

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 16 November 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.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Fitzsimmons declared an interest in the item below entitled "Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD" as the applicants had previously contacted him and he had sorted problems for them.

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 – Erection of field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole South Ayrshire KA19 7PD (21/00100/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 field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole South Ayrshire KA19 7PD (21/00100/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 New Case for Review – Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/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 Grant, seconded by Councillor McGinley, moved that the decision of the condition being removed seconded by Councillor Clark. By way of an amendment, Councillor Mackay, seconded by Councillor Cavana moved that the condition was amended to 10 years instead of 5 years.

On a vote being taken by a vote the Amendment was accordingly declared to be carried.

Decided: The LRB has reviewed the determination and has decided to overturn the decision made by the appointed officer, and approve Planning Permission 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.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

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

of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Reason for Decision

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings

List of Approved Plans:

Drawing - Reference No (or Description): **Approved** LOCATION PLAN

Drawing - Reference No (or Description): **Approved** BLOCK PLAN

Other - Reference No (or Description): **Approved** REFURBISHMENT WORKS

Other - Reference No (or Description): **Approved** REPLACEMENT WINDOWS AND DOORS

Other - Reference No (or Description): **Approved** SUPPORTING STATEMENT

6. New Case for Review – Alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/APP).

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/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: decided to overturn the decision made by the appointed officer, and approve Planning Permission 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

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- (2) 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'.

- (3) 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).
- (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 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).
- (5) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written *Notification of Completion of Phases of Development* as soon as practicable after completion of each phase of the development and subsequently a *Notification of Completion of Development* as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Plans Determined/or List of Approved Plans:

Drawing - Reference No (or Description): **Approved** HDA-041-001

Drawing - Reference No (or Description): **Approved** HDA-041-002

Drawing - Reference No (or Description): **Approved** HDA-041-003BW (D)

The meeting ended at 3.15 p.m.