

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 11 October 2023 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Hugh Hunter and Martin Kilbride.

Present

Remotely:

Councillors Mark Dixon, Mary Kilpatrick, Craig Mackay and Duncan Townson.

Attending

in County

Buildings:

K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); E. McKie, Planner; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meetings.

- (1) The minutes of 4 May 2023 (Site Visit) ([issued](#)) were submitted and approved.
- (2) The minutes of 14 September 2023 ([issued](#)) were submitted.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

By a majority, the Panel

Decided: to approve the minutes.

3. Hearing relating to Applications for Planning Permission.

There was submitted a report ([issued](#)) of September 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) **23/00426/APP – AYR – 40 Smith Street, South Ayrshire, KA7 1TF –** Change of use of betting shop (Class 1A) to form restaurant (Class 3) including takeaway, alterations to shopfront and erection of flue.
- (2) **23/00427/LBC - AYR – 40 Smith Street, South Ayrshire, KA7 1TF -** Alterations to listed building and erection of flue.

The Panel heard from two interested parties.

Decided: **23/00426/APP** to approve the planning application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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;
- (c) 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 and implemented in accordance with the approved details;
- (d) the applicant/ developer shall, prior to the commencement of works, submit a Service Management Plan (SMP) for the written approval of the Council as Planning Service in conjunction with the Roads Authority. The plan shall describe the best practice methodology for the movement of delivery traffic associated with the development including delivery timings, routing, banksmen requirements and other related matters. The SMP shall require the agreement in writing of the Planning Authority through consultation with the Ayrshire Roads Alliance prior to occupation of the development;
- (e) ventilation within the kitchen requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of an odour nuisance, the ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building within 15m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking. Details of the ventilation system shall be submitted for the approval in writing of the Planning Authority through consultation with the Council's Environmental Health Service and thereafter installed as approved, prior to the occupation of the development;

- (f) that, prior to the occupation of the development, an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation, or alternatively, the closest accessible location to the nearest noise sensitive dwelling from where noise can be measured, shall be submitted for the formal prior written approval of the Council as Planning Authority in consultation with the Environmental Health Service. The location from where the noise can be measured from will first be agreed in writing by the Planning Authority; and
- (g) the ventilation unit shall be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface, in order to prevent noise caused by vibration.

Reasons:

- (a) 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;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to safeguard the character and appearance of the conservation area;
- (d) in the interest of road safety;
- (e) in order to prevent the likelihood of a smell nuisance;
- (f) in order to prevent the likelihood of a noise nuisance; and
- (g) in order to prevent the likelihood of noise nuisance.

Advisory Notes:

- The granting of this Planning Permission does not negate the need for the applicant to obtain Advertisement Consent for any signage to be erected at the premises.
- The applicant/developer is advised to contact Environmental Health with regard to standards applicable to this development proposal.
- The premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.
- Adequate provision must be made for the storage and disposal of food waste, non-edible by-products and other refuse. Refuse stores are to be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.

Decided: **23/00427/LBC** to approve the application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;

- (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority; and
- (c) 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 and implemented in accordance with the approved details.

Reasons:

- (a) to be in compliance with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) to safeguard the character and setting of the listed building.

List of Determined Plans:

Drawing - Reference No (or Description): 23/KITA/LP Location Plan;
Drawing - Reference No (or Description): 23/KITA/PL/01A Existing Plans; and
Drawing - Reference No (or Description): 23/KITA/PL/02A Proposed Plans.

Reason for Decision:

The applications have been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (18 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on residential amenity at the locality and will have a neutral impact on the character and appearance of Ayr Central conservation area or the setting of the C listed building.

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

4. Closing Remarks.

As this was Councillor Hunter's last meeting of this Panel, the Chair thanked him for his work on the Panel.

The meeting ended at 10.35 a.m.