

**SOUTH AYRSHIRE COUNCIL**

**LOCAL REVIEW BODY**

**NOTE OF CURRENT POSITION**

<b>Site Address:</b>	<b>38 NORTH HARBOUR STREET AYR SOUTH AYRSHIRE KA8 8AH</b>
<b>Application:</b>	<b>25/00115/APP - CHANGE OF USE OF CLASS 3 RESTAURANT TO FORM CLASS 11 DANCE STUDIO</b>

<b>Appointed Officer's Decision:</b>	Refused
<b>Date Notice of Review Received:</b>	3 September 2025

<b>Current Position:</b>	New Case for Review
<b>Documentation:</b>	<p>The following documents in relation to the review are attached:</p> <p>Pages 1 to 10 - Report of Handling (August 2025)</p> <p>Pages 11 to 15 - Notice of Review (September 2025)</p> <p>Pages 16 to 17 - Review Statement (September 2025)</p> <p>Pages 18 to 25 - Original Planning Application (February 2025)</p> <p>Pages 26 to 27 - Planning Application Designs and Plans (March 2025)</p> <p>Pages 28 to 30 - Supporting Information – Supporting and Operational Statement (May 2025)</p> <p>Pages 31 to 32 - Supporting Information – Noise Mitigation Information (March 2025)</p>

	<p>Pages 33 to 50 - Supporting Information – Noise Impact Assessment (June 2025)</p> <p>Pages 51 to 54 - Decision Notice (August 2025)</p> <p>Pages 55 to 63 – Interested Parties Representations on planning application-</p> <ul style="list-style-type: none"> <li>• Pages 55 to 57 - ARA (May and June 2025)</li> <li>• Pages 57 to 59 - EH (April and June 2025)</li> <li>• Pages 60 to 63 - Neighbour Objections</li> </ul> <p>Pages 64 to 65 – ARA Representation following Initial letter from Local Review Body requesting comment. (06.10.2025)</p> <p>Page 66 – Interested Party Representation following Initial letter from Local Review Body requesting comment. (10.10.2025)</p> <p>Page 67 – Applicant’s response on Interested Parties representations following initial letter from Local Review Body. (03.11.2025)</p> <p>Pages 68 to 76 - Case Officer Photographs and Comments. (16.10.2025)</p> <p>Page 77 - Applicant’s Representations Following Case Officer Photographs and Comments. (27.10.2025)</p> <p>Page 78 - Draft Conditions.</p>
<b>New Material:</b>	No
<b>Additional Material Any other Comments:</b>	N/A
<b>Dated:</b>	24 November 2025

### Report of Handling of Application

#### Application Determined under Delegated Powers

The Council's Scheme of Delegation can be viewed at <https://www.south-ayrshire.gov.uk/planning-application-process>

Reference No:	25/00115/APP
Site Address:	38 North Harbour Street Ayr South Ayrshire KA8 8AH
Proposal:	Change of use of Class 3 restaurant to form Class 11 dance studio
Recommendation:	Refusal

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 (as amended). 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.

#### Key Information:

- The application was received on 26 February 2025.
- The application was validated on 27 March 2025.
- A Site Visit was carried out by the Planning Authority on 24 April 2025.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 28<sup>th</sup> March 2025 and 12 June 2025 following the submission of additional requested information.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 8 April 2025.

#### 1. Site Description:

The application site is a mid-terraced, two storey vacant restaurant at 38 North Harbour Street, Ayr.

The property is sited within a predominately residential area, as defined by the Local Development Plan 2 (LDP2). The site, and the immediate locality is situated within the Newton-on-Ayr area of Ayr.

#### 2. Planning History:

Planning permission was granted for the change of use of a shop to form a seafood restaurant in September 2000. Planning Ref: 00/00688/COU.

#### 3. Description of Proposal:

Planning permission is sought to change of use of a Class 3 restaurant to form a Class 11 dance studio. No external alterations are proposed to the building. Alterations to the internal layout of the premises are proposed which would enable the creation of two dance studios, and associated waiting area, an office and kitchen for staff, and toilets. Details are set out within the submitted plans.

The submission is accompanied by a supporting and operational statement which advises that the proposed dance studio shall operate, as follows:

**Hours of operation;**

Monday to Friday: 15:00 - 21:00

Saturday & Sunday: 09:00 - 16:00 (*limited operations such as birthday parties, workshops, and occasional classes*)

**Saturday & Sunday Activities;**

Only low-intensity activities such as yoga, creative workshops, or small group classes will be held on Sundays.

No high-noise or competitive events will occur on Sundays.

**Staffing**

- Total number of staff employed: 5
- Maximum number of staff on-site at any one time: 3

**Class Sizes and Age Groups**

Maximum class size: 25 children per class.

Age groups catered for:

2–5 years (Pre-school)

5–12 years (Primary age)

12–18 years (Early teens)

18+ (Adults)

**Class Timings**

- Classes will be approximately 1 hour in duration.
- Classes will be staggered across the two studio spaces where possible, to minimise peak occupancy and noise.

**Maximum Client Numbers**

- Average maximum occupancy: 45 clients (25 clients in bigger studio, 20 in smaller studio)
- Brief overlaps may occur during changeovers but will be managed to minimise disruption.

A timetable of the classes currently operated by the applicant (at the existing premises of the dance school) has been submitted, as an example of how the dance studio is intended to operate at the proposed location.

The submitted information also comprises some alternative areas considered for the proposed dance studio.

**4. Consultations:**

**The Council's Environmental Health Service:** were consulted and advised on 22<sup>nd</sup> April, as follows:

1. The proposed development may introduce a noise generating development to noise sensitive receptors. Prior to the commencement of works 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 (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:

LAEQ16hrs	35dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX 45dB	(2300-0700)	internal noise level	
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space

In addition, the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20.

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open sufficiently for ventilation (normally 10% of the opening area).

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. To avoid noise disturbance in the interests of residential amenity.

Thereafter, a Noise Impact Assessment (NIA) and an operational statement was requested by the Planning Service on 28<sup>th</sup> April, as the original submission lacked sufficient information for the Planning Service to properly assess the proposal and its impact on the locale/amenity.

The applicant submitted a Noise Impact Assessment (NIA) on 12<sup>th</sup> June 2025. This concluded that noise levels, as required by the Council's Environmental Health Service, could be met provided "all of the windows on the western façade of the proposed dance studio shall be closed and each window on the eastern façade a maximum equivalent open area of 0.1m<sup>2</sup>".

It is understood that the windows referred to are the Velux rooflights located on the western and eastern roof slopes of the projecting section to the rear of the building.

Following the consideration of the NIA, the Environmental Health Service advised on 13<sup>th</sup> June, as follows;

'Following perusal of these plans and the associated noise impact assessment the comments and representations, I would advise that -

Should planning consent be granted then the following comments and representations should be attached so as to satisfy the Environmental Health Service:

1. That the mitigation measures contained within the submitted noise report shall be adhered to. To avoid noise disturbance in the interests of residential amenity'.

**The Ayrshire Roads Alliance (ARA)** – recommend refusal. In response to the first consultation request, the ARA responded on 14<sup>th</sup> May 2025, as follows:

'The application lacks sufficient information regarding class sizes and operation arrangements. It is understood that multiple classes may run concurrently or overlap, which raises concerns. Additionally, the proposed development offers no off-street parking. Given that North Harbour Street has limited on-street parking, even without the operation of a dance studio, this proposal could exacerbate existing issues. The ARA therefore has no option but to recommend for refusal'.

Following the submission of further information about the operational arrangements of the proposed dance school, as captured above in Section 3 of this report, and as requested by the Planning Service, the Ayrshire Roads Alliance (ARA) were reconsulted on 12<sup>th</sup> June and responded, as follows:

'Following a review of the operational statement, the decision remains a recommendation of refusal. It is understood that multiple classes may run concurrently or overlap, which raises concerns. Additionally, the proposed development offers no off-street parking. Given that North Harbour Street has limited on-street parking, even without the operation of a dance studio, this proposal could exacerbate existing issues. The ARA therefore maintains its recommendation for refusal'.

## **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.

A Noise Impact Assessment was sought by the Environmental Health Service and submitted by the applicant on 12<sup>th</sup> June 2025.

The assessment concludes that "*The results of the noise impact assessment demonstrate that the operation of the dance school will not exceed the 50 dB LAeq (0700 – 2300) criteria for the outside amenity space, or the 35 dB LAeq (0700 – 2300) criteria for internal noise level at all of the nearby noise sensitive receptors.*

*As the dance studio will only be operating between the hours of 13:00 – 21:00, it has not been necessary to assess the nighttime conditions.*

*An assessment using the TAN methodology has demonstrated that the operation of the dance studio will only have a neutral/slight impact at all of the nearest noise sensitive receptors during the operational hours.*

*However, it should be emphasised that this noise assessment is based on the understanding that the client keeps all of the windows on the western façade of the proposed dance studio closed and each window on the eastern façade a maximum equivalent open area of 0.1m<sup>2</sup>”.*

It is understood that the windows referred to are the Velux rooflight units located on the western and eastern roof slopes of the projecting section to the rear of the building.

#### **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:**

Four representations have been received, which object to the proposed development. All representations can be viewed in full online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning) and are summarised, below;

- Object due to no neighbour notification notice being received at No.44 North Harbour Street;
- Concerns with existing access to property which is along a very narrow alleyway which is shared with adjacent residential flat and not suitable for commercial use;
- Concerns regarding noise impact from loud music;
- The Council's Environmental Health Service issued a 'Cease and Desist' order at the Ship Inn following years of noise nuisance suffered by adjacent residents;
- Neighbours have the right to enjoy the peace and quiet of their own homes, and this would be severely impaired by granting this application;
- There are several dance schools already within the Ayr area.

The following comments are offered in response to the objections received.

Neighbour notification was undertaken by the Planning Service on 28<sup>th</sup> March 2025 and again on 12<sup>th</sup> June 2025. The Planning Authority has fulfilled its statutory obligations regarding neighbour notification in accordance with Section 23 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, ensuring that all neighbouring properties were appropriately notified in compliance with the relevant legislation. Notwithstanding, the objector has not been prejudiced given that they were aware of the application by submitting an online comment on 12<sup>th</sup> May and had the opportunity to view the plans and make representation to the Planning Service.

Furthermore, a Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was also placed in the Local Press on 8<sup>th</sup> April 2025.

The Planning Service has significant concerns, particularly in regard to the scale and nature of the intended use at this specific location, and adverse impact on residential amenity and local transport infrastructure. This is set out further, below.

The application proposals require to be assessed on their own merits and the provision of other dance studios found elsewhere is not considered to be material to the assessment of the current application.

The comments in regard to the operation of the former Ship Inn Public House are noted; however, this matter is not material to the assessment of the current planning application.

## 9. Development Plan:

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) 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 application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

### National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

National Policy 1: Tackling the climate and nature crisis

National Policy 2: Climate mitigation and adaptation

National Policy 9: Brownfield, vacant and derelict land and empty buildings

National Policy 13: Sustainable Transport

National Policy 14: Design, quality and place

National Policy 23: Health and safety;

**Policy 1** gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. While **Policy 2** seeks to ensure that emissions from new development are minimised as far as possible.

**Policy 9** seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The re-use of vacant buildings, particularly in established settlements, is welcomed in principle and aligns with the objectives of Policy 9. The Planning Service recognises that bringing empty premises back into productive use can contribute positively to local vitality and place-making. However, the introduction of a dance studio within a predominately residential area is incompatible, in that it would result in an unsuitable and potentially conflicted land use relationship, undermining the intent of policy 9 to support sustainable and appropriate development in the right place.

**Policy 13** considers the issue of sustainable transport and active travel and is supportive of development in locations which support sustainable travel, and travel by means other than private vehicle. Although it is recognised that the site is within the settlement of Ayr and is accessible by various modes of transport owing to its location, there are fundamental policy concerns in regard to the principle of the proposed development, as well as a recommendation of refusal from the ARA, outlined further, below.

**Policy 14** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale.

**Policy 23** Health and Safety, (inter alia) criterion e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The 'Agent of Change Principle' applies to noise sensitive development. A Noise Impact Assessment (NIA) may be required where the nature of the proposal or its location suggests that significant effects are likely. The proposal, although accompanied by a NIA, does not sufficiently mitigate that adjacent neighbouring residents will not be impacted by the proposals, as outlined elsewhere within the report, below.

Given the above, it is considered that the proposed development is contrary to the provisions of NPF4, specifically, policies 9, 13, 14, 23, as outlined further, below.

