

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 23rd November 2009 at 10.25 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Brian Connolly, Peter Convery, Hywel Davies, Ian Douglas, Stan Fisher, Ian Fitzsimmons, Ann Galbraith, Sandra Goldie, Bill Grant, John Hampton, Hugh Hunter, Elaine Little, Mairi Low, John McDowall, Bill McIntosh, Helen Moonie, Nan McFarlane, Alec Oattes, Mike Peddie, Robin Reid, Philip Saxton and Margaret Toner.

Apologies: Councillors Eddie Bulik, Mary Kilpatrick and Tom Slider.

Attending: J.G. Peterkin, Depute Chief Executive and Executive Director - Development and Environment; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; V. Andrews, Legal Manager; M. McClelland, Planning Development Group Leader (South); C. Bradshaw, Assistant Public Communications Officer; and A. Gibson, Committee Administrative Officer.

1. Provost's Remarks.

The Provost welcomed everyone present to this special meeting of the Council

2. Application for Planning Permission – Land Adjacent to the Olympic Complex, Dundonald (Ref: 08/00306/FUL).

Following consideration of the planning application for the formation of a Waste Recycling Centre on land adjacent to the Olympic Complex, Dundonald at a pre-determination hearing held by the Regulatory Panel (Special) (Page 620, paragraph 2), immediately prior to this meeting, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Fitzsimmons, seconded by Councillor Douglas moved that the Depute Chief Executive and Executive Director – Development and Environment be given delegated powers to approve the application, subject to the following conditions:-

- (1) that the development hereby permitted shall be begun within three years of the date of this permission;
- (2) that the development hereby approved shall be implemented in accordance with the plan(s) stamped approved as follows: ADL/0807/01, ADL/0807/02, the modular weighbridge brochure, the solus portacabin brochure and the beta fencing brochure as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority;

- (3) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (4) 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 the areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner;
- (5) that the surface and foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;
- (6) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan ADL/0807/02;
- (7) that the findings of the submitted environment noise assessment, dated 19th August 2009 shall be adhered to the satisfaction of the Planning Authority; and
- (8) that the facility hereby approved shall only operate between the hours of 8 a.m. to 6 p.m. Monday to Saturday inclusive

and also subject to the inclusion of two additional conditions, both in the interests of residential amenity, to be agreed with the applicant and relating to:-

- (a) agreement between the applicant and the Planning Authority in respect of routing arrangements for vehicle movements visiting and departing the site; and
- (b) agreement between the applicant and the Planning Authority in respect of the height of spoil heaps permitted within the site.

Reasons:

- (1) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by section 21 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) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (4) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (5) to ensure adequate drainage of the site;
- (6) in the interests of road safety;
- (7) to avoid noise disturbance in the interests of residential amenity; and
- (8) in the interests of residential amenity.

Advisory notes:

That Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.

Reason for decision:

That the development hereby approved can be justified in terms of the development plan subject to appropriate conditions and, the siting and design of the development hereby approved is not considered to have significant adverse impact on the amenity of the locality.

By way of an Amendment, Councillor Moonie, seconded by Councillor Andy Campbell, moved that the application be approved subject to conditions (1) to (8) and (a) and (b) above being included with a further condition being applied to the effect that in the event of non-compliance with condition (a) by the applicant, appropriate traffic calming measures should be introduced in Dundonald with the agreement and at the expense of the applicant.

By way of a Counter-Amendment, Councillor Davies, seconded by Councillor Allan, moved that the application be refused on the grounds that there would be an unfair strain on the roads in Dundonald and the proposal was contrary to policy STRAT 3 of the approved South Ayrshire Local Plan.

The Council agreed that the vote be taken by calling the roll.

In accordance with the terms of the Council's Standing Orders, the Council then firstly proceeded to vote on the terms of the Counter-Amendment moved by Councillor Davies and seconded by Councillor Allan as against the terms of the Amendment moved by Councillor Moonie and seconded by Councillor Andy Campbell.

The Depute Chief Executive and Executive Director – Development and Environment then took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Counter-Amendment
John Allan	Counter-Amendment
Andy Campbell	Amendment
Douglas Campbell	Abstain
Ian Cavana	Amendment
Brian Connolly	Amendment
Peter Convery	Amendment
Hywel Davies	Counter-Amendment
Ian Douglas	Amendment
Stan Fisher	Abstain
Ian Fitzsimmons	Abstain
Ann Galbraith	Abstain
Sandra Goldie	Amendment
Bill Grant	Counter-Amendment
John Hampton	Counter-Amendment
Hugh Hunter	Amendment
Elaine Little	Counter-Amendment
Mairi Low	Counter-Amendment
John McDowall	Amendment
Nan McFarlane	Counter-Amendment
Bill McIntosh	Abstain
Helen Moonie	Amendment
Alec Oattes	Counter-Amendment
Mike Peddie	Abstain

Robin Reid	Abstain
Philip Saxton	Amendment
Margaret Toner	Abstain

Nine Members voted for the Counter-Amendment, ten Members for the Amendment, with eight Members abstaining.

