

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 16th December 2014 at 2.00 p.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, William J. Grant and Hugh Hunter.
- Apology: Councillor Sandra Goldie.
- Attending: A. Brown, Co-ordinator (Legal Services) (Legal Adviser); A. Cooke, Supervisory Planner (Planning Adviser) (in attendance for items 3, 5 and 6); N. Feggans, Development Planning and Customers Team Leader (Planning Adviser) (in attendance for item 4); S. Smith, Clerical Assistant; 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 25th November 2014 (issued) ([link attached](#)) were submitted and approved.

Councillor Douglas did not participate in consideration of the undernoted Review as he had not been present when the Review had previously been considered by the Body and Councillor Hunter did not participate as, although he had been present when the Review had previously been considered by the Body, he had not attended the site visit.

3. Continued Review Case - Alterations and extension to a dwellinghouse at 6 Dalwood Road, Prestwick (Ref: 14/00718/APP)

Reference was made to the Minutes of 25th November 2014 (Page 2, paragraph 4) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body to 6 Dalwood Road, Prestwick in respect of alterations and extension to a dwellinghouse at that site, immediately prior to this meeting on 16th December 2014.

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 ([link attached](#)), 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 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; and
- (3) that notwithstanding the plans hereby approved, the glazing in Dormer windows shall be opaque glass.

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

List of Approved Plans:

Drawing - Reference No (or Description): NO1 ROSSI;
 Drawing - Reference No (or Description): NO2 ROSSI;
 Drawing - Reference No (or Description): NO3 ROSSI;
 Drawing - Reference No (or Description): NO4 ROSSI; and
 Drawing - Reference No (or Description): NO5 ROSSI.

4. New Case for Review – Proposed wind turbine: U103 from junction with A714 at Sixpence – south-west to road junction near Craigbrae, Pinwherry (Ref: 14/00659/APP).

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission for the proposed wind turbine: U103 from junction with A714 at Sixpence – south-west to road junction near Craigbrae, Pinwherry.

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: following consideration, to uphold the decision to refuse the application.

5. **New Case for Review – Alterations and extension to a dwellinghouse at 9 Ewenfield Avenue, Ayr (Ref: 14/00733/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) relating to a request to review the decision to refuse an application for planning permission for alterations and extension to a dwellinghouse at 9 Ewenfield Avenue, 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.

Councillor Grant, seconded by Councillor Campbell, moved that the decision by the appointed officer to refuse the application be upheld.

By way of an Amendment, Councillor Hunter, seconded by Councillor Douglas, moved that the decision of the appointed officer be overturned and planning permission granted subject to appropriate conditions.

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

Decided: by a majority, to uphold the decision to refuse the application.

6. **New Case for Review – Part change of use of lay-by for siting of hot food trailer: A78T Loans – south to A77T junction , east of Troon (Ref: 14/01011/APP).**

There was submitted the relevant papers (issued) ([link attached](#)) together with a Vocational Report (issued to Members only) relating to a request to review the decision to refuse an application for the part change of use of lay-by for siting of hot food trailer: A78T Loans – south to A77T junction, east of Troon.

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.

Councillor Hunter, seconded by Councillor Douglas, moved that the decision of the appointed officer to refuse the application be overturned and planning permission granted subject to appropriate conditions.

By way of an Amendment, Councillor Convery, seconded by Councillor Campbell, moved that the decision of the appointed to refuse the application be upheld.

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

Decided: by a majority, to agree that the decision of the appointed officer be overturned and planning permission granted subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans(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;
- (b) that this planning permission shall enure for the benefit of the applicant, namely Richard Maxwell only;
- (c) that the approval for the proposed hot food trailer is limited to three years when the use of the lay- by for the siting of the hot food trailer shall cease; and
- (d) that the use of hot food trailer for the sale of food / drink shall be limited to the hours of 07:00am to 15:00pm Monday to Saturday only.

Reasons:

- (a) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the development is only considered to be acceptable on the basis of a personal permission;
- (c) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; and
- (d) to retain proper control over the development.

List of Approved Plans:

Drawing - Reference No (or Description): BLOCK PLAN;
Drawing - Reference No (or Description): LOCATION PLAN;
Other - Reference No (or Description): PROPOSED TRAILER UNIT (1 OF 3);
Other - Reference No (or Description): PROPOSED TRAILER UNIT (2 OF 3); and
Other - Reference No (or Description): PROPOSED TRAILER UNIT (3 OF 3).

The meeting ended at 3.15 p.m.