#### South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

Core Principles B1 and B4;  
Strategic Policy 1 Development Management;  
Strategic Policy 2 Sustainable Development;  
LDP2 Policy Leisure development;  
LDP2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites;  
LDP2 Policy Land use and transport.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, 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.

**Core Principle B1:** supports the principles of sustainable economic development (inter alia);

- prioritise development of brownfield land over greenfield land and
- directs development to settlements in preference to countryside areas.

**Core Principle B4:** to prioritise the regeneration of town centres (inter alia)

- apply a sequential approach for retail, commercial and leisure development.

**Strategic Policy 1: Sustainable Development:** seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources.

**Strategic Policy 2: Development Management:** ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

**LDP2 policy: Residential policy within settlements, release sites and windfall sites** indicates that development proposals should not affect the privacy and amenity of existing and proposed properties. A key policy test for the acceptability or otherwise of the proposal should principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

**LDP2 Policy: Leisure Development:** This policy seeks a 'sequential approach' when choosing locations for all leisure uses. Outwith the town centre, including at identified commercial centres, the Council support proposals for commercial leisure development where it can be demonstrated that there are no sequentially preferable locations in town centres, edge of town centres or commercial centres and where the proposed development would not compete with an existing town centre leisure use.

The applicant's consideration of other town centre properties within Ayr, Prestwick and Troon is acknowledged within the submitted supporting and operational statement. However, there are no specific details of the properties considered. Notwithstanding, there are fundamental concerns in regard to the

proposals, given the application site is located within a predominately residential area, as set out elsewhere within the report.

**LDP2 Policy: Land Use and Transport:** recognises the inter-relationship between land use planning and transport. The policy requires for development to provide parking which reflects the role of the development, and which keeps any negative effects of road traffic on the environment to a minimum. The Ayrshire Roads Alliance has recommended refusal of the application.

Therefore, taking into account the above policies, although the proposal would reuse a vacant property within Ayr, it does not comply with LDP2 policies, as it is a proposed leisure use located outside the town centre and within a predominantly residential area, the scale and nature of the dance studio would cause unacceptable impacts on residential character, amenity, and local transport infrastructure, as outlined further, below.

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

The Agent of Change is a planning principle of the Planning (Scotland) Act 2019 which places the responsibility for managing potential adverse effects, particularly noise, on the party introducing the change. For example, if a new residential development is proposed near an existing music venue, the developer must incorporate effective mitigation measures to protect future residents. Conversely, if a music venue is proposed near existing homes, the venue operator must ensure potential noise impacts are addressed at the design and operation stages.

Applied to the proposed development, this means that the dance studio must incorporate mitigation measures capable of protecting neighbouring residents from adverse noise and associated activity.

The submission does not satisfactorily demonstrate this can be achieved, as outlined further, below.

**11. Assessment (including other material considerations):**

Planning permission is sought for the change of use of a former restaurant to form a dance studio at 38 North Harbour Street, Ayr. It is recognised that the property comprises two storeys and is sited within a terraced row of properties within a predominately residential area of Newton-on-Ayr.

The terraced row of buildings comprises former commercial properties and residential properties. The Ship Inn Public House and the North Harbour Café have ceased trading, and the former Harbour Bar Public House has been converted into residential dwellings. Residential properties are found on the adjacent upper floors of the terraced building, and to the rear of the building lies numerous dwellingflats within York Street Lane and also further along North Harbour Street and York Street.

The area has undergone a significant shift from commercial to residential uses. Within the locale, numerous commercial buildings have been converted into residential uses and new residential developments built nearby. Therefore, it is important to note that the character of the area has significantly changed to that which previously existed within the locale, and the only commercial operation currently trading is a Motorbike showroom.

As set out elsewhere within the report, an operational and supporting statement confirms that the dance studio would operate two studio spaces concurrently at 38 North Harbour Street (on the ground and upper floor) and could accommodate up to 45 students and 3 staff at any one time, 7 days a week. Monday to Friday: 15:00 - 21:00 hours and Saturday & Sunday: 09:00 - 16:00 hours with students ranging from the age of 2 years to adult classes. It is also noted that parking for the proposed facility would be on street parking within the vicinity and the proposal does not propose any off-street parking provision.

The LDP2 asserts that, Class 11 assembly and leisure uses should be located within town centres and edge of centres, so as to enhance the vitality and viability of those areas. Town centres are also where a broader mix of uses, activities, and operational hours already exists, and where there is typically better access to public transport and parking. It is also acknowledged that leisure developments, such as a dance school generate activity and noise and increased pedestrian and vehicular activity within an area, and therefore, consideration for the amenity of neighbouring properties is a key consideration within the assessment of such applications. The application site is not sited within a town centre or edge of town centre, and the application site is within a predominately residential area within the wider Newton-on-Ayr area, as prescribed by the LDP2.

Firstly, it is important to note that the Planning Service welcome the re-use of vacant buildings, particularly in established settlements, and recognises that bringing empty premises back into productive use can contribute positively to local vitality and place-making. Furthermore, the proposal supports opportunities for active and community-focused uses such as dance and fitness, which have public health and social value. However, the application site lies within a predominantly residential area, and the proposed change of use to a dance studio, involving high levels of occupancy and activity throughout the week into the evenings and weekends, is considered to result in a significant intensification of the use of the property, when compared to the site's previous operation as a restaurant.

With regard to potential impact on residential amenity, it is acknowledged that residential properties are located within the same terraced row of buildings as the application site, have accesses and garden areas in close proximity to the application site, as well as numerous adjacent residential dwellingflats which are also in close proximity to the application site (York Street Lane, North Harbour Street and York Street). On this basis, it was prudent to request a Noise Impact Assessment to assess potential disturbance from the proposed dance school on those residential properties. The applicant was provided with an opportunity to undertake a noise impact assessment and submit this to the Planning Service for consideration.

In terms of the mitigation measures contained within the submitted Noise Impact Assessment (NIA), it is stated that:

*"It should be emphasised that this noise assessment is based on the understanding that the client keeps all of the windows on the western façade of the proposed dance studio closed, and each window on the eastern façade opened to a maximum equivalent open area of 0.1m<sup>2</sup>."*

It is understood that the western and eastern windows referred to are located on the roof slopes/ upper floor of the projecting section to the rear of the building.

The Council's Environmental Health Service has advised that a condition could be attached to any permission requiring that *"the mitigation measures contained within the submitted noise report shall be adhered to, to avoid noise disturbance in the interests of residential amenity."* While this recommendation is well intentioned, it is the role of the Planning Service to consider whether such conditions meet the relevant policy tests. In this case, the Planning Service does not consider a condition stipulating that windows must remain closed, or may only be opened to a specified degree, to be reasonable, or enforceable. Such a condition would fail to meet the policy tests for planning conditions, as set out in the Scottish Government's Circular 4/1998: The Use of Conditions in Planning Permissions.

Additionally, given that the proposed use involves operating concurrent dance classes accommodating up to 20 participants per class, plus staff based on the upper floor where the windows in question are located, which provide a means of ventilation, it is considered impractical and unreasonable to require that windows within a dance school remain closed. The ability to open windows is essential to provide natural ventilation for the premises and to support the health and wellbeing of both students and staff.

It is noted that a Building Warrant exists for the refurbishment of the property; however, an amended warrant would likely be required for its proposed use as a public dance studio across two floors. Ventilation, potentially including the opening of windows, would need to be addressed as part of this process. Any design must ensure compliance with the Building (Scotland) Regulations, particularly in relation to higher occupancy levels.

As the proposed condition outlined above cannot reasonably be imposed by the Planning Service, the noise impacts arising from the development cannot be effectively mitigated. In line with the Agent of Change principle, the responsibility for addressing potential adverse effects rests with the party introducing the new use. In this instance, the level of activity associated with the proposed dance studio—including increased footfall, movement, rhythmic activity for up to 45 pupils across two floors, and potential music during operational hours—is likely to result in an unacceptable impact on the amenity of established neighbouring residential properties. The proposal therefore fails to demonstrate that suitable mitigation measures can be secured in accordance with this principle.

Furthermore, the proposed development does not propose any dedicated parking, and all trips generated by the proposals would represent a significant intensification in demand for the limited-on street parking available. On this basis, the Ayrshire Roads Alliance (ARA) has recommended that the application be refused. Their objection centres on the absence of any off-street parking provision, the high likelihood of concurrent or overlapping class usage, and the resulting intensification of vehicle movements in an area already

constrained by limited on-street parking. Given the policy provisions of the development plan, along with the consultation response from the ARA, it is considered that the development proposal would result in a significant adverse impact on the local road network at the locale and ultimately on the amenity of existing residents. It is considered that the proposals, if approved, would result in increased demand for on-street parking and congestion which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and residential amenity at this location.

Although the applicant considers that the property's former commercial use is comparable to the operation of the proposed dance school, the operational intensification (i.e. drop-off/ pick up of younger students with additional parents/ guardians/ carers, and the level of people travelling to and from the area at any one time), the higher occupancy levels of the property (up to 45 dance pupils and 3 staff), potential music playing and associated traffic movements of the proposed dance school would result in a substantially greater impact on residential amenity than the previous restaurant.

During the assessment of the planning application, concerns were outlined to the applicant and an opportunity was offered for the application to be withdrawn. It was also advised that the use would be more suitably accommodated in a town centre environment where there are a range and mix of uses and activities including evening uses and that vacant units in town centre units could be explored. However, the applicant wished the application to be determined, as submitted, and advised that they would exercise their right to appeal to the Council's Local Review Body against any decision to refuse the application.

In accordance with NPF4's objectives to ensure that the right development occurs in the right place in the long-term public interest. The site lies within a predominantly residential area where the character has shifted from commercial to residential, and mitigation measures for noise are considered impractical and unenforceable. Additionally, the absence of off-street parking would exacerbate on-street parking pressures and increase congestion, raising road safety concerns. The proposal is therefore considered incompatible with its surroundings and fails to comply with the relevant provisions of National Planning Framework (NPF4) and the South Ayrshire Local Development Plan 2 (LDP2).

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultation responses, objections received and the impact of the proposed development on the locality. There are no material planning considerations that would out-weigh and set aside the provisions of the development plan. Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application is refused.

## 12. **Recommendation:**

It is recommended that the application is refused, for the following reason:

### **Reason:**

1. The proposed dance school conflicts with NPF4 policies (9, 13, 14, 23) and South Ayrshire LDP2 (Core Principles B1 and B4, Strategic Policies 1 and 2, and policies on 'Leisure Development', 'Residential Policy within settlements, release sites and windfall sites', and 'Transport and Land Use') by reason that, the proposed development, located in a terraced building with residential flats in a mainly residential area, would harm local character and amenity due to increased activity, footfall, noise, and movement, without adequate mitigation. Furthermore, the lack of off-street parking is expected to place unsustainable pressure on the local road network, which the Ayrshire Roads Alliance does not support.

### **Advisory Notes:**

None.

**List of Refused Plans:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version No.</b>	<b>Received Date</b>
Drawing	HDA-249-002 PL A4		05.03.2025
Drawing	HDA-249-001 (Rev. A)		21.03.2025
Supporting Information	Noise Mitigation Information		21.03.2025
Supporting Information	Noise Impact Assessment - amended		13.06.2025
Supporting Information	Supporting and Operational Statement		14.05.2025

**Integrated Impact Assessment:**

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

<b><i>Decision Agreed By:</i></b>	<i>Appointed Officer</i>
<b><i>Date:</i></b>	<i>17 August 2025</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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 100705711-003

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.

## 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

## Agent Details

Hiltech Design	
Richard	Alloway House Suite 7
Hill	6
	Alloway Place
	Ayr
	Scotland
	KA7 2AA

Organisation/Corporate entity

## Applicant Details

Miss	
Lisa	38
Muir	North Harbour Street
LJM Dance	
	Ayr
	Scotland
	KA8 8AH

## Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

38 NORTH HARBOUR STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA8 8AH

Please identify/describe the location of the site or sites

Northing

622435

Easting

233533

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use of Class 3 restaurant to form Class 11 dance studio

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We seek a review of the Planning Decision for the following reasons, comparing the Clients existing premises to the new Proposed location: Parking exists in this location for drop off and collection. On street parking is available. Accessibility proposed for all accessible needs. LJM offer Community Classes for less fortunate. Adult Classes also proposed. All Teachers fully qualifies, PVG registered and first aid trained. NIA carried out and passed showing no impact on surroundings.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

HDA-249-001 Existing and Proposed Design Layout. HDA-249-002 Location Plan. NIA - Noise Impact Assessment Results. Passed. Clients Statement Post Refusal.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

25/00115/APP

What date was the application submitted to the planning authority? \*

26/02/2025

What date was the decision issued by the planning authority? \*

21/08/2025

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Richard Hill

Declaration Date: 02/09/2025

## Fee Exemption Reason

I used the fee calculator and my application / request for local review / appeal is not subject to fee



South Ayrshire Council Building Standards  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR.

