

County Buildings
Wellington Square
AYR KA7 1DR
Tel No: 01292 612189

31 October 2023

To:- Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Lamont, Kilpatrick,
Mackay and Townson.

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held in County Hall, County Buildings, Ayr on **Tuesday, 7 November 2023 at 2.00 p.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Please note that a briefing meeting will take place for all Local Review Body Members at 1.00 p.m. online and in the Prestwick Committee Room.

Yours sincerely

Catriona Caves
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of the Previous meetings of 9 May 2023 and 12 September 2023 (copies herewith).
3. New Case for Review – 23/00250/APP – Application for Planning Permission for installation of replacement windows at 239 High Street, Ayr, South Ayrshire, KA7 1RB.

[Application Summary](#)

4. New Case for Review - 23/00191/APP – Application for Planning Permission for erection of Polytunnel at Cottage 1, Upper Barr Farm, U66 from Glenginnet Road Barr via Milton East to U27 Junction at South Balloch Barr, South Ayrshire, KA26 9TY.

[Application Summary](#)

For more information on any of the items on this agenda, please telephone
Committee Services on 01292 612169, at Wellington Square, Ayr or
e-mail: localreviewbody@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

Webcasting

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, it will be confirmed if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during this webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Live streaming and webcasting takes place for all public South Ayrshire Council meetings. By entering a public Council meeting you are consenting to the possibility that your image may be live streamed on our website, be available for viewing online after this meeting, and video and audio recordings will be retained on Council Records. Further information on how we process your personal data can be found at: <https://south-ayrshire.gov.uk/59239>

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee.Services@south-ayrshire.gov.uk

Copyright

All webcast footage is the copyright of South Ayrshire Council. You are therefore not permitted to download footage nor upload it to another website nor take still photographs from this footage and distribute it without the written permission of South Ayrshire Council. Please be aware that video sharing websites require you to have the permission of the copyright owner in order to upload videos to their site.

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held
on 9 May 2023 at 2.00 p.m.

Present: Councillors Martin Kilbride (Chair), Ian Cavana and Alec Clark.

Apologies: Councillors Brian Connolly and Mary Kilpatrick.

(Councillors Kenneth Bell, Mark Dixon, Craig Mackay and Duncan Townson were not in attendance as they had not participated in all previous meetings (on 31 January, 10 March (site visit) and 14 March 2023) where the Review on the agenda was considered.)

Attending: L. McPartlin, Solicitor, Legal and Licensing (Legal Adviser); J. Hall, Planning Strategy Co-ordinator (Planning Adviser); C. Griffiths, Committee Services Assistant and C. McCallum, Committee Services Assistant.

Also

Attending: G. Senior (Ayrshire Roads Alliance) and the appointed officer

Opening Remarks.

The Legal Adviser took the sederunt. The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

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 18 April 2023 (issued) were submitted and approved.

3. Continuation of Review for a Hearing Session – 22/00367/APP – Application for Planning Permission for alterations and extension to Dwellinghouse at 86 Adamton Estate, Monkton, South Ayrshire, KA9 2SQ.

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse planning permission for alterations and extension to dwellinghouse at 86 Adamton Estate, Monkton, South Ayrshire, KA9 2SQ.

Having heard from Ayrshire Roads Alliance, the Appointed Officer and the Applicant on the specified matters of parking requirements and road safety at the site, and 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.

The Body

Decided: to reverse the appointed officer's decision and grant planning permission subject to the following conditions:-

Conditions

- 1) That the development hereby permitted must be begun within three years of the date of this permission.
- 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.
- 3) That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order amending or revoking and re-enacting that Order) no development within Class(es) 1A-3E shall be undertaken without the prior written permission of the Planning Authority.
- 4) That, prior to the commencement of works on-site, details, in a suitable format, shall be submitted for the prior written approval of the Council, as planning authority, of an off-road parking space that is to be accommodated on the site as developed, which shall be to the satisfaction of the Ayrshire Roads Alliance. Thereafter the development shall be implemented as per the agreed specification.

Reasons

- 1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- 2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- 3) To ensure that any further development at this site is assessed as part of a further planning permission in the interests of amenity.
- 4) To ensure the development can be adequately and safely serviced in terms of roads and parking matters.

List of Approved Plans

Drawing - Reference No (or Description): LOCATION PLAN

Drawing - Reference No (or Description): 01

Drawing - Reference No (or Description): 02

Drawing - Reference No (or Description): 03

Reason for Decision

The justification for the alterations and extension to the dwellinghouse hereby approved is considered to accord with the provisions of the development plan and 'Rural Housing Supplementary Guidance' and 'House Alterations and Extensions Supplementary Guidance' and there is no adverse impact on the character and amenity of the local area.

The meeting ended at 2:45 p.m.

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held
on 12 September 2023 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair), Ian Cavana and Martin Kilbride.

(Councillors Alec Clark, Mark Dixon, Mary Kilpatrick, Craig Mackay and Duncan Townson were not in attendance as they had not participated in the previous meetings on 22 August 2023 and 11 September 2023 (Site Visit) when the following Reviews had been considered. As a new member of the Local Review Body, Councillor Hugh Hunter had not been present for previous meetings when the two cases were initially considered).

Attending: M. Vance, Solicitor, Legal and Licensing (Legal Adviser); J. Hall, Planning Strategy Co-ordinator (Planning Adviser); C. Buchanan, Committee Services Officer and C. McCallum, Clerical Assistant.

Opening Remarks.

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Declarations of Interest.

The Legal Adviser called the sederunt and, having called the roll, confirmed that 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. Minute of Previous Meeting.

The minutes of 22 August 2023 (issued) were submitted and approved.

3. Continuation of Review following Request for a Site Visit - 22/00634/APP – Application for Planning Permission for erection of residential development at Kilmarnock Road Monkton South Ayrshire.

Reference was made to the Meeting of 22 August 2023 (Page 3, paragraph 1) when it had been decided

- (1) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (2) that, thereafter, the review be continued to a future meeting of the Local Review Body for further consideration and decision.

Following on the site visit which had taken place on 11 September 2023, the Body resumed consideration of the Review.

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.

The Body

Decided: to uphold the decision of the Appointed Officer and refuse the planning application.

The meeting ended at 2.21 p.m.

DRAFT

SOUTH AYRSHIRE COUNCIL
LOCAL REVIEW BODY
NOTE OF CURRENT POSITION

Site Address:	239 HIGH STREET, AYR
Application:	23/00250/APP INSTALLATION OF REPLACEMENT WINDOWS

Appointed Officer's Decision:	Approval with Conditions
Date Notice of Review Received:	18 July 2023

Current Position:	New Case for Review
Documentation:	The following documents in relation to the review are attached: Report of Handling – Pages 1 to 5 Notice of Review and Supporting Information – Pages 6 to 12 Planning Application and Supporting Information – Pages 13 to 22 Decision Notice – Pages 23 to 25 Appointed Officer Additional Comments – Page 26 Draft Conditions – Page 27
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	1 November 2023

Report of Handling of Planning Application

Reference No:	23/00250/APP
Site Address:	239 High Street Ayr South Ayrshire KA7 1RB
Proposal:	Installation of replacement windows
Recommendation:	Approval with Condition(s)

REASON FOR REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. **Site Description:**

The application site is a category C listed building at 239 High Street, Ayr. The property is finished with a combination of red sandstone and red brick walls, a slate roof and timber and uPVC windows of varying styles.

2. **Planning History:**

A listed building application (23/00248/LBC) for the installation of replacement windows was submitted alongside the application under assessment.

3. **Description of Proposal:**

Planning permission is sought for the installation of 3no. uPVC casement windows to the rear elevation. Details are contained with the submitted plans.

4. **Consultations:**

No consultations were undertaken for this application.

5. **Submitted Assessments/Reports:**

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

None.

6. **S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

7. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

8. Representations:

No representations were received.

9. Development Plan:

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 7: Historic assets and places.

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

As assessment of the proposals against the provisions of NPF4 is set out below.

South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/local-development-plan-2):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Management; and
LDP Policy: Historic Environment

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

10. Other Relevant Policy Considerations (including Government Guidance):

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change documents on Setting and Windows are particularly relevant.

The Managing Change document on Setting defines setting as the way in which the surroundings of a historic asset contributes to how it is experienced, understood and appreciated, and indicates that the setting of a historic structure often extends beyond the immediate property boundary of that structure into the broader landscape. Planning authorities are expected to take into account the setting of historic assets in the determination of applications.

The Managing Change document on Windows states that windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and proportion of a window, the pattern of design, the materials and details of construction, the method of opening, the finish, and associated fixtures typically contribute to the interest of a historic window. Where there is no alternative to the replacement of historic windows or elements of their joinery or glazing, the new elements should match the original in all respects. This should include exact replication of the opening method, astragal dimensions and profiles, fixing of the glass (e.g. putty) and the reuse of historic glass where this contributes to a building's character. Changes in framing materials or types of glazing, the adoption of different opening methods, the insertion of extractor fans and other similar features, or the use of planted-on or sandwiched astragals should normally be avoided.

Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings. Supplementary Guidance Policy 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. Consequently, the Council will encourage owners to undertake appropriate maintenance and repair to such properties to ensure their character is maintained and enhanced. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

Supplementary Guidance Policy 2 of South Ayrshire Council's Supplementary Guidance (SG) on the Historic Environment refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. Consequently, the Council will encourage owners to undertake appropriate maintenance and repair to such properties to ensure their character is maintained and enhanced. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

The Council places strong emphasis upon the repair of original windows before options for replacement are considered. Carrying out repair works to listed buildings is the most effective means of retaining the original character of the building. Appropriate repair works help to ensure that historic windows continue to make a valuable contribution to the overall design of a building, as was originally intended. Repair work should only be undertaken where it is absolutely necessary (in terms of sustainability, damage or deterioration) and should be done on a like-for-like basis, ensuring that any repair work provides for an identical match to the original windows. The replacement of historic windows in listed buildings will only be approved where there is no alternative, for example, where they have clearly deteriorated beyond practical repair. Where the replacement of windows is proposed, the Council is likely to request evidence demonstrating that there is no scope for repair works. In some circumstances a survey by a suitably qualified individual may be requested. In all instances, the proposed replacements will be required to match the originals in materials, design and opening method.

An assessment of the proposals against the provisions of the above policies and guidance is set out below.

