

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

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 8 January 2019 at 2.00 p.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Apology: Councillor Craig Mackay.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser) (For items 3, 4 and 5), D Love, Supervisory Planner (Planning Adviser) (For Item 6) and D. Mulgrew, Committee Services Assistant.

### **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. Variation in order of business.**

In terms of Council Standing Order No. 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

### **3. New Case for Review – Erection of Glamping Dome for Holiday Accommodation at Tallaminnoch Cottage, C1 Newton Stewart Road, Straiton, KA19 7NS (18/00451/APP).**

There were submitted the relevant papers (issued) relating to a non-determination of a planning application for the erection of Glamping Dome for holiday accommodation at Tallaminnoch Cottage, C1 Newton Stewart Road, Straiton, KA19 7NS.

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:** that this application be approved and planning permission granted 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 existing donor dwellinghouse and the glamping dome hereby granted planning permission shall remain part of the same single inter-connected planning unit. Once the glamping dome has been implemented, neither the existing donor dwellinghouse at Tallaminnoch Cottage nor the glamping dome shall be disposed of without the grant of a further planning permission;
- (3) that the glamping dome shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation;

- (4) that the existing access shall be widened to a minimum of 5.5m in width for a distance of 5.0m, and be surfaced for a distance of at least 5.0m, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide prior to completion;
- (5) that the existing off-road parking provision shall be retained within the curtilage of the donor property;
- (6) that 2 off-road parking spaces shall be provided to the glamping dome in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to commencement of use of the glamping dome;
- (7) that full details in respect of how foul drainage is to be dealt with shall be submitted for the prior written approval of the Planning Authority (in conjunction with SEPA) prior to the commencement of works on site; and
- (8) that before any work commences on site a written scheme of all lighting associated with the development proposal shall be submitted for the prior written approval of the planning authority. This written scheme shall demonstrate how all of the lighting associated with the proposed development is to be installed and operated in full accordance with the good practice set out in the Council's 'Supplementary Guidance: Dark Sky Lighting' and in particular that after 22.00hrs lights will be switched off or light illumination reduced, that there will be no uplighting of buildings or structures and that all external lights are to be on Passive Infrared Sensors. This written scheme shall also describe how these operational obligations will be conveyed to holiday occupants of the proposed dome.

**Reasons:**

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse;
- (3) in order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse;
- (4) in the interest of road safety, and to ensure an acceptable standard of construction;
- (5) in the interest of road safety, and to ensure adequate off-street parking provision;
- (6) in the interest of road safety, and to ensure adequate off-street parking provision;
- (7) to ensure that adequate provision is made for foul drainage arising from the development; and
- (8) in order to ensure that external lights do not adversely impact upon the interests of the Dark Sky Park and to safeguard this national tourism asset.

**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.
- 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.

- 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.
- 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 Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN 1:25000;  
Drawing - Reference No (or Description): LOCATION PLAN;  
Drawing - Reference No (or Description): BLOCK PLAN;  
Drawing - Reference No (or Description): SITE PLAN;  
Drawing - Reference No (or Description): FLOOR PLAN;  
Drawing - Reference No (or Description): GLAMPING DOME DETAILS;  
Drawing - Reference No (or Description): DOME ELEVATIONS;  
Other - Reference No (or Description): EXAMPLE OF GLAMPING DOME; and  
Other - Reference No (or Description): BROCHURE / LEAFLET.

**4. New Case for Review – Erection of dwellinghouse at Dyke Farm, Symington, KA1 5PN (18/00289/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for erection of dwellinghouse at Dyke Farm, Symington, KA1 5PN.

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;
- (2) that a Procedure Notice be issued to the Appointed Officer for response to the information contained within the Applicant's review documentation; and
- (3) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

**Councillors Fitzsimmons, Kilpatrick and Toner did not participate in consideration of the following items as they had not been present at the Local Review Body meeting of 27 November 2018 when these Reviews had been considered.**

**5. Continuation of Review - Alterations and extension to dwellinghouse at Burnside Cottage, Poundland, Pinwherry, KA26 0RU (18/00419/APP).**

Reference was made to the Minutes of 27 November 2018 (Page 4, Paragraph 1) 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 to supporting statements from neighbours.

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; and
- (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.

**Reasons:**

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (2) to ensure that materials are appropriate for the site and in the interests of visual amenity.

**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 Determined Plans:**

Drawing - Reference No (or Description): 18001 – 01;  
 Drawing - Reference No (or Description): 18001 – 02;  
 Drawing - Reference No (or Description): 18001 – 03;  
 Drawing - Reference No (or Description): 18001 – 04;  
 Drawing - Reference No (or Description): 18001 – 05;  
 Drawing - Reference No (or Description): 18001 – 06;  
 Drawing - Reference No (or Description): 18001 – 07;  
 Drawing - Reference No (or Description): 18001 – 08;  
 Drawing - Reference No (or Description): 18001 – 10;  
 Drawing - Reference No (or Description): 18001 – 11;  
 Drawing - Reference No (or Description): 18001 – 12;  
 Drawing - Reference No (or Description): 18001 – 13;  
 Drawing - Reference No (or Description): 18001 – 14;  
 Drawing - Reference No (or Description): 18001 – 15; and  
 Drawing - Reference No (or Description): 18001 – 16.

**6. Continuation of Review - Erection of garage at 7 Longhill Avenue, Ayr, KA7 4DY (17/01373/APP).**

Reference was made to the Minutes of 27 November 2018 (Page 4, Paragraph 3) 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 to supporting statements from neighbours and also an accompanied site visit to assess the application site in its setting and the surrounding area.

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 uphold the decision made by the Appointed Officer to refuse planning permission.

The meeting ended at 3.45 p.m.