02 September 2025.

**Ref: 25/00115/APP.**

Dear Sirs,

**SUBJECT: CHANGE OF USE FROM CLASS 3 RESTAURANT TO CLASS 11 DANCE STUDIO.**

Further to the Planning Refusal of the above, we have prepared a statement below, which we would like taken in to consideration, during the LRB Appeal Process:

1. Comparison between Studio 24 and 38 North Harbour Street:

- Studio 24: We currently rent space and share the building with other dance schools, which creates significant congestion at pick-up and drop-off times. There is no dedicated parking and only limited roadside spaces on the main road. We are situated in a lane beside a gym where heavy traffic congestion exists causing extreme safety risks for the children using our facility. Despite double yellow lines the lane is often blocked with parked cars, which is not only an immediate risk to the users, but also creates an access risk for Emergency Vehicles, should the need arise. It should also be noted that the access/exit to this premises is immediately off the road, as no footpath exists.
- 38 North Harbour Street: The proposed property offers two studios (ground floor and first floor) and a reception space. It has disabled access and a disabled toilet, as well as on-street parking along North Harbour Street, side street parking, a large Aldi car park behind the building, and further spaces across the river. This would significantly improve safety and flow compared to our current situation. There is also a drop off and pick up area (for approx 6 vehicles) located immediately outside our premises, along with full adoptable standards footpath to the frontage.

Video footage of North Harbour Street at 7pm on a Monday night and Studio 24 on Wellington Lane at the same time, is available upon request, showing the above scenario.

2. Accessibility for Disabled Users & ASN Provision:

- LJM is currently the only dance school in Ayr offering dedicated ASN (Additional Support Needs) classes. These sessions are designed specifically for children and young people with a range of additional needs, providing a safe, supportive, and fun environment where they can enjoy dance without pressure or judgment.

- The classes are adapted to suit each child’s abilities, focusing on building confidence, coordination, social skills, and joy in movement.
- Many parents have told us that this is the only extracurricular activity their child feels comfortable attending, highlighting the importance of this provision for families in the area.
- Having a permanent, fully accessible premises at 38 North Harbour Street (with ground floor studio and disabled toilet facilities) would allow us to expand these ASN classes and create additional inclusive workshops, in support of the children with additional needs.
- We see this as a key part of our community mission: ensuring that dance is truly accessible to all, regardless of physical, learning, or financial barriers.

3. Community Offers:

- We have always aimed to make dance accessible regardless of financial circumstances.
- We currently offer flexible payment plans, reduced fees where possible, and fundraising to support families.
- With a larger venue, we would be able to offer more scholarships, giving even more children the chance to dance regardless of financial background.
- We also regularly provide opportunities such as community projects, workshops, and inclusive activities so that no child feels excluded due to cost.

4. Adult Classes:

- We currently run adult classes every Tuesday.
- At the new premises, we plan to include a wider range of adult dance and fitness opportunities, encouraging parents, carers, and community members to get involved as well.

5. Accreditations:

- All teachers are fully qualified, PVG registered, and first aid trained.
- We also follow strict safeguarding procedures to ensure the safety and wellbeing of every child.

6. Possible Reduced Hours:

- To address any concerns about impact on the local area, we would be open to slightly adjusting our timetable if needed (e.g., earlier finishing times on weeknights). We are happy to demonstrate flexibility to make this location work in harmony with its surroundings.

Thank you for taking the time to read our statement..

Yours sincerely,



Richard Hill  
Director  
Hiltech Design Architectural Services.

[Hiltech Design Architectural Services, Alloway House, 6 Alloway Place Ayr KA7 2AA.](#)



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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 100702542-001

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)

This application seeks a change of use for 38 North Harbour Street, Ayr, from a restaurant (Class 3) to a dance studio (Class 11). The studio will offer structured dance classes for children, adults, and community groups. Minor internal modifications include installing mirrored walls and soundproofing. The proposal will revitalise a vacant unit, providing a valuable community facility while ensuring minimal disruption to residents.

Is this a temporary permission? \*  Yes  No

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

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="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="38"/>
First Name: *	<input type="text" value="Lisa"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Muir"/>	Address 1 (Street): *	<input type="text" value="North Harbour Street"/>
Company/Organisation	<input type="text" value="LJM Dance"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Ayr"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA8 8AH"/>
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="38 NORTH HARBOUR 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="AYR"/>
Post Code:	<input type="text" value="KA8 8AH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="622435"/>	Easting	<input type="text" value="233533"/>
----------	-------------------------------------	---------	-------------------------------------

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Planning Officer Emma McKie advised that the site is within a predominantly residential area under the Newton-on-Ayr Policy and that justification should be provided for selecting this location over town centre sites. Noise mitigation measures should also be included, as Environmental Health will review the application. No processing agreement is in place or under discussion.

Title:	<input type="text" value="Miss"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Emma"/>	Last Name:	<input type="text" value="McKie"/>
Correspondence Reference Number:	<input type="text" value="25/00024/ENQ"/>	Date (dd/mm/yyyy):	<input type="text" value="28/01/2025"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

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)

The property at 38 North Harbour Street, Ayr, was most recently used as a restaurant (Class 3).

## 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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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.

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

The proposed dance studio will include a designated waste storage area to facilitate the proper disposal and collection of general waste and recyclables. • Waste Types: General waste, recycling (paper, plastics, and glass). •  
Collection Schedule: Regular collection will be arranged in accordance with local waste management schedules to prevent overflow. • On-Site Management: Staff will ensure waste is correctly sorted and stored, maintaining hygiene and compliance with local regulations.

**Residential Units Including Conversion**

Does your proposal include new or additional houses and/or flats? \*  Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 11 Assembly and Leisure

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

206

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## 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

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr John Tupper

Address:

38, North Harbour Street, Ayr

Date of Service of Notice: \*

24/02/2025

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Miss Lisa Muir

On behalf of:

Date: 24/02/2025

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. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

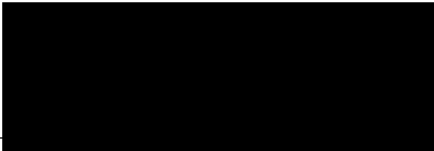
## Declare – For Application to Planning Authority

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.

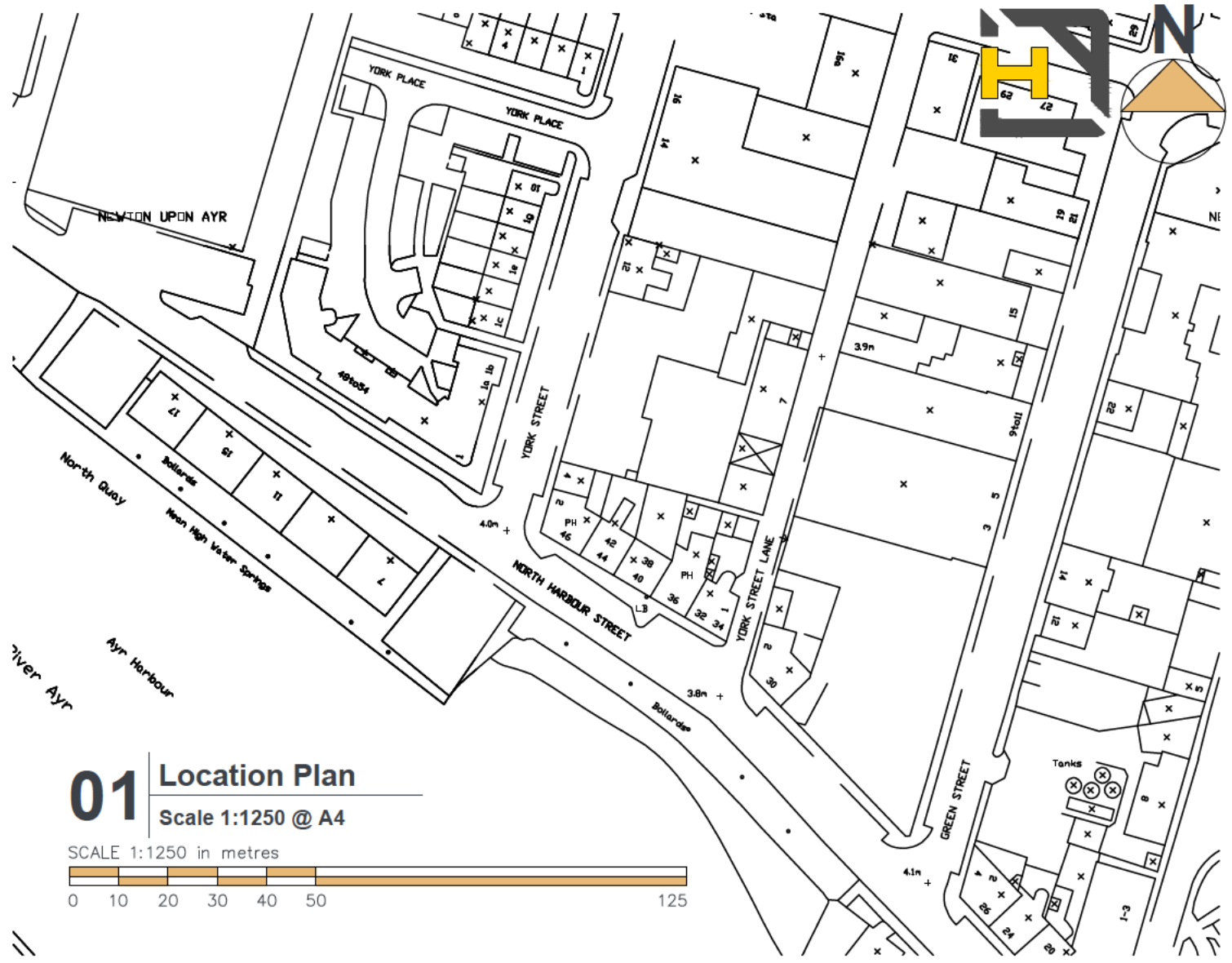
Declaration Name: Miss Lisa Muir

Declaration Date: 25/02/2025

## Payment Details



Created: 25/02/2025 12:34



**01 Location Plan**  
Scale 1:1250 @ A4

SCALE 1:1250 in metres



**02 Block Plan**  
Scale 1:500 @ A4

SCALE 1:500 in metres



Do not scale from this drawing  
Any discrepancies to be notified

All dimensions are to be site checked  
This drawing is copyright and the property of HDA



**HILTECH DESIGN**  
ARCHITECTURAL SERVICES  
Setting standards for others to follow

<b>Project Status:</b>			
<b>PL</b>			
<b>Project Description:</b>			
CHANGE OF USE OF PREMISES			
<b>Client:</b>			
MS L MUIR (LJM DANCE)			
<b>Site Address:</b>			
38 NORTH HARBOUR STREET Ayr KA8 8AA			
<b>Dwg. Title:</b>			
LOCATION PLAN			
<b>Dwg. No.:</b>			
<b>HDA-249-002</b>			

<b>Scale:</b>	<b>Drawn by:</b>	<b>Date:</b>	<b>Revision:</b>
SHOWN	R Hill	MAR 25	



## Supporting and Operational Statement

Applicant: Miss Lisa Muir

Proposal: Change of Use Application

Site Address: 38 North Harbour Street, Ayr, KA8 8AH

### 1. Supporting Statement – Site Selection Justification

The proposed site at 38 North Harbour Street has been selected after a detailed search for suitable premises within South Ayrshire town centre locations. The business model requires specific operational space, parking accessibility, and a location that supports safe access for children and their families.

#### Alternative Premises Considered

During the site search, various town centre units across Ayr, Prestwick, and Troon were investigated. However, none were found suitable for the following reasons:

- Units were too small to accommodate two separate studio spaces, waiting areas, and necessary facilities (toilets, reception).
- Layouts were not conducive to safe supervision of children or flexible use of space for varied activities.
- Many premises lacked nearby or accessible car parking, raising concerns for parental drop-off and collection.
- Rental costs and lease terms were financially unfeasible for a small, community-focused business.
- Some town centre locations posed noise and disturbance risks to adjacent sensitive uses (offices, cafes, residential apartments).

