

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 30 March 2023 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride and Mary Kilpatrick.

Present

Remotely: Councillor Craig Mackay.

Apologies: Councillors Brian Connolly and Duncan Townson.

Attending

in County

Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; F. Sharp, Supervisory Planner; A. Edgar, Supervisory Planner; D. Lewis, Planner; S. Groves, Planner; G. Senior, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer, and E. Moore, Committee Services Assistant.

Attending

Remotely:

C. Cox, Assistant Director – Housing, Operations and Development;
E. Goldie, Co-ordinator (Place Planning); and R. Lee, 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 meeting.

The minutes of 2 February 2023 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission

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

Variation in Order of Business.

At this point and 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) [22/00609/APP](#) – **MONKTON** – Land adjacent to 11 Main Street – Erection of car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works.

The Panel heard from various interested parties and the applicant.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that, the development hereby approved shall be operated in accordance with the terms of the operating arrangements as set out in the submitted document entitled 'Planning Statement', to the satisfaction of the Council, as planning authority;
- (d) that, prior to the installation of any roof mounted solar panels, a solar glint and glare assessment, along with any appropriate mitigation measures is submitted, for the prior written approval of the Council, as planning authority, in conjunction with Glasgow Prestwick Airport. Thereafter, the development shall be implemented as part the agreed written specification and retained for the lifetime of the development;
- (e) that the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LArTr) where Tr = 1 hour daytime and 30 minutes night-time (Measured as per BS 4142;1997). For the avoidance of doubt BS4142;1997 defines the rating level (LAr Tr) as being the specific noise level LAeq, Tr plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;

- (f) 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;
- (g) 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 5.5 metres wide over the initial 5 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development;
- (h) 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;
- (i) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (j) that, prior to the operation of the development, a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority. Thereafter, the development shall be implemented as per the agreed specification;
- (k) the applicant/ developer shall, prior to the movement of any servicing traffic to or from the site, submit a Service Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the servicing of the development including site deliveries specifically that of the transport of vehicles. Thereafter, the development shall be implemented as per the agreed specification;
- (l) that, prior to the commencement of development, details of connection arrangements of the development to mains water and waste supplies shall be submitted for the written approval of the Council, as planning authority;
- (m) that, the pitched roof of the building fronting onto Main Street shall be finished in natural slate only, to the satisfaction of the Council, as planning authority; and
- (n) that notwithstanding the approved plans and before development hereby permitted commences, details of the location, siting and design of bicycle parking shall be submitted to and approved in writing by the Planning Authority. Thereafter the bicycle parking shall be installed as approved under the terms of this condition and before the development is brought into use.

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 clarify the terms of this permission;
- (d) in the interests of amenity and air traffic safety;
- (e) in order to prevent noise nuisance;
- (f) to encourage sustainable means of travel;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety and to avoid the discharge of water onto the public road;
- (j) in the interest of road safety;
- (k) in the interest of road safety;
- (l) to ensure the development is adequately serviced;
- (m) in the interests of visual amenity; and
- (n) to ensure satisfactory provision of bicycle parking within the site.

Advisory Notes:

The premises require to fully comply with the Health and Safety at Work etc Act 1974.

List of Determined Plans:

Drawing - Reference No (or Description): 001;
Drawing - Reference No (or Description): 002;
Drawing - Reference No (or Description): 003;
Drawing - Reference No (or Description): 004;
Drawing - Reference No (or Description): 005;
Drawing - Reference No (or Description): 006;
Drawing - Reference No (or Description): 007;
Drawing - Reference No (or Description): 008; and
Drawing - Reference No (or Description): 009.

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.

- (2) [22/00929/FURM](#) – AYR – Crofthead Caravan Park, C74 from B742 north-east of Bowmanston to A70 at Old Toll – Section 42 application to remove planning conditions 1,2,3,4,6,8,9,10 and 11 of planning consent 15/01231/APPM.

The Panel heard from the Appointed Officer and a number of questions were then raised by Members. The Panel then adjourned to allow a Member of the Panel to seek advice regarding the planning enforcement process and relevance of this to the current application with the Service Lead – Legal and Licensing. Upon reconvening, and after further consideration, the Panel

Decided:

- (a) that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel; and
- (b) that representatives from the Ayrshire Roads Alliance be invited to attend to assist Members in their deliberations.

