

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 24 September 2019 at 2.00 p.m.

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

Apologies: Councillor Andy Campbell.

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 13 August 2019 and 3 September 2019 (issued) were submitted and approved.

3. New Case for Review – Erection of dwellinghouse at Dalwyne Cottage, U27 from B741 at Cloyntie – South via Auchalton and Drumyork to South Balloch U66 Maybole, South Ayrshire, KA26 9UA (19/00315/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of a dwellinghouse at Dalwyne Cottage, U27 from B741 at Cloyntie – South via Auchalton and Drumyork to South Balloch U66 Maybole, South Ayrshire, KA26 9UA.

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 within one month of the occupation of the dwellinghouse, the existing dwellinghouse shall be removed, to the satisfaction of the Council, as Planning Authority;
- (3) 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. The proposed external materials shall accord with the Council's supplementary planning policy guidance in relation to rural housing;
- (4) that 3 off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development;

- (5) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard trees around the perimeter of the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations. Thereafter, the trees shall be retained and maintained for the lifetime of the development;
- (6) that, prior to the commencement of work on-site, details shall be submitted for the prior written approval of the Planning Authority of the all the proposed boundary treatments. Thereafter, the proposed boundaries shall be installed as per the agreed specification, to the satisfaction of the Council, as Planning Authority;
- (7) that before any work commences on site a suitably scaled block layout plan showing;
 - a) existing ground levels
 - b) proposed ground levels, and
 - c) finished floor levels of the proposed dwelling houseshall be submitted for the prior written approval of the Council as 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.;
- (3) in the interests of visual amenity;
- (4) in the interest of road safety and to ensure adequate off-street parking provision;
- (5) to protect and retain the existing trees where possible;
- (6) in the interests of visual and residential amenity; and
- (7) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties.

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).
- 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.
- That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
- That the applicant is made aware that works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- That the area of construction be checked prior to the commencement of any works for any wildlife such as ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.

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): LOCATION PLAN;

Drawing - Reference No (or Description): 0511 PP-01;

Drawing - Reference No (or Description): 0511 PP-02; and

Drawing - Reference No (or Description): 0511 PP-03.

4. **New Case for Review – Formation of vehicular access at 12 Miller Road, Ayr, South Ayrshire, KA7 2AY (19/00226/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for formation of vehicular access at 12 Miller Road, Ayr, South Ayrshire, KA7 2AY (19/00226/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 uphold the decision made by the Appointed Officer to refuse planning permission.

5. **New Case for Review - Erection of 4 dwellinghouses at Woodend, C106 from B739 Junction near Adamton House to C138 Junction South of Langlands North-East of Prestwick, Monkton, KA9 2SQ (19/00381/MSC).**

There were submitted the relevant papers (issued) relating to a request to review the decision of the refusal of matters specified in conditions for the erection of 4 dwellinghouses at Woodend, C106 from B739 Junction near Adamton House to C138 Junction South of Langlands North-East of Prestwick, Monkton, KA9 2SQ (19/00381/MSC).

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 the application for Approval of Matters Specified in Conditions - subject to the appropriate conditions as follows;

- (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 10 metres as measured from the rear of the public footway prior to completion of the development. 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 junction access visibility sightline splays of 2.4 metres by 43 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;

- (4) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (5) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (6) that the public footway shall be resurfaced along the site frontage to the junction with Adamton Estate to the specification as provided by the Council as Roads Department, prior to completion of the development;
- (7) that the proposed gullies shall tie in to the proposed SUDS feature and not be adopted by the ARA. 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) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (9) 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;
- (10) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard.

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 acceptable visibility at road junctions;
- (4) 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;
- (5) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (6) in the interest of road safety;

- (7) in the interest of road safety and avoid the discharge of water on to the public road;
- (8) in the interests of visual and residential amenity;
- (9) in the interests of visual amenity; and
- (10) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

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 Plans Determined:

Drawing - Reference No (or Description): ADNR 420 - 001B;
Drawing - Reference No (or Description): ADNR 420 - 002B;
Drawing - Reference No (or Description): ADNR 420 - 003E;
Drawing - Reference No (or Description): ADNR 420 - 004F;
Drawing - Reference No (or Description): ADNR 420 - 005A;
Drawing - Reference No (or Description): ADNR 420 - 006B;
Drawing - Reference No (or Description): ADNR 420 - 007A;
Drawing - Reference No (or Description): ADNR 420 - 008B;
Drawing - Reference No (or Description): ADNR 420 - 009A; and
Drawing - Reference No (or Description): ADNR 420 - 010B.

The meeting ended at 2.55 p.m.