

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 6th October 2015 at 2.00 p.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Supervisory Planner (Planning Adviser); S. Smith, Clerical Assistant; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

Councillor Hunter declared an interest in:-

- (1) item 3 on the agenda "Planning permission in principle for the proposed change of use of land from agricultural to commercial/retail use class 1 on land to the south of Fairfield Nursery, B730 Bogend A77T – Tarbolton Road, Dundonald (Ref: 15/00280/PPP)", as he knew the applicant and indicated that he would not participate during consideration of that item; and
- (2) item 5 on the agenda "Alterations and extension to a dwellinghouse at 33 Berelands Road, Prestwick (Ref: 15/00586/APP)", as he had had previous dealings with this application and indicated that he would not participate during consideration of that item.

2. Minutes of previous meeting.

The Minutes 15th September 2015 (issued) ([link attached](#)) were submitted and approved.

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

3. New Case for Review – Planning permission in principle for the proposed change of use of land from agricultural to commercial/retail use class 1 on land to the south of Fairfield Nursery, B730 Bogend A77T – Tarbolton Road, Dundonald (Ref: 15/00280/PPP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission in principle for the proposed change of use of land from agricultural to commercial/retail use class 1 on land to the south of Fairfield Nursery, B730 Bogend A77T – Tarbolton Road, Dundonald.

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 uphold the decision to refuse the application.

Councillor Hunter re-joined the meeting at this point.

4. New Case for Review – Planning permission in principle for the erection of a dwellinghouse at 4 High Langside Holding, C8 Junction at A719 Adamhill – Council Boundary, Craigie (Ref: 15/00579/PPP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission in principle for the erection of a dwellinghouse at 4 High Langside Holding, C8 Junction at A719 Adamhill – Council Boundary, Craigie.

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

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

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

Decided: by a majority, to overturn the decision of the appointed officer and 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 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;
- (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; and
- (9) that the internal noise level (L_{aeq} TdB) within the proposed property shall not exceed 35dB(A) daytime 07.00 hours to 23.00 hours and 30dB(A) night time 23.00 hours to 07.00 hours (internal measurements assessed with windows sufficiently open for ventilation). In order to achieve this, the measured external background L_{aeq} daytime shall not exceed 50dB(A) on any part of the site marked for dwellings. A day time / night time assessment together with any noise mitigation measures shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person.

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
- (9) to avoid noise disturbance in the interests of residential amenity.

List of Approved Plans:

Drawing - Reference No (or Description): LOCATION PLAN.

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.

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

5. New Case for Review – Alterations and extension to a dwellinghouse at 33 Berelands Road, Prestwick (Ref: 15/00586/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 a dwellinghouse at 33 Berelands Road, Prestwick.

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: to overturn the decision of the appointed officer and 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; and
- (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.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (2) in the interests of visual amenity.

List of Approved Plans:

Drawing - Reference No (or Description): Refused E(--) 100; and
Drawing - Reference No (or Description): Refused L(--) 100.

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.

The meeting ended at 3.15 p.m.