#### Rationale for Selecting the Application Site

The chosen premises offer the following benefits:

- Adequate internal space to operate safely and efficiently.
- Proximity to local communities while avoiding congestion associated with town centre locations.
- Sufficient on-site or adjacent car parking, ensuring safe access for families.
- A layout that allows for separation of age groups and activities.
- A more sustainable and viable rental agreement to support a small, independent business.

## 2. Operational Statement

### Hours of Operation

- Monday to Friday: 15:00 - 21:00
- Saturday & Sunday : 09:00 - 16:00(limited operations such as birthday parties, workshops, and occasional classes)

### Saturday & Sunday Activities

- Only low-intensity activities such as yoga, creative workshops, or small group classes will be held on Sundays.
- No high-noise or competitive events will occur on Sundays.

### Staffing

- Total number of staff employed: 5
- Maximum number of staff on-site at any one time: 3

### Class Sizes and Age Groups

- Maximum class size: 25 children per class.
- Age groups catered for:
  - 2–5 years (Pre-school)
  - 5–12 years (Primary age)
  - 12–18 years (Early teens)
  - 18+ (Adults)

### Class Timings

- Classes will be approximately 1 hour in duration.
- Classes will be staggered across the two studio spaces where possible to minimise peak occupancy and noise.

### Maximum Client Numbers

- Average maximum occupancy: 45 clients (25 clients in bigger studio, 20 in smaller studio)
- Brief overlaps may occur during changeovers but will be managed to minimise disruption.

Notes:

I have attached a copy of our current timetable for further clarification of class timings.



**MINI: P1 - P4   JUNIOR: P5 - P7   SENIOR: S1 - S6**

**MONDAY**  
4:30 - 5:00: - MINI/JUNIOR TUMBLE TRACK  
5:00 - 5:45: - MINI COMMERCIAL  
5:45 - 6:30: - JUNIOR COMMERCIAL  
7:00 - 8:00: SENIOR INTERMEDIATE COMMERCIAL  
8:00 - 9:00: SENIOR HEELS CLASS (S4+)

**TUESDAY**  
5:30 - 6:30: MINI STREET DANCE (P3 - P4)  
6:30 - 7:30: JUNIOR STREET DANCE  
7:30 - 8:30: SENIOR STREET DANCE  
7:30 - 8:30: ADULT DANCE & FITNESS

**WEDNESDAY**  
4:00 - 4:45: BOOGIE BABIES  
4:45 - 5:30: MINI STREET DANCE (P1 - P4)  
4:45 - 5:30: JUNIOR LYRICAL  
5:30 - 6:15PM: BOYZ HIP HOP (P1 - P7)  
5:30 - 6:15: ADV. JUNIOR HIP HOP (INVITE ONLY)  
6:15 - 7:00: ADV. MINI HIP HOP (INVITE ONLY)

**THURSDAY**  
4.45 - 5.30: ASN CLASS  
4:45 - 5:30: SENIOR LYRICAL  
5:30 - 6:30: MINI/JUNIOR BEGINNER ACRO  
5:30 - 6:15: SENIOR JAZZ  
6.15 - 7:15: SENIOR COMP TEAM (INVITE ONLY)  
6.30 - 7:30: MINI/JUNIOR INTERMEDIATE ACRO

**BLUE - STUDIO 1   PINK - STUDIO 2   ORANGE - STUDIO 3**

**2024/2025 TIMETABLE**

## Planning Development

---

**From:** [REDACTED]  
**Sent:** 21 March 2025 13:19  
**To:** Planning Development  
**Cc:** LJM DANCE [REDACTED]  
**Subject:** Fwd: 38 North Harbour Street Ayr - 25/00115/APP  
**Attachments:** ufm3\_Invalid\_1\_First\_Letter\_(14\_Days).pdf; HDA-249 PL Response 1.pdf; HDA-249-001 PL A1.pdf; HDA-249-002 PL A4 Location Plan.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Completed - Sarah

Good afternoon,

Apologies, i had not included the Noise Mitigation Measures, as follows:

- The Landlord (Owner) has already carried out shell works to the property, as part of a previous Building Warrant Approval by SAC, to provide Toilet facilities, for any future occupiers.
- As part of these works, the building has also been insulated for both sound and heat loss, to bring up to modern standards as well as sound/fire separation, where required.
- Also, the building has been re-wired and a new fire alarm and detection system installed by an approved installer, again to bring the building up to current standards, to allow any business lease the space as required.

Many thanks.

----- Original Message -----

**From:** [REDACTED]  
**To:** [REDACTED]  
**CC:** LJM DANCE [REDACTED]  
**Date:** 21/03/2025 13:14 GMT  
**Subject:** 38 North Harbour Street Ayr - 25/00115/APP

Good afternoon,

Further to your letter to my client (see attached FYI), i would comment as follows:

- Supporting Statement is on the Layouts already provided on the 05 March. See item 04 on HDA-249-001 (attached FYI). This shows you the Business Plan/Model, Reasons for re-location, Staff levels, Working Hours etc.....
- Parking is on street parking, as it has always been for any existing or previous businesses along North Harbour Street, with ample parking adjacent to the property and opposite. Each business along this area has the same parking, regardless of the type of Business, as are many businesses within the Ayr Town

Centre. There is a parking lay-by that exists outside the premises and opposite there are also parking spaces that already existing along the harbour side.

I trust this clarifies the above.

If you need any additional information, please do not hesitate in contacting me.

Regards  
Richard Hill ACIAT  
Director  
Hiltech Design



Regards  
Richard Hill ACIAT  
Director  
Hiltech Design



# Noise Impact Assessment

For: LJM Dance  
Site: 38 North Harbour Street, Ayr

Date: 13/06/2025  
Document Ref: 317653-ART-RP-001-NIA  
Version 2.0

[www.arthian.com](http://www.arthian.com)

# Quality Assurance

## *Issue Record*

Revision	Description	Date	Author	Reviewer	Approver
1.0	First Issue	12/06/2025	MS	SS	CT
2.0	Amended hours of operation	13/06/2025	MS	SS	CT

## Limitations

The recommendations contained in this Report represent Arthian's professional opinions, based upon the information listed in the Report, exercising the duty of care reasonably expected of an experienced Consultant of the appropriate discipline of this report.

Arthian obtained, reviewed and evaluated information in preparing this Report from the Client and others. Arthian's conclusions, opinions and recommendations has been determined using this information. Arthian does not warrant the accuracy of the information provided to it and will not be responsible for any opinions which Arthian has expressed, or conclusions which it has reached in reliance upon information which is subsequently proven to be inaccurate.

This Report was prepared by Arthian for the sole and exclusive use of the Client and for the specific purpose for which Arthian was instructed. Nothing contained in this Report shall be construed to give any rights or benefits to anyone other than the Client and Arthian, and all duties and responsibilities undertaken are for the sole and exclusive benefit of the Client and not for the benefit of any other party. In particular, Arthian does not intend, without its written consent, for this Report to be disseminated to anyone other than the Client or to be used or relied upon by anyone other than the Client. Use of the Report by any other person is unauthorised and such use is at the sole risk of the user. Anyone using or relying upon this Report, other than the Client, agrees by virtue of its use to indemnify and hold harmless Arthian from and against all claims, losses and damages (of whatsoever nature and howsoever or whensoever arising), arising out of or resulting from the performance of the work by the Consultant.



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# 1. Introduction

## 1.1 Background

LJM Dance (The client) are proposing to operate a dance studio at 38 North Harbour Street, Ayr, KA8 8AH. The studio are proposing to operate between the hours of 13:00 to 21:00.

The client has submitted a planning application for this change of use. A response from the Environmental Health Department at South Ayrshire Council has raised concerns that the development has the potential to introduce noise nuisance to the area.

The client has requested that Arthian undertake a formal noise assessment to determine the impact of the proposed operations to the nearest noise sensitive receptors.

A summary of sound terminology is given in Appendix A.

## 1.2 Site Description

The site (roughly centred at National Grid Reference, NS 33537 22442) is located on the northern side of North Harbour Street in Ayr. The surrounding area is a mixture of commercial, residential and mixed-use buildings. To the south is the River Ayr, and there is also a small marina just to the south of the site.

The site is a two-story commercial building, consisting of a large downstairs area with amenity facilities. The front half of the building is located between two other blocks of mixed-use development, while the second half is located to the rear and extends out with the attached mixed-use buildings. The second floor is located above this extended area to the rear, and this is the location where the client intends to host the dance and gymnastic lessons.

A map showing all the main areas of the site, and the nearest noise sensitive receptors, is given in Appendix B.

## 1.3 Noise Sensitive Receptors

The nearest residential receptors the site are 1A York Street Lane and 36 North Harbour Street, Mill, both of which are located almost adjacent to rear of 38 North Harbour Street. There is approximately 5m between the windows of the two buildings and the nearest window of the proposed site. There is also the southernmost flats of Victoria Chambers, at which there is approximately 10m to the nearest window.

The noise sensitive receptors are outlined in the Table below and illustrated in Figure 1 in Appendix B.

**Table 1: Noise Sensitive Receptors**

Receptor	Receptor Address
R1	36 North Harbour Street
R2	1A North Street Lane
R3	11 – 19 Victoria Chambers



## 2. Criteria

### 2.1 Local Guidance

The planning conditions imposed by the Environmental Health Department at South Ayrshire Council given to the client provided these specific criteria for the assessment of the noise impact from the proposed development;

*1. The proposed development may introduce a noise generating development to noise sensitive receptors. Prior to the commencement of works 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 (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:*

LAEQ16hrs	35dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space

*In addition, the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20*

*Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open sufficiently for ventilation (normally 10% of the opening area).*

*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. To avoid noise disturbance in the interests of residential amenity.*

This assessment is to use the criteria established by South Ayrshire Council. As the client intends for the site to operate between the period 13:00 to 21:00, it will only be necessary to assess daytime levels.

### 2.2 PAN 1/2011 and TAN

Based on the assessment methodology given in TAN, the sensitivity of each selected receptor is assessed based on the likelihood of complaint, whereby the difference between the Rating Level and measured background noise level determines the sensitivity of the receptor.

**Table 2: Determination of Receptor Sensitivity**

Difference between Rating Level and Background Level dB	Assessed Sensitivity
$X < 5$	Low
$5 \leq x < 10$	Medium
$x \geq 10$	High



The level of significance of the noise impacts from an industrial development on residential properties is then determined from Table 2 below (which is reproduced from Table 3.3 of the TAN).

**Table 3: Significant of Effect Criteria Table**

Change in Ambient dB	Sensitivity of Receptor based on Likelihood of Complaint $x = (\text{Rating } (L_{A,T,r}) - \text{Background } (L_{A90,T}) \text{ dB}$		
	Low ( $x < 5$ )	Medium ( $5 \leq x < 10$ )	High ( $x \geq 10$ )
Major ( $\geq 5$ )	Slight/Moderate	Moderate/Large	Large/Very Large
Moderate (3 to 4.9)	Slight	Moderate	Moderate/Large
Minor (1 to 2.9)	Neutral/Slight	Slight	Slight/Moderate
Negligible (0.1 to 0.9)	Neutral/Slight	Neutral/Slight	Slight
No Change (0)	Neutral	Neutral	Neutral

The sensitivity of the receptor is based on the likelihood of complaint as determined by the difference between the Rating level and the Background noise level. The sensitivity of the receptor to noise increases from ‘Low’ to ‘High’ as the probability of complaint increases. The level of significance depends on the difference in noise levels as determined by the magnitude of the impact and the sensitivity of the receptor as determined by the probability of complaint.

With regards to the significance of effect, the following applies:

- Neutral: No effect, not significant, noise need not be considered as a determining factor in the decision making process.
- Slight: These effects may be raised but unlikely to be of importance in the decision making process.
- Moderate: These effects, if adverse, while important, are not likely to be key decision making issues.
- Large: These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.
- Very Large: these effects represent key factors in the decision-making process. They are generally, but not exclusively associated with impacts where mitigation is not practical or would be ineffective.

The methodology in TAN 01/2011 utilises a Rating Level, which is obtained through a BS4142 assessment. As an assessment of this kind cannot be undertaken due to the nature of the proposed development (recreation), there is no Rating Level for the noise levels produced by the proposed development. Instead, an assessment using the methodology in TAN will be undertaken using the predicted  $L_{Aeq}$  dB levels from the proposed development at the facades of the noise sensitive receptors.



### 3. Methodology

The sound monitoring was carried out in general accordance with the guidance in British Standard BS 7445: 2003 'Description and Measurement of Environmental Noise'<sup>1</sup>. A survey was undertaken of the existing dance studio premises located at Studio 24, Wellington Lane, Ayr, KA7 2AD. This survey was undertaken to assist the potential noise impact operations at the proposed site.

