

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 14 January 2020 at 2.00 p.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Apology: Councillor Craig Mackay.

Attending: L. McPartlin, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser) and D. Mulgrew, Committee Services Assistant.

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 - Erection of dwellinghouse at Stanmore, 85 St Meddans Street, Troon, South Ayrshire, KA10 6NW (19/00653/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of dwellinghouse at Stanmore, 85 St Meddans Street, Troon, South Ayrshire, KA10 6NW.

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:

- (1) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (2) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

3. New Case for Review – Part change of use and alterations to existing building to form gym (Class 11) at 62 Viewfield Road, Ayr, South Ayrshire, KA8 8HH (19/00580/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for part change of use and alterations to existing building to form gym (Class 11) at 62 Viewfield Road, Ayr, South Ayrshire, KA8 8HH.

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 to 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) the operation of this facility must not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LArTr) where Tr = 1 hour daytime and 5 minutes night time. Measured as per BS 4142:2014. Prior to the commencement of works on-site, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the proposed noise generating development on the noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact on the noise sensitive receptors using the current British Standard (or as may be amended). The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site;
- (3) that off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide. 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;
- (4) the applicant/ developer shall, prior to the commencement of works, submit a Service Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the best practice methodology for the movement of delivery traffic associated with the development including delivery timings, routing, banksmen requirements and other related matters. The SMP shall require the agreement of the Council as Roads Authority prior to occupation of the development.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to avoid noise disturbance in the interests of residential amenity;
- (3) in the interest of road safety and to ensure adequate off-street parking provision;
and
- (4) in the interest of road safety.

Advisory Notes:

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.

- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Phases of Development' as soon as practicable after completion of each phase of the development and subsequently a 'Notification of Completion of Development' as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

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 Plans Determined/or List of Approved Plans:

Drawing - Reference No (or Description): Drawing - All Details as Existing;
 Drawing - Reference No (or Description): Drawing - All Details as Proposed; and
 Drawing - Reference No (or Description): Location Plan.

The meeting ended at 2.50 p.m.