

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

30 November 2022

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

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Body to be held on **Tuesday, 6 December 2022 at 2.00 p.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis in County Hall 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 1.15 p.m., online and in the Prestwick Room.

Yours sincerely

Catriona Caves
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. New Case for Review - 22/00339/PPP – Application for planning permission in principle for erection of a dwellinghouse at 93 Glendoune Street, Girvan, South Ayrshire, KA26 0AA.

[Application Summary](#)

For more information on any of the items on this agenda, please telephone
Committee Services on 01292 612189, at Wellington Square, Ayr or
e-mail: localreviewbody@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	93 GLENDOUNE STREET GIRVAN SOUTH AYRSHIRE KA26 0AA
Application:	22/00339/PPP ERECTION OF DWELLINGHOUSE

Appointed Officer's Decision:	Refusal
Date Notice of Review Received:	7 October 2022

Current Position:	New Case for Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 4 – Report of Handling Pages 5 to 8 – Notice of Review and Supporting Information Pages 9 to 17 – Planning Application and Supporting Information Pages 18 to 19– Decision Notice Pages 20 to 22 – Case Officer Photos Pages 23 to 28 – Interested Parties Correspondence Page 29 – Draft Conditions
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	30 th November 2022

South Ayrshire Council

Place Directorate

Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received.
The Council's Scheme of Delegation can be viewed at <http://www.south-ayrshire.gov.uk/committees/>

Reference No:	22/00339/PPP
Site Address:	93 Glendoune Street Girvan South Ayrshire KA26 0AA
Proposal:	Planning permission in principle for the erection of a dwellinghouse
Recommendation:	Refusal

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 within the rear garden ground of 93 Glendoune Street, Girvan. The application site backs onto public open space.

2. **Planning History:**

None.

3. **Description of Proposal:**

Planning permission in principle is sought for the erection of a dwellinghouse within the rear garden area of 93 Glendoune Street. It is understood from the applicant that the proposed dwellinghouse is intended to accommodate elderly family members. However, the proposal is for a dwellinghouse rather than ancillary accommodation. Separate vehicular access and off-street parking is not proposed, with the applicant intending for parking to occur on-street as per other properties in the locale. Full details are set out in the submitted plans.

4. **Consultations:**

Transport Scotland (Trunk Roads) defer comment on the application in the absence of details in respect of the existing vehicular access point onto the trunk road (as the proposals represent an intensification of use), details of the proposed access arrangement, specifically shared use with the existing property, and details of the parking proposals for the existing and proposed dwellinghouses. Transport Scotland also note that the existing driveway is unsuitable to allow vehicles to enter and exit in a forward gear and would not be able to serve both the existing and proposed dwellings.

Ayrshire Roads Alliance defer comment on this application in the absence of proposed floor plans and plans showing parking provision.

Scottish Water offer no objections to 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:

1 representation of support has been received, and can be viewed at www.south-ayrshire.gov.uk/planning

The representation expresses no concerns in respect of a proposed dwellinghouse at this locale.

9. Development Plan:

Section 25 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 following policies are relevant in the assessment of the application and can be viewed online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Policy: Spatial Strategy (Core Investment Town);
- LDP Policy: Sustainable Development; and
- LDP Policy: Residential Policy Within Settlements, Release Sites and Windfall Sites.

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

The provisions of the Adopted South Ayrshire Local Plan must 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.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP2 but referred to as LDP2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP2 now forms a substantial material consideration in the determination of planning applications.

The application site is located within a residential area as designated within the Adopted South Ayrshire Local Development Plan This designation remains unchanged within the Proposed Replacement South Ayrshire Local Development Plan. The application has been considered in this context.

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

South Ayrshire Council's Supplementary Guidance on Open Space and Designing New Residential Developments states that detached properties should be provided with rear gardens in proportion to their size. Rear gardens will be expected to be a minimum of 1½ times the size of the ground floor area for detached dwellings and no less than 100m². This will generally include rear and side dwellinghouse gardens enclosed by fence/wall/hedge.

