

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 17 August 2021 at 2.00 p.m.

Present

Remotely: Councillors Brian Connolly (Chair), Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Craig Mackay, Mary Kilpatrick and Margaret Toner.

Attending

Remotely: L. McPartlin, Solicitor (Legal Adviser), Adrian Browne, Co-ordinator (Planning Adviser), Antony McGuinness (Planning Adviser) and D. Mulgrew, Committee Services Assistant.

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.

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.

3. Minutes of previous meetings.

The minutes of 22 June 2021 ([issued](#)) were submitted and approved.

4. New Case for Review – Erection of dwellinghouse at 109 Adamton Road South, Prestwick, South Ayrshire, KA9 2HH (20/00568/APP).

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for erection of dwellinghouse at 109 Adamton Road South, Prestwick, South Ayrshire, KA9 2HH (20/00568/APP).

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.

Councillor Mackay, seconded by Councillor Clark, moved that the decision of the Appointed Officer to refuse the application be overturned. By way of an amendment, Councillor Fitzsimmons, seconded by Councillor A Campbell, moved that the decision of the Appointed Officer to refuse the application be upheld.

On a vote being taken by a show of hands, five members voted for the Motion and four for the Amendment. The Motion was accordingly declared to be carried.

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.

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; and
- (3) in the interests of visual and residential amenity.

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 LRB considered that the proposal accords with the Adopted South Ayrshire local Development Plan in relation to policies on Spatial Strategy, Sustainable Development, Residential Policy Within Settlements, Release sites and windfall sites, Renewable Energy, and Low-and-zero-carbon buildings. The siting, design and nature of the development hereby approved is considered not to have a significant adverse impact on the amenity of neighbouring land and buildings.

List of Approved Plans:

Drawing - Reference No (or Description): Alternative Ground Floor Plan;

Drawing - Reference No (or Description): Drawing - All Details;

Drawing - Reference No (or Description): Ground Floor Plan;

Drawing - Reference No (or Description): Ground and 1st Floor Plan;

Drawing - Reference No (or Description): 2nd Floor Isometric Perspective/Construction;

Drawing - Reference No (or Description): Proposed Elevations;

Drawing - Reference No (or Description): Sections;

Drawing - Reference No (or Description): Location Plan;

Drawing - Reference No (or Description): Block Plan as Proposed;

Other - Reference No (or Description): 3D Render;

Other - Reference No (or Description): 3D Render; and

Other - Reference No (or Description): 3D Render.

5. New Case for Review – Erection of garden shed at 27 Primrose Park, Ayr, South Ayrshire, KA7 3XF (20/00684/APP).

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for erection of garden shed at 27 Primrose Park, Ayr, South Ayrshire, KA7 3XF (20/00684/APP).

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

6. **New Case for Review – Planning Permission in Principle for erection of a dwellinghouse at Robstone Farm, B741 from A77T Junction at Bridge Mill, Girvan to Main Street, Dailly, Girvan, South Ayrshire, KA26 9PZ (20/00775/PPP).**

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse planning permission in principle for erection of a dwellinghouse at Robstone Farm, B741 from A77T Junction at Bridge Mill, Girvan to Main Street, Dailly, Girvan, South Ayrshire, KA26 9PZ (20/00775/PPP).

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.

Councillor Clark, seconded by Councillor Kilpatrick, moved that the Appointed Officer's decision to refuse the application be overturned.

By way of an Amendment, Councillor A Campbell moved that the decision by the Appointed Officer to refuse the application be upheld but failed to find a seconder. The Amendment accordingly fell.

Decided: to overturn the decision made by the Appointed Officer and to grant planning permission subject to the following conditions:

- (1) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (2) that at the Approval of Matters Specified in Conditions stage full details of the proposed development comprising the dwellinghouse and shed, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission;
- (3) that at the Approval of Matters Specified in Conditions stage details shall be submitted 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;
- (4) that the dwelling shall not exceed one and a half storeys in height with the wall-head not extending above ground level ceiling level;
- (5) that at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground for the new dwelling which shall be in accordance with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas;
- (6) that at the Approval of Matters Specified in Conditions stage details shall be submitted of; the proposed new access arrangements which shall include the widening of the existing access to a minimum distance of 5.5 metres for a distance of 10.0 metres from the rear of the public carriageway, and which shall meet with the specification of the Roads Development Guide, the surfacing arrangements,

and parking and turning arrangements for the proposed house, and drainage details which shall prevent the discharge of water onto the public road carriageway, which shall be to the satisfaction of the Ayrshire Roads Alliance;

- (7) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the Council's supplementary guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing;
- (8) that at the Approval of Matters Specified in Conditions stage, 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;
- (9) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed septic tank which shall be constructed and installed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended);
- (10) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reasons:

- (1) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (2) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (3) in the interest of visual amenity;
- (4) to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (5) to comply with the Council's supplementary planning policy guidance in relation to open space, and to ensure that the extent of land to be used as garden ground is commensurate with the locality;
- (6) in the interest of road safety;
- (7) in order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (8) in order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing;
- (9) to ensure the development can be adequately serviced; and
- (10) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

List of Approved Plans:

Drawing - Reference No (or Description): SK01 (Rev. A);

Drawing - Reference No (or Description): SK01 (Rev. C); and

Drawing - Reference No (or Description): SK02 (Rev. C).

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).

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

Reason for Decision:

The proposed development has been justified to the satisfaction of the LRB as being required for the security and operation of the rural business activities at Robstone Farm, Girvan

The meeting ended at 3.40 p.m.