

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 22 June 2021 at 2.00 p.m.

Present

Remotely: Councillors Brian Connolly (Chair), Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Craig Mackay and Margaret Toner.

Attending

Remotely: L. McPartlin, Solicitor (Legal Adviser), A. Cooke, Co-ordinator (Planning) and D. Mulgrew, Committee Services Assistant.

Apology: Councillor Mary Kilpatrick.

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. Minutes of previous meetings.

The minutes of [30 March 2021](#), [11 May 2021](#) and [1 June 2021](#) (issued) were submitted and approved.

Councillor Iain Campbell did not participate in consideration of the following Review as he was not a member of the panel at the Local Review Body meeting of 22 October 2020 when this Review had been considered and subsequent site visit.

4. Continuation of Review - Erection of residential development at Proposed Housing Development, Ayr Road, Fisherton, South Ayrshire (19/01127/APP).

Reference was made to the Minutes of [22 October 2020 \(Page 3, paragraph 4\)](#) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area and to allow a Procedure Notice to be issued to the Applicant to provide information on the amenity space and private garden ground in relation to each Affordable Housing Unit. The Local Review Body request a breakdown of the private garden ground for the Affordable Housing flats – numbers 23, 24, 25 and 26. Also that a Procedure Notice be issued to the Appointed Officer to explain the nature and extent of the deficiency of the garden ground in relation to each Housing Unit as a further explanation is required to their statement "...a considerable number of plots do not adhere to Planning Guidance...by virtue of variously deficient garden ground areas and deficient private garden depth" where it appears on page 5 of the Report Of Handling and to provide their calculations for each Housing Unit's private garden ground.

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.

Decided: to uphold the decision made by the Appointed Officer to refuse planning permission.

Councillor Iain Campbell re-joined the meeting at this point.

5. Continuation of Review - Planning permission in principle for the erection of 3 dwellinghouses at Proposed Residential Dwellings C29 From Dailly Road, Maybole, South Via Ruglen And Wallacetown To B741 Junction North of Dailly South From Maybole, Maybole, South Ayrshire (20/00339/PPP).

Reference was made to the Minutes of [17 November 2020 \(Page 1, paragraph 3\)](#) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area and to allow a Procedure Notice to be issued to the Appointed Officer to provide information on the details of how he has calculated the housing cluster, including confirmation of whether he has included the building with scaffolding (shown in the photograph) as one of the houses in the cluster; and also to provide information on the extent to which uninhabitable buildings and those under construction/reconstruction are included in assessing the number of houses in a cluster.

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.

Councillor Clark, seconded by Councillor Fitzsimmons, moved that the Appointed Officers decision be overturned.

By way of an Amendment, Councillor Andy Campbell moved that the decision by the appointed officer to refuse the application be upheld but failed to find a seconder. The Amendment accordingly fell.

Decided: Councillor A Campbell dissenting, to overturn the decision made by 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 dwellinghouses, 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 dwellings 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 dwellings 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 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 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 carriageway and be formed with 6 metre radius curves prior to occupation of the first dwellinghouse;
- (9) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public carriageway prior to occupation of the first house. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (10) 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;
- (11) that junction access visibility sightline splays of 2.4 metres by 215 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (12) that off road parking spaces shall be provided within each site boundary in accordance with the Council's Roads Development Guide prior to occupation. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (13) that parking bays shall be a minimum 5.5 metres x 3.0 metres;
- (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; and
- (15) that bin collection points shall be located a maximum of 15 metres from the public carriageway before occupation of the first dwellinghouse. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on 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 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 interest of road safety and to ensure an acceptable standard of construction;
- (9) in the interest of road safety and to ensure an acceptable standard of construction;
- (10) in the interest of road safety and avoid the discharge of water on to the public road;
- (11) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (12) in the interest of road safety and to ensure adequate off-street parking provision;
- (13) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (14) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety; and
- (15) in the interest of road safety.

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 '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 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.
- 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): 0698-PP-01

Drawing - Reference No (or Description): 0698-PP-02

6. **New Case for Review – Alterations to boundary wall and formation vehicular access at 144 Welbeck Crescent, Troon, South Ayrshire, KA10 6AW (20/00491/APP).**

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for alterations to boundary wall and formation vehicular access at 144 Welbeck Crescent, Troon, South Ayrshire, KA10 6AW (20/00491/APP).

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 decision made by the Appointed Officer to refuse planning permission.

The meeting ended at 3.15 p.m.