buffer along the whole southern boundary of the site which shall be implemented prior to the occupation of the last house on that phase of housing development and maintained to the satisfaction of the Planning Authority. This requirement shall be included in the phasing plan to be agreed under condition (4) above;
- (9) that in terms of condition (1) above and in relation to the principles as set out in the approved Design and Access Statement, details shall be submitted for the approval of the Planning Authority in the formal Applications for Approval of Matters Specified in Conditions for each phase of the housing development of the following:-
- plans showing the road layout and hierarchy which shall generally accord with figure 7.11 'Street Hierarchy' and section 8.2 'Layout, Movement and Circulation' guidelines in the approved Design and Access Statement;
 - a plan detailing the earthworks strategy, as agreed in condition (6) above, with the approval of the first application for Approval of Matters Specified in Conditions. This plan shall show the existing and proposed ground levels and finished floor levels for the houses and cross-sections within that phase of the housing development, with particular attention to the identified areas of infill of between 3-5 metres and the areas of cut of between 2-3 metres. Wherever possible, ground modelling across the site shall not exceed 2 metres above the existing ground levels. Any variation to the approved ground levels shall not be implemented without the prior written approval of the Planning Authority;
 - all houses along the Spine Road shall front onto the Spine Road, wherever possible, and houses shall be set back from the Spine Road with landscaping separating the road and remote footpaths, wherever possible;
 - all houses along the main pedestrian / vehicular spine as shown on the approved Masterplan and the two strategic footpaths as indicated in figure 7.11 'Vehicular and Pedestrian Network' shall front onto these footpaths/spine wherever possible;
 - focal/feature buildings shall be identified throughout the site and shall be of a higher architectural quality by the use of different materials and design than other buildings within the site in accordance with 'Housing, Design, Building Materials and Surfacing guidelines (section 8.6) of the approved Design and Access Statement;
 - the housing layout, design and boundary treatment shall be in accordance with the approved Design and Access Statement in the Guidelines for Density, Scale and Housing Mix (section 8.3), Streetscape (section 8.4), Frontages/Edges Boundaries (section 8.5) and Housing Design, Building Materials and Surfacing (section 8.6);
 - wherever possible, grassed service strips shall be provided along the shared surface roads and all utilities shall be provided within these grassed service strips or under the hard shared surface. No service strips for utilities shall be provided in the front gardens of individual houses to the satisfaction of the Planning Authority;

- details setting out the associated village greens, open space and landscaped areas and other uses. The housing development shall follow the topography of the site, wherever possible, shall take full cognisance of the approved Design and Access Statement figure 7.5 'Earthworks Strategy' and accord with the detailed plan of the earthworks strategy to be approved under condition (f) above;
- wherever possible, all areas of public open space including all the village greens, all the landscape and wildlife buffer areas and the area immediately to the east of Struthers Primary shall have active frontages of properties onto these open amenity spaces;
- each phase of the housing development shall contain provision for children's play areas, including toddler play areas, throughout the housing development in accordance with the approved indicative Masterplan drawing, figure 7.14;
- full details of the structural landscaping and wildlife corridors within that phase of development. A landscaping / play provision bond(s) shall be submitted prior to issuing of the respective Approval of Matters Specified in Conditions application in the respective phase of development. The approved structural landscaping and all other landscaping and approved play provision shall be implemented within each phase of development prior to the occupation of the last house in that phase;
- each phase of the housing development shall comply with the Council's Supplementary Planning Guidance Open Space and Designing new Residential Developments;
- the drainage for all open space areas for each phase of the housing development; and
- the houses shall be constructed following energy efficiency principles;

Provision of Village Greens:

- (10) that there shall be a minimum of five village greens of an adequate size within the site in accordance with the general location as indicated on the Indicative Masterplan drawing, figure 7.14 and the approved Design and Access Statement. The building design around and landscape treatment of these village greens shall address the following:-
- the houses around the village greens shall front onto these village greens and shall be designed to a high standard of architectural quality with individual focal/feature buildings adjacent to the village greens being designed in such a way that they are of higher and individual architectural quality. The use of walls, railings, gates, fencing and landscape boundary treatment around the houses shall be designed in such a way as to ensure that a sense of enclosure is created and in particular the corner properties shall have a predominance of boundary treatment of walls, railings and hedges to the rear of these, all to the satisfaction of the Planning Authority;
 - the village greens shall be formed in such a way that the houses and pedestrians have oblique views in and out of these areas to the area beyond; and