In addition to this, an environmental noise survey was undertaken at the proposed site to determine the existing ambient and background noise levels noise sensitive receivers are exposed to.

The meter was placed in the corner of the client's current dance studio and left to monitor noise of a period of 1-hour, capturing noise from a teen's dance class and a children's gymnastics class.

For the environmental noise survey, the meter was placed out of a window at second floor level at 38 North Harbour Street. The meter was left for a period of just under 3-hours.

The sound level meter was set to measure the  $L_{Aeq}$  and  $L_{AFmax}$  values, logging in contiguous periods of 5-minutes.

All the equipment was checked with a field calibrator before and after each measurement. No significant drift in the calibration was noted. Calibration certificates are available on request.

---

<sup>1</sup> BS 7445: 2003 'Description and Measurement of Environmental Noise'. British Standards Institution



## 4. Noise Assessment

### 4.1 Sound Monitoring Details

Sound measurements were taken within the current venue that the dance studio operates in, and at an external window location of the proposed development site.

The sound monitoring location is shown in Appendix B.

Details of the instrumentation used are presented in Table C.1, Appendix C.

Prior to the start of the ambient and background sound surveys, the weather forecast for the intended survey periods was checked to ensure that suitable conditions were to be expected for the duration of the monitoring.

Weather conditions during the survey fell within the requirements of BS 7445. Full weather details are given in Appendix C.

### 4.2 Baseline Survey Results

The measured data were processed to define the  $L_{Aeq}$  and  $L_{AFmax}$  sound levels during the monitoring periods.

The results of the monitoring at the current venue used by the client are presented below;

**Table 4: Baseline Monitoring Results**

Monitoring Period	$L_{Aeq,T}$ dB	$L_{A90,T}$ dB	$L_{AFmax}$ dB
18:30 – 21:00	45	38	55 - 72

During this period the dominant ambient noise source was traffic noise from the main roads to the east. There was also some traffic noise from the nearby local streets including North Harbour Street and York Street. Additionally, there was quite a bit of noise from birdsong, particularly gulls, distant dogs barking and conversations between people walking on the nearby roads.

### 4.3 Operational Sound Levels

As with the baseline monitoring, the measured data taken during the monitoring period inside the current venue that the client uses were processed to define the  $L_{Aeq}$  and  $L_{AFmax}$  sound levels

During the monitoring periods, the predominant source of noise was from music played through the loudspeaker, and from the teachers delivering instructions over the top of this music. There was also noise from the impact of the students dancing and jumping on the floor, and from fans used to cool the room. The measured noise levels are presented below;

**Table 5: Activity Monitoring Results**

Monitoring Period	$L_{Aeq,T}$ dB	$L_{AFmax}$ dB
16:45 – 17:50	78	80 - 94



## 4.4 Noise Modelling

### 4.4.1 Overview

To assist in this assessment an environmental noise model was constructed using iNoise, a proprietary environmental noise modelling software application which implements the standard sound prediction methodology detailed in ISO9613-2:2024. The model allows noise sources to be predicted over a large distance and varying terrain to the affected noise sensitive receptors.

For the noise model, the sound levels measured within the existing dance venue were simulated from the proposed studio location at 38 North Harbour Street.

While the client has stated that they would be comfortable to run classes in the new studio with the windows closed, the model assumes that the 4 small windows on the eastern side of the new studio location are opened for ventilation purposes, with each window having a maximum total open area of 0.3 m<sup>2</sup>.

### 4.4.2 Results

The modelled results of the assessment are detailed in Table 6 and Table 7 below.

A noise contour map at 7.5m (second floor) is show in Appendix D.

**Table 6: Modelled Internal Noise Level Results**

Receptor	Predicted Noise Level at 1m from Façade L <sub>Aeq</sub> dB	Predicted Internal Noise Level L <sub>Aeq</sub> dB*	Internal Noise Criteria Per Requirements of South Ayrshire Council L <sub>Aeq</sub> dB	Predicted Level Over Noise Criteria dB
<b>R1 - 36 North Harbour Street</b>	42	32	35	-3
<b>R2 - 1A York Street Lane</b>	42	32	35	-3
<b>R3 - 11 – 19 Victoria Chambers</b>	37	27	35	-8

\*Assuming a 10dB noise reduction from outside to inside with window open sufficiently open for ventilation, as per the requirements of South Ayrshire Council

The predicted internal noise levels at all receptors is indicated to be below the noise criteria established by South Ayrshire Council.

**Table 7: Modelled Outside Amenity Space Noise Level Results**

Receptor	Predicted Noise Level in External Garden Areas L <sub>Aeq</sub> dB	Noise Criteria Per Requirements of South Ayrshire Council L <sub>Aeq</sub> dB	Predicted Level Over Noise Criteria dB
<b>R1 - 36 North Harbour Street</b>	36	45	-9
<b>R2 - 1A York Street Lane</b>	41	45	-4
<b>R3 - 11 – 19 Victoria Chambers</b>	N/A		



Within the garden areas of R1 and R2, the predicted noise levels will be below the noise criteria established by South Ayrshire Council. R3 is a block of flats with no external garden or other amenity areas.

The predicted external noise levels at all receptors is indicated to be below the noise criteria established by South Ayrshire Council.

#### 4.5 PAN 1/2011 and TAN Assessment

An assessment to the requirements of Pan 1/2011 and TAN has been undertaken based on the predicted noise levels from the noise model.

**Table 8: Assessment of Receptor Sensitivity**

Receptor	Predicted Noise Level at Façade $L_{Aeq}$ dB	Measured Background Level $L_{A90}$ dB	Assessed Sensitivity
R1	42	38	Low
R2	42	38	Low
R3	37	38	Low

**Table 9: Increases in Ambient Sound Level**

Receptor	Measured Residual Level $L_{Aeq}$ dB	Predicted Specific Sound Level $L_{Aeq}$ dB	Total Predicted Free-field Ambient Sound Level incident on Receptor $L_{Aeq}$ dB	Change in dB
R1	45	42	47	+2
R2	45	42	47	+2
R3	45	37	46	+1

Based on the assessment matrix given in TAN, the following significance of effect at the receptors have been assessed:

**Table 10: TAN Assessment**

Receptor	Sensitivity	Change in Ambient Level dB	Magnitude of Impact
R1	Low	Minor	Neutral/Slight
R2	Low	Minor	Neutral/Slight
R3	Low	Minor	Neutral/Slight

Based on the descriptors and methodology in TAN, it is demonstrated that the noise impact of running a dance school at 38 North Harbour Street will lead to a neutral/slight impact.



## 4.6 Uncertainty

Some uncertainty in the measured data is unavoidable. Arthian have undertaken the following reasonable steps with a view to minimising the level of uncertainty in the results.

With regards to the measured data, this has been minimised as follows:

- Consideration of weather conditions based on observations while onsite. Uncertainties due to weather conditions are considered to be low, as during the monitoring conditions remained dry and windspeeds were below 5 m/s. Please refer to Appendix C for details of the prevailing weather data recorded.
- Use of suitable Class 1 sound level meters which comply with the relevant standards and have been calibrated at a UKAS accredited laboratory within the previous year.
- Field calibration of the measurement system on site at the start and end of each monitoring period.
- Road traffic noise was noted during the survey.



## 5. Conclusion

Noise levels were measured within the current venue that the client is using as a dance school. These measured levels were then used in noise modelling software to predict the impact of noise from the operation of a dance school at 38 North Harbour Street, Ayr, KA8 8AH.

The results of the noise impact assessment demonstrate that the operation of the dance school will not exceed the 50 dB  $L_{Aeq(0700-2300)}$  criteria for the outside amenity space, or the 35 dB  $L_{Aeq(0700-2300)}$  criteria for internal noise level at all of the nearby noise sensitive receptors. As the dance studio will only be operating between the hours of 13:00 – 21:00, it has not been necessary to assess the nighttime conditions.

An assessment using the TAN methodology has demonstrated that the operation of the dance studio will only have a neutral/slight impact at all of the nearest noise sensitive receptors during the operational hours.

It should be emphasised that this noise assessment is based on the understanding that the client keeps all of the windows on the western façade of the proposed dance studio closed and each window on the eastern façade a maximum equivalent open area of 0.1m<sup>2</sup>.



## **Appendices**

# Appendix A: Acoustic Terminology

## **Decibel dB**

From the lowest audible sound to the loudest tolerable sound there is a million to one ratio in sound pressure (measured in pascals, Pa). Because of this wide range a sound level scale based on logarithms is used in sound measurement called the decibel (dB) scale. Audibility of sound covers a range of approximately 0 to 140 dB. Humans generally can only notice changes in sound levels of no less than 3 dB(A). It is generally accepted that a change of 10 dB(A) in an overall, steady sound level is perceived to the human ear as a doubling (or halving) of the sound level.

## **A-Weighting**

The human ear system does not respond uniformly to sound across the detectable frequency range and consequently instrumentation used to measure sound is weighted to represent the performance of the ear. This is known as the 'A weighting' and annotated as dB(A) or  $L_{pA}$  dB.

## **Ambient or Activity Sound Levels**

The equivalent continuous A-weighted sound pressure level,  $L_{Aeq}$  (or  $L_{eq}$  dB(A)) is the single number that represents the total sound energy measured over that period.  $L_{Aeq}$  is the sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period. It is commonly used to express the energy level from individual sources that vary in level over their operational cycle.

## **Background Sound Levels**

The parameter that reflects the human perception of the ambient sound is the background sound level,  $L_{90}$ , this is usually A weighted and can be displayed as  $L_{90}$  dB(A) or  $L_{A90}$  (dB). This is the sound level exceeded for 90% of the measurement period and generally reflects the sound level in the lulls between individual sound events. Over a one hour period, the  $L_{A90}$  will be the sound level exceeded for 54 minutes.

## **Sound Power**

Sound power is the rate per unit time at which airborne sound energy is radiated by a source. It is expressed in watts (W). Sound power level or acoustic power level is a logarithmic measure of the sound power in comparison to the reference level of 1 pW (picowatt). The sound power level is given the letter " $L_w$ " or SWL. It is not the same thing as sound pressure ( $L_p$ ). Any  $L_p$  value is dependent of the distance from the sound source and the environment in which it was measured.  $L_w$  values are preferred for noise prediction purposes as their value is independent of distance or environment. There are recognised formulas for converting  $L_w$  to  $L_p$ . A-weighted sound power levels are usually denoted  $L_{wA}$  (dB) or sometimes  $L_w$  (dBA) or SWL (dBA).

## **$L_{max}$**

The  $L_{Amax,slow}$  and  $L_{Amax,fast}$  measurement parameters are the maximum instantaneous sound pressure level attained during the measurement period (30 seconds, 5 minutes etc.), measured on the 'slow' or 'fast' response setting of the sound level meter. This is sometimes expressed as  $L_{Amax}$  dB or  $L_{max}$  dB(A). Even though sounds appear fairly steady to the human ear they are seldom if ever steady in level. To accommodate this factor, sound level meters (SLMs) are generally provided with at least two meter responses or exponential averaging circuits. Fast meter response has a time constant of 1/8th of a second (125ms) and approximates the integration time of human hearing. The slow time response (time constant = 1 second) is intended to obtain



an approximate average value of rapidly fluctuating levels from simple meter readings.

### **Internal Sound Levels**

In an enclosed space such as an individual room, or a building, the sound from a source cannot propagate in the same way as outdoors because the propagation of the sound is obstructed by the boundaries (walls, ceiling and floor) of the building. These surfaces together with the contents of the building reflect a proportion of the sound back inside the building or room, the amount depending on the absorption coefficient of the various surfaces. Therefore the overall sound level at a position within the building is a combination of the sound received directly from the source (the direct sound field) and the sound received from reflections from the internal surfaces (the reverberant sound field). The more absorptive the surfaces in a building the less sound is reflected and the lower the contribution of the reverberant sound field to the overall noise level.

### **Sound Reduction Index**

The sound insulation properties of a material are described by the term 'sound reduction index' (R) i.e. it is a measure of the reduction in the amount of sound transmitted through a material. The higher the sound reduction index the greater the attenuation provided by the material. The value of R depends on a range of factors, in particular the mass of the material, the nature of the material, and the frequency of the sound. The R values for individual octave bands can be combined into an overall single figure, the weighted sound reduction index  $R_w$ .

