

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely on 22 September 2020 at 2.00 p.m.

Present: Councillor Brian Connolly (Chair).

Present

Remotely: Councillors Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Craig Mackay and Margaret Toner.

Attending: D. Mulgrew, Committee Services Assistant.

Attending

Remotely: L. McChristie, Solicitor (Legal Adviser), A. Edgar, Supervisory Planner (Planning) and A. McGibbon, Supervisory Planner (Planning).

Apology: Councillor Mary Kilpatrick.

1. Opening Remarks.

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

2. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Campbell declared an interest in the item below entitled "Erection of dwellinghouse at The Walled Garden, Monkton" as the applicants were known to him and advised that he would withdraw from the meeting during discussion of this item. Councillor Clark advised for item below entitled "Erection of 2 dwellinghouses at 30 Piedmont Road, Girvan" that he knew the applicant but would have no conflicting interest.

3. Minutes of previous meeting.

The minutes of [19 August 2020](#) (issued) were submitted and approved.

4. Variation in order of business.

In terms of Council Standing Order No. 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

5. New Case for Review – Erection of 2 dwellinghouses at 30 Piedmont Road, Girvan, South Ayrshire, KA26 0DR (20/00125/APP).

Prior to the meeting, it was discovered that part of the review documents was missing. The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 provide that notification in relation to the review documents must be undertaken. As this was not done for all the review documents, the review could not be heard at this meeting. Notification in terms of the above Regulations will be carried out and this case will be continued until the next LRB meeting on 27 October 2020.

Councillor Mackay, being unable to take part in the following two cases as he had not been present at the Local Review Body meetings of 21 July 2020 and 19 August 2020 when the Reviews had initially been considered decided to leave the meeting at this point.

6. Continuation of Review – Erection of a dwellinghouse and shed at Land to the North of 40 Kilmarnock Road, Symington, South Ayrshire (19/01025/PPP).

Cllr Convery was disconnected from the meeting at some point during the discussion of this case and as such couldn't take part in the decision of this case and the remainder of the meeting.

Reference was made to the Minutes of 21 July 2020 (Page 1, paragraph 4) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area and that a Procedure Notice be issued to the Agent and Appointed Officer for response to SEPA regarding foul drainage arrangements and to Environmental Health regarding a noise impact assessment.

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again considered the papers relating to the Review.

Councillor Campbell, seconded by Councillor Fitzsimmons, moved that the decision of the Appointed Officer to refuse the application be upheld. By way of an amendment, Councillor Clark moved that the application be overturned. The Amendment fell as it failed to find a seconder. The Motion was accordingly declared to be carried.

Decided: to uphold the decision made by the Appointed Officer to refuse planning permission.

Councillor Campbell having previously declared an interest left the meeting at this point. Councillor Clark did not participate in consideration of the following Review as he had not been present at the Local Review Body meeting of 19 August 2020 when this Review had been considered and subsequent site visit.

7. Continuation of Review – Erection of a dwellinghouse at The Walled Garden, B739 from Tarbolton Road, Monkton to A719 Junction at Raith, Monkton, South Ayrshire, KA9 2SQ (19/01128/APP).

Reference was made to the Minutes of 19 August 2020 (Page 1, paragraph 3) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area and that a Procedure Notice be issued to Democratic Services for a copy of the Local Review Body Decision Notice for Planning Application no. 18/00304/APP.

Also that a Procedure Notice be issued to the Agent for further information on:

- (i) the total floor area in square metres of the house approved through permission 18/00304APP and the house currently proposed broken down into ground floor and first floor;
- (ii) floor and elevation plans, at the same scale, of the house approved through permission 18/00304APP and the house currently proposed, set out in a manner that lends itself to ease of comparison - front, rear and both side elevations are requested;
- (iii) comments on both the house approved through permission 18/00304APP and the house currently proposed in respect of the requirements of the Rural Housing policy, with

particular regard to criteria 'f' of Design Policy 1 'Siting of new housing' in the Rural Housing Supplementary Guidance.

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again 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) 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 the 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; and
- (4) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan.

Reasons:

- (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; and
- (4) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking.

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): LP.001 (1);
 Drawing - Reference No (or Description): LP.001 (2);
 Drawing - Reference No (or Description): WG_001;
 Drawing - Reference No (or Description): WG_002;
 Drawing - Reference No (or Description): WG_03;
 Drawing - Reference No (or Description): WG_04;
 Drawing - Reference No (or Description): WG_05;
 Drawing - Reference No (or Description): WG_06;
 Drawing - Reference No (or Description): WG_07; and
 Drawing - Reference No (or Description): WG_08.

The meeting ended at 3.15 p.m.