- the existing topography of the site shall be used, wherever possible, to ensure that in constructing these houses and determining the floor levels of these houses cognisance is taken and respect is given for the existing topography of the site;

Landscaping and Greenspace:

(11) that the first formal Application for Approval of Matters Specified in Conditions following this approval of planning permission in principle, shall include full details of the structural landscaping boundary treatment and landscape treatment of the wildlife corridors, which shall be predominantly indigenous planting. These details shall provide:-

- a variable ecological buffer strip of between a minimum depth of 10 metres and a maximum depth of 25 metres along the eastern boundary of the application site shall be provided, retained and managed for the lifetime of the development;
- an ecological buffer strip of minimum 20 metres on either side of the Barassie Burn watercourse as it runs across the site from east to west shall be retained and managed for the lifetime of the development;
- an ecological buffer strip of a minimum of 10 metres shall be provided along the Barassie Burn as it traverses the western boundary of the application site and shall be retained and managed for the lifetime of the development;
- an ecological buffer strip and wildlife corridor shall be provided within the application site of a minimum depth of 30 metres on the southern boundary of the site known as the 'Loans Gap'. This landscape buffer should be planted with trees wherever possible such that it can link into the existing tree planting at Struthers Primary School. This landscape buffer shall be retained and managed for the lifetime of the development;
- a landscape buffer strip of a minimum of 5 metres and a maximum of 10 metres shall be provided along the western boundary of the site between Barassie Burn and Struthers Burn. This landscape buffer shall be retained and managed for the lifetime of the development;
- a variable landscape buffer of a minimum of 10 metres and a maximum of 20 metres shall be provided along the northern boundary with Kilmarnock Road, Troon. This landscape buffer shall be retained and managed as amenity open space and shall have a mowing regime, which allows both areas of longer grass and wildlife/ bulbs, and clusters of trees to be planted in this area for the lifetime of the development; and
- the proposed landscape treatment for the area immediately adjacent to the Spine Road.

Thereafter, these structural landscaping proposals shall be implemented in accordance with an agreed timescale in terms of the agreed phasing plan in condition (4) above, and approved by the Planning Authority as part of the first application for approval of matters specified in conditions following this planning permission in principle;

- (12) that all formal applications for Approval of Matters Specified in Conditions shall include a detailed landscape scheme and tree protection plan for existing trees within the site for the approval by the Planning Authority. The approved landscape proposals shall be implemented and completed on the first date of occupation of the last residential unit related to the application for that phase of the development, in accordance with the approved phasing plan in terms of condition (4) to the satisfaction of the Planning Authority. Thereafter all planting of trees, shrubs, plants, grassed areas, and hard landscaping shall be maintained in good condition and, if necessary, replaced to the satisfaction of the Planning Authority;
- (13) that all formal applications for Approval of Matters Specified in Conditions shall include details of a factoring arrangement and a maintenance schedule to be put in place for the landscape works, grassed and planted areas, including trees within the public road limits, trees, culverts and burns. 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 Planning Authority;

Ecology and Landscaping:

- (14) that existing hedgerows and mature trees shall, wherever possible, be retained in situ to provide a diverse baseline resource which can be extended and built upon during and following the construction phase. These features shall be fenced off during the construction phase in accordance with BS 5837:Trees in relation to Construction (2005). At each formal Application for Approval of Matters Specified in Conditions details shall be submitted for the approval of the Planning Authority of the proposals for the retention of existing hedgerows, gapping up of existing hedgerows and where new hedgerows shall be introduced on the boundaries of the site to accord with paragraph 7.4.24 of the approved Design and Access Statement. In particular, the existing hedgerows on the eastern and southern boundaries of the application site and around the mutual boundary with the Collenan Holdings and Cottages shall be augmented and gapped up with indigenous hedgerow species, wherever possible;
- (15) that at each formal Application for Approval of Matters Specified in Conditions, details shall be submitted to and approved by the Planning Authority of any mature trees within the application site that require to be removed as part of the construction works. Prior to felling these trees a qualified ecologist shall examine these trees for holes, cracks and bark slabs to establish whether there is any evidence of roosting bats or roosting birds. Full details of these findings shall be submitted to the Planning Authority, in consultation with Scottish Natural Heritage, for approval prior to the felling of these trees;
- (16) that at the formal Application for Approval of Matters Specified in Conditions for each phase of the development, an ecological habitat management plan shall be submitted to and approved by the Planning Authority in consultation with SNH and shall be implemented in full during the construction stage of all phases of the development and adhered to for the lifetime of the development. The applicants shall agree with SNH the timing of the removal of mature trees and shrubs as part of this ecological habitat management plan;

- (17) that at each formal Application for Approval of Matters Specified in Conditions, a Landscape Management Plan shall be submitted for the approval of the Planning Authority in consultation with SNH, including the proposed management regime for all landscaped areas within the development site for a period of five years. The Plan shall include retention of mature trees wherever possible and planting of new indigenous trees and shrubs within the landscape buffer and wildlife corridors and appropriate planting of new trees and shrubs within the site;
- (18) that at first formal Application for Approval of Matters Specified in Conditions, the overall indicative structural landscaping plan for all the boundary treatment, the wildlife corridors and landscape buffer areas within the application site shall be submitted to the Planning Authority for approval and shall be implemented in accordance with an agreed phasing plan to the satisfaction of the Planning Authority in consultation with Scottish Natural Heritage. Each subsequent formal application for Approval of Matters Specified in Conditions for each phase of development shall adhere to the approved indicative structural landscape plan;

Pedestrian Links and Public Access:

- (19) that provision shall be made for footpath connections to the adjacent housing areas by providing footpath links as shown in the approved Design and Access Statement and the approved Indicative Masterplan drawing, figure 7.14. Details shall be submitted with the respective Application for Approval of Matters Specified in Conditions as set out below. These shall be provided prior to the occupation of the last house for each respective phase of the housing development as follows:-
- the north-west of the site to allow for connection to the development to Kilmarnock Road;
 - the north-west of the site to link with the new footbridge and footpath at Reilly Way and the housing development to the west of the application site;
 - the centre-west of the site to allow connection with Cairnfore Avenue/Nevan Road;
 - the centre-west of the site to allow for connection to Deveron Road via the existing open space to the rear of Sark Drive, Euchan Place, Garry Place and Noran Crescent;
 - the south-west of the site to allow for connection to Struthers Primary School;
 - link all the internal footpaths and link with remote footpath system within the application site;
 - a footbridge over the Barassie Burn at the western most part of the site, as it meets the turning point of the Barassie Burn; and
 - the south of the site to allow connection to A759 public road to Loans village;

- (20) that at the first formal Application for Approval of Matters Specified in Conditions, details shall be submitted to and approved by the Planning Authority of the route for a temporary footpath which shall be formed prior to the occupation of the 50th residential unit on the site, linking the houses in the northern end of the site to the existing footbridge and footpath at Reilly Way. The route of the permanent footpath/cycleway shall be agreed at the first formal Application for Approval of Matters Specified in Conditions, and the permanent footpath/cycleway shall be formed on or before the occupation of the last house in the first phase of the housing development. This footpath link/cycleway shall be 3 metres wide and of an appropriate surface and completed to the satisfaction of the Planning Authority;
- (21) that the existing path at Collennan Holdings shall not be stopped up or closed to public passage until such time as the realigned path has been formed, to the satisfaction of Planning and Access Authority;
- (22) that as part of the first formal Application for Approval of Matters Specified in Conditions, a detailed plan of public access over the site, as existing, during construction and after completion of the development shall be submitted to and approved the Planning Authority, such plan to identify:
- all existing paths, tracks and rights of way and any areas of land currently outwith or excluded from statutory access rights, under part 1 of the Land Reform (Scotland) Act 2003;
 - any areas of land proposed for exclusion from statutory access rights after construction of the development, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
 - all paths and tracks proposed for construction, for use by walkers, cyclists, horse riders et cetera; and
 - any paths proposed for diversion, whether temporary or permanent, for the purposes of facilitating the development.

