

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 15th December 2015 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Ian Douglas, Ann Galbraith, William J. Grant and Hugh Hunter.
- Apologies: Councillors Andy Campbell, Ian Cavana and Sandra Goldie.
- Attending: L. McChristie, Solicitor (Legal Adviser); N. Feggans, Planning Co-ordinator - Development Planning and Customers (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 24th November 2015 (tabled) [\(link attached\)](#) were submitted and approved.

Councillor Douglas did not participate in consideration of the following Review as he had not been present when the application had previously been considered.

3. Continued Review Case – Planning permission in principle for the erection of a dwellinghouse at Newfield House, B751 Junction at A759 – B730 Junction, Symington (Ref.15/00850/PPP).

Reference was made to the Minutes of 24th November 2015 (Page 1, 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 Newfield House, B751 Junction at A759 – B730 Junction, Symington.

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: following consideration, to overturn the decision of the appointed officer and to grant the application 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, 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 dwelling shall not exceed one and a half storeys in height;
- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground for the new dwelling and the existing donor property 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 details shall be submitted of the proposed access, surfacing arrangements, visibility splays and parking and turning arrangements for the proposed house, which shall be to the satisfaction of the Ayrshire Roads Alliance;
- (7) 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; and
- (8) 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.

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 the interest of road safety;
- (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; and
- (8) 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.

Advisory Notes:

- The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
- Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
- Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Reasons for Decision:

- that the proposed house would not be contrary to Local Development Plan: Core Investment Area policy, as it would represent residential development in accordance with LDP policy: rural housing;
- that the proposed development would not be contrary to LDP policy: rural housing and SG: Rural Housing as it would represent development within a clearly defined and nucleated housing cluster; and
- that the proposed development would offer an acceptable residential environment.

Councillor Douglas re-joined the meeting at this point and Councillors Galbraith and Grant did not participate in consideration of the following Review as they had not been present at the site visit.

4. **Continued Review Case – Planning permission in principle for the erection of a dwellinghouse at Bellsland Farm, C105 from junction of C74 – north to A70, east of Bellsbank, south-west of Coylton (Ref. No. 15/00636/PPP).**

Reference was made to the Minutes of 4th November 2015 (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 by Members of the Body to Bellsland Farm, C105 from junction of C74 – north to A70, east of Bellsbank, south-west of Coylton and that further information be provided.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the further information that had been requested (issued [\(link attached\)](#) and again 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 Douglas, moved that the decision of the appointed officer to refuse the application be overturned and that the application be granted subject to 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. Subsequently, the Amendment fell.

Decided: by a majority (Councillor Convery dissenting) that the decision of the appointed officer to refuse the application be overturned and that the application be granted 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, 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 dwelling shall not exceed one and a half storeys in height;

- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground 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 details shall be submitted of the proposed access, surfacing arrangements, visibility splays and parking and turning arrangements for the proposed house, which shall be to the satisfaction of the Ayrshire Roads Alliance;
- (7) 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; and
- (8) 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.

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 the interest of road safety;
- (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 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; and

Advisory Notes:

- 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.
- The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.
- 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.
- The Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites – Part 1 : Noise, and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

Reason for Decision:

that the proposed development complies with LDP policy: rural housing and SG: Rural Housing, in that it represents development within an existing clearly defined and nucleated housing cluster.

The meeting ended at 2.40 p.m.