

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 11 May 2021 at 2.00 p.m.

Present

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

Attending

Remotely: L. McChristie, Solicitor (Legal Adviser), A. Cooke, Co-ordinator (Planning) 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. Continuation of Review – Erection of dwellinghouse at Kirkoswald Toll House, Blawearie Road, Kirkoswald, South Ayrshire, KA19 8HX (20/00258/APP).

Reference was made to the Minutes of 2 February 2021 ([Page 3, paragraph 2](#)) when it had been agreed that the Review be continued to a further meeting of this Body to allow a Procedure Notice to be issued to the Appointed Officer for response on new material submitted in the form of a Structural Inspection Report.

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 the roof of the proposed dwellinghouse shall be finished in natural slate, or an acceptable slate substitute, for the written approval of the Planning Authority, prior to the commencement of works on site. Thereafter, the roof shall be finished as per the agreed specification;
- (4) that notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order revoking and re-enacting the Order) all development falling within Classes 1 and 3 (covering the enlargement of a dwellinghouse and other development within the curtilage of a dwellinghouse) shall be the subject of a formal application for planning permission;

- (5) that prior to the occupation of the dwellinghouse, the garden ground shall be formed as shown on the approved plans, and thereafter, shall be retained and maintained for the lifetime of the development, to the satisfaction of the planning authority;
- (6) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3.5 metres wide over its initial 5 metres, as measured from the rear of the public footway before the occupation of the dwellinghouse;
- (7) that the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public footway prior to the occupation of the dwellinghouse. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (8) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (9) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (10) that prior to occupation of the development any gates shall open inwards away from the public roadway; and
- (11) that the development shall be implemented in accordance with the flood risk management measures outlined in section 7. and 8. of the submitted flood risk assessment. Details of any land raising shall be submitted to the planning authority, for written approval, prior to the commencement of works on-site. Thereafter, the development shall be implemented as per the agreed specification, to the satisfaction of the 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 amenity;
- (3) to accord with the design guidance of the Council's supplementary planning guidance in relation to Rural Housing;
- (4) in the interests of rural visual amenity;
- (5) in the interest of residential amenity;
- (6) in the interest of road safety and to ensure an acceptable standard of construction;
- (7) in the interest of road safety and to ensure an acceptable standard of construction;
- (8) in the interest of road safety and avoid the discharge of water on to the public road;
- (9) 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;
- (10) in the interest of road safety; and
- (11) to avoid the risk of flooding to the development.

Advisory Notes:

- 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.
- Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- 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 Rural Housing Supplementary Guidance and there is no 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): 10;
Drawing - Reference No (or Description): 11;
Drawing - Reference No (or Description): 12A;
Drawing - Reference No (or Description): 13A;
Drawing - Reference No (or Description): 14A;
Drawing - Reference No (or Description): 15A; and
Drawing - Reference No (or Description): 16A.

4. New Case for Review – Change of use of existing golf club house to form dwellinghouse at Brunston Castle Golf Course, Golf Course Road, Dailly, South Ayrshire, KA26 9SB (20/00476/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 existing golf club house o form dwellinghouse at Brunston Castle Golf Course, Golf Course Road, Dailly, South Ayrshire, KA26 9SB (20/00476/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 application site shall comprise a single interconnected planning unit restricted to a use within Class 9 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997. No constituent part of the dwellinghouse shall be subdivided from the remainder and nor shall any such part be sold, leased or otherwise disposed of for use as a separate dwellinghouse or otherwise, without the submission of a further planning application; and
- (3) that notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 (or any Order amending or revoking and re-enacting that Order) no development within Class(es) 1A, 1B, 1C, 2A, 3A, 3B, 3C, 3D or 3E shall be undertaken without the prior written permission of the Planning Authority.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) To clarify the terms of this permission and in order to retain proper planning control over the use of the property; and
- (3) To ensure that any further development at this site is assessed as part of a further planning permission in the interests of protecting the residential amenity of the property and respecting the character and setting of the rural landscape.

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 proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.
- It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).
- Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries
- Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.
- If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-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 Rural Housing Supplementary Guidance and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Approved Plans:

Drawing - Reference No (or Description): 001;
Drawing - Reference No (or Description): 002;
Drawing - Reference No (or Description): 003;
Drawing - Reference No (or Description): 004;
Drawing - Reference No (or Description): 005; and
Drawing - Reference No (or Description): 006.

5. New Case for Review – Alterations and extension to dwellinghouse at 1A Longlands Park, Ayr, South Ayrshire, KA7 4RJ (20/00927/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 1A Longlands Park, Ayr, South Ayrshire, KA7 4RJ (20/00927/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.

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 (where approved):

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): HDA-014-001;
Drawing - Reference No (or Description): HDA-014-001; and
Drawing - Reference No (or Description): HDA-014-003 Rev.B.

The meeting ended at 3.15 p.m.