

**SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 27th January 2015 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie and William J. Grant.
- Apology: Councillor Hugh Hunter.
- Attending: M. Vance, Solicitor (Legal Adviser); C. Parish, Planning Development Group Leader (Planning Adviser) (in attendance for items 4 and 5); A. Cooke, Supervisory Planner (Planning Adviser) (in attendance for item 3); 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 16th December 2014 (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 and Councillor Galbraith did not participate as she had not been present at the site visit.**

**3. Continued Review Case – Sub-division and change of use of residential garden ground to form storage and distribution (Class 6), including erection of storage shed at Rosemount North Cottage, Monkton (Ref: 14/00637/APP).**

Reference was made to the Minutes of 25th November 2014 (Page 1, paragraph 3) when it had been agreed that the Review be continued to a further meeting of this Body to allow

- (1) an accompanied site visit by Members of the Body to Rosemount North Cottage, Monkton which had been held on 23rd January 2015; and
- (2) Transport Scotland to be consulted on the Notice of Review.

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](#)) together with the views of Transport Scotland (issued) ([link attached](#)) with particular emphasis on the grounds on which the application had been refused.

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

- (a) the proposed development is not considered to meet the provisions of Local Development Plan (LDP) policies - Spatial Strategy, Sustainable Development and Business and Industry on the basis that no suitable locational need and no detailed suitable economic benefit has been justified to locate out with of a settlement and an identified industrial area;
- (b) the proposed development is not considered to meet the provisions of LDP policy - Landscape Quality on the basis that the development has a negative visual impact in terms of the uncharacteristic size of building in that locality which is not suitably justified by an acceptable economic benefit or need for that rural location;
- (c) the proposed development is not considered to meet the provisions of LDP policy - Preserving Trees on the basis that the loss of trees will have a negative visual impact on the landscape quality of the rural environment;
- (d) that the proposed development is not considered to meet the LDP policy – sustainable development on the basis that it is not appropriate to the area in terms of road safety or its effect on the transport network. Specifically the width of the access is too narrow to allow a goods vehicle to exit the trunk road if another goods vehicle is waiting to join the trunk road. This could result in a vehicle having to wait on the trunk road while the other vehicle exits the access road and would create interference with the safety and free flow of traffic on this length of trunk road where vehicle speeds are high and traffic volumes are high;
- (e) that the proposed development is not considered to meet the LDP policy – sustainable development on the basis that it is not appropriate to the area in terms of road safety or its effect on the transport network. Specifically the width of the access and the gate at the access are too narrow to permit two way traffic and would result in conflict between vehicles and the possibility of vehicles requiring to reverse towards the trunk road. This resultant manoeuvring in close proximity to the trunk road could create interference with the safety and free flow of traffic on this length of trunk road where vehicle speeds are high and traffic volumes are high;
- (f) that the proposed development is not considered to meet the LDP policy – sustainable development on the basis that it is not appropriate to the area in terms of road safety or its effect on the transport network. Specifically the access road between the gate at the access and the development is too narrow to permit two way traffic and would result in conflict between vehicles travelling to and from the development. This could result in vehicles requiring to reverse towards the trunk road through the gate and into the access. This resultant manoeuvring in close proximity to the trunk road could create interference with the safety and free flow of traffic on this length of trunk road where vehicle speeds are high and traffic volumes are high; and
- (g) the proposed development is not considered to meet the provisions of the SPP in that; no detailed economic net benefit has been justified; it doesn't make efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; or promote sustainable land use; or protect or enhance the landscape or wider environment.

**List of Determined Plans:**

Drawing - Reference No (or Description): Refused 01;  
 Drawing - Reference No (or Description): Refused 02;  
 Drawing - Reference No (or Description): Refused 03;  
 Drawing - Reference No (or Description): Refused 04; and  
 Drawing - Reference No (or Description): Refused 05.

**4. New Case for Review – Alterations and extension to existing building to form a retail unit and a hot food takeaway unit and the erection of a storage container at Culzean Stores, Queen’s Terrace, Maybole (Ref: 14/01078/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission for alterations and extension to existing building to form a retail unit and a hot food takeaway unit and the erection of a storage container at Culzean Stores, Queen’s Terrace, Maybole.

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 Grant, moved that the decision of the appointed officer be overturned and the planning application be granted subject to conditions.

By way of an Amendment, Councillor Convery, seconded by Councillor Campbell, moved that the decision to refuse the application be upheld.

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

**Decided:** by a majority, to overturn the decision of the appointed officer and to grant the application 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 on site, details of a suitable ventilation system incorporating an air dilution and/or filtration system shall be submitted for the prior written approval of the planning authority. Thereafter, the approved ventilation system shall be installed and operational prior to the commencement of the use and thereafter shall be retained as approved; or alternatively the operation of the premises is limited to enclosed unit cooking; and
- (3) that before the operation of the development hereby approved, an acoustic consultants report or manufacturers specifications demonstrating that the ventilation extraction system complies with noise rating criteria 25 when measured within the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority.

**Reasons:**

- (1) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in order to prevent the occurrence of a smell nuisance; and
- (3) in order to prevent noise nuisance.

**List of Determined Plans:**

Drawing- Reference No. (or Description): Approved 001;  
Drawing- Reference No. (or Description): Approved 002; and  
Drawing- Reference No. (or Description): Approved 003.

**Reason for Decision:**

The siting and design of the development hereby approved is considered on the merits of this case not to have a significant adverse impact on the amenity of neighbouring land and buildings.

5. **New Case for Review – Erection of two dwellinghouses at 16-17 Fullarton Crescent, Troon (Ref: 14/01022/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for the erection of two dwellinghouses at 16-17 Fullarton Crescent, Troon.

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 hold an accompanied site visit to assess the application site in its setting and the surrounding area with the Review then being continued to a future meeting of the Review Body for further consideration and decision.

The meeting ended at 3.20 p.m.