

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 29th November 2011 at 2.00 p.m.

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Bill Grant, Sandra Goldie and Alec Oattes.
- Apology: Councillor John Allan.
- Attending: W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader; and A. Gibson, Committee Administrative Officer.

1. New Case for Review – Change of use of agricultural land to form garden ground at Treborlea, Old Toll, Ayr (Ref: 11/00765/APP).

There was submitted the relevant papers (issued) relating to a request to review the decision to refuse an application for the change of use of agricultural land to form garden ground at Treborlea, Old Toll, Ayr.

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 with particular emphasis on the grounds on which the application had been refused.

Councillor Goldie, seconded by Councillor Oattes, moved that the decision by the appointed officer to refuse the application be overturned and the application be approved subject to conditions.

By way of an Amendment, Councillor Campbell, seconded by Councillor Fitzsimmons, moved that the Panel should uphold the decision to refuse the application.

On a vote being taken by a show of hands, two members voted for the Amendment and five for the Motion, which was accordingly declared to be carried.

Decided:- to overturn the decision of the appointed officer and to grant the planning application subject to the following conditions:-

- (1) that the development hereby permitted shall 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 revoking and re-enacting the Order) all development falling within Classes 1 - 9 (inclusive) (covering development within the curtilage of a dwellinghouse and sundry minor operations) of Schedule One of the Order shall be the subject of a formal application for planning permission; and

- (4) that the existing dwellinghouse and its garden ground and the extension of garden ground hereby granted planning permission shall remain part of the same single inter-connected residential planning unit. Once the change of use of agricultural land has been implemented, neither the existing dwellinghouse and its garden ground nor the extended garden ground shall be sold, leased or otherwise disposed of for use as a separate entity without the submission of a further planning application.

Reasons:

- (1) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (2) to ensure that the work carried out is in accordance with the approved plans unless otherwise agreed;
- (3) to ensure the proper planning of the area; and
- (4) in order to retain full control over the development.

Reason for Decision:

The change of use of agricultural land to garden ground hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

List of Approved Plans:

Drawing - Reference No (or Description): LOCATION PLAN 11.115.LP;
 Drawing - Reference No (or Description): EXISTING SITE LAYOUT PLAN 11.115.SP1;
 Drawing - Reference No (or Description): PROPOSED SITE LAYOUT PLAN 11.115.SP2;
 and
 Drawing - Reference No (or Description): PROPOSED FENCE AND WALL DETAILS 11.115.SP3.

2. New Case for Review – Change of use of vacant land for temporary siting of residential static caravan at 1 Brunston Cottages, Dailly, Girvan (Ref: 11/00598/APP).

There was submitted the relevant papers (issued) relating to a request to review the decision to refuse an application for the change of use of vacant land for the temporary siting of a residential static caravan at 1 Brunston Cottages, Dailly, Girvan.

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 with particular emphasis on the grounds on which the application had been refused.

Decided:- to continue consideration of the application to a future meeting of this Body to allow further information to be provided by way of a written submission from the applicant's agent relating to:-

- confirmation of who was intending to reside within the proposed residential static caravan, whether the applicant's son and her family or the applicant herself?; and
- what alternatives had been considered to accommodate the applicant's desire to have her son and his family living nearby i.e. extension of dwellinghouse to provide additional accommodation and accommodation within the village of Dailly or another settlement nearby.

3. **New Case for Review – Alterations and extension to church hall, installation of access ramp and formation of vehicular access at St. Colmon Parish Church Hall, Manse Road, Colmonnell (Ref: 11/00525/APP).**

There was submitted the relevant papers (issued) relating to a request to review the decision to refuse an application for alterations and extension to church hall, installation of access ramp and formation of vehicular access at St. Colmon Parish Church Hall, Manse Road, Colmonnell.

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 with particular emphasis on the grounds on which the application had been refused.

Decided:- to overturn the decision of the appointed officer and to grant the planning application subject to the following conditions:-

- (1) that the development hereby permitted shall 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; and
- (3) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this shall be achieved shall be submitted for prior written approval of the Planning Authority before any works commences on site.

Reasons:

- (1) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (2) to ensure that the work carried out is in accordance with the approved plans unless otherwise agreed; and
- (3) in the interests of road safety and to avoid the discharge of water onto the public road.

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): Existing Floor Plan and Elevations H/C/001;
 Drawing - Reference No (or Description): Proposed Floor Plan (Drainage/Electrical H/C/005;
 Drawing - Reference No (or Description): Proposed Floor Plan H/C/006;
 Drawing - Reference No (or Description): Proposed Roof Plan H/C/006;
 Drawing - Reference No (or Description): Location and Block Plan H/C/007;
 Drawing - Reference No (or Description): Foundation/Partition H/C/008;
 Drawing - Reference No (or Description): Proposed Elevations H/C/008a;

Drawing - Reference No (or Description): Proposed Section H/C/009;
Drawing - Reference No (or Description): Proposed Section and Detail H/C/010; and
Drawing - Reference No (or Description): Existing Elevation Front Fence.

The meeting ended at 3.25 p.m.