The Council seeks to ensure that the amenity and privacy of all houses are protected. As such there has to be a minimum distance between the side elevation of houses. This is also required for the purposes of off street car parking. The minimum distance between houses shall be 4 metres. However, where a better streetscape can be created with reduced separation distances between houses this will be considered.

A minimum garden depth of 9 metres shall be required. This distance may be relaxed in the case of corner plots and on plots, with two or more frontages onto roads, subject to the minimum areas being satisfactorily provided. A minimum of 18 metres between habitable windows (including kitchens) shall be provided. This may have to be increased in certain circumstances, for example where a new development is backing onto an existing residential area or where the new development is greater than 2 storeys in height.

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

11. Assessment (including other material considerations):

It is considered that the erection of a dwellinghouse in the rear garden area of 93 Glendoune Street would not be characteristic in terms of layout, and represents a form of backland development that is not replicated elsewhere in the immediate locale. Typically, dwellinghouses in the locale front onto the street on which they are located, and the introduction of a dwellinghouse that does not follow this established pattern of development would be at significant odds with this characteristic.

The application site backs onto an area of open space comprising of extensive areas of grass and a network of paths. There are no roads, either public or private, to the rear of the application site. In this instance, it is noted that the formation of a vehicular access and off-street parking to serve the proposed dwellinghouse is not proposed, with the applicant intending that the proposed dwellinghouse utilises on-street parking as per other properties in the locale. Whilst it is acknowledged that the donor property is the only property at this locale to have a vehicular access onto Glendoune Street, and also the only property to have any off-street parking provision, the positioning of the donor property within the site is such that it would not be possible to provide a separate vehicular access up the side to serve the proposed dwellinghouse, as required by LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites. It is also noted that both the Ayrshire Roads Alliance and Transport Scotland have expressed concerns in respect of the proposed development.

The extent of the application site is such that, even in the absence of detailed site layout drawings, it is clear that the proposed dwellinghouse could not meet with the minimum private amenity space requirements as set out in the Council's SG on Open Space and Designing New Residential Developments, either in terms of garden area or garden depth. To be able to meet with the minimum requirements of the SG, the application site would need to be extended somewhat, and doing this could then significantly compromise the amenity of the donor property through a significant reduction in garden ground, and potential overlooking of windows and garden ground. Even if the issues in respect of amenity could be resolved, these would not address the issues in respect of vehicular access and off-street parking not being provided, or concerns that the erection of a dwellinghouse in the rear garden area is not characteristic of the locale.

It is understood from the applicant that the proposed dwellinghouse is intended to provide living accommodation close-at-hand for elderly relatives, and that an option to extend the dwellinghouse was considered and discounted. It is not known whether other options, such as the purchase of another dwellinghouse in close proximity or appropriately designed ancillary accommodation, were explored. Notwithstanding, it is considered that the erection of a dwellinghouse in the rear garden of the donor property would represent development that is not characteristic of the locale, and is contrary to the provisions of the adopted Development Plan, the emerging Development Plan, and associated supplementary guidance. Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application be refused.

12. Recommendation:

It is recommended that the application is refused.

Reasons:

- (1) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, and the provisions of the Council's Supplementary Guidance on Open Space and Designing New Residential Developments, by reason that the erection of a dwellinghouse to the rear of 93 Glendoune Street would not be characteristic of the established pattern of development in the locale.
- (2) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, by reason that the proposed

dwellinghouse would not be served by a vehicular access separate from the donor property and would not have any off-street parking provision.

- (3) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, and the provisions of the Council's Supplementary Guidance on Open Space and Designing New Residential Developments, by reason that the proposed dwellinghouse would be unable to meet the minimum private garden area requirements in respect of either area or depth, and will provide an unacceptable level of amenity to the proposed dwellinghouse.

List of Plans Determined:

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

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

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.