The approved plan shall be implemented within a timescale to be agreed with the Planning Authority and included in phasing plan in terms of condition (4) above, and as part of the first Application for Approval of Matters Specified in Conditions.

Archaeology:

- (23) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;

Traffic and Transportation:

- (24) that at the first Application for Approval of Matters Specified in Conditions a comprehensive Travel Plan shall be submitted for the approval of the Planning Authority that sets out proposals for reducing dependency on the private car to be approved in writing by the Planning and Roads Authority. The travel plan shall include specific reference to providing pedestrian/cycle links to Barassie Railway Station from the development and the production of a residential travel pack. The agreed measures shall be implemented prior to the occupation of the first residential unit;
- (25) that at first formal application for Approval of Matters Specified in Conditions, details shall be submitted for the approval of the Planning Authority of upgrading the existing public road through the following schemes. These shall be undertaken in compliance with a Road Construction Consent and/or a Section 56 Agreement with the Roads Authority:-
- a 34 metre ICD roundabout at the point of access to the site from the B746 public road known as the Kilmarnock Road prior to the occupation of the first residential unit;
 - a 34 metre ICD roundabout at the junction of the A759 public road with the B746 public road prior to the occupation of the 100th residential unit; and
 - a 34 metre ICD roundabout at the point of access to the site from the A759 public road prior to the occupation of the 400th residential unit.
- (26) that at the first formal Application for Approval of Matters Specified in Conditions details shall be submitted for the approval of the Planning Authority of a staged programme for the provision of a 6.0 metre spine road through the site to the standards defined in the current Roads Development Guide, connecting the new roundabouts on the B746 and A759. The road shall be located generally as shown within the submitted drawings and shall as far as possible be aligned so as to respect the existing topography of the site. This road shall be fully available for traffic to use prior to the occupation of the 400th residential unit;
- (27) that at the each formal Application for Approval of Matters Specified in Conditions for the housing development, details shall be submitted for the approval of the Planning Authority of private driveways to be surfaced for a minimum distance of 2 metres as measured from the edge of the proposed public road areas. Gates, if any, shall open away from the proposed public road areas;
- (28) that at the each formal Application for Approval of Matters Specified in Conditions for the housing development, where flatted properties are proposed, details shall be submitted of lockable and covered cycle stand accommodating a minimum of 1 space per 2 flatted dwellings within the site boundaries;
- (29) that prior to the occupation of the first residential unit, a traffic profiler and its associated equipment shall be required to be installed on the A759. Designs, specifications and final location of new infrastructure shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions;

- (30) that a residential travel pack, the details of which shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions and shall be placed in each new residential unit prior to occupation;
- (31) that appropriate signing and lining to direct cyclists from the development site to local cycle networks and NCN7 shall be provided. Details shall be submitted for approval to the Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions. This infrastructure shall be put in place prior to the occupation of the first residential unit;
- (32) 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 approval to the Council as Roads and Planning Authority at submission of the each Application for Approval of Matters Specified in Conditions;
- (33) that the applicants shall provide an emergency access to the development prior to the occupation of the 300th dwellinghouse. The details of the location and specification of the access shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions. The emergency access shall then be reinstated to adjacent line and level on the completion of roundabout 3 and the Spine Road;
- (34) 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;
- (35) that the applicants shall provide / upgrade bus stops on Kilmarnock Road as it shall be necessary to relocate the existing bus stop provision at Kilmarnock Road/Lang Road and provide bus boarding facilities. The designs, locations and specifications of the bus stops shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions. This infrastructure shall be in place prior to the occupation of the first residential unit;
- (36) that the applicants shall provide details, including design, location and specifications, of bus stops and associated Kassel kerbs along the Spine Road within the development to be approved by the Planning Authority at submission of each Application for Approval of Matters Specified in Conditions at that part of the development;
- (37) that at the each formal Application for Approval of Matters Specified in Conditions the applicants shall submit a swept path analysis for approval of the Planning Authority. This swept path analysis shall accommodate a refuse collection vehicle of a size to be agreed with the Planning and Roads Authority;
- (38) that bin collection points shall be located on areas of hardstandings at the rear of the public carriageway / footway for all private driveways serving 3 dwellings or more prior to the occupation of the dwellings. Details and specifications of the siting and design of bin collection points shall be submitted for approval to the Council as Roads and Planning Authority at submission of the each Application for Approval of Matters Specified in Conditions;

