

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of a special meeting in County Buildings, Wellington Square, Ayr and remote
on 28 April 2021 at 11.00 a.m.

Present Councillors Helen Moonie (Provost), Laura Brennan-Whitefield, Siobhian Brown,
Remotely: Andy Campbell, Douglas Campbell, Iain Campbell, Ian Cavana, Alec Clark,
Ian Cochrane, Brian Connolly, Peter Convery, Chris Cullen, Ian Davis,
Julie Dettbarn, Martin Dowey, Ian Fitzsimmons, William Grant, Peter Henderson,
Hugh Hunter, Mary Kilpatrick, Lee Lyons, Craig Mackay, Derek McCabe,
Brian McGinley, Bob Pollock, Philip Saxton, Arthur Spurling and Margaret Toner

Attending E. Howat, Chief Executive; D. Gillies, Director – Place; and C. Caves, Head of
Remotely: Legal, HR and Regulatory Services.

Attending in K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead - Planning
Dundonald and Building Standards; N. Feggans, Co-ordinator (Planning); A. McGibbon,
Room: Supervisory Planner; and D. Mulgrew, Committee Services Assistant.

Attending in J. McClure, Committee Services Lead Officer; and A. Gibson, Committee
Troon Room: Services Officer.

1. Provost.

The Provost

- (1) welcomed everyone to this special meeting;
- (2) advised that she had received no apologies; and
- (2) outlined the procedures for conducting this meeting, including that all votes would be undertaken by means of a roll call where all members were not in agreement with the terms of the motions before the meeting.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Declarations of Interest.

Having called the roll, the Head of Legal, HR and Regulatory Services confirmed that, for the remaining items of business on the agenda, there were no further declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

4. **Application for Planning Permission for Erection of a Residential Development, Formation of Access, Access Tracks, Landscaping and Associated Infrastructure to the North of Symington Road South, Symington (Ref: 19/01124/APPM)**

Following consideration of an application for planning permission for erection of a residential development, formation of access, access tracks, landscaping and associated infrastructure to the North of Symington Road South, Symington at the pre-determination hearing held by the Regulatory Panel (Special) immediately prior to this meeting, the Provost advised that the application would now be determined by this Special meeting of the Council.

Councillor Brian Connolly, seconded by Councillor Andy Campbell moved the recommendation as outlined in the report and the Council

Decided: to refuse the application on the following grounds:-

Principle of Development

1. The proposed development is contrary to LDP Policy Spatial Strategy, LDP Policy Sustainable Development, LDP policy: Rural Housing and Scottish Planning Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no agreed shortfall in the 5-year effective housing land supply and it has not been demonstrated that there is a need for residential development in the area concerned. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan or the associated Supplementary Guidance; and
2. That the proposal is contrary to South Ayrshire Local Development Plan policy 'Rural Housing' and Supplementary Guidance 'Rural Housing' by reason that the proposed development does not constitute a limited extension to an existing clearly defined and nucleated housing cluster to a group of four or more houses or small settlement.

Landscape Quality and Sustainable Development

3. That the proposal is contrary to the provisions of the Scottish Government's 'Designing Streets' and 'Creating Places' Guidance, South Ayrshire Local Development Plan policies 'Sustainable Development', 'Landscape Quality' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', by reason that the layout of the proposed development does not relate satisfactorily to the surrounding environment, does not represent sustainable development and does not create a successful place.

Transport

4. That the proposal is contrary to the provisions of the Scottish Government's 'Designing Streets' Guidance and South Ayrshire Local Development Plan policy 'Land Use and Transport' by reason that the internal layout of the site prioritises vehicular traffic over pedestrian and cyclist movement and does not provide sufficient permeability to the existing settlement.

List of Determined Plans:

Drawing - Reference No (or Description): PA01
 Drawing - Reference No (or Description): PA02
 Drawing - Reference No (or Description): PA03
 Drawing - Reference No (or Description): PA04
 Drawing - Reference No (or Description): PA05
 Drawing - Reference No (or Description): PA06
 Drawing - Reference No (or Description): PA07
 Drawing - Reference No (or Description): PA08
 Drawing - Reference No (or Description): PA09
 Drawing - Reference No (or Description): PA10
 Drawing - Reference No (or Description): PA11
 Drawing - Reference No (or Description): PA12
 Drawing - Reference No (or Description): PA13
 Drawing - Reference No (or Description): PA14
 Drawing - Reference No (or Description): PA15
 Drawing - Reference No (or Description): PA16
 Drawing - Reference No (or Description): PA17
 Other - Reference No (or Description): Pre-Application Consultation Report
 Other - Reference No (or Description): Planning Statement
 Other - Reference No (or Description): Design and Access Statement
 Other - Reference No (or Description): Assessment of Housing Land Supply
 Other - Reference No (or Description): Transport Assessment
 Other - Reference No (or Description): Geo-Environmental Assessment (Desk Study)
 Other - Reference No (or Description): Flood Risk Assessment Report
 Other - Reference No (or Description): Drainage Statement
 Other - Reference No (or Description): Noise Impact Assessment
 Other - Reference No (or Description): Heritage Impact Assessment
 Other - Reference No (or Description): Preliminary Ecological Appraisal Report

Background Papers:

1. Application form, plans and submitted documentation
2. Consultation responses
3. Representations
4. Adopted South Ayrshire Local Development Plan
5. Modified Proposed Local Development Plan 2
6. Supplementary Guidance: Rural Housing
7. Scottish Planning Policy
8. Scottish Government Guidance 'Creating Places'
9. Scottish Government Guidance 'Designing Streets'
10. Proposal of Application Notice 18/00779/PAN
11. Application 17/01332/PPPM – Brewlands Road, Symington (Refused September 2018)
12. Appeal PPA-370-2073 – Brewlands Road, Symington (Appeal dismissed February 2020).
13. Application 19/01078/PPPM – Monkton (Refused November 2020).

