

## **SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely on 8 December 2020 at 2.00 p.m.

Present: Councillor Brian Connolly (Chair).

Present

Remotely: Councillors Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Craig Mackay, Mary Kilpatrick and Margaret Toner.

Attending: D. Mulgrew, Committee Services Assistant.

Attending

Remotely: L. McChristie, Solicitor (Legal Adviser) and A. Cooke, Co-ordinator (Planning).

### **1. Opening Remarks.**

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

### **2. 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.

### **3. New Case for Review – Planning Permission in Principle for erection of agricultural shed and dwellinghouse at Burnbank Farm, B742 From Council Boundary To A70 Junction At Hillhead, Coynton, South Ayrshire, KA6 6BA (20/00139/PPP).**

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for Planning Permission in Principle for erection of agricultural shed and dwellinghouse at Burnbank Farm, B742 From Council Boundary To A70 Junction At Hillhead, Coynton, South Ayrshire, KA6 6BA (20/00139/PPP).

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.

Councillor A Campbell, seconded by Councillor Cavana, moved that the decision of the Appointed Officer to refuse the application be upheld. By way of an amendment, Councillor Clark, seconded by Councillor Toner, moved that the application be overturned.

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

**Decided:** to overturn the decision of the Appointed Officer and to grant planning permission subject to the following conditions;

- (1) That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within 6 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;
- (2) that at the Approval of Matters Specified in Conditions stage full details of the proposed development comprising the dwellinghouse and shed, 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;
- (3) 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;
- (4) that the dwelling shall not exceed one and a half storeys in height with the wall-head not extending above ground level ceiling level;
- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground for the new dwelling which shall be 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;
- (6) that at the Approval of Matters Specified in Conditions stage details shall be submitted of; the proposed new access arrangements which shall meet with the specification of the Roads Development Guide and be surfaced for a minimum of 5 metres, as measured from the rear of the public footway, the surfacing arrangements, and visibility splays of 2.4 metres by 215 metres in both directions, and parking and turning arrangements for the proposed house, which shall be to the satisfaction of the Ayrshire Roads Alliance;
- (7) 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;
- (8) 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;
- (9) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed septic tank which shall be constructed and installed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended);
- (10) that no work shall commence on the proposed house hereby approved before completion of an authorised agricultural shed on this application site.

### **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 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;
- (3) in the interest of visual amenity;
- (4) to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (5) 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;
- (6) in the interest of road safety;
- (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 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;
- (9) to ensure the development can be adequately serviced; and
- (10) in the interests of the proper planning of the area. To ensure compliance with Rural Housing Policy as the planning justification for the proposed house is on the basis of its association with the required agricultural shed.

### **Advisory Notes:**

- 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.
- 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](http://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.
- 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 coordinated 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.
- 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.

**Reason for Decision:**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

**List of Approved Plans:**

Drawing - Reference No (or Description): 0681-PPP-001.

The meeting ended at 2.50 p.m.