

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 28 February 2024 at 10.30 a.m.

Present
in County Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Martin Kilbride,
Mary Kilpatrick, Alan Lamont and Duncan Townson.

Present
Remotely: Councillor Craig Mackay.

Apology: Councillor Mark Dixon.

Attending
In County Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning
and Building Standards; K. Braidwood, Director of Housing, Operations and
Development; C. Cox, Assistant Director, Planning and Development; D. Clark,
Supervisory Planner; E. McKie, Planner; R. Dominy, Planning Assistant;
B. Seditas, Co-ordinator, Trading Standards and Environmental Health;
A. Steven, Co-ordinator, Democratic Governance; and J. McClure, Committee
Services Lead Officer.

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.

The Minutes of previous meeting of 1 February 2024 ([issued](#)) were submitted and approved.

3. **Hearing relating to Applications for Planning Permission.**

There was submitted reports ([issued](#)) of February 2024 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) **23/00182/APPM** – AYR – **Craig Tara Holiday Park, South Ayrshire, KA7 4LB** – Redevelopment and change of ancillary golf facility within Craig Tara Holiday Park to form extension to the existing holiday caravan provision including new static caravan pitches with associated infrastructure, landscaping and access.

The Panel heard from various objectors and the applicant's agent and thereafter

Decided: that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel.

- (2) **23/00261/FURM** – AYR – **A77T From Bankfield Roundabout B7034 Junction** – Application to modify conditions 1,4,5,6, 9, 10, 11, 12, 14, 19, 20, 25, 33, 38, 40, 48, 57, 58, 62, 70 and to delete conditions 8, 15, 18, 21 and 29 of the existing planning permission (Ref: 14/00220/PPPM).

The Panel heard from the applicant's agent.

The meeting adjourned for 10 minutes to discuss wording for a motion with a member of the Panel, Councillor Kilbride.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed by Councillor Kilbride and seconded by Councillor Clark:-

“The importance of the delivery of housing at this location is paramount and therefore more weight should be given to the provision of housing than the consideration of the retail policies at this location. The motion is to approve the proposals subject to further consultation with the relevant Housing sections and agreement with the applicant on conditions and necessary legal agreements and the matter can be brought back to the panel for further consideration in due course”.

By way of Amendment, Councillor Cavana, seconded by Councillor Townson moved refusal of this application on the grounds as recommended in the report.

A Member requested a roll-call vote.

Councillor Kenneth Bell	Motion
Councillor Ian Cavana	Amendment
Councillor Alec Clark	Motion
Councillor Mary Kilpatrick	Motion
Councillor Martin Kilbride	Motion
Councillor Alan Lamont	Motion
Councillor Craig Mackay	Amendment
Councillor Duncan Townson	Amendment

Following a vote, three Members voted for the Amendment and five Members for the Motion, which was accordingly declared carried and the Panel

Decided: to approve the planning application subject to further consultation with the relevant Housing sections and agreement with the applicant on conditions and necessary legal agreements, and the matter to be brought back to the Panel for further consideration in due course

Councillor Townson left the meeting.

- (3) **23/00345/APPM** – AYR – A77T From Bankfield Roundabout B7034 Junction – Application for Planning permission for a retail led mixed use development (use classes 1 retail comparison, convenience and bulky goods/garden centre 3 (food & drink), sui generis (drive-thru and petrol filling station facilities)) with associated infrastructure, landscaping and engineering works.

The Panel heard from an interested party and the applicant's agent.

The time being 2.20pm, Councillor Bell, seconded by Councillor Kilbride, moved that the Regulatory Panel agree to continue the meeting beyond 2.30pm as the business of the meeting was not likely to be completed by 2.30pm, in accordance with Standing Order No. 6.2. The Panel agreed unanimously to continue the meeting.

The meeting adjourned for 15 minutes to discuss wording for a motion with a member of the Panel, Councillor Clark.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed by Councillor Clark and seconded by Councillor Lamont:-

“It is considered that this mixed-retail development proposal is acceptable as it is considered to comply with the relevant policies of NPF4 and LDP2. The motion is to approve the proposals subject to discussion with the applicant on conditions and necessary legal agreements and the matter to be brought back to this Panel for final consideration in due course”.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Six Members voted for the Motion, no Members voted against the Motion, one member abstained and the Panel,

Decided: to approve the planning application subject to discussion with the applicant on conditions and necessary legal agreements and the matter to be brought back to this Panel for final consideration in due course.

- (4) **24/00015/APP** – AYR – Low Green Esplanade, South Ayrshire – Alterations change of use of former public convenience building to hot food take away, change of use of hardstanding and erection of fencing to form external seating area and storage area.

The Panel

Decided: to approve the application subject to the following conditions:-

- (1) That the development hereby permitted must 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 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.
- (4) 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.

Reasons:

- (1) 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.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To safeguard the character and appearance of the conservation area.
- (4) In order to prevent the likelihood of a smell nuisance.

Advisory Notes:

- (1) 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.

List of Determined Plans:

Drawing - Reference No (or Description): DR-A-0010 Location Plan
Drawing - Reference No (or Description): DR-A-0020 All Details as Existing
Drawing - Reference No (or Description): DR-A-0021 Rev. B All Details as Proposed

Reason for Decision:

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations, representations received, the planning history of the site and the impact of the proposed development on the locality. There are no policy objections and following the above assessment, it is considered that the proposal will not have an adverse impact on the amenity of the locality.

The meeting ended at 3.05pm