

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 13th December 2016 at 2.00 p.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, William J. Grant and Hugh Hunter.

Apology: Councillor Sandra Goldie.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Planning Co-Ordinator (Priority Projects) (Planning Advisor - in attendance for items 3 and 4); N. Feggans, Planning Co-ordinator (Planning Advisor - in attendance for item 5); S. Smith, Administrative Assistant; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

There were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meeting.

The minutes of 22nd November 2016 were submitted and approved ([issued](#)).

3. New Case for Review – Planning Permission in Principle for the Erection of Two Dwellinghouses at West Lodge Corraith, U98 from Junction with B746 to Main Street, Symington.

There were submitted the relevant papers ([issued](#)) relating to an request to review the decision to refuse an application for planning permission in principle for the erection of two dwellinghouses at West Lodge Corraith, U98 from junction with B746 to Main Street, Symington.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

The time being 2.15 p.m. and having heard the fire alarm, the Body adjourned. The Body resumed at 2.30 p.m.

Councillor Hunter, seconded by Councillor Douglas, moved that the decision of the appointed officer be overturned and planning permission in principle granted subject to appropriate conditions.

By way of an Amendment, Councillor Convery, seconded by Councillor Campbell, moved that the decision of the appointed officer to refuse the application be upheld.

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

Decided: to overturn the decision of the planning officer and planning permission be granted subject to the following conditions:-

- (1) that at the Approval of Matters Specified in Conditions stage full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission;
- (2) that at the Approval of Matters Specified in Conditions stage details shall be submitted of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (3) that the dwellings shall not exceed one and a half storeys in height;
- (4) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground in accordance with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas;
- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the proposed access, surfacing arrangements, visibility splays and parking and turning arrangements for the proposed houses, which shall be to the satisfaction of the Ayrshire Roads Alliance. This shall include; 1. the widening of the existing access to a minimum of 5.5 metres for a distance of 10.0 metres, and which shall be surfaced for at least 10.0 metres, as measured from the rear of the public road carriageway, in accordance with the Council's Roads Development Guide, and, 2. the provision of inter-visible passing places with details of their construction, layout and siting, in accordance with the Roads Development Guide, on the private access;
- (6) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the Council's supplementary guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing;
- (7) that at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;

- (8) that at the Approval of Matters Specified in Conditions stage, an accurate survey and tree protection plan shall be submitted, in accordance with the current British standards. The survey shall be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site, including those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations;
- (9) that at the Approval of Matters Specified in Conditions stage details shall be submitted of compensatory tree replanting at a ratio of 2:1 for the consideration and approval of the Planning Authority. The replanting shall include details of species, sizes, numbers and location of the replacement planting; and
- (10) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2012 Trees in relation to Construction, to the satisfaction of 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) in the interest of visual amenity;
- (3) to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (4) to comply with the Council's supplementary planning policy guidance in relation to open space, and to ensure that the extent of land to be used as garden ground is commensurate with the locality;
- (5) in the interest of road safety;
- (6) in order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (7) in order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (8) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (9) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (10) in order to ensure that no damage is caused to the existing trees.

Advisory Notes

- In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), application(s) for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- The Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 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.
- 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.
- The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.
- Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk

List of Approved Plans:

Drawing - Reference No (or Description): AP(0)002;
 Drawing - Reference No (or Description): AP(0)001;
 Drawing - Reference No (or Description): AP(0)003;
 Drawing - Reference No (or Description): AP(0)004;
 Drawing - Reference No (or Description): AP(0)005;
 Drawing - Reference No (or Description): AP(0)006;
 Drawing - Reference No (or Description): AP(0)007;
 Drawing - Reference No (or Description): AP(0)008;
 Drawing - Reference No (or Description): AP(0)009;
 Drawing - Reference No (or Description): AP(0)010;
 Drawing - Reference No (or Description): AP(0)011;
 Drawing - Reference No (or Description): AP(0)012;
 Drawing - Reference No (or Description): AP(0)013;
 Drawing - Reference No (or Description): AP(0)014;
 Drawing - Reference No (or Description): AP(0)015;
 Drawing - Reference No (or Description): AP(0)016;
 Drawing - Reference No (or Description): AP(0)017;
 Drawing - Reference No (or Description): AP(0)018;
 Drawing - Reference No (or Description): AP(0)019;
 Drawing - Reference No (or Description): AP(0)020;

4. **New Case for Review - Planning Permission in Principle for Erection of Residential Development at Former Adamton Cottages, C106 Junction of B739-C138 Junction South Of Langlands, north-east of Prestwick, Monkton.**

There were submitted the relevant papers ([issued](#)) relating to an request to review the decision to refuse an application for planning permission in principle for the erection of a residential development at former Adamton Cottages, C106 junction of B739-C138 junction south of Langlands, north-east of Prestwick, Monkton.

Decided: to agree

- (1) that a Procedure Note be issued to the Appointed Officer to further request any representation, site photographs and draft conditions;
- (2) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (3) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

5. **New Case for Review – Erection of Play Equipment at 2 Harperland, C128 Damdyke Bridge at A759-B730 at Ploughland, Dundonald.**

There were submitted the relevant papers ([issued](#)) relating to an application that had been granted planning permission with conditions imposed, for the erection of play equipment at 2 Harperland, C128 Damdyke Bridge at A759-B730 at Ploughland, Dundonald.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Decided: to uphold the appointed officer's decision to approve the application with the conditions imposed.

The meeting finished at 3.00 p.m.