

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 12th September 2017 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Apologies: Councillors Andy Campbell and Craig Mackay.

Attending: M. Vance, Solicitor (Legal Adviser); N. Feggans, Planning Co-ordinator (Planning Adviser); S. Smith, Administrative Assistant; and L. Sands, Committee Services Assistant.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Connolly declared an interest in items 6 and 7 below entitled "Alterations and Extension to Dwellinghouse at 15 Racecourse View, Ayr" and "Erection of Dwellinghouse at Bennan Farm U31 from B741 near Straiton – South-west to U43 near Dyke Straiton" as the applicants were known to him and advised that he would withdraw from the meeting during discussion of these items.

2. Minutes of previous meeting.

The minutes of 22nd August 2017 were submitted and approved (issued).

3. New Case for Review – Change of use and Alterations of Creamery Building to form Dwellinghouse and Erection of Garage, Erection of Two Dwellinghouses, Erection of 4 Class 1 Units and 4 Class 2 Units, Formation of Parking Areas and Alterations to Existing Vehicular Accesses at Shiloh B730 Rabbit Wood at A719 – A77T Junction at Bogend Symington (16/01145/APP).

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse an application for the change of use and alterations of a creamery building to form a dwellinghouse and erection of garage, erection of two dwellinghouses, erection of 4 class 1 units and 4 class 2 units, formation of parking areas and alterations to existing vehicular accesses at Shiloh B730 Rabbit Wood at A719 – A77T Junction at Bogend Symington.

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

Decided: to agree

- (1) that a Procedure Notice be issued to the Applicant to request an up-to-date bat survey for consideration;
- (2) that, thereafter, Procedure Notices be issued to the appointed officer and Scottish Natural Heritage to request their comments on the bat survey;

- (3) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (4) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

4. Variation in order of business.

In terms of Council Standing Order No. 13(2), the Council agreed to vary the order of business as hereinafter minuted.

5. New Case for Review – Erection of Dwellinghouse at 37 Harbour Road, Maidens (17/00254/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 dwellinghouse at 37 Harbour Road, Maidens.

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: 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.

At this point, having previously declared an interest in the remaining items, Councillor Connolly left the meeting and subsequently Councillor Convery took the Chair.

6. New Case for Review – Alterations and Extension to Dwellinghouse at 15 Racecourse View, Ayr (17/00163/APP).

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse an application for alterations and extension to a dwellinghouse at 15 Racecourse View, 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.

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.

7. New Case for Review – Erection of Dwellinghouse at Bennan Farm U31 from B741 near Straiton – South-west to U43 near Dyke Straiton (17/00215/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 Dwellinghouse at Bennan Farm U31 from B741 near Straiton – south-west to U43 near Dyke Straiton.

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 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 commencement of development, details of all materials to be used as external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (3) that prior to commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted for the prior written approval of the Planning Authority;
- (4) that the new house shall not be sold, assigned, disposed, leased or in any other way disposed of separately from the existing farm unit at Balminnoch;
- (5) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 3) within the existing site boundary prior to completion of the dwellinghouse; and
- (6) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3.5 metres wide over its initial 5 metres, as measured from the rear of the public footway prior to occupation.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in the interests of visual amenity;
- (3) in the interests of visual and residential amenity;
- (4) to comply with the Development Plan policies for new houses in the countryside and to ensure that the house remains available for occupation in connection with the operation of the farm;
- (5) in the interest of road safety and to ensure adequate off-street parking provision; and
- (6) in the interest of road safety and to ensure an acceptable standard of construction.

Reason for Decision:

That the development hereby approved is considered to accord with the Local Development Plan and the Supplementary Guidance: Rural Housing in that it has been demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and the proposed development would form or complement a coherent group of buildings and not be visually intrusive.

List of Approved Plans:

Drawing - Reference No (or Description): 2016-31-01;
Drawing - Reference No (or Description): 2016-31-02; and
Drawing - Reference No (or Description): 2016-31-03.

The meeting finished at 10.50 a.m.