### **Frequency Spectrum**

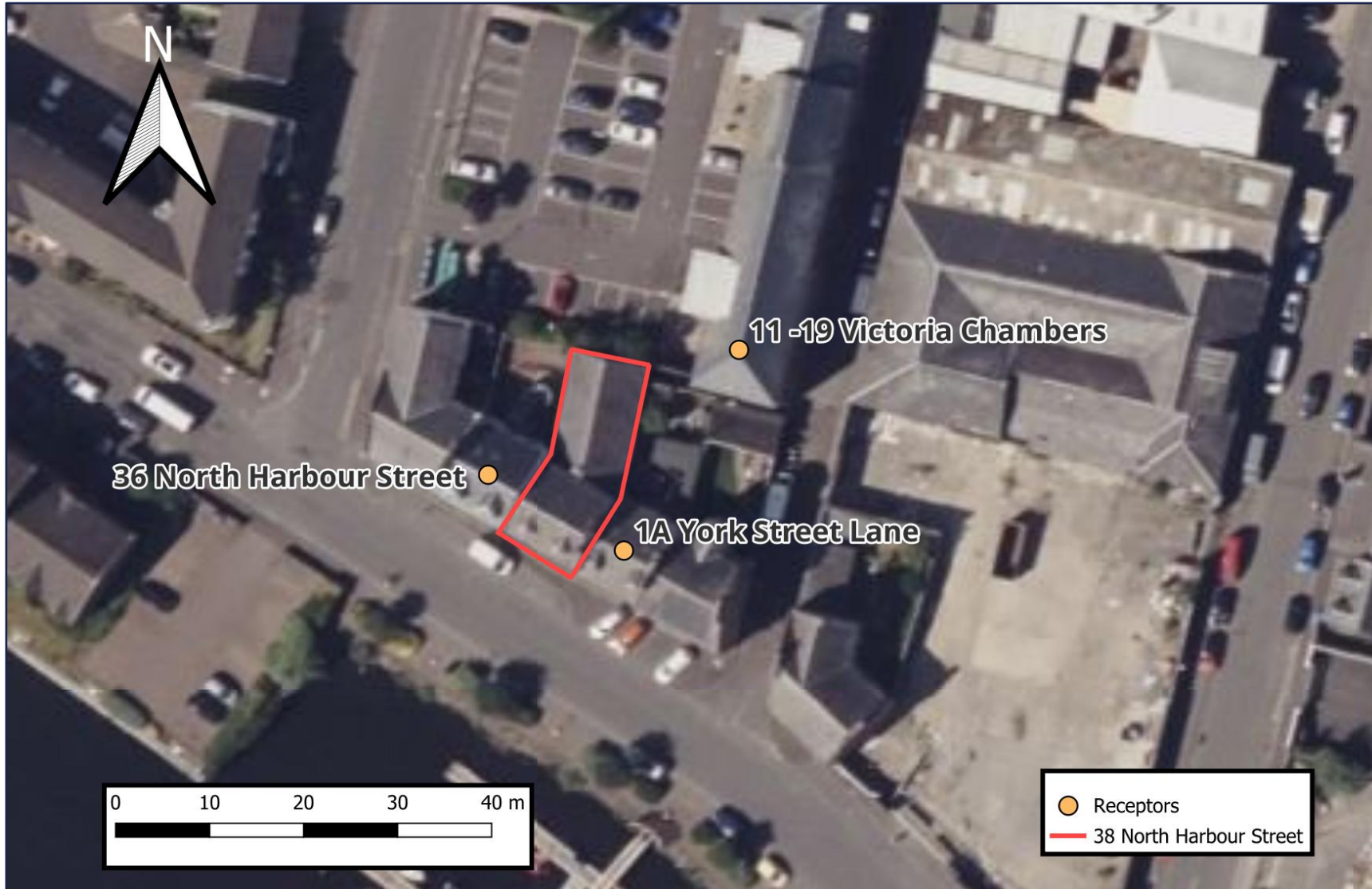
Frequency is the rate at which the air particles vibrate. The more rapid the vibrations, the higher the frequency and perceived pitch. Frequency is measured in Hertz (Hz). A young person with average hearing can generally detect sounds in the range 20 Hz to 20,000 Hz (20 kHz). Human speech is predominantly in the range 250 Hz - 3000 Hz.

The musical term 'octave' is the interval between the first and eighth note in a scale and represents a doubling of frequency. A series of octave and one-third octave bands have been derived, and these are commonly used in sound measurements where it is necessary to describe not only the level of the sound source but also the frequency content. The frequency content of a sound source can be useful for identifying acoustic features such as a whine, hiss or screech.



## Appendix B: Receptor Locations

Figure 1: Receptor Locations



## Appendix C: Sound Monitoring

### Instrumentation

The SLM used were Class 1 precision instruments, programmed to log a number of parameters including  $L_{Aeq}$ ,  $L_{A90}$ ,  $L_{A10}$  and  $L_{Amax}$  values, in 5-minute contiguous intervals.

The calibration levels were checked prior to and following all measurements. No significant drift, more than 0.5 dB, occurred during monitoring. Full calibration details are available upon request.

The following equipment was used for the sound monitoring exercise:

**Table 11: Sound Monitoring Equipment Information**

Equipment Item	Model & Type	Meter Serial Number	Calibration Date
Integrating Sound Level Meter	Cirrus Research CR:171C Optimus	G301856	24 October 2024
Microphone	Cirrus Research MK:224	10640F	24 October 2024
Calibrator	Cirrus Research CR:515	93179	05 November 2024

### Weather Conditions

Observed weather conditions during the monitoring are detailed in Table 12.

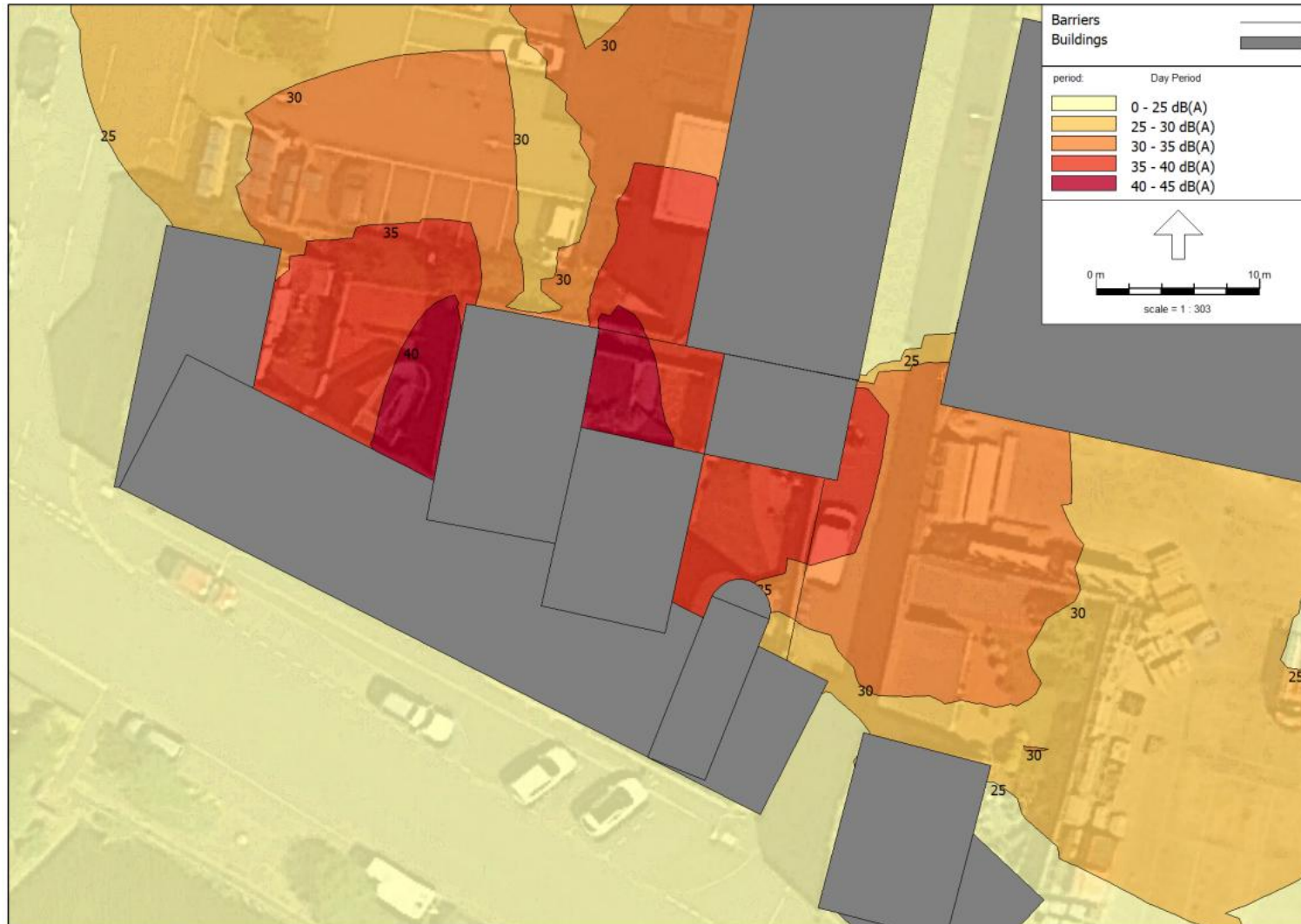
**Table 12: Weather Conditions during Sound Monitoring**

Date	Period	Temperature	Wind speed	Typical Wind Direction	Conditions
05/06/2025	18:30 – 21:00	13 - 16° C	1.4 – 1.9 ms <sup>-1</sup>	S	Dry



## Appendix D: Noise Contour Map

Figure 2: Noise Contour Map at 7.5m



## Planning and Building Standards

**Service Lead – Planning and Building Standards: Craig Iles**

Planning Service, County Buildings, Wellington Square, Ayr, KA7 1DR

Tel: [REDACTED]

Email: [REDACTED]

Our Ref: 25/00115/APP

Date: 21 August 2025



LJM Dance  
Miss Lisa Muir  
38 North Harbour Street  
Ayr  
South Ayrshire  
KA8 8AH

Dear Sir/Madam,

### **THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**

**PROPOSAL: Change of use of Class 3 restaurant to form Class 11 dance studio**

**SITE ADDRESS: 38 North Harbour Street Ayr South Ayrshire KA8 8AH**

With reference to your Application for Planning Permission, I enclose a copy of the Decision Notice refusing permission. This Decision Notice should be read in conjunction with our [Guidance Note for Planning Decisions](#).

The refused drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above. You may find the Report of Handling (otherwise entitled 'Delegated Report') of particular interest, as this sets out an assessment of the application and an explanation for the decision taken.

If you require further information in respect of your decision notice, please contact [REDACTED] by telephoning [REDACTED] or by emailing [REDACTED]

Yours faithfully,

[REDACTED]  
**Craig Iles**  
**Service Lead – Planning and Building Standards**

Encs.

**LOCAL DEVELOPMENT**

**REFUSAL OF APPLICATION FOR PLANNING PERMISSION  
(Delegated)**

Ref No: 25/00115/APP

**SOUTH AYRSHIRE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS**

**To: LJM Dance  
Miss Lisa Muir  
38 North Harbour Street  
Ayr  
South Ayrshire  
KA8 8AH**

With reference to your **Application for Planning Permission** dated **27th March 2025**, under the aforementioned Regulations, for the following development, viz:-

**Change of use of Class 3 restaurant to form Class 11 dance studio**

**at: 38 North Harbour Street Ayr South Ayrshire KA8 8AH**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above these and represent the refused scheme.

**The reason(s) for the Council's decision are as follows:**

**NOTE:** Reasons will be numbered and prefixed with an 'R'

- (1R) The proposed dance school conflicts with NPF4 policies (9, 13, 14, 23) and South Ayrshire LDP2 (Core Principles B1 and B4, Strategic Policies 1 and 2, and policies on 'Leisure Development', 'Residential Policy within settlements, release sites and windfall sites', and 'Transport and Land Use') by reason that, the proposed development, located in a terraced building with residential flats in a mainly residential area, would harm local character and amenity due to increased activity, footfall, noise, and movement, without adequate mitigation. Furthermore, the lack of off-street parking is expected to place unsustainable pressure on the local road network, which the Ayrshire Roads Alliance does not support.

**List of Refused Plans:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version No.</b>	<b>Received Date</b>
Drawing	HDA-249-002 PL A4		05.03.2025
Drawing	HDA-249-001 (Rev. A)		21.03.2025
Supporting Information	Noise Mitigation Information		21.03.2025
Supporting Information	Noise Impact Assessment - amended		13.06.2025
Supporting Information	Supporting and Operational Statement		14.05.2025

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

**Dated: 19th August 2025**



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

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

## NOTICE TO ACCOMPANY REFUSAL OR GRANT OF PERMISSION WITH CONDITIONS

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

- (1) If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for, or grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of The Town and Country Planning (Scotland) Act 1997 within **three months** from the date of this notice. Information on how to request a review can be obtained from the address and contact details below.

