

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 2nd November 2016 at 2.00 p.m.

Present: Councillors Peter Convery (Chair), Ian Douglas, Ann Galbraith, Sandra Goldie and William J. Grant.

Apologies: Councillors Andy Campbell, Ian Cavana and Hugh Hunter.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Priority Projects Co-Ordinator (Acting) (Planning Adviser); S. Smith, Administrative Assistant; and D. Moore, Committee Services Assistant.

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 4th October 2016 were submitted and approved ([issued](#)).

3. Continuation of Review following an accompanied site visit – Erection of Dwellinghouse and Detached Garage at Harpercroft Farm, C32 Dundonald B730, Dundonald Road, Loans. (Ref: 16/00357/APP).

Reference was made to the Minutes of 24th August 2016 (Page 4, paragraph 2) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body, which had been held on 31st October 2016.

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.

Councillor Galbraith, seconded by Councillor Douglas, moved that the decision of the Appointed Officer be overturned.

By way of Amendment, Councillor Grant moved that the decision by the Appointed Officer be upheld, but failed to find a seconder. His Amendment accordingly fell.

Decided: following consideration, to overturn the decision of the Appointed Officer and grant planning permission, subject to the following conditions:-

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a

variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;

- (2) That prior to the commencement of development, samples or a brochure 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 off road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 3) within the existing site boundaries prior to completion of the dwellinghouse(s).

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) In the interest of visual amenity and to accord with the Council's Supplementary Planning Guidance;
- (3) In the interest of road safety and to ensure adequate off-street parking provision.

Reason for Decision:

The siting and design of the development hereby approved is considered to be acceptable as there is considered to be no significant adverse impact on the amenity of neighbouring land and buildings.

List of Approved Plans:

- Drawing - Reference No (or Description): Refused 674/01
- Drawing - Reference No (or Description): Refused 674/02
- Drawing - Reference No (or Description): Refused 674/03
- Drawing - Reference No (or Description): Refused 674/04
- Drawing - Reference No (or Description): Refused 674/05
- Drawing - Reference No (or Description): Refused 674/06
- Drawing - Reference No (or Description): Refused 674/07
- Drawing - Reference No (or Description): Refused 674/08
- Drawing - Reference No (or Description): Refused 674/09
- Drawing - Reference No (or Description): Refused 674/10

Councillor Convery had not been present when the Review relating to item 4 below had previously been considered and subsequently Councillor Goldie took the Chair at this point.

4. Continuation of Review following an accompanied site visit – Erection of 4 Dwellinghouses with vehicular Access at 12 Monktonhill Road, Troon (Ref: 15/01473/APP).

Reference was made to the Minutes of 24th August 2016 (Page 2, paragraph 3) when it had been agreed that the Review be continued to a further meeting of this Body.

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.

Councillor Galbraith, seconded by Councillor Douglas, moved that the decision of the Appointed Officer be overturned.

Decided: to overturn the decision of the appointed officer and to grant the application subject to the following conditions:-

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- (2) 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.
- (3) That the detailed arrangements for complying with the Council's Supplementary planning guidelines; 'New Housing Developments and Affordable Housing: A Guide to Developers' shall be submitted for the prior written approval of the planning authority (in consultation with the Council's Housing Service) before any works start on site. For the avoidance of doubt this will involve the payment of a commuted sum.
- (4) That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order revoking and re-enacting the Order) all development falling within Classes 1 and 3 (covering the enlargement of a dwellinghouse and other development within the curtilage of a dwellinghouse) shall be the subject of a formal application for planning permission. This provision applies to the proposed new dwellinghouse and the donor property.
- (5) 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.
- (6) That, prior to the commencement of works on site, details shall be submitted for the written approval of the Planning Authority of a scheme of planting scheme along Monktonhill Road, and any other planting areas within the site. This shall include; the species, size and location. Thereafter, the replanting shall be carried out within 6

months of the date of this permission, or the first available planting season following the completion or occupation of the development, whichever is the sooner.

