

## SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 10th September 2013 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Ian Douglas, Ann Galbraith, Sandra Goldie and Hugh Hunter.
- Apologies: Councillors Andy Campbell, Nan McFarlane and Rita Miller.
- Attending: M. Vance, Solicitor; N. Feggans, Development Planning and Customers Team Leader; and A. Gibson, Committee Services Officer.

### 1. 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.

### 2. Minutes of previous meeting.

The Minutes of 20th August 2013 (issued) ([link attached](#)) were submitted and approved.

### 3. New Case for Review – Change of use of dwellinghouse and alterations and extension of hot food takeaway to form hot food takeaway and retail unit together with the formation of additional off-road car parking spaces and the installation of an automated teller machine, relocation of refrigeration fans and erection of flue: 67 Heathfield Road, Ayr (Ref: 13/00340/APP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for the change of use of dwellinghouse and alterations and extension of hot food takeaway to form hot food takeaway and retail unit together with the formation of additional off-road car parking spaces and the installation of an automated teller machine, relocation of refrigeration fans and erection of flue at 67 Heathfield Road, Ayr.

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 with particular emphasis on the grounds on which the application had been refused.

**Decided:** to overturn the decision of the appointed Officer and to grant the planning application 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 private access shall be surfaced for a minimum of two metres as measured from the rear of the public footway prior to development completion. 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;
- (3) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan and, thereafter, shall not be used for any purpose other than off-street parking, without the prior written consent of the Planning Authority;
- (4) that parking bays shall be a minimum 4.8 metres x 2.5 metres;
- (5) that a two metre wide public footway shall be provided along the site frontage on Heathfield Road in accordance with the specifications in the Council's Roads Development Guide before development completion;
- (6) that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide 5.4.16; such access to be formed before completion of the development;
- (7) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (8) a ventilation system incorporating an air dilution and/or filtration system of the type hereby approved shall be installed and operational prior to the commencement of the use and thereafter shall be retained as approved in order to prevent the occurrence of a smell nuisance; and
- (9) that prior to the commencement of development, details of all proposed finishing materials to be used on external surfaces, in terms of type, colour and texture, shall be submitted to, and approved by, the Planning Authority and shall match the existing building, so far as is reasonably practicable.

**Reasons:**

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in the interest of road safety and to ensure an acceptable standard of construction;
- (3) in the interest of road safety and to ensure adequate off-street parking provision and to reduce the potential for congestion and obstruction caused by off-site car parking;
- (4) in the interest of road safety;
- (5) in the interest of road safety and to ensure an acceptable standard of construction;
- (6) in the interest of road safety and to ensure an acceptable standard of construction;
- (7) in the interest of road safety and to avoid the discharge of water on to the public road;

- (8) in the interests of amenity; and
- (9) to ensure that materials are appropriate for the site and in the interests of visual amenity.

**Advisory Notes:**

- the Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites – Part 1 : Noise, and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken;
- the applicant/developer is advised to contact Environmental Health with regard to standards applicable to this development proposal;
- the Council as Roads Authority advises that all works on the carriageway should be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984; and
- that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
Drawing - Reference No (or Description): Existing and Proposed Site Plans; Existing Layout Plan and Elevations 001;  
Drawing - Reference No (or Description): Proposed Layout Plan 002; and  
Drawing - Reference No (or Description): Proposed Elevations 003.

The meeting ended at 2.25 p.m.