A Notice of Review can be submitted via the [ePlanning Scotland website](#) . This is the most efficient method to submit a review request.

Alternatively, you can submit a review request via paper form addressed to:

South Ayrshire Council  
Planning Service  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR  
T: [REDACTED]  
E: [REDACTED]  
W: [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

- (2) If permission to develop land is refused or granted subject to conditions, the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of The Town and Country Planning (Scotland) Act 1997.
- (3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is refused or granted, subject to conditions by the Scottish Ministers. The circumstances in which such compensation is payable are set out in Section 77 of The Town and Country Planning (Scotland) Act 1997.
- (4) Where permission is being granted in respect of any building or premises which are open to the public, attention is hereby drawn to the applicant's duty, in terms of Sections 4, 5, and 7 to 8A of The Chronically Sick and Disabled Persons Act 1970, to include, where reasonable and practicable provision for the needs of the disabled. (Ref. Section 45 of The Town and Country Planning (Scotland) Act 1997).

Attention is also drawn to The Equality Act 2010 which may impose further obligations on developments.



**The following comments are offered on behalf of the Development Control Section**

Contact: **DROP DOWN LIST**

ARA Case Officer: [REDACTED]

Planning Case Officer: [REDACTED]

Planning Application No: 25/00115/APP

Location: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Date Received: 15/04/2025

Date Returned: 14/05/2025

Recommendation: Refuse

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.

**Comments:**

The application lacks sufficient information regarding class sizes and operation arrangements. It is understood that multiple classes may run concurrently or overlap, which raises concerns. Additionally, the proposed development offers no off-street parking. Given that North Harbour Street has limited on-street parking, even without the operation of a dance studio, this proposal could exacerbate existing issues. The ARA therefore has no option but to recommend for refusal.

**Conditions:**



**The following comments are offered on behalf of the Development Control Section**

Contact: **DROP DOWN LIST**

ARA Case Officer: [REDACTED]

Planning Case Officer: [REDACTED]

Planning Application No: 25/00115/APP

Location: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Date Received: 15/04/2025

Date Returned: 20/06/2025

Recommendation: Refuse

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.

**Comments:**

Following a review of the operational statement, the decision remains refusal. It is understood that multiple classes may run concurrently or overlap, which raises concerns. Additionally, the proposed development offers no off-street parking. Given that North Harbour Street has limited on-street parking, even without the operation of a dance studio, this proposal could exacerbate existing issues. The ARA therefore maintains its recommendation for refusal.

**Conditions:**

MEMORANDUM

Tel: [REDACTED]  
Our Ref: 7/LMC/25/01155/PLNAPP  
Your Ref: 25/00115/APP  
Date: 22 April 2025

From: Service Lead: Trading Standards & Environmental Health  
5 – 7 River Terrace  
Ayr  
KA8 0BJ

To: Planning Service  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

**SUBJECT: Planning Application Reference No. 25/00115/APP  
THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**PROPOSAL: CHANGE OF USE OF CLASS 3 RESTAURANT TO FORM CLASS 11  
DANCE STUDIO  
SITE ADDRESS: 38 NORTH HARBOUR STREET AYR SOUTH AYRSHIRE KA8 8AH  
GRID REFERENCE: (E) 233533 (N)622435**

**Planning application 25/00115/APP**

I refer to the above planning application consultation submitted to this section on 15 April 2025 and can advise as follows.

Following perusal of these plans the comments and representations I would advise that -

Prior to planning consent being granted the following comments and representations should be complied with to satisfy Environmental Health:

1. The proposed development may introduce a noise generating development to noise sensitive receptors. Prior to the commencement of works 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 (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:

LAEQ16hrs	35dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX 45dB	(2300-0700)	internal noise level	
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space

In addition, the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20.

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation.2  
Noise reduction to be taken as 10dB from outside to inside with window open sufficiently for ventilation (normally 10% of the opening area).

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. To avoid noise disturbance in the interests of residential amenity.

**Advisory Note:**

- 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.

This response with recommendation(s) was prepared by [REDACTED] to whom any further enquiries can be made on [REDACTED]

MEMORANDUM

Tel: [REDACTED]  
Our Ref: LMC/LMC/25/011155/PLNAPP  
Your Ref: 25/00115/APP  
Date: 13 June 2025

From: Service Lead: Trading Standards & Environmental Health  
5 – 7 River Terrace  
Ayr  
KA8 0BJ

To: Planning Service  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

**SUBJECT: Planning Application Reference No. 25/00115/APP  
THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**PROPOSAL: CHANGE OF USE OF CLASS 3 RESTAURANT TO FORM CLASS 11  
DANCE STUDIO  
SITE ADDRESS: 38 NORTH HARBOUR STREET AYR SOUTH AYRSHIRE KA8 8AH  
GRID REFERENCE: (E) 233533 (N)622435**

**Planning application 25/00115/APP**

I refer to the above planning application consultation submitted to this section on 15 April 2025 and can advise as follows.

Following perusal of these plans and the associated noise impact assessment the comments and representations I would advise that -

Should planning consent be granted then the following comments and representations should be attached so as to satisfy Environmental Health:

1. That the mitigation measures contained within the submitted noise report shall be adhered to. To avoid noise disturbance in the interests of residential amenity.

**Advisory Note:**

- 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.

This response with recommendation(s) was prepared by [REDACTED], Environmental Health Officer; to whom any further enquiries can be made .

# Comments for Planning Application 25/00115/APP

## Application Summary

Application Number: 25/00115/APP

Address: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Proposal: Change of use of Class 3 restaurant to form Class 11 dance studio

Case Officer: [REDACTED]

## Customer Details

Name: [REDACTED]

Address: 44 north harbour street Ayrshire Ka88AH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting due to the fact they have ignored myself at no 44 north harbour street by not giving myself or business any notification even though it says in here they have but nothing received so not sure if any one really got one I'm next door and have not received anything

# Comments for Planning Application 25/00115/APP

## Application Summary

Application Number: 25/00115/APP

Address: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Proposal: Change of use of Class 3 restaurant to form Class 11 dance studio

Case Officer: [REDACTED]

## Customer Details

Name: [REDACTED]

Address: 44 north harbour street Ayr Ka88AH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Again no notice as been told it was posted on the 12/6/2025 this is the second notice not received by the above I run a business next door and have not been notified once same as a few of our customers who stay there have not received any notices now if no notice of what's happening I can't support so I will need to object again due to the lack of notices and by looks concern by the applicant to the businesses next door to it

# Comments for Planning Application 25/00115/APP

## Application Summary

Application Number: 25/00115/APP

Address: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Proposal: Change of use of Class 3 restaurant to form Class 11 dance studio

Case Officer: [REDACTED]

## Customer Details

Name: [REDACTED]

Address: C/o 3 York Street Lane Ayr KA88AQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to raise an objection to the application for the proposed change of use to a Dance Studio.

My Mother lives next door to the adjoining building & has suffered from years of ongoing noise from the Ship Inn when it was open. The noise then was enough to force her to stay at the Travel Lodge. This was raised with Environmental Health over a number of years & after monitoring, they issued a cease & desist order.

A dance studio would be even worse given the long hours that they keep & due to the fact that they depend on banging out music.

There is also the aspect of access to my mothers apartment which is via a tight alleyway & would not constitute a safe thoroughfare for access to commercial footfall.

Ayr already has six commercial Dance studios within the immediate area.

My mother and other neighbours have the right to enjoy the peace & quiet of their own homes & this would be severely impaired by granting this application & as such I wish to object in the strongest possible terms.

# Comments for Planning Application 25/00115/APP

## Application Summary

Application Number: 25/00115/APP

Address: 38 North Harbour Street Ayr South Ayrshire KA8 8AH

Proposal: Change of use of Class 3 restaurant to form Class 11 dance studio

Case Officer: [REDACTED]

## Customer Details

Name: [REDACTED]

Address: 3 York Street Lane Ayr CM9 6LS

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the application to convert the property at 38 North Harbour Street to a dance studio. I live next door in the adjoining building with access along a very narrow alleyway shared with number 38.

For years I suffered from the noise, music etc, from the Ship Inn and had to approach the Environmental Health dept for help. After looking into the matter they issued a Cease and Desist order.

A dance studio is bound to emit loud music for even more hours by its very nature and there are already several within the Ayr area.

The Environmental Health dept took the view that people have a right to be able to enjoy the peace and quiet of their own home, something as important as that, especially to older people like myself, would not be possible if this planning application goes ahead.

**From:** [REDACTED]  
**Sent:** Monday, October 6, 2025 10:45 AM  
**To:** [REDACTED]  
**Subject:** [OFFICIAL]LRB Panel item 25/00115/APP

Official

Good morning,

Please find attached to reflect the ARA position in respect of this application.

Kind regards,

[REDACTED]

[REDACTED]

**Ayrshire Roads Alliance**

Website [www.ayrshireroadsalliance.org](http://www.ayrshireroadsalliance.org)





**On Behalf of South Ayrshire Council**  
 A response from ARA Development Control

## Local Review Body Response

**ARA Case Officer:** [REDACTED]

**Planning Application Ref No:** 25/00115/APP

**Location:** 38 NORTH HARBOUR STREET, AYR, SOUTH AYRSHIRE, KA8 8AH

**Issue Date:** 06/10/2025

### ARA Position:

Detail:	ARA Comment:
ARA Planning Application Recommendation?	Refuse
ARA Local Review Body Recommendation?	Recommendation Unchanged
Recommendation to add/ amend/ remove Planning Conditions within ARA response?	No Changes Sought

### Further Comments (as required):

The main concern held by ARA is in relation to the lack of any dedicated off-road parking associated with the development proposals – the lack of parking provision means that the development proposals fail to satisfy the Council’s adopted standards, as set out in the SCOTS National Roads Development Guide.

A development of this type will generate pick-up and drop-off trips, which have the possibility of overlapping, and a lack of allocated development parking means that all parking would need to be accommodated on existing on-street spaces.

The ARA believe that given the limited availability of on-street parking on North Harbour Street that the operation of this development would result in regular instances of errant parking likely to place road users (including pedestrians) at risk.

### Specific Questions Raised by LRB:

**Note:** Where specific questions have been raised by the LRB where a response has been requested from the ARA, this will be provided below.

#### Question:

No questions received at this time.

#### ARA Response:

N/A

DEVC FXX

**From:** [REDACTED]  
**Sent:** Friday, October 10, 2025 11:56 AM  
**To:** Local Review Body [REDACTED]  
**Subject:** Review of Planning for Application 25/00115/APP

For property 38 North Harbour Street  
Ayr KA8 8AH

From [REDACTED]  
3 York Street Lane  
Ayr KA8 8AQ

Dear Sir/Madam,

Thank you for your letter informing me of the appeal to planning for the above property at 38 North Harbour Street for change of use to a Dance Studio.

All my reasons in my first email for opposing the application to the property becoming a dance studio remain valid.

The two buildings are joined and music from a dance studio with multiple classes that may run constantly and overlap daily and into the evening would make life in my home impossible. Home is just that - home - where one should have the right to **peace and quiet. As an elderly pensioner an important matter.**

The area around North Harbour Street has seen a marked increase in parking this year - so much so I have considered requesting residents parking. Even York Street Lane, where the entrance to my apartment along the narrow alley connects with the rear entrance to 38 North Harbour, has a notable increase in vehicles.

Thank you for keeping me informed.

Best regards,

[REDACTED]

LRB/25/00115/APP – Response from Agent (03.11.2025) in relation to Consultee/Interested Party Comments.

**From:** [REDACTED]  
**Sent:** Monday, November 3, 2025 2:58 PM  
**To:** [REDACTED]  
**Subject:** RE: LRB/25/00115/APP - 38 North Harbour Street

Good afternoon,

Thank you for sending through ARA comments on the above Application.  
We would comment as follows:

If this is the stance that ARA are going to take on new businesses trying to move in to/within the Local Area, then there will be NO businesses left.

Currently there are 3 similar businesses operating in the town in Newmarket Street, Sandgate and Fort Street, with zero parking, drop-off/pick up facilities.

Can I ask if they have Planning Consent to be in these buildings and operate with this Class Use? Have ARA been consulted on these businesses operating?  
My Clients current premises, also has NO drop-off/pick up or off street parking, accessed from a narrow lane, which is currently dangerous and requires staff to bring the children out monitored in fear of an accident. One of the reasons they are trying to relocate.