11. Assessment (including other material considerations):

The Council places strong emphasis upon the repair of original windows and doors before options for replacement are considered. It is noted that limited information was submitted with this application; however, it is clear from a site inspection that the existing windows are not original to the building. As such, there is no objection to the principle of installing replacement windows in this instance.

It is acknowledged that there are a mixture of windows present on the rear elevations of the 239 High Street and adjacent neighbouring properties within High Street. , Indeed, some of these windows are considered detrimental to the visual amenity of the conservation area and/or character of a listed building. The presence of unsympathetic replacement windows found within the locality does not negate the Council's statutory duty to preserve the character and appearance of the conservation area; and it would be remiss of the Council to allow the further deterioration of the conservation area by allowing the installation of uPVC windows to a listed building.

While there is no objection to the principle of installing replacement windows, the proposed installation of uPVC windows is considered inappropriate to a category C listed building within the Ayr Central Conservation Area. Additionally, the design/glazing pattern of the proposed windows fails to replicate a traditional design to the detriment of the listed building. Therefore, it is considered necessary to attach a condition to any approval that the replacement windows match the historic originals in materials, design and opening method, details of which will be submitted for the prior written approval of the Planning Authority.

Due to the nature of the proposed development, it is considered that there will be no adverse impact on the amenity of neighbouring properties.

Overall, it is considered that the proposal, suitably conditioned, would not have a significant adverse impact on the residential character and amenity of the area, the character of the listed building or on the Ayr Central Conservation Area. Given the above assessment of the proposal, and having balanced the applicants' rights against the general interest, it is recommended that the application be approved, subject to conditions.

12. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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.
- (3) That notwithstanding the terms of Conditions 1 and 2 above, the uPVC replacement windows proposed are not hereby approved. The proposed replacement windows shall comprise timber sliding sash and case windows, details of which shall be submitted for the written approval of the Planning Authority prior to the commencement of development, and shall replicate the original windows installed at the property in terms of design, detailing and method of opening to the satisfaction of the Planning Authority. Thereafter, the replacement windows shall be installed as per the approval of the Planning Authority.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to safeguard the character and appearance of the Listed Building.

Advisory Notes:

N/A

List of Plans Determined:

Drawing - Reference No (or Description): **Approved** Location Plan

Drawing - Reference No (or Description): **Approved** 30376483/1

Drawing - Reference No (or Description): **Approved** GA70 Rev. H

Drawing - Reference No (or Description): **Approved** GA2 Rev. G

Reason for Decision (where approved):

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.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Decision Agreed By:	<i>Appointed Officer</i>
Date:	<i>25 May 2023</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100635336-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text" value="92"/>
Last Name: *	<input type="text" value="Thomson"/>	Address 1 (Street): *	<input type="text" value="Main Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07950616462"/>	Town/City: *	<input type="text" value="Ayr"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA8 8EF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="pete_thomson81@hotmail.com"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

FLAT A

Address 2:

239 HIGH STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 1RB

Please identify/describe the location of the site or sites

Northing

621643

Easting

233881

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of 3 aluminium casement windows with 3 new PVC tilt and turn windows. This has been approved on the condition that we instead install timber sash windows as this is argued as in keeping with the building.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the "Supporting Documents" section for the full statement. The conditions are too stringent as the windows are not visible from the thoroughfare side of the street, wood sash is expensive and difficult to maintain on the west facing side of the building which sees most of the weather, the PVC windows proposed are an obvious improvement on the aluminium ones currently in place, and there are examples of other grade C listed buildings in the area with PVC windows.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Full statement of reason for seeking review - photos of PVC windows in Grade C listed buildings - photos of the rear facing windows on the property in question, demonstrating their current condition

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

100623142-001

What date was the application submitted to the planning authority? *

28/03/2023

What date was the decision issued by the planning authority? *

30/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Peter Thomson

Declaration Date: 17/07/2023

Full Statement of Reason for Request to Review Conditions Set in Planning Approval

Peter Thomson, 17/07/23

On 30/05/23, the planning board approved permission for the replacement of 3 aluminium double-glazed windows to the rear of the property 239 High Street, flat A, Ayr KA7 1RB. However, they set conditions to doing so which I argue are too onerous, and set out the details below.

The original application was for the removal of aluminium double glazed casement windows which had become warped and damaged to the extent they were no longer watertight, and are of a poor quality. These were already old when I took ownership of the property in December of 2015. Now that I have a tenant living there, I have a responsibility to replace them with windows which maintain their living conditions and improve their energy usage. The proposal put forth was to replace the problem windows with PVC double glazed tilt and turn windows, installed by a reputable company (Anglian).

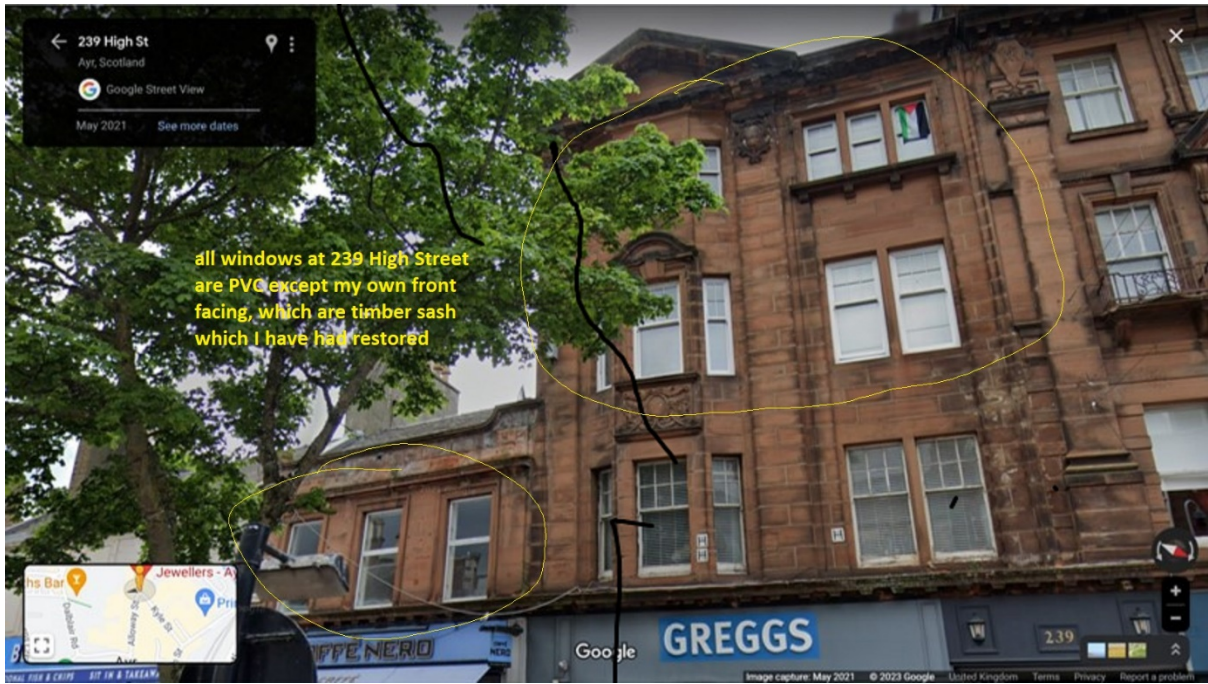
The application was approved, but only if, instead of PVC tilt and turn windows, we installed timber sash windows. This is as good as a rejection in that it completely changes what we have applied for. But more importantly, it sets an unnecessarily restrictive requirement for the work in question, on the below grounds:

- The windows are all rear-facing in to a small private car park where the bins are stored. There is no through way down the alley to this car park, so there is no foot traffic on this side of the building to see the windows in question. I can see no justification in a requirement to maintain the aesthetic of a side of the building which goes unseen by the general public.
- The rear of the building faces west and as a result takes the brunt of bad weather which comes in off the sea. Wood frames would wear faster and require a great deal more maintenance than PVC in these conditions.
- Wood frames, in particular wood sash frames, are more expensive than PVC in their construction and in their maintenance, and do not offer the energy saving benefits of the windows originally proposed.
- There are multiple properties in the building and in the area which have PVC windows installed, and this has not been considered in the condition set for the proposed replacement windows.

We appreciate the efforts made and arguments held to maintain buildings of architectural and historical interest in their original state as much as possible, but if the rear of the property qualified for this level of interest then the current aluminium windows which have been in place longer (I suspect much longer) than the 8 years I have owned the property would have been discovered by now and raised with me. That they've gone undiscovered all this time should demonstrate the level of significance they actually have, historically and architecturally.

It should also be remembered that this is an old building but has modern requirements, in that it must provide a safe and healthy environment for its residents. My tenant's rights to adequate living conditions should be factored in when making these decisions, and I don't believe they have been considered at all, or timber would not have been raised as a requirement.

I ask that the conditions set in the decision be reviewed and amended to allow the original proposal in full.







County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100623142-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Installation of replacement windows

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	John Gordon Associates Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	<input type="text"/>
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	01383850134	Address 1 (Street): *	Dean Acres
Extension Number:	<input type="text"/>	Address 2:	Comrie
Mobile Number:	<input type="text"/>	Town/City: *	Dunfermline
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	P	Building Number:	239
Last Name: *	Thomson	Address 1 (Street): *	High Street
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Ayr
Extension Number:	<input type="text"/>	Country: *	UK
Mobile Number:	<input type="text"/>	Postcode: *	KA7 1RB
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

239 HIGH STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 1RB

Please identify/describe the location of the site or sites

Northing

621643

Easting

233881

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

≤ Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: John Gordon

On behalf of: Mr P Thomson

Date: 28/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates?. * ≤ Yes ≤ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ≤ Yes ≤ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ≤ Yes ≤ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ≤ Yes ≤ No
- e) Have you provided a certificate of ownership? * ≤ Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? * ≤ Yes ≤ No
- g) Have you provided any other plans as necessary? * ≤ Yes ≤ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ≤ Existing and Proposed elevations.
- ≤ Existing and proposed floor plans.
- ≤ Cross sections.
- ≤ Site layout plan/Block plans (including access).
- ≤ Roof plan.
- ≤ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ≤ Yes ≤ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ≤ Yes ≤ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

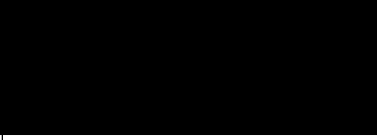
Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