<i>Decision Agreed By:</i>	<i>Appointed Officer</i>
<i>Date:</i>	<i>26 July 2022</i>

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Jamie	Forename	
Surname	Campbell	Surname	
Company Name	N/A	Company Name	
Building No./Name	93	Building No./Name	
Address Line 1	Glendoune street	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Girvan	Town/City	
Postcode	ka26 0aa	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	South Ayrshire Council		
Planning authority's application reference number	22/00339/APP		
Site address	93 Glendoune Street Girvan KA26 0AA		
Description of proposed development	I am proposing to build a single story dwelling house in the rear of my property. The propose of this would be to have appropriate accommodation for my aging in laws to they can be fully supported as they age and they can live life as best practicably possible.		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The proposed site is in our private garden however access will not be a issue if we agree a date to site.

8. Statement

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. **Note:** 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please find below a response to the 3 points raised in the decision notice.

- I appreciate there is no other developments similar in the properties in the near by area, however I would say that as we haven't yet reached the design stage, any concerns can be address and the proposed dwelling house wouldn't impacted in the local area.
- In regards to separate vehicular access I propose that I would tie the dwelling into our deeds as part of the house and therefore cannot be sold or rented on separately. Therefore the current driveway and off street parking would be sufficient.
- The existing garden is approximately 640m2. As mentioned above with the proposed change to the title deeds the 2 dwellings could have a shared garden and maximize the garden size.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

N/A

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



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 100552919-001

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)

Construction of an additional single storey dwelling at the rear of my garden.

Is this a temporary permission? * Yes No

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

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="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="Jamie"/>	Building Number:	<input type="text" value="93"/>
Last Name: *	<input type="text" value="Campbell"/>	Address 1 (Street): *	<input type="text" value="Glendoune Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	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 0AA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

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="93 GLENDOUNE STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GIRVAN"/>
Post Code:	<input type="text" value="KA26 0AA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="596941"/>	Easting	<input type="text" value="218466"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

96.00

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)

Rough ground, composite heap at the rear of my garden.

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.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

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.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes 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 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 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: Mr Jamie Campbell

On behalf of:

Date: 07/04/2022

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. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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: Mr Jamie Campbell

Declaration Date: 07/04/2022

Payment Details



Created: 07/04/2022 05:06

Planning Development

From: Alex Cowie [REDACTED]
Sent: 23 June 2022 16:32
To: Planning Development
Subject: Application No 22/00339/PPP

Dear Sir, or to whom it may concern,

We have received a notice of service for neighbours with the application no 22/00339/PPP on 93 Glendoune Street, Girvan.

We currently reside at 95 Glendoune street and we feel that this would not in any way cause us any concern for the erection of a dwelling at 93 Glendoune street, and have spoken with Mr Campbell and expressed that this additional dwelling would not have any bearing to the outlook of our property and not diminish the view from our house or garden in anyway.

We feel that the ground that they would be utilising in there own garden is currently over grown and not being used, and that this would make a great addition, especially as its to look after elderly family memebers.

