

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 10th March 2015 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); C. Parish, Planning Development Group Leader (Planning Adviser) S. Smith, Clerical Assistant; and A. Gibson, Committee Services Officer.

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 18th February 2015 (issued) ([link attached](#)) were submitted and approved.

3. Variation in Order of Business.

In terms of Council Standing Order 13(2), the Body agreed to vary the order of business as hereinafter minuted.

Councillors Goldie and Hunter did not participate in consideration of the following item as they had not been present when the application had been determined.

4. Water Works, A77T Main Street, Ballantrae - Council Boundary, south of Ballantrae - Notified Application for Planning Permission for change of use, alterations and extension to water tank to form dwellinghouse (Class 9) and associated works (Planning Application Reference 14/00392/APP; Local Review Body Reference LRB/14/10).

Reference was made to the Minutes of 5th November 2014 (Page 1, paragraph 3), when it had been agreed to notify Scottish Ministers of the Review Body's intention to overturn the decision of the appointed officer and to grant planning permission, contrary to the advice of Transport Scotland, subject to conditions, for the change of use, alterations and extension to water tank to form dwellinghouse (class 9) and associated works at Water Works, A77T Main Street, Ballantrae. There was submitted a report by the Head of Legal and Democratic Services(issued) ([link attached](#)) of 25th February 2015

- (1) advising that the Scottish Ministers had issued a Direction on 21st January 2015 under Section 46 of the Town and Country Planning (Scotland) Act 1997 requiring the planning application to be referred to them for determination; and
- (2) requesting the Review Body to consider further information (detailed in an Appendix) provided by Transport Scotland in response to a procedure notice issued by the Directorate for Planning and Environmental Appeals (DPEA).

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the further information provided by Transport Scotland.

Decided: to agree

- (a) to request the Head of Legal and Democratic Services to recommend to the Scottish Ministers
 - (i) that Transport Scotland be asked to liaise with the applicants in order to arrive at a mutually acceptable solution to the road safety concerns of Transport Scotland; and
 - (ii) that Planning permission be granted, subject to such conditions as the reporter considers appropriate with respect to road safety; and
- (b) that once determination had been made by the Scottish Ministers on the application, the outcome be reported back to the Review Body for their information.

At this point, Councillors Goldie and Hunter rejoined the meeting and Councillor Grant took no further part in the meeting, as he had not been present at the site visits for the following Review Body cases.

5. Continued Review Case - Part change of use of agricultural land for the erection of domestic store at Muirburn, Annbank Road, Mossblown (Ref: 14/00673/APP).

Reference was made to the Minutes of 18th February 2015 (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 by Members of the Body to Muirburn, Annbank Road, Mossblown immediately prior to this meeting on 10th March 2015.

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 ([link attached](#)), with particular emphasis on the grounds on which the application had been refused.

Councillor Hunter, seconded by Councillor Goldie, moved that the decision of the appointed officer be overturned and planning permission granted subject to appropriate conditions.

By way of an Amendment, Councillor Convery, moved that the decision of the appointed officer to refuse the application be upheld but failed to find a seconder and subsequently the Amendment fell.

Decided: to agree (Councillor Convery dissenting) 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 approval for the proposed structure is limited to 5 years when the structure shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority; and
- (3) the store hereby approved shall be used solely for domestic purposes incidental to the use of the dwellinghouse at Muirburn and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

Reasons:

- (1) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (2) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; and
- (3) in the interests of residential amenity.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Determined Plans:

Drawing - Reference No (or Description): Refused No. 1.

6. Continued Review Case - Erection of dwellinghouse at 16 Home Farm Road, Ayr (Ref: 14/00963/APP).

Reference was made to the Minutes of 18th February 2015 (Page 4, paragraph 6) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body to 16 Home Farm Road, Ayr immediately prior to this meeting on 10th March 2015.

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 ([link attached](#)), with particular emphasis on the grounds on which the application had been refused.

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

- (1) that the development proposal is contrary to the Local Development Plan policies in relation to; sustainable development, and residential development within settlements in that the proposal shall have a restricted and cramped layout within the plot, which results in the over-development of the site, which will adversely impact on the amenity of the donor dwellinghouse, and on the character and amenity of the area by virtue of; the loss of a substantial area of garden ground for the donor property at 16 Home Farm Road, and the lack of garden ground provision for the proposed new dwellinghouse;
- (2) that the development proposal is contrary to the Council's Supplementary Planning Guidance in relation to Open Space and Designing New Residential Developments by virtue of the loss of a substantial area of garden ground for the donor property at 16 Home Farm Road, and also the lack of garden ground provision for the proposed new dwellinghouse; and
- (3) that the development proposal is contrary to Local Development Plan policy; preserving trees in that it has not been demonstrated to the satisfaction of the Council, that the development proposal will not have an adverse impact on the existing trees within the application site.

List of Determined Plans:

Drawing - Reference No (or Description): Refused LOCATION PLAN;
 Drawing - Reference No (or Description): Refused 001;
 Drawing - Reference No (or Description): Refused 002;
 Drawing - Reference No (or Description): Refused 003;
 Drawing - Reference No (or Description): Refused 004; and
 Drawing - Reference No (or Description): Refused 005.

7. Continued Review Case - Erection of dwellinghouse on land in front of 72-82 Midton Road, Ayr (Ref: 14/00899/APP).

Reference was made to the Minutes of 18th February 2015 (Page 4, paragraph 5) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body to land in front of 72-82 Midton Road, Ayr immediately prior to this meeting on 10th March 2015.

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 ([link attached](#)), with particular emphasis on the grounds on which the application had been refused.

Councillor Goldie, seconded by Councillor Douglas, moved that the decision of the appointed officer be overturned and planning permission granted subject to appropriate conditions.

By way of an Amendment, Councillor Convery moved that the decision of the appointed officer to refuse the application be upheld but failed to find a seconder and the subsequently Amendment fell.

Decided: to agree (Councillor Convery dissenting) 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 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, which shall include a roof covering in natural slate or slate substitute;
- (3) that two off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide prior to the completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site;
- (4) that the discharge of water onto the public road 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 prior to the commencement of works on site;
- (5) that before any works start on site an appropriate scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be completed prior to the occupation of the house in the approved development to the satisfaction of the Planning Authority; and
- (6) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority.

Reasons:

- (1) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in the interests of visual amenity;
- (3) in the interests of road safety and to ensure adequate off-street parking provision;
- (4) in the interests of road safety and to avoid the discharge of water on to the public road;

- (5) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality, and to ensure landscaping works are completed at an appropriate stage in the development of the site; and
- (6) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.

Reason for Decision:

The siting and design of the development and the position of the proposed house at the rear of the site hereby approved is considered to be acceptable as there is no significant adverse impact on the amenity of neighbouring buildings and there is adequate screening of the site from the public road

List of Determined Plans:

Drawing - Reference No (or Description): Refused 13.40.01;
Drawing - Reference No (or Description): Refused 13.40.02; and
Drawing - Reference No (or Description): Refused 13 40.03;

The meeting ended at 3.50 p.m.