The Amendment was accordingly declared to be carried on this vote and became the substantive Amendment to be placed against the Motion.

The Depute Chief Executive and Executive Director – Development and Environment then took the vote between the Amendment and the Motion by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Amendment
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Amendment
Peter Convery	Motion
Hywel Davies	Amendment
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion
Ann Galbraith	Amendment
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Amendment
Hugh Hunter	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Motion
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Margaret Toner	Motion

Ten Members voted for the Amendment and seventeen for the Motion, which was accordingly declared to be carried.

Decided: to agree that the Depute Chief Executive and Executive Director – Development and Environment be given delegated powers to approve the application, subject to the conditions detailed at (1) to (8) and (a) and (b) above.

3. **Adjournment of Meeting.**

The time being 10.45 a.m., the Council agreed to adjourn for ten minutes and thereafter the meeting of the Regulatory Panel (Special) be re-convened for a pre-determination hearing in respect of a further application.

4. Resumption of Meeting.

The meeting reconvened at 11.35 am.

5. Declaration of Interest.

The Council noted that Councillors Little and Reid had declared an interest in the following planning application prior to the pre-determination hearing at the Regulatory Panel (Special) and accordingly were not present for the consideration of this application.

6. Application for Planning Permission – Balig Farm, Dunure Road, Ayr (Ref: 09/00627/COU).

Following consideration of the planning application for the change of use of agricultural land to form a holiday park with self-catering accommodation at Balig Farm, Dunure Road, Ayr at a pre-determination hearing held by the Regulatory Panel (Special) (Page 621, paragraph 6), immediately prior to this meeting, the Provost advised that the application would now be determined by this special meeting of the Council.

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

- (1) that the proposal is contrary to Policy STRAT 3 of the South Ayrshire Local Plan, as the development is not appropriate in terms of its large scale and siting within open countryside, and will have a significant adverse effect on the character of the Rural Protection Area and countryside at the locality;
- (2) that the proposal is contrary to Policy STRAT 5 of the South Ayrshire Local Plan, as the development is not appropriate in terms of its large scale and siting within open countryside, and will adversely effect the character of the countryside and environment at the locality;
- (3) that the proposal is contrary to Policy TOUR2 of the South Ayrshire Local Plan, by reason of its large scale, by reason of its isolated location within open countryside, which will have a significant detrimental impact on the surrounding landscape setting;
- (4) that the proposal is contrary to Policy RE1 of the South Ayrshire Local Plan, as it is not considered to be an acceptable form of farm diversification by reason of its large scale and being sited away from the farmstead and by having a significant detrimental impact on the character and setting of the open landscape;
- (5) that the proposed development is contrary to the provisions of Policy ENV8 of the South Ayrshire Local Plan as it would have an unacceptable visual and landscape impact on the scenic area, as identified by the local plan;
- (6) that the proposal is contrary to Policy ENV9 of the South Ayrshire Local Plan and the Council's Coastal Strategy by reason of its unacceptable visual impact on the coastal area;
- (7) that the proposal is contrary to Policy ENV13 of the South Ayrshire Local Plan as it will constitute the loss of prime quality agricultural land which is protected from development (defined as grade 1, 2 or 3.1 in the Macauley Land Classification system);
- (8) that the proposal is contrary to Policy ECON12 of the Ayrshire Joint Structure Plan, as the proposal has a significant detrimental impact on the character of the rural landscape and the environment quality of the locality;

- (9) that the proposal is contrary to Policy ECON14 of the Ayrshire Joint Structure Plan, as it constitutes a large scale development that will have a significant negative impact on the character and setting of the rural landscape;
- (10) that the proposal is contrary to Policy ENV1 of the Ayrshire Joint Structure Plan, as the development will have a significant detrimental visual impact and is incongruous with the existing open landscape by reason of its scale and siting, and will adversely effect the character of the Scenic Area and locality;
- (11) that the proposal is contrary to Policy ENV2 of the Ayrshire Joint Structure Plan, as the development will have a significant detrimental visual impact on and is incongruous with the existing open landscape by reason of its scale and siting, and will adversely effect the character of the Scenic Area and locality;
- (12) that the proposal is contrary to STRAT1 of the Ayrshire Joint Structure Plan as it constitutes a large scale development that will have a significant negative impact on the environmental quality of the locality; and
- (13) that the proposal is contrary to National Planning Policy Guidance 13 'Coastal Planning' as it constitutes a large scale development that will have a significant detrimental visual impact on the coastal area and it has not been demonstrated that the development will result in significant economic and social benefits outweighing its detrimental landscape impact on the coastal area.

The meeting ended at 11.40 a.m.