

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 21st September 2010 at 2.00 p.m.

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.
- Apologies: Councillors John Allan and Alec Oattes.
- Attending: W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader; and A. Gibson, Committee Administrative Officer.

At this point, it was noted that Councillor Ian Douglas would not take part in considering the following Review, as he had not been present when it had previously been considered:-

1. **Continued Review Case – Change of use of Public Footpath to form Coffee Kiosk, Land adjacent to Lorne Arcade, 115 High Street, Ayr (Ref: 09/00779/FUL).**

Reference was made to the Minutes of 24th August 2010 (Page 430, paragraph 4) when it had been agreed that consideration of the review in respect of the application for planning permission to change the use of the public footpath to form a coffee kiosk at land adjacent to the Lorne Arcade, 115 High Street, Ayr be continued to a meeting of this Body to allow further information to be provided by written submissions. There was submitted the relevant papers (issued).

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered all the relevant paper work relating to the Review with particular emphasis on the grounds on which the application had been refused.

Decided: to uphold the decision to refuse the application.

At this point, Councillor Douglas re-joined the meeting.

2. **Continued Review – Alterations to the Existing Dwellinghouse, 12 Victoria Park, Ayr (Ref: 10/00162/APP) (Review of Conditions).**

Reference was made to the Minutes of 30th August 2010 (Page 444, paragraph 3) and following an accompanied site visit by Members on 7th September 2010, and 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 with particular emphasis on the reasons for imposing the condition in question.

Decided: to uphold the decision of the appointed officer to impose condition (3), namely “that notwithstanding the plans hereby approved, the proposed roof shall be externally finished with natural slate or reconstituted slate. Exact details and samples of the proposed roof cladding shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site”.

At this point, it was noted that Councillor Ian Douglas would not take part in considering the following Review, as he had not been present when it had previously been considered:-

3. Continued Review – Erection of Dwellinghouse, the Ranch Caravan Park, Maybole (Ref: 09/00589/FUL).

Reference was made to the Minutes of 24th August 2010 (Page 430, paragraph 3) and following an accompanied site visit by members on 7th September 2010, and 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 with particular emphasis on the grounds on which the application had been refused.

Decided: after consideration, to overturn the decision made by the appointed officer and grant planning permission, subject to the applicant entering into a Section 75 Legal Agreement to tie the proposed house, the existing house and the business together and 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 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 applicant shall through drainage or other means prevent the discharge of water onto the public road and any SUDS proposals will require to be such that they do not impose any financial or maintenance burden on the Roads Authority;
- (4) that the applicant will require to provide a minimum of three off-road parking spaces within the site boundary;
- (5) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site; and
- (6) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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 avoid discharge of water on to the public road
- (4) in the interest of road safety and to ensure adequate off-street parking provision;
- (5) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (6) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. This obligation can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.

List of Determined Plans:

Drawing - Reference No (or Description): 08.189:LP01;
 Drawing - Reference No (or Description): 08.189:P01; and
 Drawing - Reference No (or Description): 08.189.P02 Rev. C.

At this point, Councillor Douglas re-joined the meeting.

4. Continued Review – Change of Use of Existing Farm Building to Form Two Dwellinghouses, Dunree, Maybole (Ref: 10/00276/APP).

Reference was made to the Minutes of 30th August 2010 (Page 443, paragraph 1) and following an accompanied site visit by members on 7th September 2010, and 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 with particular emphasis on the grounds on which the application had been refused.

Decided: after consideration, to overturn the decision made by the appointed officer and grant planning permission, 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 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 development hereby approved is for the conversion of the existing building to form two dwellinghouses and shall be carried out as per the stamped approved drawings. Any additional downtakings or new build required as part of this development shall require the prior written approval of the Planning Authority;
- (4) that prior to the commencement of development, 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;
- (5) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site;
- (6) that junction access visibility sightline splays of 4.5 meters by 90 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (7) that two off-road parking spaces per dwelling shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before occupation of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (8) that prior to completion of the development any gates shall open inwards away from the public roadway; and
- (9) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

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) to ensure that the building being converted remains substantially intact and that the works do not detract from the appearance of the building;
- (4) in the interests of visual and residential amenity;
- (5) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (6) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (7) in the interest of road safety and to ensure adequate off-street parking provision;
- (8) in the interest of road safety; and
- (9) in the interest of road safety and to ensure that adequate provision is made for pedestrians.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Determined Plans:

Drawing - Reference No (or Description): 0001 P02;
 Drawing - Reference No (or Description): 0001 P03;
 Drawing - Reference No (or Description): 0001 P04;
 Drawing - Reference No (or Description): 0001 P05; and
 Drawing - Reference No (or Description): 0001 P01.

5. **New Case for Review – Alterations and Extension to Dwellinghouse, 23 Morris Road, Prestwick (Ref: 10/00867/APP).**

In terms of Council Standing Order No. 8 and in view of the urgency involved, a pre-examination meeting was held in terms of Section 14(1) of the Town and Country Planning (Schemes of Delegation and Local Review) (Scotland) Regulations 2008 where the Legal Adviser to the Body advised that a Notice of Review against non-determination of a planning application had been received for alterations and extension to a dwellinghouse at 23 Morris Road, Prestwick and requested permission to ask the Council's Planning Authority to provide a Report of Handling or similar, within seven days from the date of this meeting.

Decided: to agree that the Planning Authority be requested to provide a Report of Handling or similar for this Review, within seven days from the date of this meeting.

The meeting ended at 3.10 p.m.