Councillor Clark left the meeting at this point.

- (3) [22/00483/APPM](#) – AYR – Crofthead Caravan Park - C74 from B742 north-east of Bowmanston to A70 at Old Toll – Change use of field to form extension to an existing holiday park to site an additional 150 holiday lodges.

The Panel, having heard from various interested parties and the applicant and his agent

Decided:

- (a) that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel; and
- (b) that representatives from the Ayrshire Roads Alliance, South Ayrshire Council's Environmental Health Service and the Scottish Environment Protection Agency be invited to attend to assist Members in their deliberations.

Councillor Mackay left the meeting during consideration of the above application.

- (4) [22/00303/APP](#) – MAYBOLE – Proposed Meteorological Mast U27 from B741 junction at Cloyntie to U66 junction at South Balloch – Erection of an 80 metre meteorological mast.

The Panel

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

- (a) 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;

- (b) that the approval for the proposed use is limited to 3 years from the date of this decision notice. At the end of the approved 3 year period, the use of the mast shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted 2 months before the end of the temporary 3 year period;
- (c) that the mast shall be fitted with 25 candela omni directional red lighting or infra red lighting at the highest practicable point;
- (d) that ground clearance shall be carried out outwith the bird breeding season. If this is not possible, a survey for ground nesting birds shall be carried out and the results submitted for the inspection and approval of the planning authority before any work for the construction of the mast hereby approved commences on site;
- (e) that bird deflector disks shall be installed on all of the guy wires at 2.5m intervals, prior to raising the mast. These disks shall thereafter be maintained for the lifetime of the mast. The deflectors shall be on the outside wire, the 3rd wire and the 5th wire. Prior to the commencement of each bird breeding season (mid April), the mast shall be checked over to confirm that the bird deflectors are in place, and any missing deflectors replaced as necessary; and
- (f) prior to the commencement of development, the applicant/developer shall notify UK DVOF and Powerlines at the Defence Geographic Centre of the following information:-
 - (i) precise location of the development;
 - (ii) the date of commencement of construction;
 - (iii) the intended date of completion of construction;
 - (iv) the height above ground level of the tallest structure;
 - (v) the maximum extension height of any construction equipment; and
 - (vi) details of aviation warning lighting to be fitted to the structure(s).

The Ministry of Defence contact details are as follows: D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH (icgdgc-prodaisafdb@mod.uk).

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient. In the interests of visual amenity;
- (c) in the interests of air safety;
- (d) to minimise adverse ecological impacts;
- (e) in the interests of reducing bird strike; and
- (f) to ensure that the Ministry of Defence is aware of the details of the development, in the interests of aviation safety.

Advisory Notes:

The MOD emphasise that the advice provided in their consultation response is in response to the data and/or information detailed in the application. Any variation of the parameters (which include the location, dimensions, form and finishing materials) detailed may alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded assets or capabilities. In the event that any amendment whether considered material or not by the determining planning authority is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

List of Determined Plans:

Drawing - Reference No (or Description): Figure 2 Site Layout Plan;
Drawing - Reference No (or Description): Figure 3 Mast Profile View;
Drawing - Reference No (or Description): Figure 4 Mast Plan View;
Drawing - Reference No (or Description): Figure 1 Site Location Plan; and
Other - Reference No (or Description): Design _ Access Statement.

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 the landscape, 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.

- (5) **23/00041/APP** – AYR – King George V Playing Fields, Mosside Road– Part change of use of playing field to form additional parking and turning area associated with changing pavilion.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that prior to the commencement of development, full details of the materials to be used to form the parking area shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved; and

- (d) that notwithstanding the approved plans and before development hereby permitted commences, details of the location, siting and design of bicycle parking shall be submitted to and approved in writing by the Planning Authority. Thereafter the bicycle parking shall be installed as approved under the terms of this condition and before the development is brought into use.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure that the materials are appropriate for the site and in the interests of visual amenity; and
- (d) to ensure satisfactory provision of bicycle parking within the site.