5. **Local Development Plan Board.**

There was submitted a [report](#) (issued) of 20 April 2021 by the Assistant Director – Place seeking approval to agree the implementation of a revised operating model, membership and name for the Local Development Plan (LDP) Board, with this proposed change allowing the group to provide a more comprehensive contribution towards the development and delivery of key areas of work as set out within the Planning and Building Standards Service Plan.

Councillor Ian Cochrane, seconded by Councillor Cavana, moved the recommendations in the report subject to the membership of the Working Group being increased to seven members.

Comments were made by Members that it was hoped the Working Group would consist of a fair representation of all parties.

The Council

Decided:

- (1) to agree the implementation of the revised operating model for the existing Local Development Plan Board set out in paragraphs 4.3 to 4.8 of the report;
- (2) to agree that the new group would have cross-party representation and would comprise a total of seven Elected Members to be nominated by each political party; and
- (3) to agree that the new group would be called the Planning Liaison Group.

6. **Exclusion of press and public.**

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1, 8 and 9 of Part 1 of Schedule 7A of the Act.

7. **Disclosure of Confidential Information.**

There was submitted a report (Members only) of 19 April 2021 by the Head of Legal, HR and Regulatory Services updating Members on the outcome of an investigation into the disclosure of confidential and personal information.

Councillor Peter Henderson, seconded by Councillor Brian McGinley moved the recommendations as outlined in the report.

A full discussion took place in relation to the inability of the investigation to establish who had disclosed the information to the South Ayrshire Post; lessons that required to be learned; and the difficulties Members experienced in making decisions with access to some of the confidential information being limited to reading it in the on-line format of Addendums to Confidential reports.

Councillor Saxton then requested that the Motion be amended to include “that the Administration consider how future confidential reports were dealt with” and Councillor Henderson, as the Mover of the Motion, agreed to amend the Motion to include “that all Elected Members be consulted on how future confidential reports were considered” which Councillor Saxton and Councillor McGinley, as seconder of the motion, accepted.

Following a question on the cost of the investigation, the Head of Legal, HR and Regulatory Services advised that she would supply all Members with this information in writing.

The Council, having noted the outcome of the investigation,

Decided:

- (1) to agree the further steps being proposed in paragraph 4.1 of the report to improve the confidentiality of papers that were designated confidential/ exempt; and
- (2) that all Elected Members be consulted on how future confidential reports were considered.

8. Station Hotel Update.

There was submitted a joint report (issued) of 21 April 2021 by the Director – Place and the Head of Legal, HR and Regulatory Services updating Members on the completion of the Feasibility Study Executive Summary; seeking approval of future funding implications and progress; and seeking instruction on a without prejudice offer made by the solicitors for Mr Ung, the owner of the Station Hotel.

The Head of Legal, HR and Regulatory Services and the Service Lead – Planning and Building Standards advised the Council on the present position and the Service Lead – Planning and Building Standards advised that paragraph 4.17.5 of the report should read that the Council was continuing involvement with the Strategic Governance Group but was no longer Chairing this Group.

A full discussion took place in relation to the works undertaken by the Council in securing the building; the costs for securing the building; public safety; funding from the Scottish Government; the options in the Feasibility Study; and the offer made by the owner of the Hotel.

Councillor Hugh Hunter, seconded by Councillor Philip Saxton, moved in accordance with Standing Order No. 21.1(2) that the question be now put and this was agreed by Council.

The Council, having thanked the officers for their work on this matter,

Decided:

- (1) to note the contents of the Feasibility Study Executive Summary as attached in the Addendum (confidential) to this report;
- (2) to agree that the Option Review and Executive Summary be uploaded to the Council website following circulation to Members;
- (3) to note the 12 month funding agreement proposed between the Council and Scottish Government for scaffolding and encapsulation of the roof structure

- (4) to agree that the costs incurred by the Council would be sought to be recovered from the owner however should this prove unsuccessful, to approve funding of £427,000 from reserves towards ongoing structural stabilisation and project development costs covering one year, as set out in Appendix 1;
- (5) to note the Council's continued involvement in the Strategic Governance Group but approve the discontinuation of the Council as Chair.; and
- (6) having considered the terms of the without prejudice offer set out in item 1 of Appendix A of the Addendum (confidential) to this report, to confirm the response to the offer that officers should provide to the owner's solicitor, Mr Asim Khan, of D and F Lawyers, that the Council would reject this offer.

Councillor Bob Pollock left the meeting at this point.

9. Consideration of Disclosure of the above Confidential Reports.

Councillor Henderson, seconded by Councillor McGinley moved the recommendations of the Head of Legal, HR and Regulatory Services; and the Council

Decided:

- (1) to authorise the disclosure under Standing Order 32.4 of the following report but not to authorise disclosure of the addendum:-
 - Disclosure of Confidential Information;
- (2) to authorise under Standing Order 32.4, disclosure of part of the following report but not to authorise disclosure of the addendum:-
 - Station Hotel Update.

10. Closing Remarks.

Provost thanked all Members for their attendance and contributions.

The meeting ended at 1.15 p.m.