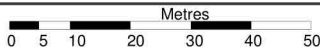
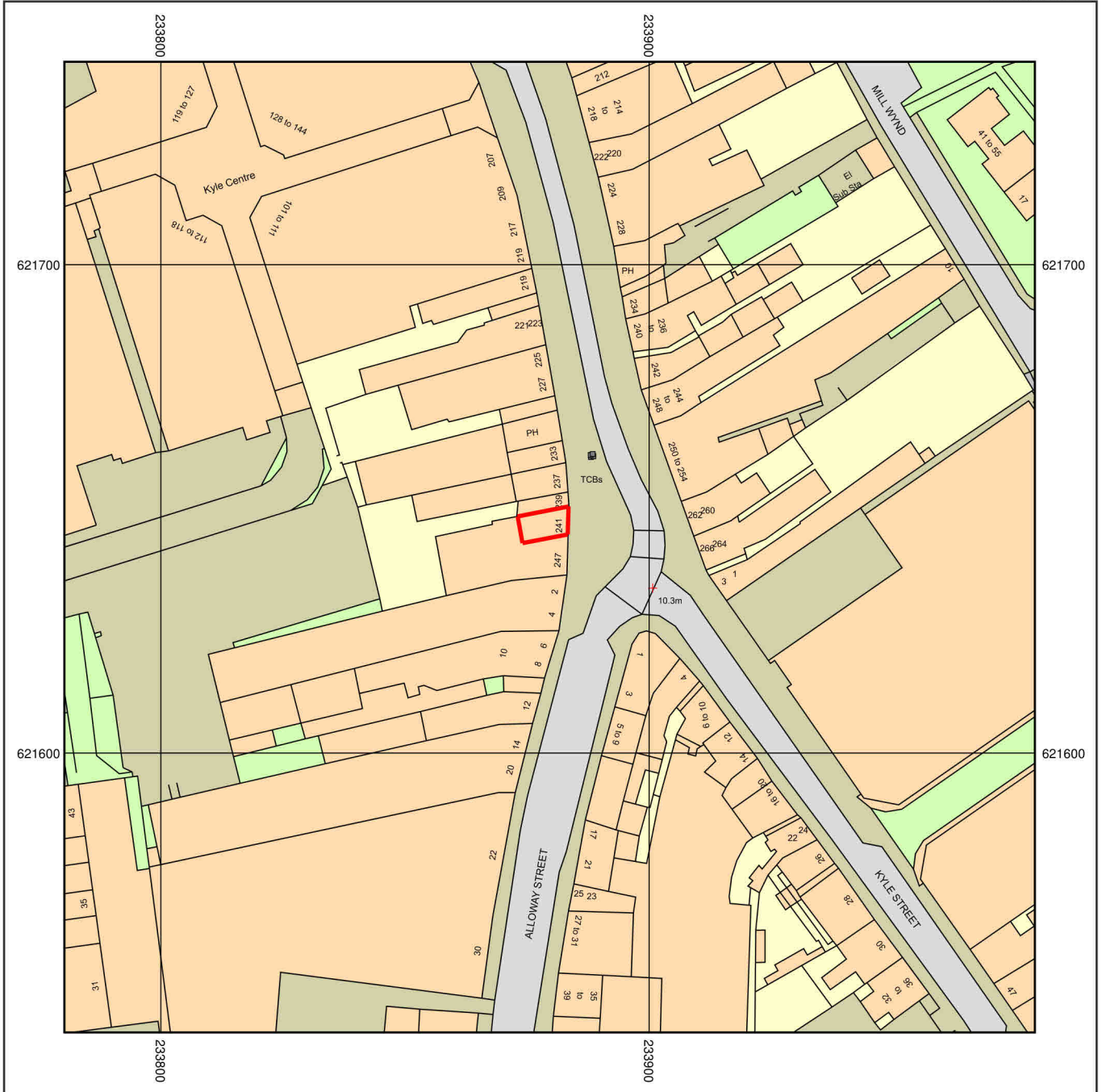
Declaration Name: Mr John Gordon

Declaration Date: 28/03/2023

Payment Details



Created: 28/03/2023 14:09



Scale: 1: 1250



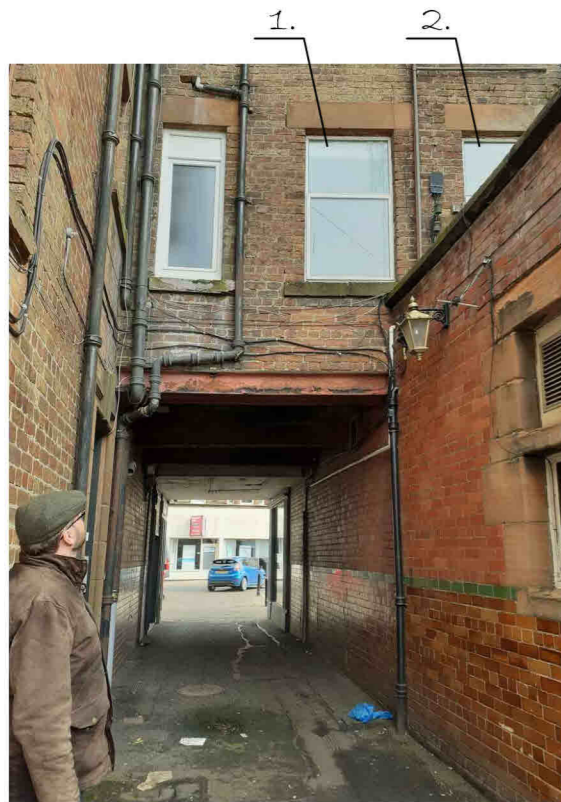
Supplied by: National Map Centre
 License number: 100031961
 Produced: 20/03/2023
 Serial number: 224056

Plot centre co-ordinates: 233880,621642
 Download file:
 Project name: 30376483

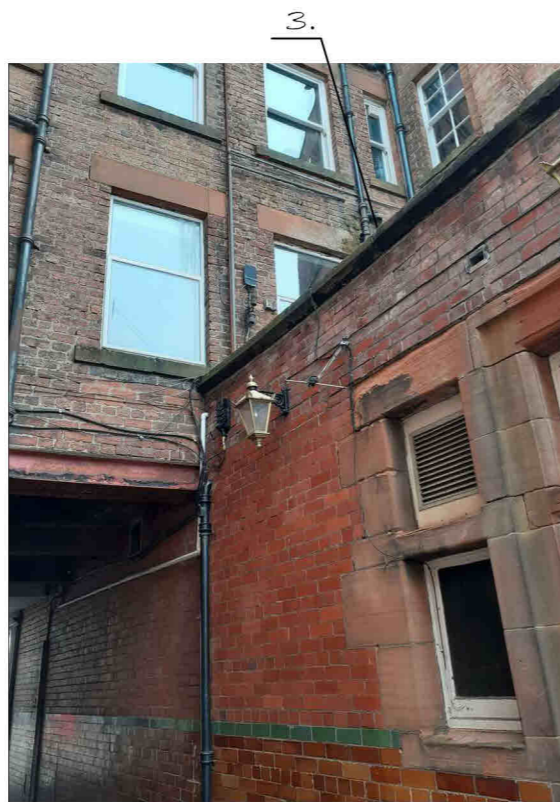
FLAT A
239 HIGH STREET
AYR
KA7 1RB

South Ayrshire Council
Planning Service

Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.



