

## **SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 28th March 2017 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); A. Cooke, Planning Co-Ordinator (Priority Projects) (Planning Advisor); S. Smith, Administrative Assistant; and D. Moore, Committee Services Assistant.

### **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 7<sup>th</sup> March 2017 were submitted and approved ([issued](#)).

### **3. New Case for Review – Erection of Fence at 2 Piperhill, Ayr KA7 4XB (16/00922/APP).**

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse an application for the erection of a fence at 2 Piperhill, Ayr.

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 Douglas, moved that the decision of the appointed officer be overturned and planning permission granted subject to appropriate conditions.

By way of an Amendment, Councillor Campbell, seconded by Councillor Convery, moved to uphold the decision of the Appointed Officer and refuse the application.

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:** to overturn the decision made by the appointed officer, and grant Planning Permission subject to the following condition:-

- (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.

**Reason:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

**Advisory Notes:**

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the

date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**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.

**List of Approved Plans:**

Drawing - Reference No (or Description): **Determined** LOCATION PLAN 1:1250

Other - Reference No (or Description): **Determined** EXISTING/PROPOSED FENCE

**With regard to item 4 below, Councillor Goldie did not take part in consideration of the Review as she had not been present when the case had previously been considered.**

**4. Continuation of Review - Planning Permission in Principle for Erection of Residential Development at Former Adamton Cottages, C106 Junction of B739-C138 Junction South Of Langlands, north-east of Prestwick, Monkton (16/00563/APP).**

Reference was made to the Minutes of 13th December 2016 (Page 6, paragraph 2) when it had been agreed that the Review be continued to a further meeting of this Body to allow further information to be sought by way of Procedure Notices and an accompanied site visit by Members of the Body, which had been held on 28th March 2017.

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 with particular emphasis on the grounds on which the application had been refused.

**Decided:** to overturn the decision made by the appointed officer, and grant Planning Permission 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 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'.
- (5) That the design and external appearance of the dwellinghouse and garage shall accord with the provisions of the Council's Rural Housing Supplementary Guidance.
- (6) That the proposed access road shall be constructed in accordance with the specifications in the Council's Roads Development Guide.
- (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 2 metres as measured from the rear of the public footway prior to occupation. 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 of 2.4 metres by 43 metres 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 each site boundary in accordance with the Council's Roads Development Guide prior to occupation. 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 parking bays shall be a minimum 5.5 metres x 2.9 metres with minimum aisle widths of 6m.
- (12) 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.

- (13) 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.
- (14) That prior to completion of the development any gates shall open inwards away from the public roadway.
- (15) That a lockable and covered cycle stand accommodating a minimum of 1 cycle shall be provided within each of the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.
- (16) That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage System (SUDS) Manual published by CIRIA. At the Approval of Matters Specified in Conditions stage full details of the method to be employed, following discussions with SEPA, and including calculations along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences 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) To comply with the Supplementary Guidance.
- (5) To comply with the Supplementary Guidance.
- (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) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (12) To reasonably avert the reversing of vehicles onto the main road.
- (13) In the interest of road safety and to ensure that adequate provision is made for pedestrians.
- (14) In the interest of road safety.
- (15) To ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (16) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

**Advisory Notes:**

- 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 specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 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.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required

notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**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:**

Drawing - Reference No (or Description): 1147-01

Drawing - Reference No (or Description): 1147

The meeting ended at 2:55 p.m.