Yours Sinceraly,

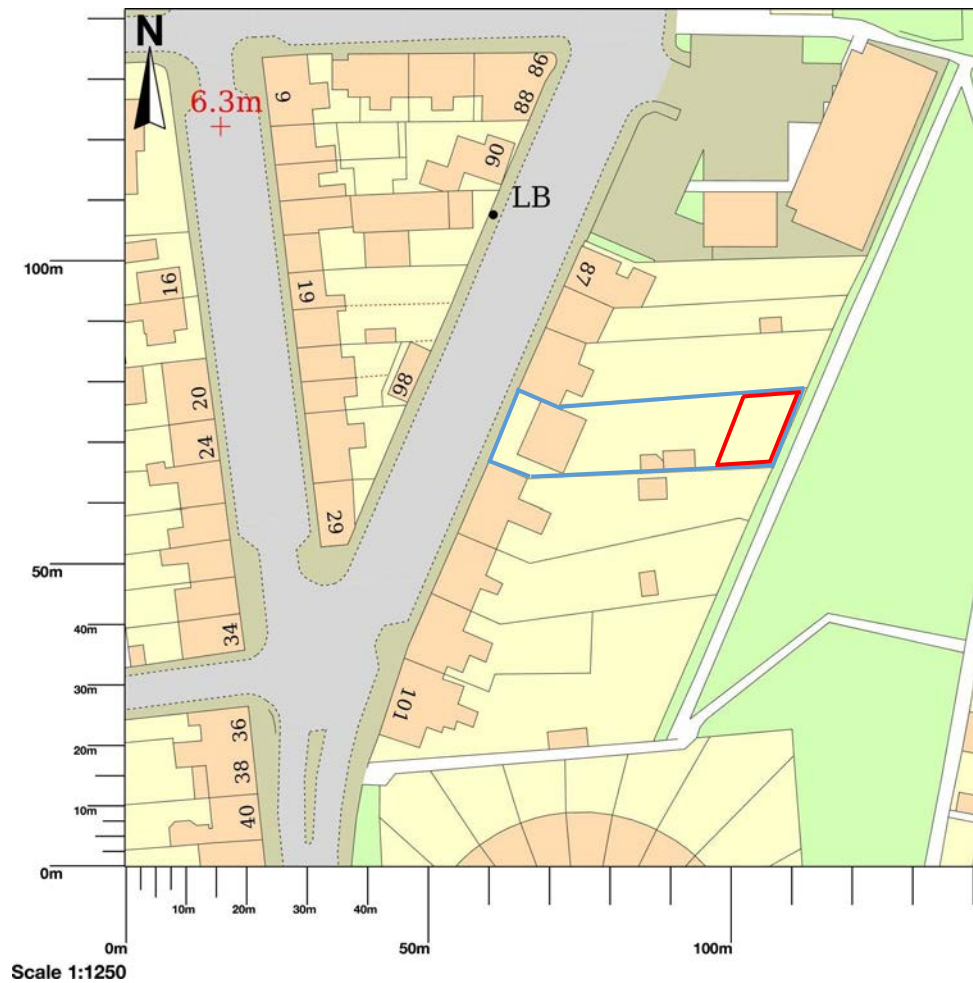
MR A Cowie

95 Glendoune Street

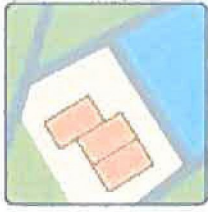
Girvan

KA26 0AA

93 Glendoune Street, Girvan, KA26 0AA



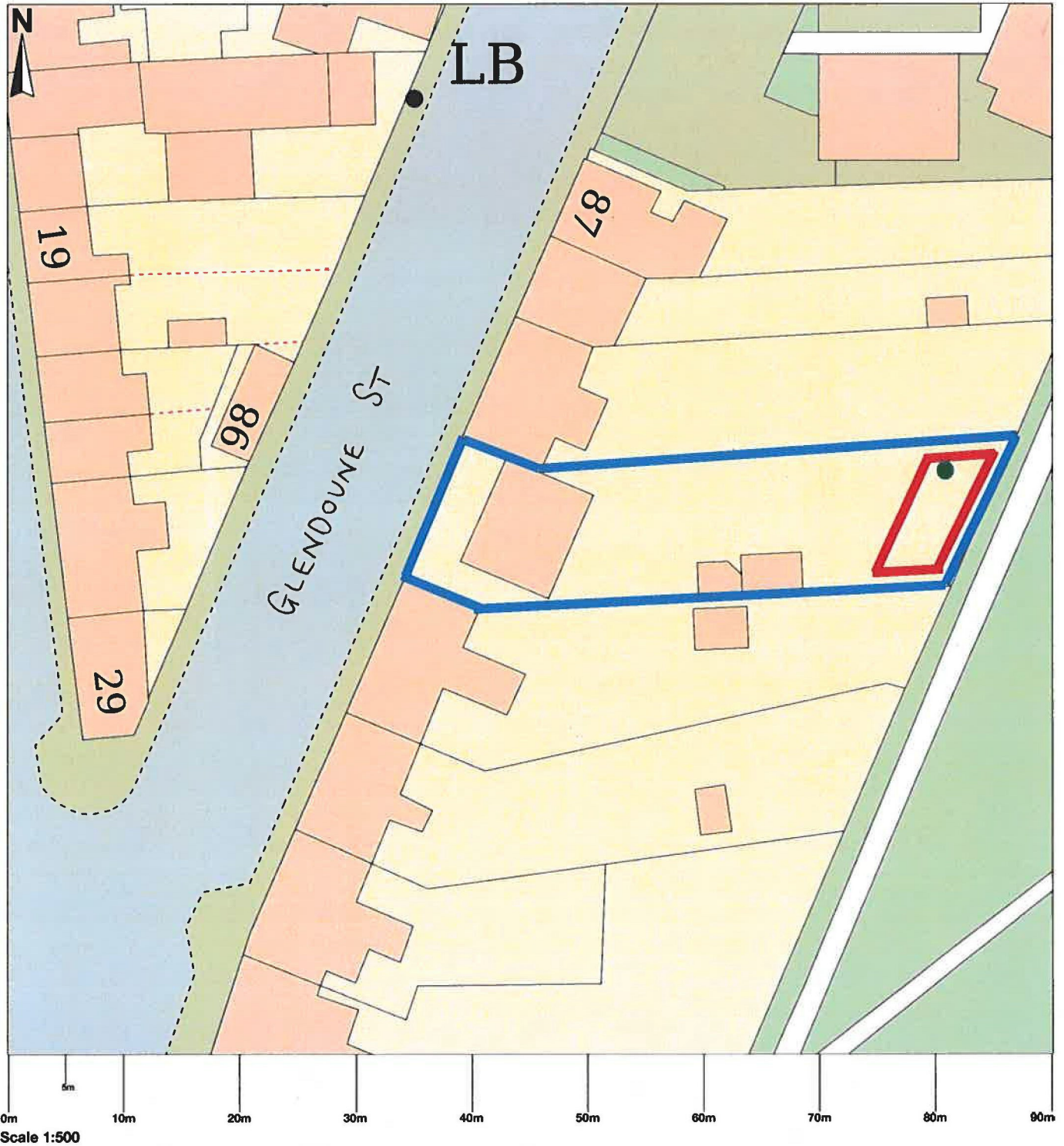
Map area bounded by: 218395,596870 218537,597012. Produced on 27 April 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2c/uk/789006/1067028



Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.



93 Glendoune Street, Girvan, KA26 0AA



Map area bounded by: 218421,596896 218511,596986. Produced on 27 April 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b90c/uk/789006/1067025

LOCAL DEVELOPMENT

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE
(Delegated)**

Ref No: 22/00339/PPP

SOUTH AYRSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended by the PLANNING ETC. (SCOTLAND) ACT 2006**

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

**To: Mr Jamie Campbell
93 Glendoune Street
Girvan
KA26 0AA**

With reference to your application dated **14th June 2022** for Planning permission in principle under the aforementioned Acts and Orders for the following development, viz:-

Planning permission in principle for the erection of a dwellinghouse

at: 93 Glendoune Street Girvan South Ayrshire KA26 0AA

The Council in exercise of their powers under the aforementioned Acts and Orders hereby **refuse** Planning permission in principle for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/Planning/

The reasons for the Council's decision are:

- (1) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, and the provisions of the Council's Supplementary Guidance on Open Space and Designing New Residential Developments, by reason that the erection of a dwellinghouse to the rear of 93 Glendoune Street would not be characteristic of the established pattern of development in the locale.
- (2) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, by reason that the proposed dwellinghouse would not be served by a vehicular access separate from the donor property and would not have any off-street parking provision.
- (3) That the proposals are contrary to the provisions of the adopted South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, and the provisions of the Council's Supplementary Guidance on Open Space and Designing New Residential Developments, by reason that the proposed dwellinghouse would be unable to meet the minimum private garden area requirements in respect of either area or depth, and will provide an unacceptable level of amenity to the proposed dwellinghouse.

