

REGULATORY PANEL (SPECIAL).

Minutes of special meeting held in the County Buildings, Wellington Square, Ayr and remotely on 13 July 2021 at 10.00 a.m.

Present: Councillor Brian Connolly (Chair).

Present: Councillors Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons,
Remotely: Mary Kilpatrick, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead – Planning and Building Standards; D. Clark, Supervisory Planner; D. Hearton, Lead Conservation Planner; and A. Gibson, Committee Services Officer.

Attending

Remotely: K. Braidwood, Ayrshire Roads Alliance.

1. Opening Remarks.

The Chair confirmed that although today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation, the applicant and interested parties who had submitted representation had been invited to address the Panel remotely, should they so wish. He also confirmed to Members the procedures to conduct this meeting.

The Service Lead – Legal and Licensing took the sederunt.

2. Declarations of Interest.

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.

3. Applications for Planning Permission.

There was submitted a report (issued) of June 2021 by the Director - Place on planning applications for determination.

The Panel decided as follows:-

- (1) [21/00236/APP](#) – AYR – 8-46 High Street - Redevelopment of brownfield gap site to create a new public open space with hard and soft landscaping and provision for events. The development includes a community pavilion which will accommodate indoor flexible community space, public toilets and storage space.

The Panel heard from the Service Lead – Planning and Building Standards, applicant and various interested parties in respect of the application.

The Panel confirmed that they had sufficient information before them to make a decision today.

Councillor Connolly, seconded by Councillor Cavana moved that the application be approved, subject to the conditions as detailed in the report.

At this point, the Panel adjourned, to allow a Member of the Panel to discuss with officers, the terms of an Amendment he may wish to move.

Upon reconvening, the Service Lead – Legal and Licensing again took the sederunt to ensure all Members of the Panel were still present.

By way of an Amendment, Councillor Iain Campbell, seconded by Councillor Kilpatrick moved that a condition be added that the planning permission does not include the community pavilion building, for the reason that it does not preserve or enhance the character and appearance of the conservation area.

Following a vote being taken, four Members voted for the Amendment and five for the Motion, which was accordingly declared to be carried.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plans 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;
- (b) 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;
- (c) that prior to the commencement of development, the applicant shall submit for the Council's approval an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy is fully implemented and that all recording and recovery of archaeological resource within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (d) notwithstanding the submitted landscaping scheme, prior to the commencement of development, a detailed planting schedule shall be submitted for the prior written approval of the Planning Authority. The planting schedule shall include the size and specification of all plant material and ensure that the proposed plant material provides all year round interest;
- (e) that prior to the commencement of development on site, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the proposed noise generating development on the noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact on the

noise sensitive receptors using the current British Standard BS 4142 (as may be amended).

Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:-

- LAEQ 16hrs 35dB (0700-2300) internal noise level;
- LAEQ 8 hrs 30dB (2300-0700) internal noise level;
- LAMAX 45dB (2300-0700) internal noise level; and
- LAEQ 16hrs 50dB (0700-2300) outside amenity space.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site;

- (f) that prior to the commencement of development, a detailed flood risk assessment report shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with SEPA. This shall include details of freeboard and finished floor levels;
- (g) that prior to the commencement of development, a drainage impact assessment shall be submitted for the prior written approval of the Planning Authority, in consultation with SEPA and Scottish Water, to assess drainage capacity within the network. The implications of the drainage impact assessment on the strategic landscape plan for the site shall be fully addressed as part of this submission and shall confirm the strategy for the disposal of the surface water runoff from the site;
- (h) that before occupation of the development a Parking Management Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Parking Management Plan shall identify: the anticipated parking requirements of the development; typical parking availability (both in car parks and on-street); and the potential for parking displacement;
- (i) the applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site.

Reasons:

- (a) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) to allow for archaeological investigations and recording and to ensure that an acceptable strategy is in place for archaeological investigations and recording;

- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) to avoid noise disturbance in the interests of residential amenity;
- (f) in order to ensure the development is protected against flooding in an acceptable manner;
- (g) in order to ensure the development is protected against flooding in an acceptable manner;
- (h) to avoid on-street congestion in the vicinity of the application site, and in the interests of road safety; and
- (i) in the interest of road safety.

Advisory Notes:

None.

