

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 5th December 2017 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Craig Mackay and Margaret Toner.

Apology: Councillor Mary Kilpatrick.

Attending: K. Briggs, Legal Manager (Legal Adviser); N. Feggans, Planning Co-ordinator (Planning Adviser); S. Smith, Administrative 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. New Case for Review – Erection of 17 dwellinghouses and 2 flats on land south of 6 Gowlands Terrace, Barrhill (16/00627/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of 17 dwellinghouses and 2 flats on land south of 6 Gowlands Terrace, Barrhill.

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.

Decided: to reverse the decision of the Appointed Officer and approve the application subject to the following conditions and the completion of a section 75 legal agreement or other suitable legal agreement within three months of the date of the Local Review Body Decision Notice. The said legal agreement shall require the payment in full of commuted sums in lieu of affordable housing and play equipment prior to the commencement of works:-

- (1) 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;
- (2) that the development hereby approved shall be implemented in accordance with the plan(s) stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority;
- (3) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007;

- (4) that the proposed path from the northern site boundary to the southern site boundary as coloured GREEN on the stamped approved plan shall be formed on site before the occupation of the last dwellinghouse. Precise details and specifications of the layout, construction and surfacing of the path shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (5) that junction access visibility sightline splays of 4.5 metres by 60 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;
- (6) that a 2 metre wide public footway shall be provided along the site frontage to the Barrhill to New Luce road In accordance with the specifications in the Council's Roads Development Guide before occupation of the development;
- (7) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (8) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the existing site boundaries prior to occupation of the dwellinghouses and flats;
- (9) that private driveways shall be hard surfaced for a distance of 2m as measured from the rear of the public footway, or 4m as measured from the rear of the road carriageway and gates, if any, shall open away from the public road;
- (10) that the presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;
- (11) that the house type 'C' at the north eastern corner of the site shall be located a minimum of 9 metres from the northern site boundary. An amended site layout plan showing compliance with this requirement shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (12) that before any work commences on site a suitably scaled block layout plan showing-
 - (a) existing ground levels;
 - (b) proposed ground levels, and
 - (c) finished floor levels of each proposed dwellinghouse,shall be submitted for the prior written approval of the Council as Planning Authority;
- (13) that before any works start on site, the developer shall establish a fixed datum point and shall submit to this Planning Authority a plan indicating the exact location and value of this datum point. The finished floor level(s) of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds. The developer shall notify this Planning Authority at the stages listed below:-

- (a) the completion of the foundation work;
 - (b) immediately prior to the completion of the ground floor, finished floor level; and
 - (c) when the roof trusses have been erected but before roof covering takes place;
- (14) 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. For the avoidance of doubt the roofs shall be finished in natural slate or a modern substitute and the windows shall be sash and case look-a-like. The contrasting basecourse detail is not hereby approved and plans showing an amended arrangement shall be submitted for the prior written approval of the Planning Authority;
- (15) 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;
- (16) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner;
- (17) the landscape plans required by condition 17 on this consent notice shall incorporate native hedging and deciduous tree planting along the full length of the western site boundary (public road frontage) and the southern site boundary and augmented native tree planting in the rear gardens of the houses to the north and east of the proposed access road. For the avoidance of doubt timber screen fencing shall not be the external boundary treatment on the western or southern site boundaries;
- (18) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development;

- (19) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (20) a natural stone wall terminating in stone pillars to match the style of the entrance to Gowlands farm shall be erected alongside the entrance bellmouth before the occupation of the last dwellinghouse hereby approved. Amended layout, elevation and cross-sectional plans showing the required entrance wall and piers shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (21) full and detailed floor and elevation plans of the terraced residential units at the south western corner of the site shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Reasons:

- (1) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (2) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (3) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (4) to maximise opportunities for pedestrian movement through and to the site;
- (5) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (6) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (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 adequate off-street parking provision;
- (9) in the interest of road safety;
- (10) to ensure all contamination within the site is dealt with;
- (11) in the interests of residential amenity and to retain proper control over the development proposal;
- (12) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties;
- (13) to enable this Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point; and
 - (a) in order to ensure that site works are progressing in accordance with the stamped approved plan;
 - (b) in order to ensure that the floor levels conform to the stamped approved plan illustrating floor levels; and
 - (c) in order to ensure that the height of the roof conforms to the stamped approved plan
 to ensure that the development as implemented does not result in any changes in levels to those as approved which may be unacceptable in relation to either site circumstances or the relationship with surrounding sites;
- (14) to ensure that materials are appropriate for the site and in the interests of visual amenity;
- (15) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;

- (16) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (17) in the interests of visual and residential amenity. The southern site boundary is at the edge of the settlement of Barrhill and traditional hedging / native tree planting will ensure a suitable long term settlement boundary. Additional native tree planting to the rear of houses will help knit the proposed development into the existing landscape features;
- (18) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (19) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (20) in the interests of visual amenity; and
- (21) in order to retain proper control over the development proposal in the interests of visual amenity and the proper planning of the area.

Advisory Notes:

1. Please note that work should be undertaken in compliance with legislation and guidance relating to the; Water environment, Chemical & oil storage, Pollution prevention (including construction, demolition and agricultural activities), Storage and movement of waste materials and Controlled waste. Information and guidance, including best practice, can be found at the website of the Scottish Environment Protection Agency (SEPA) as follows www.sepa.org.uk.
2. 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. The speed limits will require to be relocated south of the proposed access.
3. Please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
4. Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk.