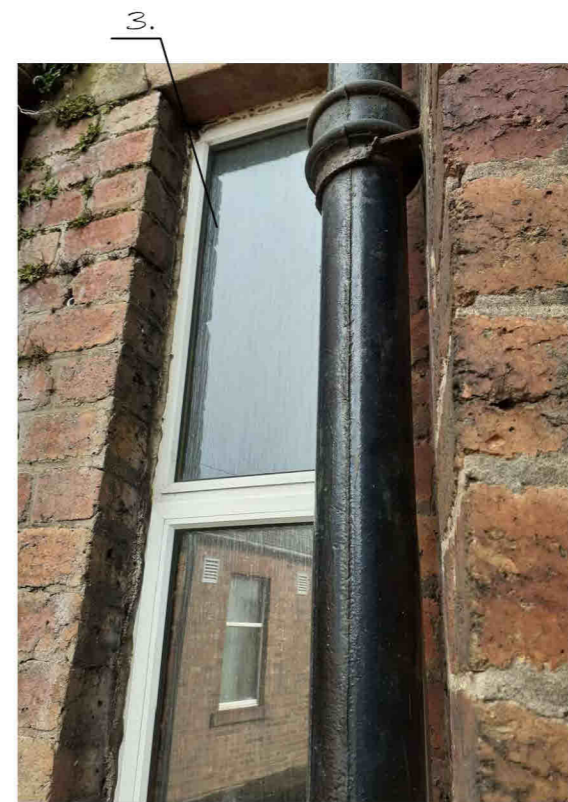
West Elevation



West Elevation



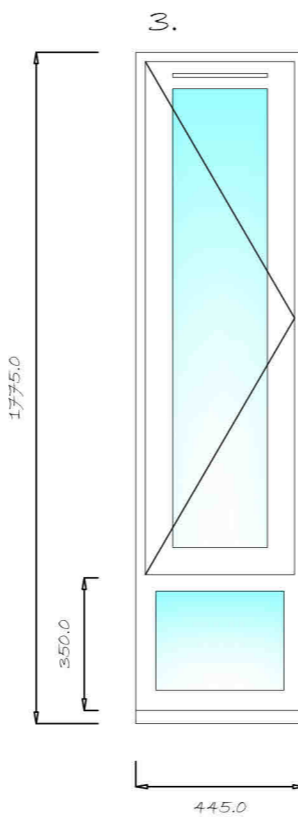
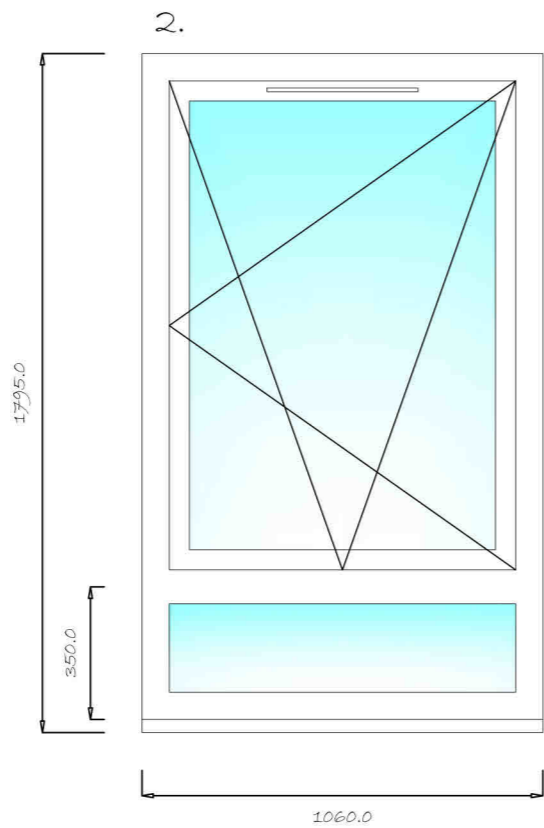
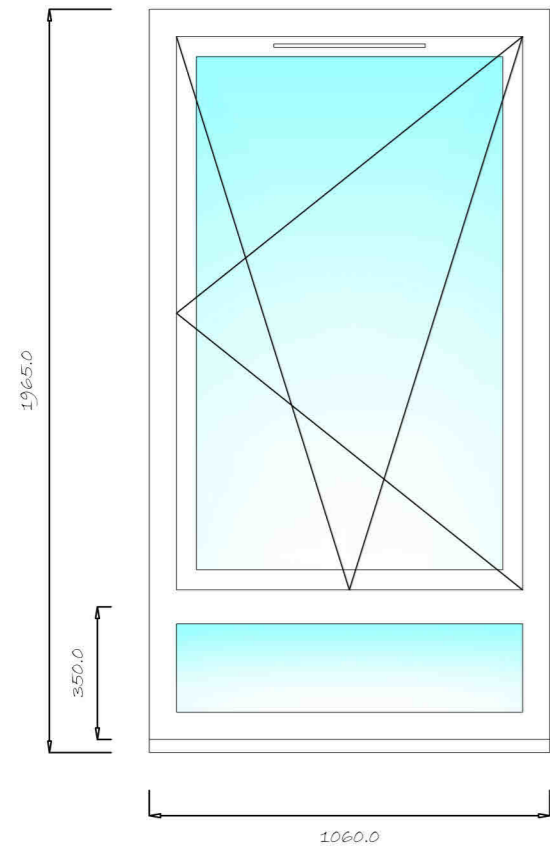
West Elevation



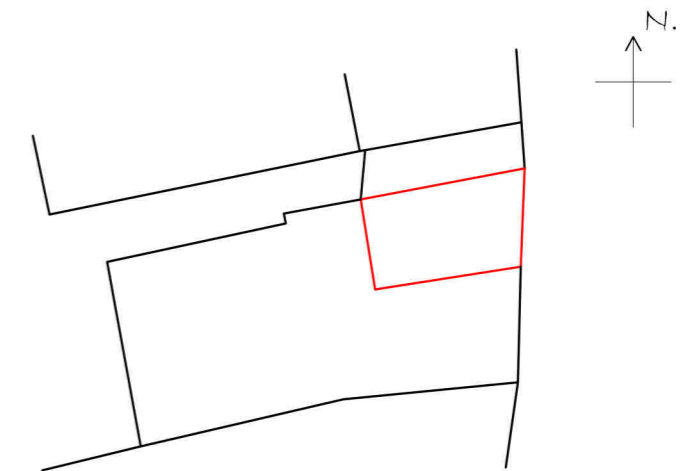
West Elevation

**South Ayrshire Council
Planning Service**

Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.



3 windows to be replaced in total.
Existing windows are white aluminium, double glazed.
Proposed windows are white UPVC, double glazed.



Site Plan
1:500

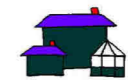
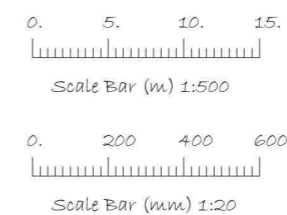


Mr. P. Thomson,
Flat A, 239 High Street,
Ayr. KA7 1RB.

Proposed Replacement Windows

Scale: 1:20 20/3/23

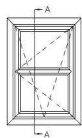
Ref: 30376483/1



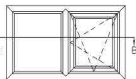
John Gordon Associates Ltd.
3 Dean Acres,
Comrie,
Fife. KY12 9XS
Tel: 01383 850 134
E-mail: gordonassociates@sky.com

Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.

NOTE: REFER TO REINFORCEMENT RULES FOR REINFORCEMENT SPECIFICATION

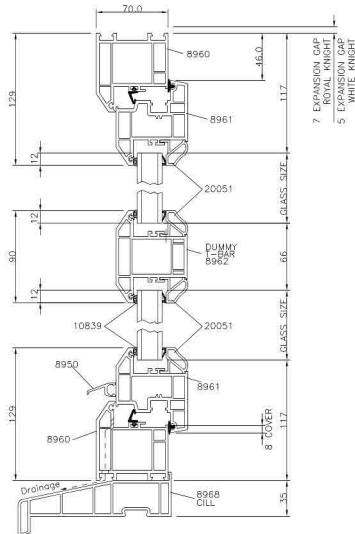


AS VIEWED FROM INSIDE

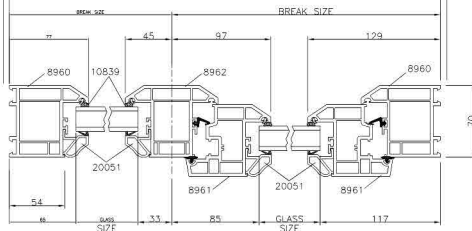


7 EXPANSION GAP
ROYAL KNIGHT
5 EXPANSION GAP
WHITE KNIGHT

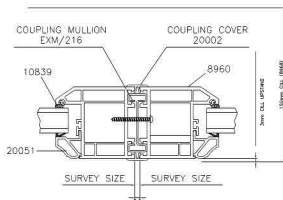
7 EXPANSION GAP
ROYAL KNIGHT
5 EXPANSION GAP
WHITE KNIGHT



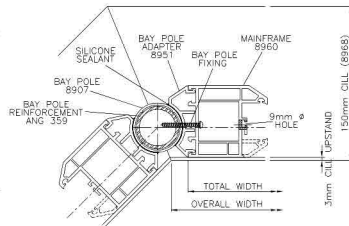
SECTION A-A



SECTION B-B



TYPICAL HORIZONTAL
COUPLING MULLION ARRANGEMENT



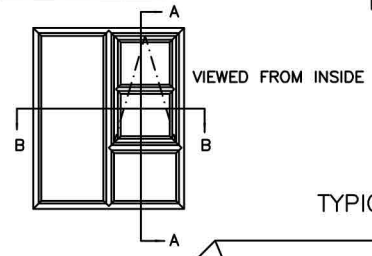
TYPICAL BAY ARRANGEMENT

**South Ayrshire Council
Planning Service**

Approved under The Town and Country Planning (Scotland) Act 2017 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.

Rev. G	02/10/03	COUPLING ARRANGEMENT ADDED	W.F.F.
Rev. F	14/03/00	BEAD 2000 ADDED (20051)	J.F.F.
Rev. E	14/02/95	SECTION B-B ORIENTATION CORRECTED	J.F.F.
Rev. D	13/12/94	GLAZING DETAILS HANDLED FOR THIRDAKE GLAZING	J.F.F.
Rev. C	07/04/94	DUMMY T-BAR ADDED	J.F.F.
Rev. B	26/07/93	CONCRETE DRAINAGE ADDED	J.F.F.
Rev. A	21/01/93	TYPICAL BAY ARRANGEMENT REDRAWN	J.F.F.
Product: WHITE/ROYAL KNIGHT TILT & TURN WINDOW			
Title: GENERAL ARRANGEMENT 1 OF 2			
Scale: 1:2	Date: 30/12/90	Proj. Codes: LJ	
Drawn: J.H.R./J	Check:	Drp No: GA\132	Rev: G

