

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 28th June 2011 at 2.00 p.m.

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

Attending: W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader (in attendance for item 1 only); A. Cooke, Supervisory Planner (in attendance for item 2 only); and A. Gibson, Committee Administrative Officer.

Also

Attending: For item 2 only - K. Aitken, Transport Scotland and C. Gardner, G.L. Hearn (on behalf of the applicant),

Councillors Allan, Douglas and Galbraith did not participate in the following Review as they had not been present either when this Review was previously considered or at the accompanied site visit.

1. Continued Review Case– Alterations and change of use of existing store and sub-division of existing dwellingflat to form a two storey dwellinghouse at 5 Dalrymple Street, Girvan (Ref: 10/01787/APP).

Reference was made to the Minutes of 24th May 2011 (Page 345, paragraph 2) when it had been agreed that the Body undertake an accompanied site visit on 14th June 2011 to 5 Dalrymple Street, Girvan in relation to a request to review the decision to refuse an application for alterations and change of use of existing store and sub-division of existing dwellingflat to form a two storey dwellinghouse.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body again considered the papers relating to the Review, with particular emphasis on the grounds on which the application had been refused.

Decided:- to uphold the decision to refuse the application.

At this point, Councillors Allan, Douglas and Galbraith rejoined the meeting. Councillor Goldie did not participate in the following Review as she had not been present when this Review had previously been considered.

2. Continued Review Case – Further application for the removal of Conditions 3 and 4 of Planning Permission: Coodham Estate A77T Council Boundary – B730 Junction, Symington (Ref: 09/01177/FUR).

Reference was made to the Minutes of 10th May 2011 (Page 309, paragraph 1) when it had been agreed to continue consideration of the Review relating to the decision to refuse an application for the removal of conditions 3 and 4, namely:-

- that the construction of no more than 9 houses shall commence until a scheme for the closure of the central reserve gaps of the A77 trunk road between Spittalhill and Symington has been implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland. Prior to the commencement of works pertaining to this permission, the applicant shall agree in writing with the Planning Authority those houses that will be constructed prior to the completion of the specified works to the A77; and
- that none of the 12 dwellinghouses hereby approved shall be occupied until a scheme for the closure of the central reserve gaps of the A77 trunk road between Spittalhill and Symington has been implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland,

in respect of planning permission (Ref. 08/01385/FUL) granted for the erection of a residential development at Coodham Estate, Symington, to allow a representative from Transport Scotland to be present at this Body to be heard in relation to the following issues:-

- (1) the apparent inconsistency of Transport Scotland's position concerning the application for residential development at Coodham in relation to applications for residential and other developments within the area, all of which would access the A77 within the vicinity of the Bogend Toll junction eg Townend Terrace, Symington;
- (2) an explanation for the delay in implementing the closure of the central reserves on the A77 in the vicinity of Symington given the views of Transport Scotland that that section of the A77 was considered to have a high accident record. Estimation of the timescale for closure of the central reserves on that section of the A77;
- (3) clarification of the accident statistics for that section of the A77 between Spittalhill and Bogend Toll and Bogend Toll and Dutch House Roundabout for the periods prior to and succeeding the installation of the Bogend Toll safety measures comprising the SPECS enforcement cameras and the 50 mph speed limit; and
- (4) would Transport Scotland have arrived at the same decision had the now installed Bogend Toll safety measures referred to in (3) above been in place?

Having heard a representative from Transport Scotland, a representative for the applicant, the Legal Adviser to the Body and the Planning Adviser to the Body and following questions from the Body to both representatives, the Body again considered the papers relating to the Review with particular emphasis on the grounds on which the removal of conditions 3 and 4 had been refused.

Councillor Campbell, seconded by Councillor Fitzsimmons moved that the decision to refuse the application be upheld.

By way of an Amendment, Councillor Douglas, seconded by Councillor Allan moved that conditions 3 and 4 be removed from the previously approved planning application for the following reasons:-

- (a) that the proposed development of 12 houses would not significantly add to the type and volume of traffic on the A77 and would therefore be in compliance with policy STRAT 5 of the South Ayrshire Local Plan;
- (b) that improvements to the A77 had already been undertaken through the introduction of the SPECS average speed cameras and the reduction of the speed limit on this section of the A77 and consequently, the proposed development of 12 houses would not conflict with policy TRANS3 of the Ayrshire Joint Structure Plan;
- (c) that as the proposal was for a maximum of 12 houses, it was not of a scale sufficiently significant to affect the performance or safety of the strategic transport network, particularly taking into account the introduction of the SPECS average speed cameras and the reduction of the speed limit on the relevant section of the A77 trunk road and consequently the proposed development of 12 houses would not conflict with Scottish Planning Policy; and
- (d) that for the reasons outlined in paragraphs (a) and (b) above the proposed development would not be detrimental to road safety and that there were no material considerations that would outweigh their consideration that the proposal was in compliance with the South Ayrshire Local Plan, the Ayrshire Joint Structure Plan and Scottish Planning Policy.

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

Decided: to grant planning permission for the removal of conditions 3 and 4 of the previously approved planning application (Ref: 08/01385/FUL) subject to referral of the application to Scottish Ministers because Transport Scotland had advised against the grant of planning permission in this case.

The meeting ended at 3.40 p.m.