

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 5 September 2019 at 10.00 a.m.

- Present: Councillors Craig Mackay (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.
- Apology: Councillor Brian Connolly.
- Attending: L. Reid, Executive Manager (Place Directorate); K. Briggs, Service Lead (Legal and Licensing); M. McClelland, Planning Co-ordinator; N. Feggans, Planning Co-ordinator; A. Edgar, Supervisory Planner; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meetings.

The Minutes of [6 June](#) and [25 June](#) 2019 (issued) were submitted and approved.

3. Consultation Under Section 36c of the Electricity Act 1989 Chirmorie Windfarm, South of Barrhill, South Ayrshire for Variation of Existing Consent to Construct and Operate Windfarm: 19/00564/DEEM.

There was submitted a report ([issued](#)) of 14 August 2019 by the Director – Place advising that this Council had been consulted by the Scottish Government, under Section 36C of the Electricity Act 1989, on an application by Chirmorie Wind Farm Ltd to vary the existing Section 36 consent to construct and operate Chirmorie wind generating station.

Having noted that the Council was not the determining authority for this proposal, the Panel

- (1) agreed to submit to the Scottish Government this report as its observations on the proposed application and that no objections be raised, subject to the conditions as detailed within the report; and
- (2) delegated authority to the Director – Place to conclude planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.

4. **Applications for Planning Permission.**

There were submitted reports (issued) of August 2019 by the Director – Place on current applications for determination.

The Panel decided as follows:-

- (1) **19/00502/APP** – AYR – 29 Seafield Drive – Erection of dwellinghouse and formation of vehicular access.

Decided: to refuse the application on the following grounds:-

- (a) that the development proposal is contrary to the South Ayrshire Local Development Plan, specifically policies in relation to: Sustainable Development and Residential Development within settlements by reason that: the proposal shall have a restricted and cramped layout within the plot, which results in the over-development of the site, which will adversely impact on the amenity of the donor dwellinghouse, and on the character and amenity of the area by virtue of the loss of a substantial area of garden ground for the donor property at 29 Seafield Drive;
- (b) that the development proposal is contrary to the Council's Policy Guidance in relation to Open Space and Designing New Residential Developments by virtue of the loss of garden ground for the donor property at 29 Seafield Drive, and the restricted and cramped layout within the plot for the proposed new house which is not commensurate with the private garden ground provision of neighbouring properties; and
- (c) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the distinctiveness of the site and its townscape setting by reason of the cramped layout within the plot, to the detriment of the amenity of the donor property and appearance of the proposed new dwelling within the streetscape.

List of Determined Plans:

Drawing - Reference No (or Description): 16/133/20;
 Drawing - Reference No (or Description): 16/133/21;
 Drawing - Reference No (or Description): 16/133/22B;
 Drawing - Reference No (or Description): 16/133/23B; and
 Drawing - Reference No (or Description): 16/133/24.

- (2) [19/00578/APP](#) – TROON – Public Convenience, Templehill – Change of use and alterations to public toilets to form dwellinghouse.

Decided: to refuse the application on the following grounds:-

- (a) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Residential Policy within Settlements, Release Sites and Windfall Sites by virtue of the inadequate access, parking and turning within the site, and the very limited size of the plot for the new dwellinghouse and the resultant lack of adequate private garden ground provision, which cannot be considered to provide for a suitable residential development, to the detriment of the amenity of the intended occupiers of the property;
- (b) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Open Space due to the proposed use of the application site to form a private dwellinghouse not relating to the use of the adjacent land as open space;
- (c) that the development proposal is contrary to the Council's Planning Guidance entitled Open Space and Designing New Residential Developments due to the lack of adequate private rear garden ground provision which is considered to be to the detriment of the residential amenity of the intended occupiers of the dwellinghouse;
- (d) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability in so far as the proposal is considered to detrimental to the amenity of the intended occupiers of the property, due to the very limited size of the plot for the new dwellinghouse and the resultant lack of adequate private garden ground provision; and
- (e) that it has not been demonstrated to the satisfaction of the Planning Authority, in conjunction with the Ayrshire Roads Alliance that the development proposal provides adequate access, parking and turning within the site.

List of Determined Plans:

- Drawing - Reference No (or Description): LOCATION PLAN;
- Drawing - Reference No (or Description): BLOCK PLAN;
- Drawing - Reference No (or Description): T.H.1;
- Drawing - Reference No (or Description): T.H.2;
- Drawing - Reference No (or Description): T.H.3; and
- Drawing - Reference No (or Description): T.H.4.

- (3) [19/00651/APP](#) – MONKTON – 88 Main Street – Change of use of open space to form garden ground.

Decided: to refuse the application on the following grounds:-

- (a) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Residential Policy within Settlements, Release Sites and Windfall Sites by virtue of the permanent loss of amenity open space which would compromise the quality of the residential environment and would also not meet the Council's Open Space Guidelines;
- (b) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Open Space by virtue of the permanent loss of amenity open space which would compromise the quality of the residential environment and amenity of the locality;
- (c) that the development proposal is contrary to the Council's Planning Guidance entitled Open Space and Designing New Residential Developments by virtue of the permanent loss of amenity open space which would compromise the quality of the residential environment and amenity of the locality; and
- (d) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability by virtue of the permanent loss of amenity open space which would compromise the quality of the residential environment and amenity of the locality.

List of Determined Plans:

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

The meeting ended at 11.00 a.m.