- (7) That before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- (8) That prior to the commencement of development, samples or a brochure 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.
- (9) Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007.
- (10) That the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 10 metres, as measured from the rear of the public footway prior to occupation.
- (11) That the first 4 metres of the access road from its junction with Monktonhill Road shall be resurfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation. A detailed specification shall be submitted for the prior written approval of the Planning Authority prior to work commencing on-site.
- (12) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.
- (13) That 3 no. off road parking spaces shall be provided within the site boundary of each proposed dwellinghouse in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development.
- (14) That before the houses are occupied, a turning area shall be provided within each curtilage in order that vehicles can enter and leave the site in a forward gear. A detailed plan showing the design and specification to a scale not less than 1:500 shall be submitted for the prior written approval of the Planning Authority before any work commences.
- (15) That prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway.
- (16) That a lockable and covered cycle stand shall be provided within each of the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.
- (17) That details of the proposed boundary treatment around the curtilage of the proposed dwellinghouses shall be submitted for the written approval of the Planning Authority, prior to the commencement of works on site.

Reasons:

- (1) To be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interests of the proper planning of the area and to ensure that the proposed development is in compliance with the Council's policy on affordable housing and the Council's Supplementary planning guidelines; 'New Housing Developments and Affordable Housing: A Guide to Developers'.
- (4) To ensure that any further development at this site is assessed as part of a further planning permission in the interests of amenity.
- (5) In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.
- (6) In the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.
- (7) In order to ensure that no damage is caused to the existing trees during development operations.
- (8) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (9) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (10) In the interest of road safety and to ensure an acceptable standard of construction.
- (11) In the interest of road safety and to ensure an acceptable standard of construction.
- (12) In the interest of road safety and avoid the discharge of water on to the public road.
- (13) In the interest of road safety and to ensure adequate off-street parking provision.
- (14) To reasonably avert the reversing of vehicles onto the main road and in the interests of road safety.
- (15) In the interest of road safety.
- (16) To ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (17) In the interest of visual amenity;

Advisory Notes:

- (1) 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.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) The Council as Roads Authority advises that all costs incurred with crossing existing verge to be borne by the applicant / developer and carried out to SAC specification.
- (4) The Council as Roads Authority advises that the Council will not adopt the road on its completion.
- (5) 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.
- (6) That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- (7) 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): 1521-SL001
- Drawing - Reference No (or Description): 1521-SL002
- Drawing - Reference No (or Description): 1521-SL003
- Drawing - Reference No (or Description): 1521-P001-A REV.C
- Drawing - Reference No (or Description): 1521-P002-A REV.A
- Drawing - Reference No (or Description): 1521-P003-A REV.A
- Drawing - Reference No (or Description): 1521-P004-B REV.C
- Drawing - Reference No (or Description): 1521-P005-B REV.A
- Drawing - Reference No (or Description): 1521-P006-B REV.A

At this point, Councillor Convery took the Chair.

5. Continuation of Review following an accompanied site visit – Erection of Building for use as Beauty Salon at 85 Lochlea Drive, Ayr (Ref: 16/00168/APP)

Reference was made to the Minutes of 24th August 2016 (Page 4, paragraph 6) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body which had been held on 31st October 2016.

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.

Councillor Goldie, seconded by Councillor Douglas, moved that the decision of the Appointed Officer be overturned.

Decided: to overturn the decision of the appointed officer and to grant the application subject to the following conditions:-

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That this planning permission shall enure for the benefit of the applicant, namely Mrs Nicola Dunlop only and no other person shall work in the beauty salon at the property.
- (3) That the beauty salon shall be operated only within the building to be erected as shown in the approved plans and in no part of the dwellinghouse.
- (4) That the beauty salon shall only operate two days per week. The days and hours of operation shall be agreed in writing with the Planning Authority prior to the commencement of works on site.
- (5) That off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan.
- (6) That the existing access shall be widened to a minimum of 5.5 metres in width for a distance of 5 metres and be surfaced for a distance of at least 2 metres in a bituminous material, as measured from the rear of the public road footway, in accordance with the Council's Roads Development Guide prior to the commencement of the use as a beauty salon.
- (7) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) The development is considered to be acceptable on the basis of a personal permission and to limit any expansion of the business.
- (3) To limit any expansion of the business.
- (4) To limit any expansion of the business and in terms of residential amenity.

- (5) In the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking.
- (6) In the interest of road safety and to ensure an acceptable standard of construction.
- (7) In the interest of road safety and to avoid the discharge of water onto the public road.

Advisory Notes:

- (1) 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.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) The Council as Roads Authority advises that any alterations to the existing footway crossing require to comply with the specification issued by this Department.
- (4) That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- (5) 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.
- (6) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

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.

List of Approved Plans:

Drawing - Reference No (or Description): Refused PL-01

Drawing - Reference No (or Description): Refused PL-02

The meeting ended at 3.20 p.m.