

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held
on 30 April 2024 at 2.00 p.m.

Present: Councillors Martin Kilbride (Chair), Ian Cavana, Alec Clark, Mark Dixon, Mary Kilpatrick and Alan Lamont.

Remote: Councillor Craig MacKay and Councillor Duncan Townson

Apology: Councillor Kenneth Bell

Attending: L. McPartlin, Solicitor, Legal and Licensing (Legal Adviser); J. Hall, Planning Strategy Co-ordinator (Planning Adviser); R. Anderson, Committee Services Assistant and C. McCallum, Committee Services Assistant.

Opening Remarks.

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Declarations of Interest.

The Legal Adviser called the sederunt and, having called the roll, confirmed that 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.

Councillor Lamont advised the Body that the applicant for Agenda Item 3, Auchensoul Farm, had contacted him in the early stages of the review process and Councillor Lamont had referred the applicant to another Member of South Ayrshire Council due to his involvement with the Local Review Body.

2. Minutes of Previous Meetings.

The [minutes](#) of 19 March 2024 (issued) were submitted and approved.

3. New Case for Review – 23/00639/APP – Application for Siting of Mobile Cabin at Auchensoul Farm B734 from A714 junction at Pinmore Bridge to Barr Pinmore South Ayrshire KA26 0TJ

There were submitted the relevant [papers](#) (issued) relating to a request to review the conditions imposed on a planning application granted for the siting of mobile cabin at Auchensoul Farm, South Ayrshire, KA26 0TJ.

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.

The Body

Decided:

to vary the decision of the Appointed Officer and grant Planning Permission, subject to the following amended conditions:-

Conditions

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That the existing dwellinghouse and the mobile cabin hereby granted planning permission shall remain part of the same single inter-connected residential planning unit. Once the mobile cabin has been implemented, neither the existing dwellinghouse nor the mobile cabin shall be sold, leased or otherwise disposed of for the use as a separate dwellinghouse without the submission of a further planning application.

Reasons

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse.

List of Plans Determined:

Drawing - Reference No (or Description): **Approved** 2302/01A
 Drawing - Reference No (or Description): **Approved** 2302/02A
 Drawing - Reference No (or Description): **Approved** 2302/03

Reason for Decision

The deletion of the condition limiting the consent to 10 years is considered to be acceptable as the condition is considered to be unduly restrictive and unnecessary to ensure the future amenity of the site.

4. New Case for Review – 23/00537/PPP – Application for Planning Permission in Principle for the Erection of a Dwellinghouse at Montgomerieston Farm U55 from B742 junction at Barnford Cottage South East to U35 junction near Kilmore Dalrymple South Ayrshire KA6 6AU.

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to refuse planning permission in principle for the erection of a dwellinghouse at Montgomerieston Farm, U55 from B742 junction at Barnford Cottage South East to U35 junction near Kilmore Dalrymple South Ayrshire, KA6 6AU.

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.

The Body

Decided:

to overturn the decision of the Appointed Officer and grant planning permission in principle, subject to the following conditions:-

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 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.

(3) That this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below.

(4) 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 character of the surrounding area. The design statement shall have cognisance of the Council's guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing.

(5) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed house which shall not exceed one and a half storeys in height with the wall-head not extending above ground level ceiling level.

(6) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed Sustainable Urban Drainage Systems (SUDS) which shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8.

(7) That at the Approval of Matters Specified in Conditions stage, details of biodiversity enhancement measures shall be submitted to and agreed by the Planning Authority prior to any works commencing on site.

(8) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 4.8 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development.

(9) That the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

(10) 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 Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

(11) That off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy.

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.

(3) 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.

(4) In order to retain the rural character and amenity of the area.

(5) In the interest of visual amenity, and so as to retain the rural character and setting of the locality.

(6) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

(7) In the interests of ecology, and to safeguard the natural environment.

(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 an acceptable standard of construction.

(10) In the interest of road safety and to avoid the discharge of water onto the public road.

(11) In the interest of road safety and to ensure adequate off-street parking provision.

Advisory Notes:

1. SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk

2. The Council as Environmental Health Authority has advised that the Waste Water/Sewage System is to be constructed and installed in accordance with BS6279 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended). BS 6279 is applicable to systems for handling discharges from domestic and commercial sources from single households and upwards. These sources are typically septic tanks and package sewage treatment plants.

3. In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

4. Road Opening Permit:

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.

Roads (Scotland) Act:

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

5. New Roads and Street Works Act 1991:

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.

6. Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** LOCATION PLAN

Drawing - Reference No (or Description): **Refused** L01

Drawing - Reference No (or Description): **Refused** L02

Drawing - Reference No (or Description): **Refused** L03

Drawing - Reference No (or Description): **Refused** L04

Drawing - Reference No (or Description): **Refused** L05

Other - Reference No (or Description): **Refused** SUPPORTING STATEMENT

Other - Reference No (or Description): **Refused** MONTGOMERIESTON LABOUR REPORT

CONFIDENTIAL

Other - Reference No (or Description): **Refused** SUPPORTING LETTER FROM ACCOUNTANT

CONFIDENTIAL

Reason for Decision

The development hereby approved is considered to accord with the provisions of the development plan and there are no significant adverse impacts on the local character and landscape setting.

The meeting ended at 2:45 p.m.