

## **SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of a hybrid webcast meeting held  
on 29 August 2022 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Mary Kilpatrick.

Remotely: Councillors Craig Mackay.

Apology: Councillors Brian Connolly and Duncan Townson.

Attending: L. McChristie, Solicitor (Legal Adviser); C. Iles, Service Lead (Planning and Building Standards); C. Buchanan, 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. Minutes of Previous Meetings.**

The minutes of 21 June 2022 (issued) were submitted and approved.

### **3. New Case for Review - 21/00853/APP – Application for Planning Permission for erection of a Holiday Let at 27 Nether Auchendrane B7024 from High Maybole Road Ayr to Alloway Road Maybole South from Ayr, Ayr South Ayrshire, KA7 4EE.**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission for the erection of a Holiday Let at 27 Nether Auchendrane B7024 from High Maybole Road Ayr to Alloway Road Maybole South from Ayr, Ayr South Ayrshire, KA7 4EE.

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 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.
- 2) That prior to the commencement of development, samples or a brochure 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.

- 3) Details shall be submitted of how the proposal responds to the sloping topography of the site by providing details of the existing ground levels, and changes to ground levels, and the finished floor levels within the building.
- 4) That the holiday accommodation unit shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation, and that the occupancy of the holiday accommodation by the same person, whether or not along with other persons, shall be strictly limited to a total of one month, in any year from 1st January in that year.
- 5) That, notwithstanding the provisions of Class 9 (Houses) of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, the holiday let hereby granted planning permission shall not be used for any purpose other than holiday accommodation and shall not be sold, leased or otherwise disposed of for use as the sole or main residence of the occupant of the accommodation.
- 6) That before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. The Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- 7) That before any works start on site a scheme of landscaping indicating the 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 earthmounding, shall be submitted for the prior written approval of the Planning Authority.
- 8) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites-Code of Practice' (BS 101075: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- 9) An acoustic consultant's report or manufacturers specifications are required to demonstrate that the noise from the air source heat pump will comply with NR25 (noise rating criteria) when measured within a habitable room of a nearby noise sensitive dwelling with windows open sufficiently for ventilation. To comply with NR25 the noise measurement requires to be at, or below the following levels in all octave band centre frequencies: -

	<b>NR</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1K</b>	<b>2K</b>	<b>4K</b>	<b>8K</b>
dB Leg	25	55.2	43.7	35.2	29.2	25	21.9	19.5	17.7

- 10) The report or manufacturers specifications shall be submitted for the formal prior written approval of the Council as Planning Authority prior to the commencement of work on site.
- 11) Prior to the commencement of any development on site, details shall be provided to the Planning Authority for approval and implementation thereafter, a landscape management plan, which identifies the trees to be retained on the site and the appropriate mitigation measures to protect said trees during the construction process.

**Reason for Decision:**

- 1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- 2) In the interests of visual amenity.
- 3) In order to retain the amenity of the area.
- 4) To clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only.
- 5) The site lies within a rural area where the Planning Authority considers that new residential development is appropriate when justified as contributing towards tourism growth within South Ayrshire.
- 6) In order to ensure that no damage is caused to the existing trees during development operations.
- 7) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 8) To ensure all contamination within the site is dealt with.
- 9) In order to prevent the likelihood of a noise nuisance.
- 10) In order to prevent the likelihood of a noise nuisance.
- 11) In order to ensure the trees identified in the permission are protected and retained during the construction process

**Advisory Notes:**

- (1) SEPA – Work should 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](http://www.sepa.org.uk)
- (2) It is recommended that the air source heat pump unit be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface, in order to prevent additional noise caused by vibration.

**List of Plans Determined:**

Drawing - Reference No (or Description): **Approved 01**

Drawing - Reference No (or Description): **Approved 02**

Drawing - Reference No (or Description): **Approved 03**

**4. New Case for Review – 22/00074/APP – Application for Planning Permission for erection of a Dwellinghouse, Garage and Associated Outbuildings at MacNairston Farm C74 from B742 North East of Bowmanston at A70 at Old Toll Ayr, South Ayrshire, KA6 6EN.**

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, Garage and Associated Outbuildings at MacNairston Farm C74 from B742 North East of Bowmanston at A70 at Old Toll Ayr, South Ayrshire, KA6 6EN.

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 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.
- 2) That prior to the commencement of development, samples or a brochure 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.
- 3) That, prior to the commencement of work on-site, details shall be submitted for the prior written approval of the Planning Authority of all the proposed boundary treatments. Thereafter, the proposed boundaries shall be installed as per the agreed specification, to the satisfaction of the Council, as Planning Authority.
- 4) That the private access shall be surfaced for a minimum of 5 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.
- 5) That junction access visibility sightline splays of 2.4 metres by 215 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.
- 6) That prior to occupation of the development any gates and/ or doors shall open inwards away from the public roadway.
- 7) 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.
- 8) That a minimum of 3 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. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority).
- 9) Prior to the commencement of development a landscaping scheme, incorporating a planting schedule, timetable and maintenance regime, shall be submitted to and approved by the Planning Authority. Thereafter said approved landscaping scheme shall be implemented in accordance with the agreed timetable and maintained thereafter in line with the agreed maintenance regime.

**Reason for Decision:**

- 1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- 2) In the interests of visual and residential amenity.
- 3) In the interests of visual and residential amenity.
- 4) In the interest of road safety and to ensure an acceptable standard of construction.
- 5) In the interest of road safety and to ensure an acceptable standard of construction. To avoid the possibility of unnecessary reversing of vehicles onto the public road.
- 6) In the interest of road safety.
- 7) In the interest of road safety and to avoid the discharge of water onto the public road.
- 8) In the interest of road safety and to ensure adequate off-street parking provision.

- 9) The landscaping boundary is required to minimise the visual impact of the development.

**List of Plans Determined:**

Drawing - Reference No (or Description): **Approved** ADNR-638-001a

Drawing - Reference No (or Description): **Approved** ADNR-638-002b

Drawing - Reference No (or Description): **Approved** ADNR-638-004a

Drawing - Reference No (or Description): **Approved** ADNR-638-005a

5. **New Case for Review - 21/01021/APP – Application for Planning Permission for erection of two Dwellinghouses at Shalloch Farm C21 from B742 West of Low Coynton South to Council Boundary West of Kerse Park West of Drongan, Coynton, Ayr, South Ayrshire, KA6 7EE.**

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 two Dwellinghouses at Shalloch Farm C21 from B742 West of Low Coynton South to Council Boundary West of Kerse Park West of Drongan, Coynton, Ayr, South Ayrshire, KA6 7EE.

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 15:23 p.m.