

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held
on 21 June 2022 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Mark Dixon, Brian McGinley and Duncan Townson.

Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Attending: L. McChristie, Solicitor (Legal Adviser) (attending remotely), C. Iles, Service Lead (Planning and Building Standards); C. Buchanan, Committee Services Officer; A. Gibson, Committee Services Officer and C. McCallum, Clerical Assistant.

Opening Remarks.

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

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. New Case for Review – 21/00776/APP - Application for Planning Permission for the erection of two Dwellinghouses at Land to the North of the Pottery C13 from Assel Road Pinmore via Tormitchel and Penwhapple Glen to B734 Junction at Penkill North from Pinmore, Girvan, South Ayrshire.

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission for the erection of two Dwellinghouses at Land to the North of the Pottery C13 from Assel Road Pinmore via Tormitchel and Penwhapple Glen to B734 Junction at Penkill North from Pinmore, Girvan, 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: to overturn the decision of the Appointed Officer and 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 comprising the dwellinghouses, 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 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 dwellings 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 dwellings 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 new access arrangements and visibility sightline splays which shall meet with the specification of the Roads Development Guide, the surfacing arrangements, and parking and turning arrangements for the proposed houses, and drainage details which shall prevent the discharge of water onto the public road carriageway, 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.
- 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.
- 9) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed water supply and drainage arrangements which shall meet the requirements of the Council's Environmental Health Service, Scottish Water and the Scottish Environment Protection Agency.
- 10) That at the Approval of Matters Specified in Conditions stage, details and specifications shall be submitted of the protective measures necessary, which accord with BS5837:2005 Trees in relation to Construction (or as subsequently updated) to safeguard the trees on the site during operations.
- 11) That at the Approval of Matters Specified in Conditions stage, details and specifications shall be submitted of a scheme of landscaping indicating the timescale for implementation, siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority.
- 12) That at the Approval of Matters Specified in Conditions stage the detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finished floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

Reason for Decision:

The LRB concluded that the proposal was acceptable in the context of the application site and surrounding area. The LRB acknowledged that the Report of Handling did not raise issues with the principle of erecting a new dwellinghouse, as the labour justification demonstrated that additional accommodation for farm workers was necessary for the farm unit. The LRB concluded that the location of the new farm houses adjacent to the hamlet of Pinmore was appropriate given the historic evidence of development on the site, the provision of mains water, the sustainable location near to public transport and was acceptable in landscape capacity terms.

The LRB therefore considered the proposals to be consistent with the policies of the adopted South Ayrshire Local Development Plan, in particular LDP Policy: Sustainable Development and LDP Policy: Rural Housing.

The LRB has reviewed the determination and has decided to overturn the decision made by the appointed officer, and approve Planning Permission with conditions for the reasons listed below.

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) 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.
- 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.
- 9) To ensure the development can be adequately serviced.
- 10) In order to ensure that no damage is caused to the existing trees.
- 11) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 12) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** PP01

Drawing - Reference No (or Description): **Refused** Ownership plan

3. New Case for Review – 21/01026/APP – Application for Alterations and Extension to Dwellinghouse at 5 Clochranhill Road, Ayr, South Ayrshire, KA7 4PZ.

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission in principle for the alterations and extension to Dwellinghouse at 5 Clochranhill Road, Ayr, South Ayrshire, KA7 4PZ.

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 uphold the decision of the Appointed Officer and refuse the Review.

The meeting ended at 15:25 p.m.