List of Determined Plans:-

Drawing - Reference No (or Description): 219048_ASL_00_ZZ_DR_A_0117;
 Drawing - Reference No (or Description): 219048_ASL_00_ZZ_DR_A_0118;
 Drawing - Reference No (or Description): 219048_ASL_00_ZZ_DR_A_0130
 Drawing - Reference No (or Description): 219048_ASL_00_ZZ_DR_A_0131 Rev P2;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_0002;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_0003 Rev A;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_001;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_007 Rev A;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_04 Rev A;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_05 Rev A;
 Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_06 Rev A;
 Drawing - Reference No (or Description): 304922-300 Rev G;
 Drawing - Reference No (or Description): 304922-310 Rev G;
 Drawing - Reference No (or Description): 304922-320 Rev D;
 Drawing - Reference No (or Description): 4923-HAH-00-GF-DR-E-90-0100 Rev T6;
 Drawing - Reference No (or Description): 4923-HAH-00-GF-DR-M-96-0200 Rev P2;
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_103 Rev I;
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_107 Rev B;
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_108 Rev B;
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_109 Rev C;
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_110 Rev A; and
 Drawing - Reference No (or Description): ASL-XX-XX-DR-L_111 Rev B.

Reason for Decision:

The development hereby approved is generally 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.

(2) [21/01075/CON](#) – AYR – 8-10 High Street – Demolition of 8 to 10 High Street, Ayr.

The Panel heard from the Service Lead – Planning and Building Standards, the applicant and an interested party in respect of the application.

The Panel confirmed that they had sufficient information before them to make a decision today.

Councillor Cavana, seconded by Councillor Clark moved that the application be approved, subject to the conditions as detailed in the report.

Following a vote being taken, eight Members agreed the Motion and one Member abstained.

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

- (a) that the works hereby granted Conservation Area 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;
- (b) that prior to the commencement of demolition the developer shall submit for the Council's approval an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (c) notwithstanding the plans hereby approved, provision shall be made, implemented and retained throughout the duration of the demolition works to ensure that buses shall be able to turn right at the junction of High Street and New Bridge Street and that the bus stop on High Street shall remain operational throughout any construction works, to the satisfaction of the Planning Authority;
- (d) that the applicant/ developer shall, prior to the commencement of any planned demolition works, submit a Demolition Traffic Management Plan for the written approval of the Council as Roads Authority, (in consultation with Police Scotland). The plan shall describe all methodologies for ensuring the safety of members of the public using the adjacent public road and footways throughout the planned demolition programme, shall limit impacts upon bus operations along High Street and implications for the operation of the bus stop opposite the site and furthermore shall provide details on the movement of demolition traffic to and from the site. The plan shall require the agreement of the Council as Roads Authority (in consultation with Police Scotland) prior to the commencement of demolition works on site;
- (e) that notwithstanding the plans hereby approved, the demolition of the buildings shall not take place until such time that the developer has submitted a building contract which demonstrates that the re-development proposals (as approved by planning application 21/00236/APP) will be undertaken on site, to the satisfaction of the Planning Authority.

Reasons:

- (a) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that an acceptable strategy is in place for archaeological investigations and recording;
- (c) in the interests of sustainable development. To avoid a detrimental effect on the High Street as a bus route;
- (d) in the interest of road safety and sustainable development; and
- (e) to safeguard the character and appearance of the conservation area.

Advisory Notes:

As this application involves the demolition of unlisted buildings in a conservation area, the applicant must allow Historic Environment Scotland the opportunity to carry out recording of the buildings. Accordingly, the applicant is encouraged to complete and return the Consent Application Referral form which can be found on Historic Environment Scotland's website (www.historicenvironment.scot).

List of Plans Determined:

Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_0002;
Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_0003;
Drawing - Reference No (or Description): 219048_ASL_XX_ZZ_DR_A_06;
Drawing - Reference No (or Description): 304922-D-001 (Rev. A);
Drawing - Reference No (or Description): 304922-D-002;
Drawing - Reference No (or Description): 304922-D-003;
Drawing - Reference No (or Description): 304922-D-004;
Drawing - Reference No (or Description): 304922-D-005; and
Drawing - Reference No (or Description): 304922-D-006.

The meeting ended at 11.53 a.m.