

## **SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting held remotely  
on 16 November 2021 at 2.00 p.m.

Present: Councillors Brian Connolly, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Brian McGinley.

Apologies: Councillors Iain Campbell and Margaret Toner.

Attending: L. McPartlin, Solicitor (Legal Adviser); A. McGuinness, Planning Co-ordinator (Planning Adviser); B. Horwill, Planner (Planning Adviser); D. Mulgrew, Committee Services Assistant and C. McCallum, Committee Services Assistant.

### **1. Opening Remarks.**

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

### **2. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Fitzsimmons declared an interest in item 4 of this minute entitled "Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD" as he had previously provided assistance to the applicants.

### **3. New Case for Review – Erection of field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole South Ayrshire KA19 7PD (21/00100/APP)**

There were submitted the relevant papers (issued) relating to a request to review Condition (3) imposed on consent by an Appointed Officer for the erection of field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole, South Ayrshire, KA19 7PD (21/00100/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 McGinley, seconded by Councillor Clark, moved that Condition (3) be removed.

By way of Amendment, Councillor Mackay, seconded by Councillor Cavana, moved that the time period in Condition (3) be amended from 5 years to 10 years.

On a vote being taken by electronic means, four Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried.

**Decided:** to grant the Review and vary the decision made by the Appointed Officer by changing the time period referred to in Condition (3) from 5 years to 10 years and by the addition of advisory note (6) below as a courtesy to the applicant. Therefore Planning Permission is granted subject to the following Conditions for the reasons listed below:

### **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 this planning permission shall enure for the benefit of the applicant, namely Mrs Jane McCulloch only.
- (3) That the approval for the proposed timber field shelters is limited to 10 years; when the structures shall be removed from the site and the land 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.
- (4) That notwithstanding the plans hereby approved, no permission is granted for the proposed metal food storage container to the satisfaction of the Planning Authority, and the permission relates to the siting of 3 timber field shelters only.

### **Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) The development is only considered to be acceptable on the basis of a personal permission.
- (3) The timber field shelters are of a temporary nature and are only acceptable as a temporary expedient.
- (4) To define the terms of the permission and in the interests of visual amenity.

### **Advisory Notes:**

- (1) 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.
- (2) 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](http://www.south-ayrshire.gov.uk/planning/forms.aspx) 'Notice to be displayed while development is in progress'.

- (3) 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).
- (4) 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).
- (5) 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).
- (6) The applicant is entitled to apply to the planning authority at the relevant time to seek renewal of the planning permission for an additional time period, if desired. It is the applicant's responsibility to submit an Application for Further Planning Permission for this purpose, for due assessment by the planning authority, in advance of the expiry of this planning permission on 16.11.2031. Any further planning application submitted shall be liable for the relevant planning application fee as per the prevailing Schedule of Fees enacted by the Scottish Government at the time of application. Further advice on procedure may be sought at the relevant time by contacting the planning authority.

**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): Approved Context Location Plan
- Drawing - Reference No (or Description): Approved Location Plan
- Drawing - Reference No (or Description): Approved Shelter 1 Floor Plan
- Drawing - Reference No (or Description): Approved Shelter 1 Front Elevation
- Drawing - Reference No (or Description): Approved Shelter 1 Side Elevation
- Drawing - Reference No (or Description): Approved Shelter 2 Floor Plan
- Drawing - Reference No (or Description): Approved Shelter 2 Front Elevation
- Drawing - Reference No (or Description): Approved Shelter 2 Side Elevation
- Drawing - Reference No (or Description): Approved 3-Sided Shelter Floor Plan
- Drawing - Reference No (or Description): Approved 3-Sided Shelter Side Elevation
- Drawing - Reference No (or Description): Approved Proposed Metal Container Floor Plan
- Drawing - Reference No (or Description): Approved Proposed Metal Container Front Elevation
- Drawing - Reference No (or Description): Approved Proposed Metal Container Side Elevation
- Drawing - Reference No (or Description): Approved 3-Sided Shelter Front Elevation
- Other - Reference No (or Description): Approved Photographs as existing
- Other - Reference No (or Description): Approved Personal Statement
- Other - Reference No (or Description): Approved Animal Welfare Statement

Councillor Fitzsimmons left the meeting at this point.

#### **4. New Case for Review – Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/APP)**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/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 made by the Appointed Officer, and to grant Planning Permission subject to the following condition:

- (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.

#### **Reason:**

- (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](http://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 Approved Plans:**

Drawing - Reference No (or Description): **Approved** LOCATION PLAN  
Drawing - Reference No (or Description): **Approved** BLOCK PLAN  
Other - Reference No (or Description): **Approved** REFURBISHMENT WORKS  
Other - Reference No (or Description): **Approved** REPLACEMENT WINDOWS AND DOORS  
Other - Reference No (or Description): **Approved** SUPPORTING STATEMENT

Councillor Fitzsimmons re-joined the meeting at this point.

Due to connectivity issues, Councillor Mackay left the meeting and the Panel agreed to continue consideration of the remaining application.

### **5. New Case for Review – Alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/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 made by the Appointed Officer, and grant Planning Permission subject to the following condition :

- (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

### **Reason:**

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

### **Advisory Notes:**

- (1) 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.
- (2) 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](http://www.south-ayrshire.gov.uk/planning/forms.aspx) 'Notice to be displayed while development is in progress'.

- (3) 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).
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- (5) 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): **Approved** HDA-041-001

Drawing - Reference No (or Description): **Approved** HDA-041-002

Drawing - Reference No (or Description): **Approved** HDA-041-003BW (D)

The meeting ended at 3.15 p.m.