Drainage and Water Quality:

- (39) that the applicants in consultation with Scottish Water shall provide written assurance to SEPA that the additional flow from foul drainage arising from the development shall not cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists at the receiving Waste Water Treatment Works to adequately treat the increased loading;
- (40) that the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;
- (41) that development shall not commence on site until (a) a scheme for Sustainable Urban Drainage Systems consistent with Planning Advice Note 61 has been submitted to and approved by the Council as Planning and Roads Authority, Scottish Water and the Scottish Environment Protection Agency; and (b) detailed arrangements for the future maintenance of the approved scheme in perpetuity have been agreed in writing with the Council as Planning and Roads Authority and Scottish Water;
- (42) that the applicants shall install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland C521 published by CIRIA in March 2000. The Sustainable Urban Drainage System shall be implemented at the first stage of development to the satisfaction of the Planning Authority and SEPA;
- (43) that the applicant shall, through drainage or other means, prevent the discharge of water onto the public road carriageway. Any sustainable urban drainage proposals shall require to be designed such that Scottish Water, SEPA and the Roads Authority agree which areas are adopted by each of the relevant parties. The defined limits of the drainage system shall be clearly identified so each adopting authority understands without ambiguity the areas for adoption;
- (44) that any works to form crossings of the Barassie and Struthers burns shall be submitted to and approved by the Planning Authority in consultation with SEPA at the most appropriate approval of matters specified in conditions application stage and prior to any works taking place to form these crossings;

Airport Safety:

- (45) that details of measures to be put in place to ensure appropriate noise insulation in new houses shall be submitted to and approved by the Planning Authority in consultation with Prestwick Airport and these measures shall be retained for the lifetime of the development. Details of these proposals shall be submitted to and approved by the Planning Authority at first formal Application of Approval of Matters Specified in Conditions for each phase of the residential development;
- (46) that details shall be submitted of the measures proposed to minimise the attraction of birds to the area for the approval of the Planning Authority in consultation with Prestwick Airport at the formal Application for the Approval of Matters Specified in Conditions for each phase of development;

Internal Noise Measures:

- (47) that a day time/night time noise assessment together with any noise mitigation measures shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site. 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 sufficiently open for ventilation). In order to achieve this, the measured external background L_{Aeq} daytime shall not exceed 55dB(A) and 45dB(A) night time on any part of the site marked for dwellings. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person; and

Contamination Issues:

- (48) that the presence of any previously unsuspected or unencountered 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.

Reasons:

- (1) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning Etc. (Scotland) Act 2006;
- (2) 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;
- (3) to clarify the terms of the permission and to restrict the scale of development to that considered within the WSP Transport Assessment dated 4th April 2011, and to minimise interference with the safety and free flow of traffic on the trunk road;
- (4) to (6) to comply with Local Plan policies and in the interests of visual amenity;
- and
- (8) and (9) in the interests of residential and visual amenity;
- (7) and (10) to comply with Local Plan policies, and in the interests of visual amenity and nature conservation;
- (11) in the interests of visual amenity;
- (12) to ensure that adequate measures are put in place to maintain the landscaped open spaces within the site;
- (13) in order to retain, protect and augment existing hedgerows and mature trees within the site;
- (14) in the interests of nature conservation;
- (15) to (18) to comply with Local Plan policies and provide for a number of pedestrian and cycle routes through the site and into the surrounding area;
- (19) to encourage walking and cycling between the site and the adjacent housing area at an early stage in the development;
- (20) to ensure that public access is maintained in its current form until the new path is formed;
- (21) to ensure adequate provision for public access across the site and into the wider path network, in the interests of amenity and the proper access planning of the area;
- (22) to ensure that any archaeological remains are evaluated and preserved in situ as required by the Planning Authority;
- (23)