Reasons for Decision:

- That the development proposal is not contrary to the South Ayrshire Local Development Plan policy in relation to Delivering Infrastructure, as the development proposal adequately addresses the affordable housing and play equipment obligations arising from the development proposal as per the requirements of the Council's adopted Guidance entitled: New Housing Development and Affordable Housing and Open Space and Designing New Residential Developments.

- That the development proposal is not contrary to the South Ayrshire Local Development Plan Affordable Housing policy and Guidance in relation to affordable housing as the development proposal adequately addresses the affordable housing obligations arising from the development proposal.
- That the development proposal is not contrary to the Council's adopted Guidance entitled Open Space and Designing New Residential Developments as the development proposal adequately addresses the play equipment obligations arising from the development proposal.

3. New Case for Review – Part change of use of residential garden ground, conversion of outbuilding and erection of two portacabins to form food production facility with associated retail sales, together with formation of parking area at 6 High Langside Holding U80 from junction with B730 – north east to junction with C8 C64 Craigie (17/00394/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the part change of use of residential garden ground, conversion of outbuilding and erection of two portacabins to form food production facility with associated retail sales, together with formation of parking area at 6 High Langside Holding U80 from junction with B730 – north east to junction with C8 C64 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.

Decided: to reverse the decision of the Appointed Officer and approve 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 this planning permission relates to the Class 5 food production and Class 1 retail premises only, and shall enure for the benefit of the applicant, namely Mrs Jane Thomson only. If the commercial activities as a food production facility and retail unit cease, the portacabin structures shall be removed from the site, and the site and its curtilage shall revert back to its former and sole use as a Class 9 dwellinghouse;
- (3) that the commercial activities shall operate as per the applicant's supporting statement and as follows; Food Production unit – Monday – Friday 0800 – 1600, Retail Unit – Wednesday – Saturday 1000 – 1700 only. Any operations outwith these hours will require a further grant of permission;
- (4) that, the sale of goods not made or produced on-site shall be restricted to 10% of the gross floorspace of the retail unit only, any increase in retail floor area will require a further grant of permission;
- (5) that 7 off road parking spaces shall be provided and retained within the existing site boundary in accordance with the Council's Roads Development Guide as

shown on the submitted plan. Details of the 7 off-road parking spaces shall be submitted to, and agreed with the Planning Authority, within 3 months of the date of this permission. Thereafter, the parking spaces shall be formed as per the agreed written specification, within 3 months of the date of this permission, and shall be retained for the lifetime of the development;

- (6) that, within 3 months of the date of this permission, details shall be submitted for the written approval of the Planning Authority of 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. Thereafter, the turning area shall be formed as per the agreed written specification, within 3 months of the date of this permission, and shall be retained for the lifetime of the development;
- (7) that, within 3 months of the date of this permission the existing access shall be widened to a minimum of 5.5m in width for a distance of 6m, and be surfaced for a distance of at least 6m, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide. Thereafter, the access shall be retained and maintained as per the aforementioned specification, and shall be retained for the lifetime of the development; and
- (8) that junction access visibility sightline splays of 2.4 metres by 70 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.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) the development is only considered to be acceptable on the basis of a personal permission.
- (3) the development is only considered to be acceptable on the basis of the current operational arrangements of the applicant.
- (4) to accord with the general retail policy of the Adopted South Ayrshire Local Development Plan;
- (5) in the interest of road safety and to ensure adequate off-street parking provision.
- (6) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (7) in the interest of road safety and to ensure an acceptable standard of construction; and
- (8) in the interest of road safety and to ensure acceptable visibility at road junctions.

Advisory Notes:

That 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.

In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

There shall be no advance signage in association with the commercial activities at this site.

Reasons for Approval:

- That the Local Review Body (LRB) considered that the development proposal is not contrary to the South Ayrshire Local Development Plan: Spatial Strategy, in that, whilst it represents development out with the boundaries of a settlement, a site specific location requirement has been established for the rural location and the business has operated over a number of years without any complaints.
- That the LRB considered that the development proposal is not contrary to the South Ayrshire Local Development Plan: Core Investment Policy, in that it promotes rural diversification, it being noted in particular that the business sources its meat from other local farms in the vicinity, and will benefit the local environment.
- That the LRB considered that the development proposal was not contrary to the South Ayrshire Local Development Plan Policy in relation to Land use and Transport, as the site is readily accessible by road from the nearby A77(T) and A719, and that it is not reasonable in the circumstances for the development proposal to provide for travel by a choice of means of transport.
- That the LRB considered that the development proposal is not contrary to the South Ayrshire LDP Policy: Sustainable Development, in that the proposal is acceptable in terms of its siting and setting and will not adversely impact the rural setting or visual amenity of the locality, it being noted in particular that the business has been on the site for 9 years without any complaints or objections.
- That the LRB considered that the proposal is not contrary to the provisions of Scottish Planning Policy in that, in the opinion of the LRB, it constitutes a micro-business as it employs fewer than 10 persons and involves a limited number of clients/deliveries to the premises.

4. **New Case for Review – Erection of decking at 1 Sunnyside, Maybole (17/00208/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of decking at 1 Sunnyside, Maybole.

Having heard the Chair, Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Decided: to uphold the appointed officer's decision to refuse the application for the reason stated on the application decision notice.

The meeting ended at 11.20 a.m.