

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 26 October 2021 at 2.00 p.m.

Present

Remotely: Councillors Brian Connolly, Craig Mackay, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Brian McGinley and Margaret Toner.

Attending

Remotely: L. McChristie, Solicitor (Legal Adviser), David Hearton (Planning Adviser – Items 4 & 6), Shirley Curran (Planning Adviser – Item 5) D. Mulgrew, Committee Services Assistant and C. McCallum, Committee Services Assistant.

1. Opening Remarks.

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

2. Declarations of Interest.

No Declarations of Interest.

3. Variation in order of business.

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

4. New Case for Review – Installation of external stair to dwellinghouse at 39 Charlotte Street, Ayr, South Ayrshire, KA7 1EA (20/00871/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the installation of external stair to dwellinghouse at 39 Charlotte Street, Ayr, South Ayrshire, KA71EA (20/00871/APP)

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again considered the papers relating to the Review.

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

5. New Case for Review – Change of use, alterations an extension to office to form dwellinghouse at Temple Mount B743 from A77T at Whitletts roundabout to Mauchline road, Mossblown, Ayr, South Ayrshire, KA65HN (21/00038/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision on conditions imposed on consent by Appointed Officer for change of use, alternations and extension to office to form dwellinghouse at Temple Mount B743 from A77T at Whitletts roundabout to Mauchline road, Mossblown, Ayr, South Ayrshire, KA65HN (21/00038/APP).

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Decided: to overturn the decision made by the appointed officer and remove condition 3 attached to the grant of planning permission. Therefore, Planning Permission is granted subject to conditions for the reasons listed below.

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

Reasons:

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Spatial Strategy, LDP Policy: Sustainable Development, and LDP Policy: Historic Environment, by reason that the proposed roof terrace and staircase, located on a public elevation, does not serve to preserve or enhance the character or appearance of the conservation area.

(2) That the proposal is contrary to the provisions of Scottish Planning Policy, Historic Environment Policy for Scotland, Historic Scotland's Managing Change in the Historic Environment document on External Fixtures, and South Ayrshire Council's Supplementary Guidance on the Historic Environment, by reason that the proposed roof terrace and staircase, located on a public elevation, does not serve to preserve or enhance the character or appearance of the conservation area.

Advisory Notes:

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision

The LRB decided that the proposal accords with the Adopted South Ayrshire Local Plan: LDP Policy: Spatial Strategy (Core Investment Area); LDP Policy: Sustainable Development; LDP Policy: Greenbelt; LDP Policy: Rural Housing; and LDP Policy: Estates; the proposals are consistent with Scottish Planning Policy (SPP) and South Ayrshire Council's Supplementary Guidance (SG) on Rural Housing; and that the proposed dormer window is in keeping with the size and scale of the wrap around extension and would not be overlarge and unsympathetic to the overall design ethos of the property.

List of Approved Plans:

Drawing - Reference No (or Description): 2001-00-001-TM
 Drawing - Reference No (or Description): 2001-00-010-TM
 Drawing - Reference No (or Description): 2001-00-011-TM
 Drawing - Reference No (or Description): 2001-00-100-TM
 Drawing - Reference No (or Description): 2001-00-101-TM
 Drawing - Reference No (or Description): 2001-EX-100-TM
 Drawing - Reference No (or Description): 2001-EX-110-TM
 Drawing - Reference No (or Description): 2001-EX-400-TM
 Drawing - Reference No (or Description): 2001-EX-PHOTOS-TM
 Drawing - Reference No (or Description): 2001-GA-100-TM
 Drawing - Reference No (or Description): 2001-GA-110-TM
 Drawing - Reference No (or Description): 2001-GA-130-TM
 Drawing - Reference No (or Description): 2001-GA-400-TM
 Drawing - Reference No (or Description): 2001-GA-401-TM
 Drawing - Reference No (or Description): 2001-GA

6. New Case for Review – Erection of dwellinghouse at Threave Farm U58 from B741 Junction near Drumquhill North via Threave to C31 Junction at Threave Cottage, Crosshill, South Ayrshire, KA197QA (20/01031/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of dwellinghouse at Threave Garm U58 from B741 Junction near Drumquhill North via Threave to C31 Junction at Threave Cottage, Crosshill, South Ayrshire, KA19 7QA (20/01031/APP).

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Councillor Campbell, seconded by Councillor Clark moved that the appeal should be upheld (so this is the Motion).By way of Amendment, Councillor McGinley, seconded by Councillor Connolly moved that the decision would be to support planning and object.

On a vote being taken by electronic means, four Members voted for the Motion and four for the Amendment. The Chair then exercised his casting vote in favour of the Amendment and the Panel approved.

Decided: Councillor Clark dissenting, to uphold the decision made by the Appointed Officer to refuse planning permission.

The meeting ended at 3.15 p.m.

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