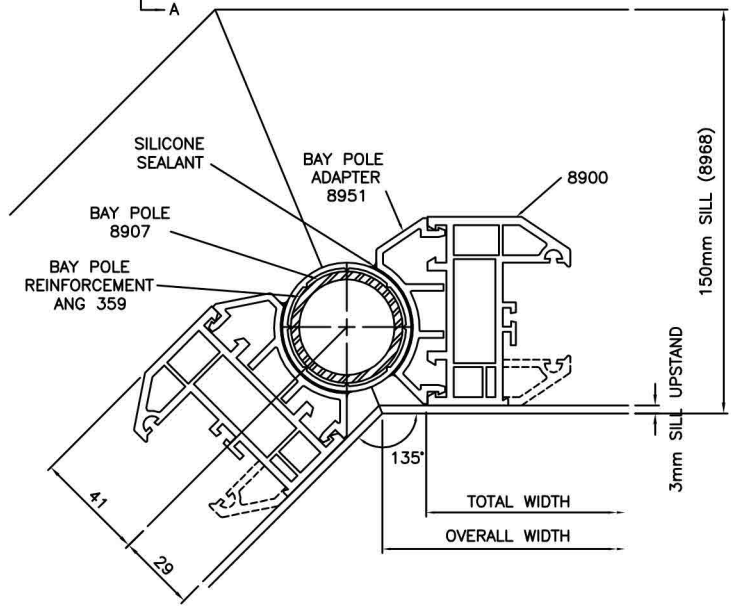
NOTE: REFER TO REINFORCEMENT RULES FOR REINFORCEMENT SPECIFICATION



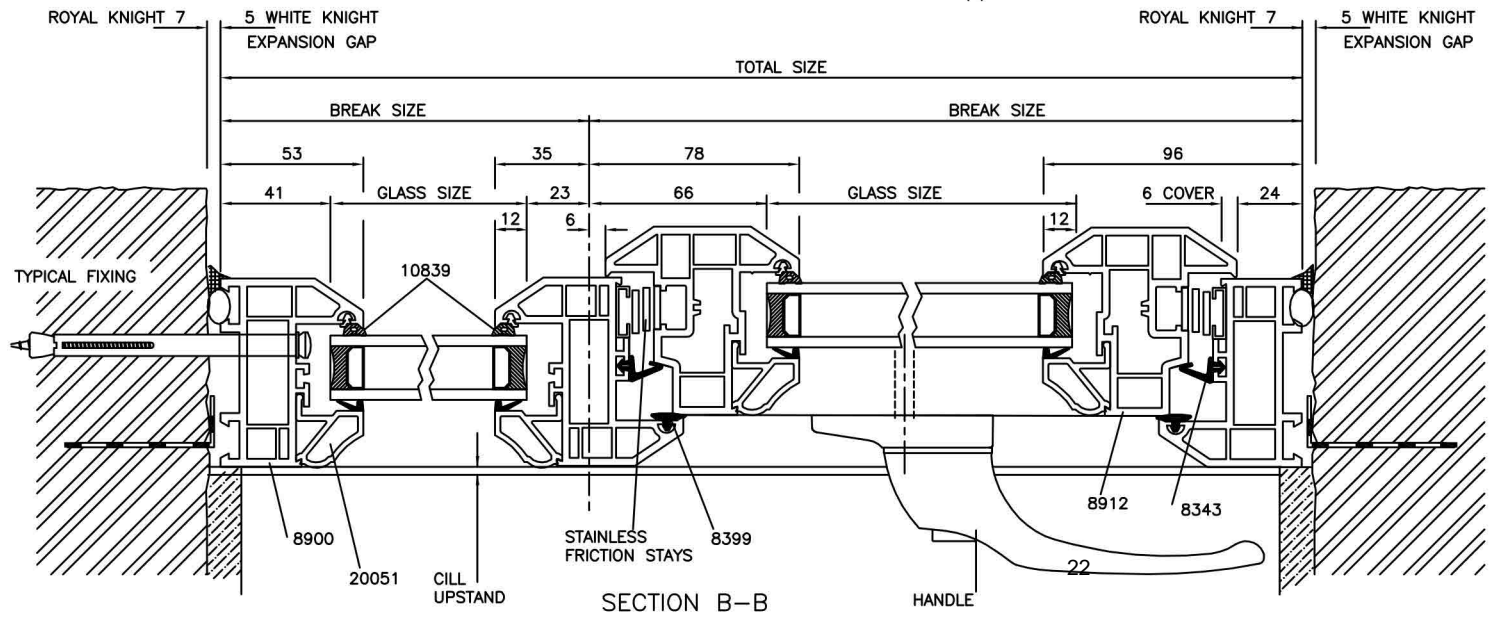
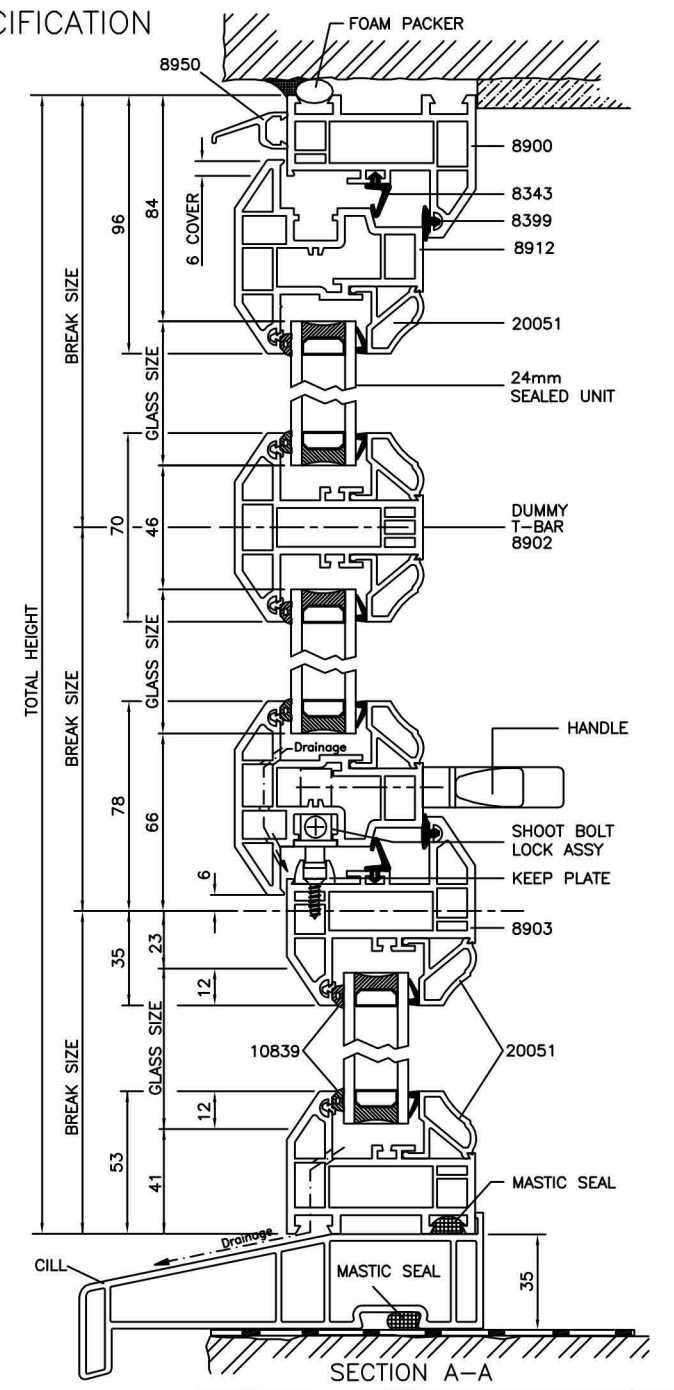
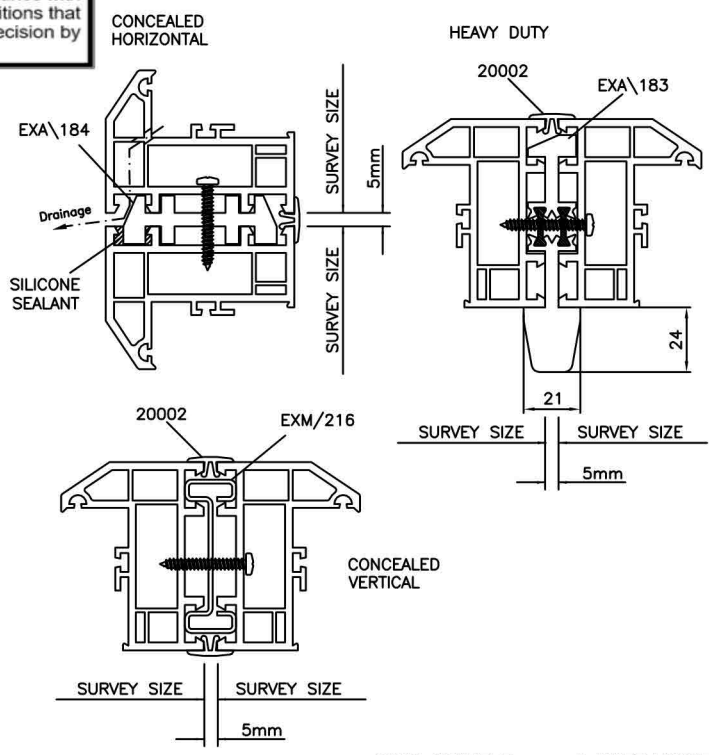
**South Ayrshire Council
Planning Service**

Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.

TYPICAL BAY ARRANGEMENT



TYPICAL COUPLING DETAILS



Rev.	Date	Description	By
Rev. H	30.06.03	STEEL COUPLING (DMG118) ADDED FOR VERTICAL COUPLING	J.S.F.
Rev. G	14.03.00	BEAD 2000 ADDED (20051) & HANDLE UPDATED	J.S.F.
Rev. F	13.12.84	GLAZING BEAD AND GASKET CHANGED TO 'CLEARLINE' ARRANGEMENT	J.S.F.
Rev. E	08.04.84	COUPLING MULLION UPDATED. DUMMY T-BAR ADDED.	J.S.F.
Rev. D	25.02.83	CONCEALED DRAINAGE, LOCKING GEAR ADDED. REINFORCEMENT NOTE ADDED	J.S.F.
Rev. C	15.02.83	REINFORCEMENT DETAILS CORRECTED	J.S.F.

Product	UPVC CASEMENT WINDOW
Title	VERTICAL / HORIZONTAL GENERAL ARRANGEMENT
Scale	1:1
Date	20.06.90
Prod. Code	UH
Drawn	L.A. Dickinson
Checked	
Drwg. No.	GA\070
Rev.	H

LOCAL DEVELOPMENT

APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 23/00250/APP

SOUTH AYRSHIRE COUNCIL

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: **Mr P Thomson**
per John Gordon Associates Ltd
John Gordon
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

With reference to your **Application for Planning Permission** dated **13th April 2023**, under the aforementioned Regulations, for the following development, viz:-

Installation of replacement windows

at: **239 High Street Ayr South Ayrshire KA7 1RB**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **approve** the Application for Planning Permission for the said development in accordance with the following conditions as relative hereto and the particulars given in the application. The approved drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above and these represent the approved scheme.

The following condition(s) which relates to this permission are:

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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.
- (3) That notwithstanding the terms of Conditions 1 and 2 above, the uPVC replacement windows proposed are not hereby approved. The proposed replacement windows shall comprise timber sliding sash and case windows, details of which shall be submitted for the written approval of the Planning Authority prior to the commencement of development, and shall replicate the original windows installed at the property in terms of design, detailing and method of opening to the satisfaction of the Planning Authority. Thereafter, the replacement windows shall be installed as per the approval of the Planning Authority.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to safeguard the character and appearance of the Listed Building.

List of Approved Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): 30376483/1

Drawing - Reference No (or Description): GA70 Rev. H

Drawing - Reference No (or Description): GA2 Rev. G

Advisory Notes:

- (1) 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 2013 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.
- (2) 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 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 Section 123 (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).
- (3) 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).
- (4) 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.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated: 26th May 2023

.....
Craig Iles
Service Lead – Planning and Building Standards

COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

Note:

In addition to this approval and before proceeding with the development the applicant may require a Building Warrant under the Building (Scotland) Act 2003 as amended or a Road Opening Permit or Construction Consent under the Roads (Scotland) Act 1984 Legislation.

APPOINTED OFFICER ADDITIONAL COMMENTS

SOUTH AYRSHIRE LOCAL REVIEW BODY

APPLICATION REF. NO: 23/00250/APP

APPLICANT: MR PETER THOMSON

SITE ADDRESS: 239 HIGH STREET AYR SOUTH AYRSHIRE KA7 1RB

DESCRIPTION: INSTALLATION OF REPLACEMENT WINDOWS

Additional Comments:

The assessment is set out within the report of handling, which is attached for ease of reference, and photographs of the existing windows accompanied the application submission. The Appointed Officer has carried out a site visit, as referenced in his Report of Handling; however, there are no additional site officer photographs.

