

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 13 August 2019 at 2.00 p.m.

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

Apologies: Councillors Mary Kilpatrick and Craig Mackay.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser) 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. Minutes of previous meeting.

The minutes of 28 May 2019 and 12 June 2019 (issued) were submitted and approved.

Councillor Toner did not participate in consideration of the following review as she had not been present at the Local Review Body meeting of 28 May 2019 when this Review has been considered.

3. Continuation of Review following the issue of a Procedure Notice – Erection of dwellinghouse at 6-8 James Street, Prestwick, South Ayrshire (18/01052/APP).

Reference was made to the Minutes of 28 May 2019 (Page 1, Paragraph 4) 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 and Ayrshire Roads Alliance for response to Traffic and Transport Report submitted as new material.

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) 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) 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
- (3) that the garage shown on drawing P.01 Revision A shall be retained as a garage serving the dwellinghouse for the lifetime of the development.

Reasons:

- (1) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (2) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (3) to clarify the terms of any permission.

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:

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): E.01 (REV. A);
 Drawing - Reference No (or Description): E.02;
 Drawing - Reference No (or Description): P.02 (REV. A);
 Drawing - Reference No (or Description): E.03;
 Drawing - Reference No (or Description): P.01 (REV. A);
 Drawing - Reference No (or Description): L.01 (REV. A); and
 Drawing - Reference No (or Description): P.03 (REV. A).

Councillor Toner re-joined the meeting at this point.

4. New Case for Review – Planning Permission in Principle for the erection of 2 dwellinghouses at Proposed Residential Development, Bypass Road, Dundonald, South Ayrshire (18/01158/PPP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission in principle for the erection of 2 dwellinghouses at Proposed Residential Development, Bypass Road, Dundonald, South Ayrshire.

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

5. New Case for Review – Change of Use from Class 4 to form Class 3 Food and Drink with Ancillary Creche at 11 Waggonway, Ayr, South Ayrshire, KA8 8BN (18/01147/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 from Class 4 to form Class 3 Food and Drink with Ancillary Creche at 11 Waggonway, Ayr, South Ayrshire, KA8 8BN.

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:

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): 719/01;
Drawing - Reference No (or Description): 719/02;
Drawing - Reference No (or Description): 719/03;
Drawing - Reference No (or Description): 719/04;
Drawing - Reference No (or Description): 719/05; and
Drawing - Reference No (or Description): 719/06.

The meeting ended at 3.30 p.m.