

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held on
5 November 2024 at 2.00 p.m.

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

Remote: Councillor Craig MacKay

Apology: Councillor Duncan Townson

Attending: M. Vance, 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 Chair 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.

2. Minutes of Previous Meetings.

The [minutes](#) of 3 September 2024 (issued) were submitted and approved.

3. New Case for Review – 24/00091/APP - Application for Planning Permission for the Change of Use of Agricultural Land and Erection of a Dwellinghouse and Associated Works at Nethernton Farm, U55 from B742 Junction at Barnford Cottage South East to U35 Junction near Kilmore, Dalrymple, South Ayrshire, KA6 6AX.

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to refuse Planning Permission for Change of Use of Agricultural Land and Erection of a Dwellinghouse and Associated Works at Nethernton Farm, Dalrymple, South Ayrshire, KA6 6AX.

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 Appointed Officer's decision and grant planning permission for Change of Use of Agricultural Land and Erection of a Dwellinghouse and Associated Works at Netherton Farm, Dalrymple, South Ayrshire, KA6 6AX subject to the following conditions:-

Conditions

1. That the development hereby permitted shall 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 proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 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.
4. That, prior to the commencement of works on-site, details shall be submitted for the prior written approval of the Council, as planning authority 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.
5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 (or any Order amending or revoking and re-enacting that Order) no development within Classes 1A, 1B, 3A, 3B, 3C, 3D, 3E, and 7 shall be undertaken within the land to the curtilage of the dwellinghouse, which forms the application site, without the prior written permission of the Planning Authority.
6. That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.
7. That the proposed hedgerow boundary treatment shall comprise of native, locally sourced species, as defined by the Forestry Commission and BSBI Online Plant Atlas 2020, the details of which shall be submitted to, and for the written agreement of the planning authority, prior to the commencement of works on-site. Thereafter, the development shall be implemented as per the agreed written specification.

8. That, prior to the commencement of development on site, details shall be submitted of biodiversity enhancement measures to be undertaken at the site for the written agreement of the planning authority. Thereafter, the development shall be implemented as per the agreed written specification.
9. That, prior to the commencement of development on site, details in the form of existing and proposed sectional drawings shall be submitted detailing any groundworks required to facilitate the development, including how the groundworks are to be undertaken and details of the ground and finished floor levels of the proposed dwellinghouse, for the prior written approval of the planning authority. Thereafter, the development shall be implemented as per the agreed written specification.

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. In the interest of road safety and to ensure an acceptable standard of construction.
4. In the interests of residential amenity.
5. To ensure that any further development at this site is assessed as part of a further planning permission, and in the interests of amenity.
6. In the interest of road safety and to avoid the discharge of water onto the public road.
7. In the interests of visual amenity and biodiversity.
8. In the interest of biodiversity.
9. So as to clarify the terms of this permission.

Advisory Notes

1. 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.
2. 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.
3. 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.

4. 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.
5. Scottish Water asset plans can be obtained from our appointed asset plan providers:
Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

List of Approved Plans

List of Plans:

Type	Reference	Version No.
Drawing	2308-(2-)101a	a
Drawing	2308-(2-)102a	a
Drawing	2308-(2-)103a	a
Drawing	2308-(2-)104a	a
Drawing	2308-(2-)105a	a
Drawing	2308-(2-)106a	a
Drawing	2308-(2-)107a	a
Drawing	2308-(2-)108a	a
Other	2308-(2-)109	
Supporting information	Design Access Statement	
Supporting information	Labour Requirement	
Supporting information	Planning Statement	
Supporting information	Ecological Statement	
Supporting information	Speed survey	

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.

4. **New Case for Review – 24/00298/APP - Application for Planning Permission for Alterations and Extension to Dwellinghouse at 3 Cunningham Street, Tarbolton, South Ayrshire, KA5 5QF.**

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to refuse Planning Permission for Alterations and Extension to Dwellinghouse at 3 Cunningham Street, Tarbolton, South Ayrshire, KA5 5QF.

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:

1. To hold an accompanied site visit, to assess the application site in its setting and the surrounding area; and
2. that, thereafter, the review be continued to a future meeting of the Local Review Body for further consideration and decision.

The meeting ended at 2:45 p.m.