

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 26th August 2015 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Ian Cavana, Ian Douglas, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apologies: Councillor Andy Campbell. Ann Galbraith.
- Attending: M. Vance, Solicitor (Legal Adviser); A. Browne, Supervisory Planner (Planning Adviser), S. Smith, Clerical Assistant; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

Councillor Hunter declared an interest in item 4 - "New Case for Review – Planning permission in principle for the erection of a dwellinghouse at Dyke Farm, C93 north-west of Bogend at B730 – south-west to Brewlands Road, Symington, north-east from Symington (Ref: 15/00102/PPP) on the agenda, as the applicant was known to him and indicated that he would not participate during consideration of that item.

2. Minutes of previous meeting.

The Minutes of 23rd June 2015 (issued) ([link attached](#)) were submitted and approved.

3. New Case for Review – Planning permission in principle for the erection of two dwellinghouses at Corraith, U98 from Junction with B746 to Main Street, Symington (Ref: 15/00164/PPP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse a planning application in principle for the erection of two dwellinghouses at Corraith, U98 from Junction with B746 to Main Street, Symington.

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 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 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 Advisory Notes (a) and (b) of this planning permission;
- (4) that the design of the proposed dwellinghouses 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;
- (5) that at the Approval of Matters Specified in Conditions stage, a design statement shall be submitted which demonstrates how the design and siting takes cognisance of the Council's supplementary guidance in relation to Rural Housing and the specific characteristics of the existing dwellings at Corraith;
- (6) 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;
- (7) 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;
- (8) that existing junction access visibility sightline splays 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;
- (9) 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);
- (10) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being occupied;

- (11) that the existing access shall be widened to a minimum of 5.5m in width for a distance of 10.0m, and be surfaced for a distance of at least 4.0m, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide before either dwellinghouse is occupied;
- (12) that prior to the commencement of works on site, a 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 earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (13) that before any works start on site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority;
- (14) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery; and
- (15) that notwithstanding the plans hereby approved, replacement trees shall be replanted on a 2 for 1 basis with native species deciduous trees of a heavy standard size along the north-western boundary of the site. Full details in respect of the species and positioning of the replacement trees shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site.

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;
- (4) in the interests of visual amenity;
- (5) to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (6) in the interest of road safety and avoid the discharge of water on to the public road;
- (7) in the interest of road safety and to ensure an acceptable standard of construction;
- (8) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (9) in the interest of road safety and to ensure adequate off-street parking provision;
- (10) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (11) in the interest of road safety and to ensure an acceptable standard of construction;
- (12) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (13) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (14) in order to ensure that no damage is caused to the existing trees during development operations; and
- (15) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Advisory Notes:

- (a) In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), application(s) for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- (b) The Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- (c) 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.

- (d) 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.
- (e) 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.

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:

Location and Site Plan 0412 PPP 01.

Councillor Hunter, having previously declared an interest in the following item of business, did not participate during consideration of this Review.

4. New Case for Review – Planning permission in principle for the erection of a dwellinghouse at Dyke Farm, C93 north-west of Bogend at B730 – south-west to Brewlands Road, Symington, north–east from Symington (Ref: 15/00102/PPP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse a planning application in principle for the erection of a dwellinghouse at Dyke Farm, C93 north-west of Bogend at B730 – south-west to Brewlands Road, Symington, north–east from Symington.

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 Grant, seconded by Councillor Convery, moved that the appointed officer's decision to refuse the application be upheld.

By way of an Amendment, Councillor Douglas, seconded by Councillor Goldie, moved that the decision of the appointed officer be overturned and the application granted subject to appropriate conditions.

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

Decided: by a majority, to uphold the appointed officer's decision to refuse the application.

Councillor Hunter re-joined the meeting at this point.

5. **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).**

With reference to the Minutes of 5th November 2014 (Page 1, paragraph 3) there was submitted a report (issued) ([link attached](#)) of 11th August 2015 informing the Body of the Scottish Ministers' decision on the application for planning permission 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, south of Ballantrae.

Decided: to note the decision of the Scottish Ministers, dated 1st July 2015, to refuse planning permission for the change of use, alterations and extension to water tank to form dwellinghouse and associated works at A77T, Main Street, south of Ballantrae.

The meeting ended at 2.45 p.m.