- (24) to encourage sustainable means of travel;
- (25) to (27) in the interests of road safety;
- and (34)
- (28) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (29) for the purposes of monitoring traffic flows and volumes in the vicinity of the new development;
- (30) and (31) for the purpose of encouraging sustainable travel;
- (32) in the interests of road safety and avoid the discharge of water on to the public road;
- (33) in the interests of road safety and to ensure emergency access is formed and land is reinstated at the correct stage of development;
- (35) and (36) to provide accessible public transport;
- (37) and (43) in the interests of road safety;
- (38) in the interests of road safety and to ensure that adequate provision is made for pedestrians;
- (39) to ensure that there is adequate provision made to accommodate the foul drainage from the site;
- (40) in the interests of health and safety;
- (41) and (42) to attenuate surface water from the site;
- (44) to ensure that the surface water from the burns is not prevented from free flow;
- (45) in the interests of residential amenity;
- (46) in the interests of aerodrome safety;
- (47) to avoid noise disturbance in the interests of residential amenity; and
- (48) to ensure all contamination within the site is dealt with.

Advisory Notes:

- (a) The Council advises that the developer should consult the Prestwick Airport aerodrome/airfield manager for permission to work if a crane is to be used within 6 km of the aerodrome/airfield and its height exceeds 10 m or that of the surrounding structures or trees.
- (b) This application will be considered by South Ayrshire Council in the context of the Ayr Core Development Area and the mitigation identified in the Ayr Corridor Study dated December 2008 including contributions as appropriate.
- (c) During the construction phase, the normal hours of operations should be between 0700 to 1900 hours Monday to Friday and 0700 and 1200 hours on Saturday with no working on Sundays, unless otherwise agreed in writing with the Planning Authority.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) Please note 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.
- (h) The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.
- (i) Any signage associated with introduction or alteration of roads infrastructure requires to be approved by Roads Authority and paid for by the developer.

List of Determined Plans:

Drawing - Reference No (or Description): Masterplan BFT/ARC-001 Revision A.

Reason for Decision:

The principle of the development hereby approved is considered to accord with the provisions of the development plan, in terms of the approved structure plan and adopted local plan. There are no reasons to warrant a refusal of planning permission.

9. Variation in order of business.

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minuted.

10. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

- (i) The Panel heard from Strathclyde Police and considered the proposed suspension of the licence currently held by Michael Dunlop.

Decided:

- (A) that under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence currently held by Michael Dunlop be suspended with immediate effect as he was a threat to public safety; and
- (B) that this matter be reconsidered at the Regularly Panel scheduled to be held on Thursday, 27th October 2011.

- (ii) The Panel heard an observation from Strathclyde Police in relation to the application from Christopher Mackie. Mr. Mackie was present but advised the Panel that he had nothing to say.

Councillor Fitzsimmons, seconded by Councillor Grant, moved refusal of the application.

By way of Amendment, Councillor Goldie, seconded by Councillor Douglas, moved approval of the application for one year.

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

Decided: to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (iii) The Panel heard from Serkan Topuz in relation to his application.

Decided: to approve this application for one year, subject to standard conditions as previously agreed.

- (iv) The Panel considered the application from Charles Bell.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (v) The Panel heard an observation from Strathclyde Police in relation to the application from Cheryl McSorley.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

(b) Street Trader.

Michele Mancini for Sale of Ice Cream, etc. at Public Walkway at Skye Square, Ayr Central, Ayr.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

(c) Late Hours Catering.

(i) Arshad Shahnaz for Curry King, 48 Main Road, Whitletts, Ayr, KA8 0LQ.

The Panel heard from the Senior Environmental Health Officer in relation to this application.

Councillor Fitzsimmons, seconded by Councillor Campbell, moved that the application be approved for one year.