My Clients proposal in North Harbour Street, has ample space for drop-off/pick up, as previously stated. The street itself is also very wide with much less traffic than the aforementioned.  
We do not agree with the suggestion that our proposal could create a risk to road users etc...  
If this was the case then where does the parking exist for the Restaurant Class, the building had previously, where much more traffic/parking requirements would have been required?

It was also mentioned that, North Harbour Street cannot be classed as town centre (even only a few hundred yards from Ayr Town Hall), so if this is the case, can SAC PL/ARA provide details of the off-street parking required for all the additional new flatted developments taking place within the local area?

As stated above, if this is the stance moving forward with ARA, then no businesses will want to relocate to/within this town, which is really frustrating for potential investment within the town.

Many thanks.

Regards

[REDACTED]

Hiltech Design



**HILTECHDESIGN**  
ARCHITECTURAL SERVICES  
Setting standards for others to follow

# LOCAL REVIEW BODY

OFFICERS SUBMISSION FOR PLANNING APPLICATION 25/00115/APP

38 NORTH HARBOUR STREET, AYR

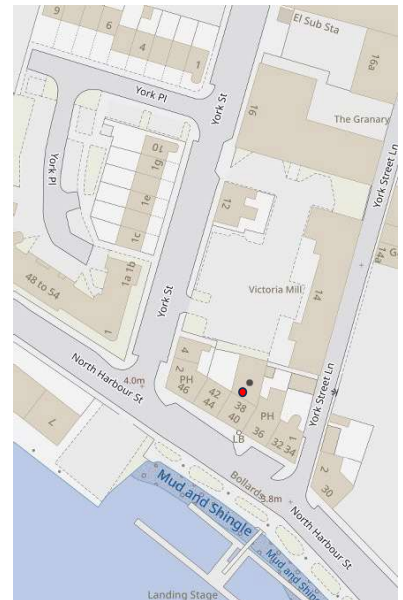
CHANGE OF USE OF RESTAURANT TO DANCE STUDIO

## Officer photos showing principal elevation of 38 North Harbour Street within the terraced row of properties

Neighbouring residential properties sited within the terraced row: 2 & 4 York Street, 46, 42, 40 North Harbour Street, 1, 1A & 3 York Street Lane; The Ship Inn No.36 (closed), the Harbour Café No.44 (closed)



North Harbour Street showing on street parking and map of application site showing position within terraced properties



Rear of application site showing proximity to adjoining dwellingflats also sited within the terraced building and 19 neighbouring dwellingflats at Victoria Mill.



Photos taken from private carpark at Victoria Mill showing location of neighbouring residential properties

PHOTO FROM YORK STREET LANE SHOWING ADJACENT NEIGHBOURING RESIDENTIAL PROPERTIES

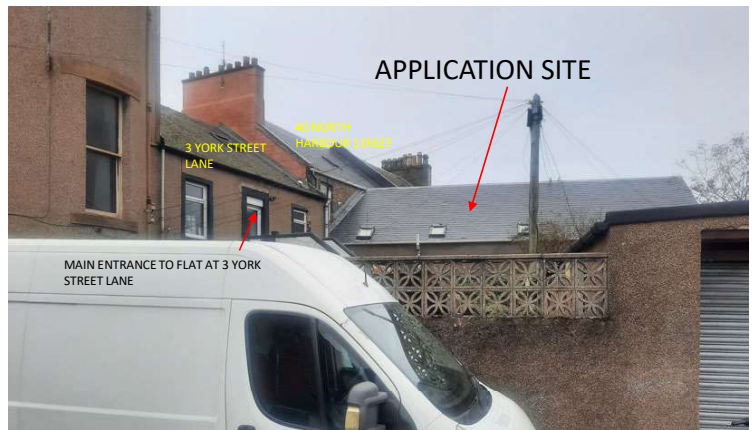


PHOTO TAKEN FROM MAIN ENTRANCE DOOR TO RESIDENTIAL DWELLINGFLAT AT 3 YORK STREET LANE  
SHOWING PROXIMITY TO APPLICATION SITE



## Local Review Body

**25/00115/APP 38 North Harbour Street, Ayr**

**Change of use of Class 3 restaurant to form Class 11 dance studio.**

**Development Management Service response to LRB appeal.**

The statements from the applicant's agent Hilltech Design Architectural Services have been summarised below in **bold**. Immediately following this is the Development Management Service responses.

- **Comparison between the existing dance studio and proposed dance studio premises including the provision of video evidence of both locations.**

**Development Management Service response:** The statement references the current dance studio location and outlines issues currently experienced. However, issues which are experienced at the existing dance studio location are not material planning considerations in the assessment of the current application at 38 North Harbour Street. Accordingly, no weight can be afforded to these matters in determining the appeal.

There is no dedicated parking provision for the application site. The proposal involves the creation of two dance studios, which are expected to generate high levels of occupancy and activity. It is considered that the intensification of use within this predominantly residential area would place additional pressure on the surrounding road network and result in an unacceptable impact. The Ayrshire Roads Alliance has submitted an objection to the proposal.

- **The submitted statement outlines that the proposed dance studio would offer classes for clients with disabilities and additional support needs, and that the premises at 38 North Harbour Street provides a ground floor access studio and a disabled toilet. It is further noted that the applicant promotes inclusivity by offering classes to all members of the community, regardless of financial or physical barriers.**

**Development Management Service response:**

No reference to the provision of classes for individuals with disabilities and or additional support needs was contained within the planning application submission – this is only referenced in the appeal submission.

Notwithstanding the obvious merits of providing some classes for those with disabilities or additional support needs, the fundamental concerns about the use of the building as a dance studio in such close proximity to residential properties remains the primary concern. This concern is not outweighed by the type of end user.

The application site is within a terraced building which has 8 adjoining residential properties located within the same building and multiple residential flats within close proximity. 19 flats are located immediately to the northeast within Victoria Mill which is approximately 6 metres from the application site, and 30 flats to the north of the site at The Granary within 57 metres of the application site.

In addition, the Ayrshire Roads Alliance review of the application took cognisance of all prospective users, including those with disabilities or infirmities. The Ayrshire Roads Alliance object to the application.

It is also noted that, there is no provision for accessible parking to accommodate individuals with physical disabilities who may require space to park and unload mobility equipment, such as wheelchairs, or for those who need assistance being accompanied into the proposed studio. There are concerns that, in the absence of dedicated parking for the proposed development, Blue Badge holders would be required to compete for the limited on-street parking spaces available in the area.

- **The submitted statement refers to the Aldi carpark on Back Main Street to meet parking demands from the development. Also, that parking could be accommodated on street.**

**Development Management Service response:** The Aldi car park is understood to be privately owned and subject to parking restrictions, with no established or formal relationship to the proposed dance studio. No evidence has been provided to demonstrate that the applicant has permission to use this car park to accommodate parking demand generated by the proposed development. As such, this cannot be afforded any weight in the assessment.

Existing on street parking is limited and well used by existing residents of the area. The proposal would exacerbate on-street parking pressures and increase congestion, raising road safety concerns.

The proposal provides no dedicated parking. Development proposals are required to provide an appropriate level of parking provision, proportionate to the nature and scale of the proposed use, in order to minimise any adverse impacts of road traffic on the surrounding environment and residential amenity. The Ayrshire Roads Alliance object to the proposal and has submitted additional comments directly to the LRB in this regard.

- **The submitted statement considers that the LRB should consider the potential for reduced operating hours (adjusting the class timetable) to overcome/ mitigate areas of concern.**

**Development Management Service response:**

The fresh proposal by the appellant to reduce the operating hours of the business would be unacceptable to the Planning Authority, for two reasons.

Firstly, the reduction in operating hours does not reduce the negative impact on the adjacent residential properties and surrounding area during the operation of the dance studio. There would still be a significant negative impact on those residents. Reduced hours would only shorten the time of the negative impact.

Secondly, the provision of such restrictions would not meet the tests of Planning Circular 4/1998: The use of Planning Conditions as they would be unreasonable and unenforceable by the Planning Authority.

It should be noted that during the assessment of the planning application, concerns were outlined to the applicant and an opportunity was offered for the application to be withdrawn. The Service advised that the proposed use would be more suitably accommodated in a town centre environment where there are a range and mix of uses and activities including evening uses and that vacant units in town centre units could be explored. The applicant chose not to examine those options.

- **The Notice of Review application form states, that a 'Noise Impact Assessment was carried out and passed showing no impact on surroundings.'**

**Development Management Service response:** The noise report states that noise impacts would be acceptable if the windows on the western elevation of the rear projecting element of the building were closed and the windows on the east were only partially opened. The Council's Environmental Health Service has no objections to these findings. While the EH position was well intentioned, this arrangement is not practical and could not be effectively secured through a planning condition, as it would fail to meet the relevant tests for enforceability and reasonableness.

Given the nature of the proposed use as a dance studio, involving physical activity and exercise, it is reasonable to expect that windows would need to be opened often for ventilation purposes. As a condition restricting window openings could not be imposed, there remains a likelihood that noise impacts would be unacceptable when the windows are open.

It is noted that a Building Warrant exists for the refurbishment of the property; however, an amended warrant would likely be required for its proposed use as a public dance studio across two floors.

Ventilation, potentially including the opening of windows, would need to be addressed as part of this process. Any design must ensure compliance with the Building (Scotland) Regulations, particularly in relation to higher occupancy levels.

Finally, in accordance with NPF4's objectives to ensure that the right development occurs in the right place in the long-term public interest, the site lies within a predominantly residential area where the character has shifted from commercial to residential, and mitigation measures for noise are considered impractical and unenforceable. Additionally, the absence of off-street parking would exacerbate on-street parking pressures and increase congestion, raising road safety and amenity concerns. The proposal is therefore considered incompatible with its surroundings and fails to comply with the relevant provisions of National Planning Framework (NPF4) and the South Ayrshire Local Development Plan 2 (LDP2).

LRB/25/00115/APP – comments from Agent in response to Case Officer Photos and Comments –  
Received on 27<sup>th</sup> October 2025

**From:** [REDACTED]  
**Sent:** Monday, October 27, 2025 11:56 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: LRB/25/00115/APP - 38 North Harbour Street

FAO - Christine McMEnamin,

Morning Christine,

Further to your letter dated 20 October 2025, regarding the above, i have spoken with both the Landlord and my Client and would comment as follows:

- We believe the comparison between my Client's existing premises and the new proposed premises location, is indeed a critical part of the review, as this is one of the main reasons for the relocation. The existing premises location, when originally being considered by SAC Planning, should have taken in to account the same aspects and Planning criteria, that is now being applied to the new proposed premises, such as Parking, Health and Safety, Local Business/Residential mix, Noise Impact etc..... To simply say we can't compare premises is failing in the Planning process in our opinion.
- ARA have also stated that, "there is no dedicated parking for the application site". Could it also be noted that there is no dedicated parking, drop-off/pick-up designated at my Client's existing premises location, which is accessed from a lane to the rear of the building with double yellow lines and signs stating "No Parking". Also, where is the dedicated Parking at Dansarena (Fort St Ayr) or the Rennie Dance Studio (Newmarket St Ayr)? My Client has access to existing drop off/pick up parking area immediately outside the main entrance of the proposed new premises. North Harbour Street has much less traffic than Fort Street and Newmarket Street does not offer any of the above. You can see my Client's frustration.
- Case Officer's comments, state that there is no Accessible Parking. See above comments, with regards to parking drop off/pick up service area outside the premises and the building is also wheelchair accessible, with new accessible sanitary facilities, recently installed in the premises by the current owner.
- Levels of traffic increased by the Proposal. The premises currently holds a Class 3 (Restaurant) classification. Can we ask how a two storey restaurant with minimum 60 covers, staff and deliveries etc..... creates less traffic volume? Class 3 also carries an element of unsociable opening hours, for local residential properties, which would be alleviated by our proposals.
- NIA Noise Impact Assessment was requested and carried out. This NIA has shown that to meet the criteria set out, certain restrictions would be required on windows opening etc... Ventilation can easily be overcome, with the introduction of Air Conditioning Units, allowing all the windows to remain closed and we see no reason why this should be included within any LRB.

We hope you find the above helpful and look forward to notification of when the LRB will be considering this application.

Many thanks.

Regards

[REDACTED]

Hiltech Design



**HILTECHDESIGN**  
ARCHITECTURAL SERVICES  
Setting standards for others to follow

**Conditions:**

Should the LRB overturn the decision, then it is recommended only the following conditions and reasons are imposed:

- 1C) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (1R) 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.
- (2C) 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.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.