

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 12 October 2022 at 10.00 a.m.

Present
In County
Buildings:

Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Martin Kilbride and Duncan Townson.

Present
Remotely:

Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.

Attending
In County
Buildings:

K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); D. Clark, Supervisory Planner; E. McKie, Planner; D. Lewis, Planner; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer; and E. Moore, Committee Services Assistant.

1. **Sederunt and Declarations of Interest.**

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that 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. **Applications for Planning Permission**

There were submitted reports ([issued](#)) of October 2022 by the Director - Place on planning applications for determination.

The Panel considered the following applications:-

- (1) [21/000157/APP](#) – **CORTON – A77 from Bankfield Roundabout – B7034 Junction, Ayr** – Erection of an overbridge suitable for use by pedestrians and cyclists spanning the A77 trunk road and associated works.

The Panel heard from the applicant's agent.

The time being 9.45 am, the Panel adjourned to allow a Panel Member to discuss the wording of a possible Motion.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed and seconded that, given the Active Travel requirements for connecting the SEA development to Ayr together with the Active Travel status of equestrian users, as confirmed by the ARA representative, and given that the Corton development would result in increased traffic generation on the A77 within the vicinity of the site where horse riders cross the A77, the application should be refused on the grounds that the current bridge design does not accommodate for equestrian use and this was required in the interests of road safety and active travel.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Seven Members voted for the Motion and two Members voted against the Motion and the Panel,

Decided: to refuse the application on the grounds detailed above.

List of Determined Plans:

Drawing - Reference No (or Description): 19251-100-800 Layout _ Levels;
 Drawing - Reference No (or Description): 19251-100-801 Longitudinal Profile;
 Drawing - Reference No (or Description): 19251-100-802 Site Plan;
 Drawing - Reference No (or Description): 19251-100-804 Proposed Bridge;
 Drawing - Reference No (or Description): 19251-LP-800 Location Plan; and
 Drawing - Reference No (or Description): 4739-01 Pedestrian Footbridge Elevation _ Section.

Councillor Townson left the meeting at this point.

- (2) [22/00360/APP](#) – **MAYBOLE – Castlehill Farm, KA19 8JT** – Change of use of agricultural land to form 9 holiday accommodation units.

The Panel heard from the applicants and an interested party.

The time being 11.55 am, the Panel adjourned to allow a Panel Member to discuss the wording of a possible Motion.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed and seconded to approve the application and to delegate to officers power to include the wording for relevant conditions which would need to accompany an approval of planning permission; on the grounds that, in this case, more significant weight should be afforded to other material considerations such as the diversification opportunity for the applicant together with opportunities for this development to contribute to the local rural economy; and the development can be absorbed in the landscape without such a significant impact that would warrant refusal in this case and without adversely impacting the integrity of the relevant policies as set out within LDP2.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Seven Members voted for the Motion and one Member voted against the Motion and the Panel,

Decided: to approve the application, as detailed above.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan;
 Drawing - Reference No (or Description): 30-001 – Existing Site Plan;
 Drawing - Reference No (or Description): 30-002 – Proposed Site Plan;
 Drawing - Reference No (or Description): 30-003 – Proposed Plans and Elevations;
 Drawing - Reference No (or Description): 30-004 – Topographic Level Survey;
 Drawing - Reference No (or Description): 30-005 – Ecological Constraints;
 Drawing - Reference No (or Description): 30-006 – Coastal Floor Risk Constrains;
 Drawing - Reference No (or Description): 30-007 – Existing Sections;
 Drawing - Reference No (or Description): 30-008 – Proposed Drainage;
 Drawing - Reference No (or Description): 30-009 – Ownership Bounds;
 Drawing - Reference No (or Description): 30-010 – Existing Land Use Plan;
 Drawing - Reference No (or Description): 30-011 – LDP Landscape Statement;
 Drawing - Reference No (or Description): 30-012 – Proposed Sections; and
 Drawing - Reference No (or Description): 30-013 – Proposed Site Access.

- (3) [22/00478/APP](#) – PRESTWICK – 10 Sandfield Road, KA9 1NB – Erection of dwellinghouse.

The Panel heard from the Applicant.

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

- (a) that the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to ‘Sustainable Development’, ‘Development Management’ and ‘Residential Policy within Settlements, Release Sites and Windfall Sites’ as the proposals would result in an unacceptable sense of enclosure to adjacent neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road;

- (b) that the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' as the proposals would result in 'town cramming' by reason that the development would have a detrimental impact on the established character and layout of the area;
- (c) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', as the proposed development will be adversely affected in terms of their residential amenity due to the private rear garden ground being overlooked by the adjoining neighbouring property at 24 St Quivox Road;
- (d) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites' as the vehicular access/ egress to the serve the dwellinghouse will adversely impact the residential amenity of the residential property located at 10 Sandfield Road; and
- (e) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management', 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' due to the loss of existing off street parking provision, which would result in increased demand for on-street parking and congestion in the locality, which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and the residential amenity of the immediate locality.

List of Determined Plans:

Drawing - Reference No (or Description): 1; and

Drawing - Reference No (or Description): 2

- (4) [22/00601/APP](#) – AYR – 2 Belston Holdings, KA6 5JD – Change of use of agricultural land to form holiday park; erection of 8 holiday lodges, erection of reception/amenity block and formation of 20 hardstanding pitches for campervans/tourers.

The Panel heard from the Applicant's Agent and various interested parties.

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

- (a) that the development proposal is contrary to Scottish Planning Policy, the policy provisions the South Ayrshire Local Development Plan2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2 Development Management, Core Principle B1, B7, B8, C1, LDP Policy Tourism and LDP Policy Landscape Quality, by virtue that the development proposals shall result in an incongruous feature resulting in a detrimental visual impact on the established rural landscape character and setting at the locale; and
- (b) that the development proposal is contrary to Scottish Planning Policy, the policy provisions the South Ayrshire Local Development Plan2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2 Development Management, Core Principle B1, B7, B8, C1, LDP Policy Tourism, LDP Policy Landscape Quality and LDP Policy Land Use and Transport by virtue that the development proposals shall result in development in an unsustainable location which is not connected to local footpaths, cycle paths or local bus or rail routes and does not encourage active travel.

List of Determined Plans:

Drawing - Reference No (or Description): 0763 LOC 01;
 Drawing - Reference No (or Description): 0763 PP 01 (Rev. A);
 Drawing - Reference No (or Description): 0763 PP 02 (Rev. A);
 Drawing - Reference No (or Description): 0763 PP 03;
 Drawing - Reference No (or Description): 0763 PP 04;
 Drawing - Reference No (or Description): 0763 PP 05;
 Other - Reference No (or Description): Supporting Statement;
 Other - Reference No (or Description): Zone of Theoretical View Study;
 Other - Reference No (or Description): Photo montage 1; and
 Other - Reference No (or Description): Photo montage 2

The meeting ended at 1. 20 p.m.