

**SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 19th May 2015 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Ian Cavana, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apology: Councillor Andy Campbell and Ian Douglas.
- Attending: M. Vance, 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 28th April 2015 (issued) ([link attached](#)) were submitted and approved.

**At this point Councillor Hunter did not participate any further in the meeting, as he had not been present when the site visits for the following two Reviews had been conducted.**

**3. Continued Review Case – Planning permission in principle for the erection of a residential development on land adjacent to Walled Garden, Adamton Estate, Monkton (Ref: 14/01662/PPP).**

Reference was made to the Minutes of 28th April 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 land adjacent to Walled Garden, Adamton Estate, Monkton which had been held on 18th May 2015.

Having heard 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 and by a majority 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 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 condition 1 of this planning permission;
- (4) 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;
- (5) that the development hereby permitted shall not be commenced until the developer has entered into a formal, written agreement with the Council, as planning authority, on arrangements for the provision of affordable housing and contributions towards the mitigation of the educational impact of the development;
- (6) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide Section 5;
- (7) 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;

- (8) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public footway prior to completion of the development. 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;
- (9) that junction access visibility sightline splays shall meet the requirements of the Roads Development Guide Section 5 and 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;
- (10) that off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before 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 before any work commences on site;
- (11) that at the Approval of Matters Specified in Conditions stage plans shall be submitted to show turning heads provided within the site in accordance with the Roads Development Guide;
- (12) that bin collection points shall be located a maximum of 15 metres from the public carriageway before *completion* of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (13) that prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway; and
- (14) 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'.

**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 interest of the visual amenity and character of the area;
- (5) to ensure the provision of affordable housing and education contributions, in accordance with LDP policy: delivering infrastructure and LDP policy: affordable housing;
- (6) in the interest of road safety and to ensure an acceptable standard of construction;
- (7) in the interest of road safety and avoid the discharge of water on to the public road;

- (8) in the interest of road safety and to ensure an acceptable standard of construction.
- (9) in the interest of road safety and to ensure acceptable visibility at road junctions.
- (10) in the interest of road safety and to ensure adequate off-street parking provision.
- (11) to reasonably avert the reversing of vehicles onto the main road;
- (12) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (13) in the interest of road safety; and
- (14) to comply with the Supplementary 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): Determined 01.

**4. Continued Review Case – Alterations and extension to a nursing home at 28 Titchfield Road, Troon (Ref: 14/01354/APP).**

Reference was made to the Minutes of 28th April 2015 (Page 3, 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 adjacent to 28 Titchfield Road, Troon which had been held on 18th May 2015.

Having heard 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 Grant, seconded by Councillor Goldie, moved that the decision of the appointed officer to refuse the application be upheld.

By way of an Amendment, Councillor Convery, seconded by Councillor Galbraith moved that the decision of the appointed officer be overturned and planning permission granted on the grounds stated and 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:** following consideration and by a majority, to uphold the decision to refuse the application.

The meeting ended at 2.55 p.m.