

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 19th August 2014 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.
- Attending: M. Vance, Solicitor (Legal Adviser); A. Cooke, Supervisory Planner (Planning Adviser); (in attendance for item 3) A. Browne, Supervisory Planner (Planning Adviser) (in attendance for items 4 and 5); and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Campbell declared an interest in the item on the agenda entitled "New Case for Review – Erection of fencing and gates on land at Earl Rise, Dundonald" as he had been involved in public meetings regarding this issue and indicated that he would withdraw from the meeting during consideration of this item at the appropriate point in the meeting.

2. Minutes of previous meeting.

The Minutes of 1st July 2014 (issued) ([link attached](#)) were submitted and approved.

3. Continued Review Case – Non-determination of an application for planning permission in principle for the erection of a dwellinghouse at 7 Shanter Way, Ayr (Ref: 14/00199/APP).

With reference to the Minutes of 1st July 2014 (Page 1, paragraph 4) there was submitted the relevant papers (issued) ([link attached](#)) relating to the non-determination of an application for planning permission in principle for the erection of a dwellinghouse at 7 Shanter Way, Ayr.

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

Councillor Douglas, seconded by Councillor Galbraith, moved that the application be approved subject to appropriate conditions.

By way of an Amendment, Councillor Campbell, seconded by Councillor Goldie, moved that the application be refused on the grounds as detailed in the appointed officers Report of Handling.

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

Decided: to approve the application subject to the following conditions:-

- (a) 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 six 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;
- (b) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (c) that 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 Advisory Notes (1a) and (1b) of this planning permission;
- (d) that the design of the proposed dwellinghouse shall not exceed a storey and a half in height and the siting shall ensure full compliance with South Ayrshire Council's Supplementary Guidance on Open Space and Designing New Residential Developments;
- (e) 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;
- (f) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to development completion. 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;
- (g) that junction access visibility sightline splays of 2 metres by 20 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;
- (h) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 2 for 3 bedroom or less and 3 for 4 bedrooms or more) within the existing site boundaries prior to occupation of the dwellinghouse(s); and

- (i) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reasons:

- (a) 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;
- (b) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (c) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006. In order to retain proper control over the development proposal;
- (d) in the interests of visual amenity;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (h) in the interest of road safety and to ensure adequate off-street parking provision; and
- (i) to establish whether there are any archaeological interests on this site and to allow for archaeological excavation and recording.

Advisory Notes:

- 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.
- 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.

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): 13.117.LP;
 Drawing - Reference No (or Description): 13.117.LP1;
 Drawing - Reference No (or Description): 13.117.SP; and
 Drawing - Reference No (or Description): 13.117.SP1.

Councillor Campbell, having previously declared an interest in the following review application, left the meeting at this point.

4. New Case for Review – Erection of fencing and gates on land at Earl Rise, Dundonald (Ref: 14/00014/APP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for the erection of fencing and gates on land at Earl Rise, 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 with particular emphasis on the grounds on which the application had been refused.

Councillor Goldie, seconded by Councillor Cavana, moved that the decision to refuse the application be upheld.

By way of an Amendment, Councillor Hunter, seconded by Councillor Galbraith, moved that the decision of the appointed Officer be overturned and to grant the planning application subject to appropriate conditions.

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

Decided: to uphold the decision to refuse the application.

Adjournment.

The time being 11.05 a.m., it was agreed to adjourn until 11.10 am.

Resumption of meeting.

The meeting resumed at 11.10 a.m.

At this point Councillor Campbell re-joined the meeting.

5. **New Case for Review – Erection of six holiday lodges at Raemor A719 Pennyglen B7023 – Kirkoswald Road, Maidens (Ref: 13/01383/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) and a Business Plan (issued to Members only) relating to a request to review the decision to refuse an application for the erection of six holiday lodges at Raemor A719 Pennyglen B7023 – Kirkoswald Road, Maidens.

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 with particular emphasis on the grounds on which the application had been refused.

Decided: following consideration, to hold an accompanied site visit to assess the application site in its setting and the surrounding area with the Review then being continued to a future meeting of the Review Body for further consideration and decision.

The meeting ended at 11.25 a.m.