

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 28 May 2019 at 2.00 p.m.

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

Apologies: Councillors Craig Mackay and Margaret Toner

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser) and D. Mulgrew, 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 16 April 2019 and 30 April 2019 (issued) were submitted and approved.

3. Variation in order of business.

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

4. New Case for Review – Erection of dwellinghouse at 6-8 James Street, Prestwick, South Ayrshire (18/01052/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for erection of dwellinghouse at 6-8 James Street, Prestwick, South Ayrshire.

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:

- (1) that a Procedure Notice be issued to the Appointed Officer and Ayrshire Roads Alliance for response to Traffic and Transport Report submitted as new material.
- (2) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

Councillors Campbell, Cavana and Kilpatrick did not participate in consideration of the following Review as they had not been present at the Local Review Body meeting of 30 April 2019 when this Review had been considered and subsequent site visit.

4. **Continuation of Review following a Site Visit – Planning permission in principle for erection of farm workers dwellinghouse and erection of agricultural shed at U90 from A70 – North via Potterhill Farm to B744 Ayr, South Ayrshire (18/01080/PPP).**

Reference was made to the Minutes of 30 April 2019 (Page 1, paragraph 3) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area.

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.

Decided: to overturn the decision of the Appointed Officer and to 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 at the Approval of Matters Specified in Conditions stage 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. Application for Approval of Matters Specified in Conditions shall specifically include a detailed landscaping and tree planting scheme on land within the application site and other land within the control of the applicant which is designed to soften any landscape and visual impacts of the development proposal;
- (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 with the wall-head not extending above ground level ceiling level;
- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground for the new dwelling which shall be 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 which shall include the existing access being widened to a minimum of 5 metres over a distance of 10 metres, and shall be surfaced for a distance of 10 metres, the 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; and
- (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.

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. To minimise any landscape and visual impacts arising from the development proposal;
- (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; and
- (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.

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. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- 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).
- 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.

- 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.

Reason for Decision:

The proposed siting of the house remote from an existing building group is justified as a departure to the Local Development Plan and Rural Housing Supplementary Guidance on the basis of the applicant's submitted agricultural business case. In all other respects 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): 0598 PPP 02 A; and
Drawing - Reference No (or Description): 0598 PPP 01.

The meeting ended at 3.00 p.m.