By way of Amendment, Councillor Douglas, seconded by Councillor Allan, moved that the application be approved for three years.

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

Decided: to approve this application for one year, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to midnight and every Friday and Saturday from 11.00 p.m. to 1.00 a.m., subject to standard conditions as previously agreed.

(ii) **Diane Hart for Freight Centre Cafe, McNee Road, Prestwick Airport, Prestwick, KA9 2PH.**

The Panel heard from the applicant in relation to this matter.

Decided: to approve this application for three years, the approved hours being every Friday and Saturday from 11.00 p.m. to 3.00 a.m., subject to standard conditions as previously agreed.

(d) **Second Hand Car Dealer.**

Matthew Walmesley-Browne for 16 New Road, Ayr, KA8 8EX.

Decided: to note that, as planning permission had now been granted, this application had been approved under delegated powers.

11. **Late Hours Catering Licence – Application for Variation.**

Razia Akhtar for 64 Sandgate, Ayr.

The Panel heard from the applicant's representative in relation to this matter.

Decided: to approve this application for three years, the approved hours being every Wednesday to Sunday inclusive from 11.00 p.m. to 3.30 a.m., subject to standard conditions as previously agreed and a further condition that stewards would be required on a Friday and Saturday between midnight and close of business.

12. **Civic Government (Scotland) Act 1982 - Licences.**

Houses in Multiple Occupation.

Leonardo Ippolito for 8 Dalblair Road, Ayr, KA7 1LU.

The Panel heard from the Building Standards Manager, Senior Environmental Health Officer, the objector and from the applicant's representative in response.

Decided: to continue consideration of this application to allow a site visit to be undertaken.

13. Exclusion of press and public.

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from item 7, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

14. Civic Government (Scotland) Act 1982 - Licences.

(a) Houses in Multiple Occupation.

John Tupper for 9 Churchill Crescent, Ayr, KA8 0SG.

The Panel heard from Strathclyde Police, two of the objectors and from the applicant's representative in response in relation to this application.

Councillor Grant, seconded by Councillor Galbraith, moved that the application be refused in terms of Paragraph 5(3)(c)(iii) of Schedule 1 of the Civic Government (Scotland) Act 1982 that having regard to the premises for which the licence was sought, they were not suitable or convenient for the conduct of the activity as a House of Multiple Occupation, having regard to the possibility of undue public nuisance.

By way of Amendment, Councillor Allan, seconded by Councillor Douglas, moved approval of the application for one year.

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

Decided: to refuse this application in terms of Paragraph 5(3)(c)(iii) of Schedule 1 of the Civic Government (Scotland) Act 1982 that having regard to the premises for which the licence was sought, they were not suitable or convenient for the conduct of the activity as a House of Multiple Occupation, having regard to the possibility of undue public nuisance and to grant a temporary exemption order in relation to the premises for a period of three months from the date of the Panel in order that the applicant could give notice to his existing tenants.

(b) Street Trader.

Johnny Manning for Sale of Discount Booklets at Ayr Central and Outside the Kyle Centre, Ayr.

Decided: to approve this application from 15th September to 12th October 2011, subject to standard conditions as previously agreed.

Councillor Galbraith left the meeting at the conclusion of the above application.

15. Houses in Multiple Occupation.

There was submitted a joint report (issued) of 17th August 2011 by the Executive Director – Corporate Services and the Executive Director – Children and Community

- (1) advising of legislative changes and necessary alterations to the licence conditions for Houses in Multiple Occupation (HMOs); and
- (2) seeking approval of the transfer of responsibility for administration of applications from the Council's Licensing Service to the Housing Service within the Children and Community Directorate.

Questions were raised by a Member of the Panel in relation to enforcement powers of this authority and the Council's links with Strathclyde Police and the Head of Community Care and Housing responded accordingly.

Decided:

- (a) to note the contents of the report; and
- (b) to agree to vary the conditions of the Council's Houses in Multiple Occupation licence for new and renewal applications considered after 31st August 2011 as detailed in Appendix 1 to the report.

The meeting ended at 3.55 p.m.