

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 5th November 2014 at 2.00 p.m.

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

Apology: Councillor Andy Campbell.

Attending: M. Vance, Solicitor (Legal Adviser); A. Browne, Supervisory Planner (Planning Adviser) (in attendance for item 3); A. Cooke, Supervisory Planner (Planning Adviser); (in attendance for items 4 and 5); A. Gibson, Committee Services Officer; and S. Smith, Clerical 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 30th September 2014 (issued) ([link attached](#)) were submitted and approved.

Councillor Hunter left the meeting at this point as he had not been present when the Review had previously been considered.

3. Continued Review Case – Change of use, alterations and extension to water tank to form dwellinghouse (class 9) and associated works at Water Works, A77T Main Street, Ballantrae – Council boundary, south of Ballantrae (Ref: 14/00392/APP).

Reference was made to the Minutes of 30th September 2014 (Page 2, paragraph 4) when it had been agreed that the Review be continued to a future meeting of this Body to allow an accompanied site visit by Members of the Body to the Water Works, A77T Main Street, Ballantrae – Council boundary, south of Ballantrae immediately prior to this meeting on 5th November 2014.

Having heard the Chair, Legal Adviser to the Body and the Planning Adviser to the Body, the Body again considered all the papers relating to the Review ([link attached](#)), with particular emphasis on the grounds on which the application had been refused.

Decided:

- (1) to notify Scottish Ministers of the Body's intention to overturn the decision of the appointed officer to grant planning permission contrary to the advice of Transport Scotland; and
- (2) to grant the planning application subject to the following conditions:-

- (a) 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;
- (b) 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; and
- (c) that three off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of visual amenity and to accord with the Council's supplementary planning guidance; and
- (c) in the interest of road safety and to ensure adequate off-street parking provision.

List of Determined Plans:

AP(0) 0001;
 AP(0) 0002;
 AP(0) 0003;
 AP(0) 0004;
 AP(0) 0005;
 AP(0) 0006; and
 AP(0) 0007

Reasons for Decision:

The LRB concluded that there was flexibility within the LDP such that the proposed development could be regarded as being in compliance by reason that it comprises the redevelopment of a brownfield site, and re-uses a structure which is not an uncommon feature of the countryside. The LRB considered that the structure is traditional and/or local in character. The LRB was further of the opinion that the quality of architecture is of an extremely high standard and that it would enhance the locality.

At this point Councillor Hunter rejoined the meeting and Councillor Goldie joined the meeting. Councillor Goldie indicated that she had no declarations of interest to make in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

4. **New Case for Review – Change of use of land associated with agricultural market to form extension to car sales business for the display of motor vehicles at Whitefordhill, A70 Homston Roundabout – B744 at Belston, east of Ayr (Ref: 14/00575/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for the change of use of land associated with agricultural market to form extension to car sales business for the display of motor vehicles at Whitefordhill, A70 Homston Roundabout – B744 at Belston, east of Ayr.

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: to overturn the decision of the appointed officer and to 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 the area of land utilised for the sale of vehicles shall form part of the single planning unit of the adjacent agricultural suppliers compound occupied by the applicant (namely T.H Jenkinson), as defined on the approved drawings, unless granted planning permission for a sub-division of the plot;
- (3) that the sale of motor vehicles shall be limited to the sale of 4x4/all wheel drive vehicles; and
- (4) that number of motor vehicles for sale/ on display on site shall be limited to 10 at any one time.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to define the terms of this permission;
- (3) to define the terms of this permission; and
- (4) to define the terms of this permission.

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 Determined Plans:

Drawing - Reference No (or Description): **Approved** LOCATION PLAN; and
 Drawing - Reference No (or Description): **Approved** BLOCK PLAN.

5. **New Case for Review – Planning permission in principle for the erection of two dwellinghouses on land to the north of Balbeg Cottage, Straiton (Ref: 14/00523/PPP).**

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission in principle for the erection of two dwellinghouses on land to the north of Ballbeg Cottage, Straiton.

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 Galbraith moved that the Review be continued the next meeting of this Body, scheduled to take place on 25th November 2014, pending adoption of the Council's Rural Housing Supplementary Guidance.

By way of an amendment, Councillor Hunter, seconded by Councillor Grant moved that the decision of the appointed officer be overturned and to grant planning permission in principle subject to appropriate conditions.

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

Decided: to overturn the decision of the appointed officer and to grant planning permission in principle 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 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;
- (2) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (3) 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 condition (1) of this planning permission;
- (4) that the open space to be provided shall accord with the provisions of the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments'; and
- (5) that the design and external appearance of the dwellinghouses shall accord with the provisions of the Council's Finalised Rural Housing Supplementary Guidance.

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 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;
- (3) 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; and
- (4) and (5) to accord with the Council's supplementary planning guidance.

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 Determined Plans:

Drawing - Reference No (or Description): 0316 OLP 01 REV. C; and
Drawing - Reference No (or Description): SITE PLAN.

The meeting ended at 3.15 p.m.