List of Determined Plans:

Drawing - Reference No (or Description): 001 Rev. A – Location Plan as Existing;
Drawing - Reference No (or Description): 002 Rev. A – Block Plan as Existing; and
Drawing - Reference No (or Description): 003 – Block Plan as Propose.

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 or the road network.

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

- (6) [23/00056/APP](#) – AYR – Doonfoot Primary School, 28 Abbots Way – Alterations and extensions to existing school.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority; and
- (c) that tree protection fencing shall be installed in accordance with British Standard (BS) 5837:2012 prior to the commencement of operations. This fenced area will not be used for storage of materials, fuels, machinery or plant and shall stay in place until the development is completed to the satisfaction of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) in order to protect the mature trees and prevent any damage to the tree roots during the construction period

Advisory Notes:

SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk

In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

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).

Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>.

List of Determined Plans:

Drawing - Reference No (or Description): AL-001;
Drawing - Reference No (or Description): EX001;
Drawing - Reference No (or Description): EX002;
Drawing - Reference No (or Description): EX003;
Drawing - Reference No (or Description): EX004;
Drawing - Reference No (or Description): P001;
Drawing - Reference No (or Description): P002;
Drawing - Reference No (or Description): P003;
Other - Reference No (or Description): G23217; and
Other - Reference No (or Description): G23217

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.

- (7) [23/00079/APP](#) – COYLTON – Longsdale – Barclaugh – Private road from C116 Woodhead Road to Milncraig Farm – Erection of garden shed.

The Panel

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

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019; and
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): East Elevation as Proposed;
Drawing - Reference No (or Description): North Elevation as Proposed;
Drawing - Reference No (or Description): Roof Plan as Existing and Proposed;
Drawing - Reference No (or Description): Site Plan as Existing;
Drawing - Reference No (or Description): Site Plan as Proposed;
Drawing - Reference No (or Description): West Elevation as Proposed; and
Drawing - Reference No (or Description): Location Plan.

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.

(8) **23/00082/APP and 23/00081/ADV – AYR – 100 – 104 Sandgate**

23/00082/APP: Part change of use of public footpath to form external seating area, alterations to existing shopfront and installation of barriers. **23/00081/ADV:** Erection of signage.

The Panel

Decided:

- to approve the planning application (23/00082/APP) subject to the following conditions:-
 - (a) that the development hereby permitted must be begun within three years of the date of this permission;
 - (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
 - (c) that the area in which tables, etc. shall be physically delineated by a removable barrier. All tables, barriers, etc. shall be removed from the pedestrian area when they are not in use. There shall be no permanent structure within the enclosed seating area, and service shall be from within the building; to the satisfaction of the Planning Authority; and
 - (d) that notwithstanding plan no.22_181_56, planning permission is not granted for the door barrier. Revised plans for a door barrier shall be submitted for the approval in writing of the planning authority within one calendar month of the decision notice. The revised plans shall include a door barrier that is designed to take account of visually impaired individuals. Thereafter, the revised barrier shall be installed in accordance with the details approved under the terms of this condition and within one calendar month of the revised plan(s) being approved.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety and to ensure that adequate provision is made for pedestrians; and
- (d) to ensure that the barrier is designed and installed to take account of visually impaired individuals.

Advisory Notes:

Prior to commencement of the development, the applicant will have to apply for and be granted a street café permit by the Ayrshire Roads Alliance.

- to approve the advertisement consent (23/00081/ADV) subject to the condition that the display of advertisement shall be implemented in accordance with approved plan(s) as listed below.

Reason:

to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Planning Application;

Drawing - Reference No (or Description): 22.181.01;
Drawing - Reference No (or Description): 22_181_53;
Drawing - Reference No (or Description): 22_181_54;
Drawing - Reference No (or Description): 22_181_55;
Drawing - Reference No (or Description): 22_181_56;
Drawing - Reference No (or Description): 22_181_57; and
Drawing - Reference No (or Description): 22_181_58.

Advertisement Consent;

Drawing - Reference No (or Description): 22.181.01;
Drawing - Reference No (or Description): 22_181_55; and
Drawing - Reference No (or Description): 22_181_58

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.

The advertisement is considered to be acceptable in terms of road safety and amenity.

The meeting ended at 1.00 p.m.