

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely on 27 October 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, Mary Kilpatrick and Margaret Toner.

Attending: D. Mulgrew, Committee Services Assistant.

Attending

Remotely: L. McChristie, Solicitor (Legal Adviser) and A. Cooke, Co-ordinator (Planning).

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.

Councillor Clark and Councillor Fitzsimmons advised for item below entitled "Erection of 2 dwellinghouses at 30 Piedmont Road, Girvan" that they knew the applicant but would have no conflicting interest.

3. Minutes of previous meeting.

The minutes of [1 September 2020](#) and [22 September 2020](#) (issued) were submitted and approved.

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

Cllr Convery was disconnected from the meeting at some point during the discussion of this case and as such could not take part in the decision of this case.

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for erection of 2 dwellinghouses at 30 Piedmont Road, Girvan, South Ayrshire, KA26 0DR (20/00125/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 Clark, seconded by Councillor Fitzsimmons, moved that the decision of the Appointed Officer to refuse the application be overturned. By way of an amendment, Councillor Cavana, seconded by Councillor Toner, moved that the decision of the Appointed Officer be upheld.

On a vote being taken by a show of hands, five members voted for the Motion and three 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.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

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:

Due to the particular context and site circumstances of this individual application proposal the LRB considered that the; the substantial amount of available parking space within the local area, the provision of adequate footways and the very small scale of the proposed development means that this application proposal may be considered to be acceptable as a minor departure from the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Residential Policy within Settlements, Release Sites and Windfall Sites, and Land Use and Transport despite the absence of dedicated off-street parking provision. 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): 01;
Drawing - Reference No (or Description): 02;
Drawing - Reference No (or Description): 03;
Drawing - Reference No (or Description): 04;
Drawing - Reference No (or Description): 05;
Drawing - Reference No (or Description): 06;
Drawing - Reference No (or Description): 07;
Drawing - Reference No (or Description): 08;
Drawing - Reference No (or Description): 09;
Drawing - Reference No (or Description): 10; and
Drawing - Reference No (or Description): 11.

5. New Case for Review – Erection of residential development at Proposed Housing Development, Ayr Road, Fisherton, South Ayrshire (19/01127/APP).

Councillor Convery reconnected to the meeting at this point so therefore could take part in the discussion of this case.

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for erection of residential development at Proposed Housing Development, Ayr Road, Fisherton, South Ayrshire (19/01127/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:

- (1) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (2) that a Procedure Notice be issued to the Applicant to provide information on the amenity space and private garden ground in relation to each Affordable Housing

Unit. The Local Review Body request a breakdown of the private garden ground for the Affordable Housing flats – numbers 23, 24, 25 and 26.

- (3) that a Procedure Notice be issued to the Appointed Officer:
 - (i) to explain the nature and extent of the deficiency of the garden ground in relation to each Housing Unit as a further explanation is required to their statement "...a considerable number of plots do not adhere to Planning Guidance...by virtue of variously deficient garden ground areas and deficient private garden depth" where it appears on page 5 of the Report Of Handling;
 - (ii) provide their calculations for each Housing Unit's private garden ground; and
- (4) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

6. New Case for Review – Change of use of agricultural land for the siting of 4 glamping pods, ancillary works including car park and footpaths at Laigh Drumlamford Farm B7027 from Main Street, Barrhill to Council Boundary at Loch Maberry South from Barrhill, South Ayrshire, KA26 0QZ (19/00847/APP).

There were submitted the relevant papers ([issued](#)) relating to a request to review the decision to refuse a planning application for change of use of agricultural land for the siting of 4 glamping pods, ancillary works including car park and footpaths at Laigh Drumlamford Farm B7027 from Main Street, Barrhill to Council Boundary at Loch Maberry, South from Barrhill, South Ayrshire, KA26 0QZ (20/00125/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 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 the approval for the proposed use is limited to 10 years at which date the use of the holiday accommodation shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval.
- (3) That the holiday accommodation units shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation, and that the occupancy of the holiday accommodation by the same person, whether or not along with other persons, shall be strictly limited to a total of one month, in any year from 1st January in that year.
- (4) That the existing dwellinghouse known as Laigh Drumlamford Farm shall not be sold, assigned, disposed, leased or in any other way disposed of separately from the proposed holiday accommodation, and shall remain part of the same single inter-connected planning unit.

- (5) That, prior to the operation and occupation of the holiday accommodation, details shall be submitted for the prior written approval of the planning authority of the months of operation of the holiday accommodation, which shall not exceed ten months in any calendar year. Thereafter, the accommodation shall be operated in accordance with the submitted details, to the satisfaction of the planning authority.
- (6) That, no development shall commence on-site until details have been submitted and agreed for a potable supply of water serving the holiday accommodation. Thereafter, the development shall be implemented and connected to the agreed supply, for the lifetime of the development, to the satisfaction of the Planning Authority, in conjunction with Scottish Water and SEPA.
- (7) That off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan.
- (8) That, prior to the commencement of works on-site details shall be submitted for the prior written approval of the planning authority of the parking area. Thereafter, the development shall be implemented and maintained as agreed, for the lifetime of the development.
- (9) That, prior to the commencement of works on-site details shall be submitted for the prior written approval of the planning authority of the proposed landscape planting which shall comprise of native species. Thereafter, the landscaping shall be implemented and maintained as agreed, for the lifetime of the development.
- (10) That before any work commences on site a suitably scaled block layout plan showing;
 - a) Existing ground levels
 - b) Proposed ground levels, and
 - c) Finished floor levels of each holiday unitshall be submitted for the prior written approval of the Council as Planning Authority, and thereafter, the development shall be implemented as per the agreed specification.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) As the proposal is for temporary and limited life buildings
- (3) To clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only.
- (4) The site lies within a rural area where the Planning Authority considers that new residential development is appropriate when justified as contributing towards tourism growth within South Ayrshire
- (5) To clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only.
- (6) To ensure the development is adequately serviced.
- (7) 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.

- (8) To ensure the development is adequately serviced.
- (9) In order to retain the natural rural setting of the locality.
- (10) In order to retain the natural rural setting of the locality.

Advisory Notes;

- Any private water supply serving these premises will require to fully comply with the requirements of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

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'.
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- 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 development hereby approved can be justified in terms of the Local Development Plan in conjunction with the terms of PLDP2 with particular regard to the Tourism policy which no longer requires consideration of whether proposals are considered to be isolated or scattered. The application proposal by virtue of its small scale, location and siting, represents an excellent example of sustainable development that satisfies the applicable standards set out in LDP policy 'Sustainable Development' including; amenity, landscape, road safety, use of public services, facilities and infrastructure and accessibility. The siting and design of the development hereby approved is considered to be acceptable and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Approved Plans:

Drawing - Reference No (or Description): 29:2019:3a;
Drawing - Reference No (or Description): 29:2019:2a; and
Drawing - Reference No (or Description): 29:2019:1.

The meeting ended at 4.15 p.m.