List of Plans Determined:

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

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

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

Dated: 26th July 2022

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

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

Case Officer Photographs – 93 Glendoune Street Girvan – 22/00339/PPP







Wednesday, 22 June 2022



Local Planner
Planning Service
South Ayrshire Council
Ayr
KA7 1UT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

93 Glendoune Street, Girvan, South Ayrshire, KA26 0AA
Planning Ref: 22/00339/PPP
Our Ref: DSCAS-0067383-VPH
Proposal: Planning permission in principle for the erection of a dwellinghouse
| 93 Glendoune Street Girvan South Ayrshire KA26 0AA

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the PENWHAPPLE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the GIRVAN Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

I acknowledge receipt of the planning application 22/00339/PPP for Planning permission in principle for the erection of a dwellinghouse at 93 Glendoune Street Girvan South Ayrshire which was received on 17/06/2022.

Planning Officer: Mr David Hearton

I am currently assessing the implications of the planning application on the trunk road but will not be able to respond within the normal timescale for the reasons stated below. I should therefore be obliged if you would extend the consultation period until this process is completed.

Reasons

Insufficient information provided

Even though the proposals are for Planning Permission in Principle, to allow Transport Scotland to fully consider this application further information will be required.

The applicant will be required to confirm:

- details of the existing vehicular access point onto the trunk road as the proposals represent an intensification of use.
- details of the proposed access arrangement, specifically shared use with the existing property.
- details of the parking proposals for the existing dwelling and proposed dwelling. Transport Scotland would note that the existing drive-way is unsuitable to allow vehicles to enter and exit in a forward gear and would not be able serve both the existing and proposed dwellings.

Further information would be required in relation to the construction phase. Transport Scotland would require clarification on the proposed access for construction materials and any plant/equipment. Further details on the delivery and storage of construction materials would be required.

Based on the information available Transport Scotland consider that there are significant challenges that would require to be addressed for the construction of the dwelling.

Until the formal issue of a TR/NPA/2 this Notice must be taken as intent to respond recommending conditions relating to this application, or to refuse the application. On this basis the interest of the Transport Scotland, an agency of the Scottish Government, as a Statutory Body must be taken into account.

Iain Clement

e-mail: development_management@transport.gov.scot

21/06/2022



Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org

ARA Case Officer: AP

Planning Case Officer: D Hearton

Planning Application No: 22/00339/PPP

Location: 93 Glendoune Street, Girvan

Date Received: 16/06/2022

Date Returned: 29/06/2022

Recommendation: Defer

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

Expository Statement (if applicable):

There are concerns regarding parking for this development. The ARA therefore cannot comment until such time as plans are provided showing the existing and proposed floor plans in addition to a proposed parking layout.

22/00339/PPP – 93 Glendoune Street, Girvan

Conditions

- 1) That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal.
- 2) That full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as specified in condition 1, above.
- 3) That this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below.
- 4) That the existing dwellinghouse and the proposed dwellinghouse shall remain part of the same single inter-connected residential planning unit. Once the dwellinghouse has been erected, neither the existing dwellinghouse nor the proposed dwellinghouse shall be sold, leased or otherwise disposed of separately.

Reasons

- 1) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- 2) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- 3) To clarify the extent of the planning permission in principle and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006.
- 4) In order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse.

Advisory Notes

- 1a) In accordance with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended), application(s) for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 1b) The Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the 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 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. 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 278(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 278 (1) and Section 278 (2) of The Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for decision

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.