I would also draw the attention to Section 11 of the Report Of Handling, which states, 'It is acknowledged that there is a mixture of windows present on the rear elevations of the 239 High Street and adjacent neighbouring properties within High Street. , Indeed, some of these windows are considered detrimental to the visual amenity of the conservation area and/or character of a listed building. The presence of unsympathetic replacement windows found within the locality does not negate the Council's statutory duty to preserve the character and appearance of the conservation area; and it would be remiss of the Council to allow the further deterioration of the conservation area by allowing the installation of uPVC windows to a listed building'.

APPOINTED OFFICER DRAFT CONDITIONS

SOUTH AYRSHIRE LOCAL REVIEW BODY

APPLICATION REF. NO: 23/00250/APP

APPLICANT: MR PETER THOMSON

SITE ADDRESS: 239 HIGH STREET AYR SOUTH AYRSHIRE KA7 1RB

DESCRIPTION: INSTALLATION OF REPLACEMENT WINDOWS

Conditions:

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That notwithstanding the plans hereby approved, the proposed windows shall open in the traditional sash and case manner. Precise details and specifications of the windows shall be submitted for the prior written approval of the planning authority prior to the commencement of works on site.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To safeguard the character and appearance of the listed building/conservation area.

SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	COTTAGE 1, UPPER BARR FARM GIRVAN
Application:	23/00191/APP APPLICATION FOR PLANNING PERMISSION

Appointed Officer's Decision:	Approval with Conditions
Date Notice of Review Received:	20 July 2023

Current Position:	New Case for Review
Documentation:	The following documents in relation to the review are attached: Report of Handling – Pages 1 to 4 Notice of Review and Supporting Information – Pages 5 to 9 Planning Application and Supporting Information – Pages 10 to 20 Decision Notice – Pages 21 to 23 Appointed Officer Site Photographs – Pages 24 to 26 Applicant Site Comments and Photographs – Pages 27 to 30 Draft Conditions - 31
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	1 November 2023

Report of Handling of Planning Application

Reference No:	23/00191/APP
Site Address:	Cottage 1 Upper Barr Farm U66 From Glenginnet Road Barr Via Milton East To U27 Junction At South Balloch Barr South Ayrshire KA26 9TY
Proposal:	Erection of polytunnel
Recommendation:	Approval with Condition(s)

REASON FOR REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Site Description:

The site of the proposed development is located in a gently undulating field location approximately 74 metres from Upper Barr Farm to the east of the site. Post and wire fencing defines the site boundaries. Vehicular access to the site is taken from the U66 via an existing field gate.

2. Planning History:

23/00077/COL Certificate of Lawfulness for the proposed erection of a polytunnel- Planning Permission required and the application was withdrawn 8/3/2023

3. Description of Proposal:

Planning permission is sought for the erection of a polytunnel. Full details are set out in the submitted plan.

4. Consultations:

Ayrshire Roads Alliance: No response at the time of writing the report.

5. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

6. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

7. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

8. Representations:

No representations were received.

9. Development Plan:

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

Policy 5: Soil
Policy 14: Design, quality, and place
Policy 29: Rural Development

Policy 5 aims to maintain and protect prime quality agricultural land and in this respect, it is noted that the purpose of the proposed development is the propagation of vegetable seedings and cultivation of crops, it is also noted that the application site is not classified as prime agricultural land.

With regards to Policy 14 and 29, It is considered that the development proposals are suitably designed in respect of the rural setting of the locale.

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

As assessment of the proposals against the provisions of NPF4 is set out below.

South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://south-ayrshire.gov.uk/local-development-plan-2):

LDP 2 Policy: Strategic Policy 1: Sustainable Development

LDP 2 Policy: Strategic Policy 2: Development Management
LDP 2 Policy: Landscape Quality

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

10. Other Relevant Policy Considerations (including Government Guidance):

None

11. Assessment (including other material considerations):

Planning permission is sought for the erection of a Polytunnel which is understood to have two functions; i) the propagation of vegetable seedings for use in our market garden (in development) and ii) the cultivation of plants, both of which will be undertaken by the owner/ occupier of the property at Cottage 1, Upper Brr Farm.

It is considered that the siting of the polytunnel on the site will not have a significant adverse impact on the character or visual amenity of the rural area at this locale. It is noted that the polytunnel is on an area of flat land which is set back from the farm steading. It is also reasonable to find a polytunnel within an agricultural setting and there is sufficient screening to the roadside which is located to the east of the site to mitigate the visual impact of the structure from out with the site. Nevertheless, given the construction is a polytunnel which is a temporary structure and, as such, it is considered appropriate to attach a condition to any planning permission granted that limits the approval to a three-year period in order to limit the visual impact of the development on the scenic area at this locale.

With regard to Landscape Quality, it is noted that the application is located within a scenic area and the Stinchar Valley Local Landscape Area. It is also noted that the application site is located within an agricultural field, approximately 75 metres from the farm steading. Although the proposed site of the polytunnel is away from the farm steading, the location of the polytunnel is to maximise the sunlight. Given the existing landscape setting (near to a farm steading and within an area of flat land free from vegetation) and the small-scale nature of the polytunnel, it is not considered the development shall result in an adverse impact on the landscape character of the locale.

For reasons noted above, it is considered that the development proposals align with the provisions of the NPF4 and the Adopted South Ayrshire Local Development Plan 2. The proposals are not considered to adversely impact on the rural setting of the locality. Given the above assessment and having balanced the applicants right against the general interest, it is recommended that the application is approved, subject to the following conditions.

12. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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.
- (3) that the approval for the polytunnel is limited to 3 years from the date of this permission, at which date the use of the polytunnel shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including timescales which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning permission

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) The proposed structure have a limited life and are not a permanent building, and therefore only acceptable on a temporary basis.

Advisory Notes:

List of Plans Determined:

Drawing - Reference No (or Description): **Approved** Block Plan

Drawing - Reference No (or Description): **Approved** Location Plan

Drawing - Reference No (or Description): **Approved** Polytunnel

Reason for Decision (where approved):

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.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Decision Agreed By:	<i>Appointed Officer</i>
Date:	<i>4 May 2023</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100620452-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Cottage 1"/>
First Name: *	<input type="text" value="Anja"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Van Geert"/>	Address 1 (Street): *	<input type="text" value="Cottage 1, Upper Barr Farm"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07594177901"/>	Town/City: *	<input type="text" value="Girvan"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA26 9TY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="avgeert@gmail.com"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

We are applying for planning permission to set up a small polytunnel on our land at Upper Barr, Girvan. The polytunnel would be 4.27m x 12.19m, anchored by screw anchors and would be a removable structure.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We want to appeal the temporary time period condition for our polytunnel. We wish for the condition to be removed because we will be maintaining the building in the approved condition. Our polytunnel cover has a guarantee of 7 years, with a life expectancy of 10+ years. The structure is galvanised steel and is known to last decades. The Council has clearly said in its report of handling that in that condition it is not considered to have any detrimental impact on the landscape.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Polythene guarantee sheet

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

100620452

What date was the application submitted to the planning authority? *

07/03/2023

What date was the decision issued by the planning authority? *

06/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Anja Van Geert

Declaration Date: 20/07/2023

Polythene Information Sheet

Introduction

Polythene is a flexible membrane, which is used to create a micro-climate in which plants grow better than they would if they were unprotected. Polytunnels not only allow you to grow crops which are from a more temperate climate, but also to grow crops earlier in the year, and later in the year, so lengthening the growing season.

Modern polythene films are extruded and are made up from 3 layers with different fillers in each layer. This is one of the reasons they are incredibly strong and can often be stretched more than 500% before they break.

We are committed to providing the highest standard of product and service to our customers. We will continue to invest in the latest technology and use materials best suited to meet the needs of the grower.

Our Quality Policy is to aim to deliver defect free products and services that conform, every time, to the requirements agreed with our customers.

Guarantee

The polythene sheet supplied is guaranteed for 5 years except for Super Therm which is guaranteed for 7 years against breaking down through exposure to sunlight.

However, if it is correctly applied to the structure, it is not uncommon to get 7 or even 10 years out of a cover. In the unlikely event that you have been supplied a defective cover we will give you another cover completely free if it fails in the first year. The only manufacturing defect however where this is likely to happen is where the fold splits. However you are not covered if the fold splits and the cover is not tight.

In the event of the premature failure, the following discounts will be given on the purchase of a replacement film

Failure in ...	Super Therm	Everything Else
1st year	100%	100%
2nd year	85%	80%
3rd year	70%	60%
4th year	55%	40%
5th year	40%	20%
6th year	25%	NA
7th year	10%	NA

To register a claim, contact the polythene supplier from whom the film was purchased and have the following information available:

- Type of polythene (ie, Clear, Thermal or White)
- Date polythene was purchased
- Date polythene was installed
- Size of polythene sheet (width and length)
- Date when problem was noticed
- Invoice number
- Description of the problem
- You will also be required to provide a written letter and photograph(s) of the fault.

Recommendations & Conditions

The way in which polytunnel films are handled, installed and looked after, can greatly influence the lifetime of the film and its effectiveness in use. The following gives recommendations of use, and factors, which will limit the life of the polytunnel film and therefore the extent of our guarantee.

Prior to fitting the polytunnel film, it should be stored away from heat and light – preferably indoors, in the original wrapping. If outside, cover the polythene with an opaque heat reflecting tarpaulin. Film should be used within 12 months of purchase.

Heaters must be placed so that hot air is directed away from the film

The metal structure must be insulated from the film with good quality anti-hot spot tape. The lifetime of anti-hot spot tape is not likely to be more than ten years, so new tape will be needed for the second or third cladding. Old tape may have breaks in the foam or in the polyester facing, and this should certainly be replaced.

Avoid excessive use of pesticides, herbicides, fungicides, fertilisers, etc. Avoid chemicals coming into direct contact with the film, for example by spray drift. Agrochemicals can interact with the UV stabilising systems and deactivate them with the risk of premature failure. Chemicals containing sulphur or chlorine have been found to be the most harmful in this respect. Ensure that structures are free from corrosion, as this will adversely affect the life of the film. Iron contamination from rusted structures acts as a photo-degradation promoter. In the event of failure, evidence of high levels of sulphur, chlorine or iron will invalidate the guarantee.

It is regretted that it is not possible to give compensation for consequential claims.

Polythene Care

A cleaning agent called Algon is ideal for cleaning covers. Repairing holes in the tunnel can be done with repair tape

Both are available from First Tunnels.



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100620452-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Set up of polytunnel on agricultural land. The polytunnel will have two functions: the propagation of vegetable seedlings for use in our market garden (in development) and the cultivation of tomatoes etc. The land where we want to set up the polytunnel is flat (no levelling needed) and free of vegetation (no trees or shrubs need to be cut down). The polytunnel will be anchored using anchor screws (no concrete needed). The polytunnel can be taken out without disturbance to the land at any time.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
 (Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Cottage 1"/>
First Name: *	<input type="text" value="Anja"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Van Geert"/>	Address 1 (Street): *	<input type="text" value="Cottage 1, Upper Barr Farm"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Girvan"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA26 9TY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██████████"/>		

Site Address Details

Planning Authority:	<input type="text" value="South Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="Cottage 1"/>
Address 2:	<input type="text" value="Upper Barr Farm"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Barr"/>
Post Code:	<input type="text" value="KA26 9TY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

We have applied for a certificate of lawfulness, but were advised that this is not the appropriate application in this instance as the proposal is not considered to benefit from permitted development rights under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. We were advised to apply for planning permission instead.

Title:	<input type="text"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Emma"/>	Last Name:	<input type="text" value="McKie"/>
Correspondence Reference Number:	<input type="text" value="SAC Application"/>	Date (dd/mm/yyyy):	<input type="text" value="07/03/2023"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The area where we would like to set up the polytunnel is currently grassland and has in the past been used for sheep grazing.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-
Please include details of SUDS arrangements on your plans
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

It is a small polytunnel, we don't foresee there will be much additional waste resulting from its use. Plant waste will be composted.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

≤ Yes **T** No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

≤ Yes **T** No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes **T** No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

≤ Yes **T** No

Is any of the land part of an agricultural holding? *

T Yes ≤ No

Do you have any agricultural tenants? *

≤ Yes **T** No

Are you able to identify and give appropriate notice to ALL the other owners? *

T Yes ≤ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Emma Wroe

Address:

Cottage, 1, Cottage 1, Upper Barr Farm, Girvan, United Kingdom, KA26 9TY

Date of Service of Notice: *

07/03/2023

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

Ms Anja Van Geert

On behalf of:

Date:

07/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Ms Anja Van Geert

Declaration Date: 07/03/2023

Payment Details



Created: 11/03/2023 16:57



**South Ayrshire Council
Planning Service**

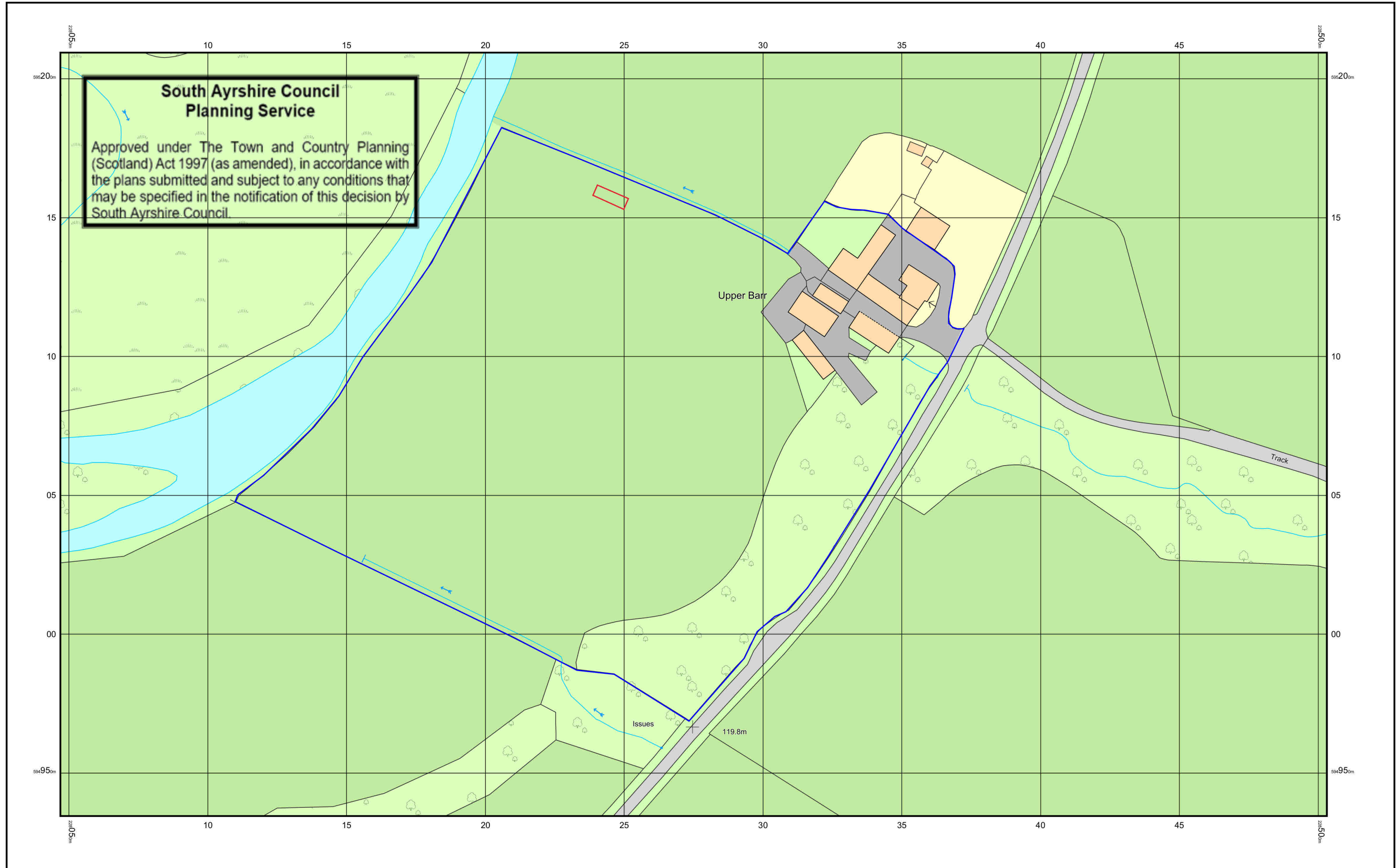
Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.



© Crown copyright and database rights 2023 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

COTTAGE 1, UPPER BARR FARM, BARR, GIRVAN, KA26 9TY

Supplied by: www.ukmapcentre.com
Serial No: 257288
Centre Coordinates: 228275.595072
Production Date: 02/02/2023 13:12:03



**South Ayrshire Council
Planning Service**

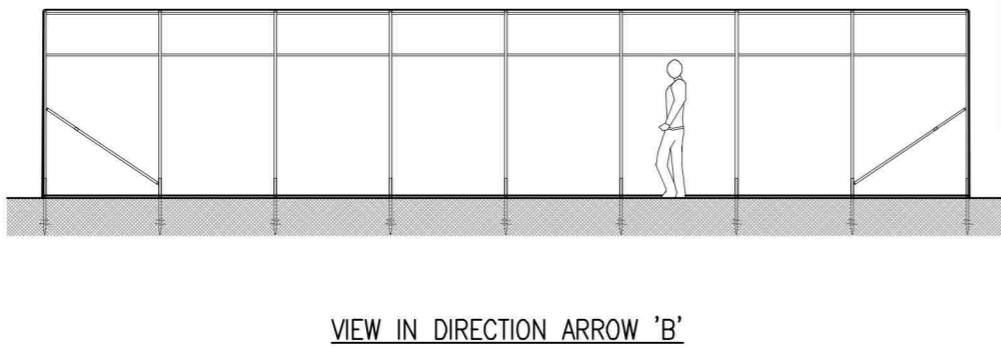
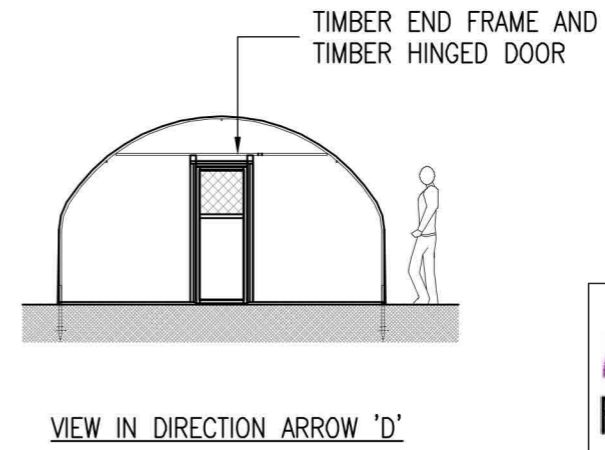
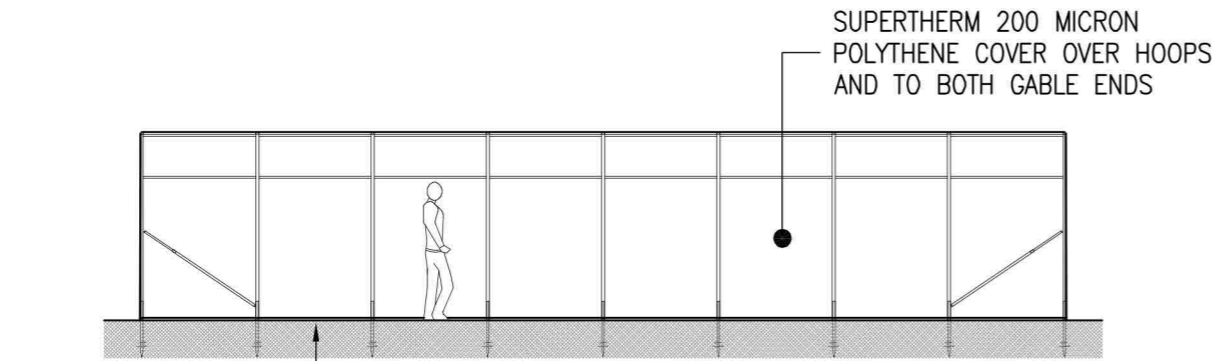
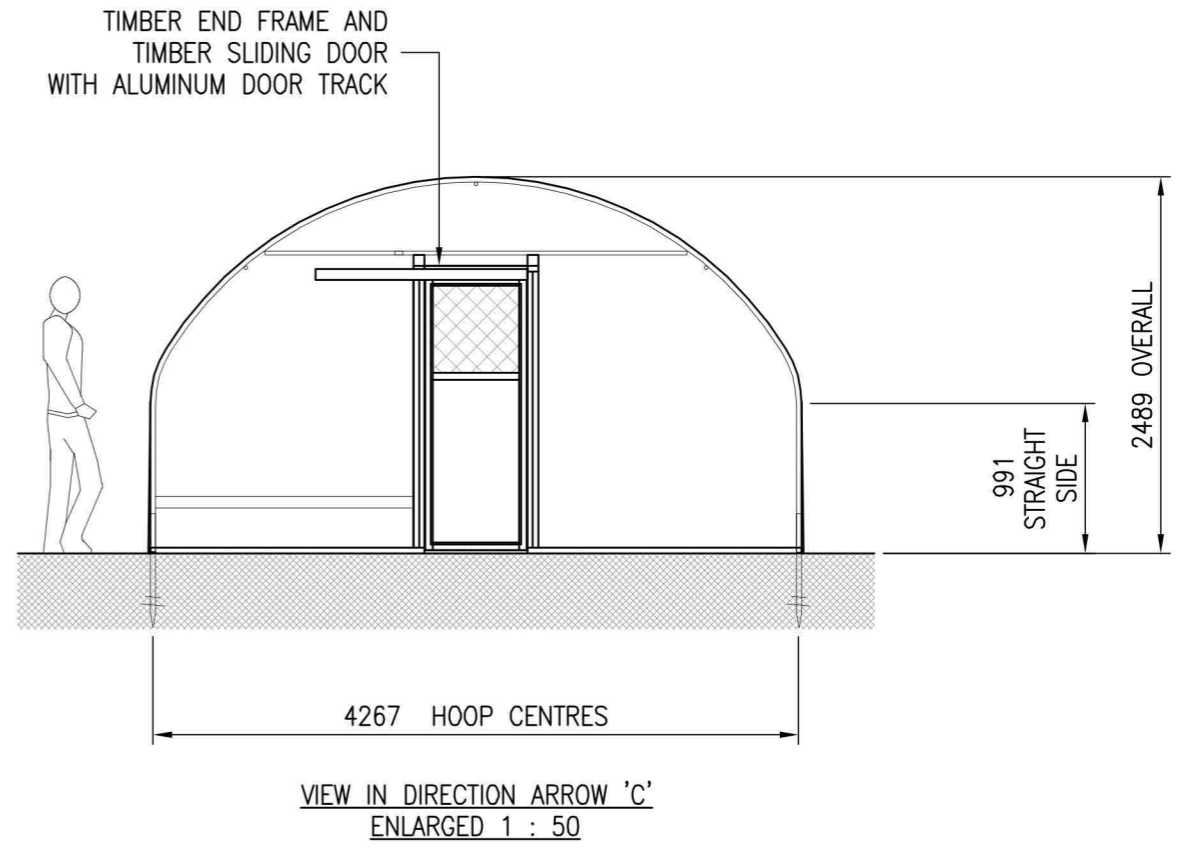
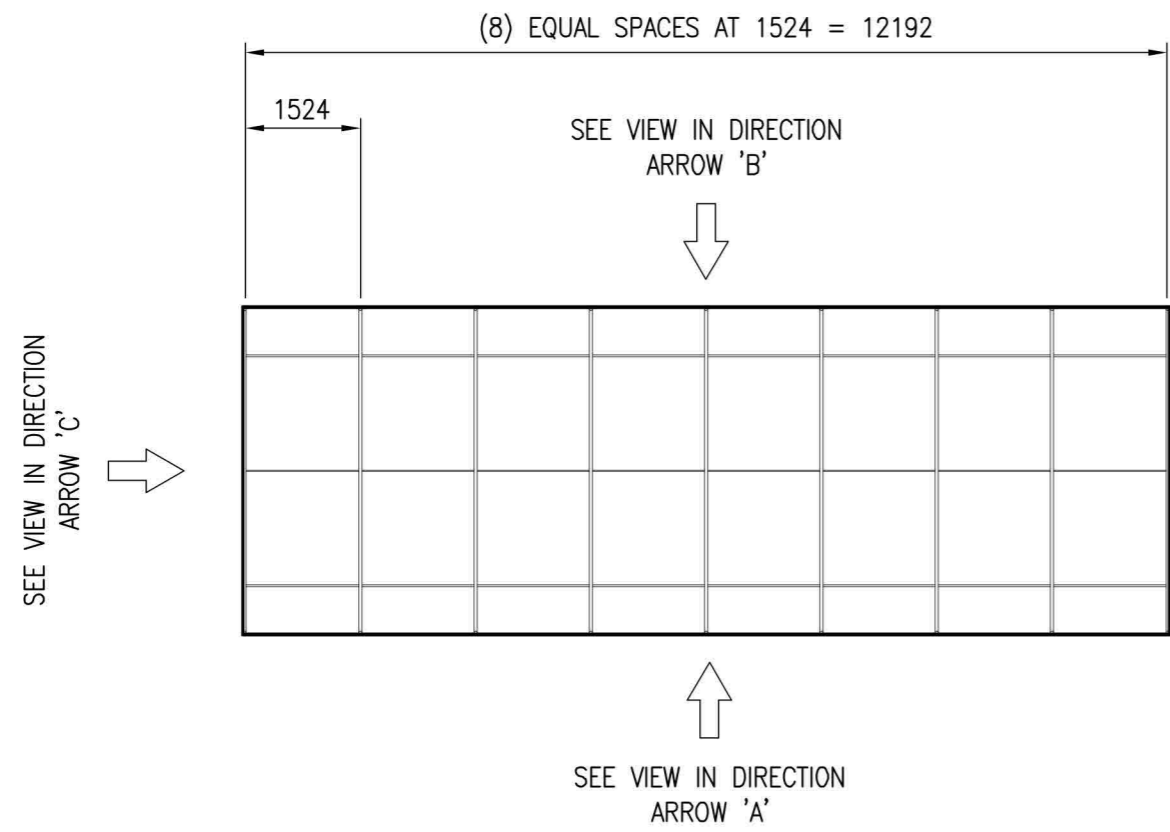
Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.

© Crown copyright and database rights 2023 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

0m 1cm = 12.5m 62.5m

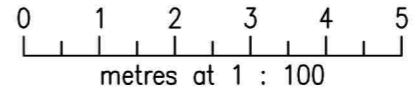
Scale 1:1250





**South Ayrshire Council
Planning Service**

Approved under The Town and Country Planning (Scotland) Act 1997 (as amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire Council.



FIRST TUNNELS

First Tunnels Ltd, Altham Business Park, Unit 2 Shorten Brook Way,
Altham, Accrington BB5 5YJ
tel: +44(0)1282 601253 web: www.firsttunnels.co.uk

THIS DRAWING AND THE INFORMATION CONTAINED THEREON IS THE EXCLUSIVE PROPERTY OF FIRST TUNNELS LTD. IT MUST NOT BE COPIED, OR USED WITHOUT THE PRIOR WRITTEN CONSENT OF FIRST TUNNELS, EXCEPT WHERE SUCH INFORMATION WAS SUPPLIED TO FIRST TUNNELS LTD BY THE CLIENT TO WHOM THE DRAWING IS SUPPLIED.

DO NOT SCALE IF IN DOUBT ASK

THIS DRAWING HAS BEEN DRAWN TO THIRD ANGLE PROJECTION

DRAWN BY MDH	CHECKED BY MH	SCALE @ SIZE 1:100 @ A3
------------------------	-------------------------	-----------------------------------

CLIENT INFORMATION UPPER BARR FARM GIRVAN KA26 9TY	DATE DRAWN 04/02/23
--	-------------------------------

DRAWING TITLE
**4.3M (14FT) SINGLE SPAN POLYTUNNEL
ELEVATION DRAWING**

IDENTIFICATION NUMBER PL-14-SS-0016	REV 0
---	-----------------

LOCAL DEVELOPMENT

APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 23/00191/APP

SOUTH AYRSHIRE COUNCIL

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Ms Anja Van Geert
Cottage 1
Upper Barr Farm
Girvan
KA26 9TY

With reference to your **Application for Planning Permission** dated **14th March 2023**, under the aforementioned Regulations, for the following development, viz:-

Erection of polytunnel

at: **Cottage 1 Upper Barr Farm U66 From Glenginnet Road Barr Via Milton East To U27 Junction At South Balloch Barr South Ayrshire KA26 9TY**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **approve** the Application for Planning Permission for the said development in accordance with the following conditions as relative hereto and the particulars given in the application. The approved drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above and these represent the approved scheme.

The following condition(s) which relates to this permission are:

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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.
- (3) That the approval for the polytunnel is limited to 3 years from the date of this permission, at which date the use of the polytunnel shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including timescales which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning permission

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) The proposed structure has a limited life and are not a permanent building, and therefore only acceptable on a temporary basis.

List of Approved Plans:

Drawing - Reference No (or Description): Block Plan

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Polytunnel

Advisory Notes:

- (1) 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 2013 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.
- (2) 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 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 Section 123 (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).
- (3) 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).
- (4) 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.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated: 4th May 2023

.....
Craig Iles
Service Lead – Planning and Building Standards

COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

Note:
In addition to this approval and before proceeding with the development the applicant may require a Building Warrant under the Building (Scotland) Act 2003 as amended or a Road Opening Permit or Construction Consent under the Roads (Scotland) Act 1984 Legislation.



Photo taken from the application site towards the farm buildings and cottage 1, upper Barr Farm



Application site



Application site

Views from the public road (Glenginnet Road) towards the site.

From: Anja Van Geert <
Sent: 11 September 2023 13:02
To: Local Review Body <LocalReviewBody@south-ayrshire.gov.uk>
Subject: Re: Comment on Case Officer Photos

Hello,

Here are some recent pictures from similar angles as your colleague took. I hope they will help you understand the context of the polytunnel and its quality. Please be aware that we haven't installed the doors yet (we didn't need them during the summer), but this is on our to do list for the autumn. Once these are installed the polytunnel will be officially ready.

Best,

Anja







Case Officers Draft Conditions and Reasons

Draft Conditions;

- 1) That the development hereby permitted must be begun within three years of the date of this permission.
- 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 mission 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 be in compliance with Section 58 of the Town and County 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.