# SOUTH AYRSHIRE COUNCIL LOCAL REVIEW BODY NOTE of CURRENT POSITION

Site Address:	6 Newmarket Street Ayr South Ayrshire KA7 1LP
Application:	21/00175/APP Repainting of existing building
Appointed Officer's Decision:	Refusal
Date Notice of Review Received:	25 October 2021

<b>Current Position:</b>	New Case for Review
Documentation:	The documents in relation to the review are attached: Pages 1 to 4 – Report of Handling Pages 5 to 15 – Notice of Review and Supporting Information Pages 16 to 30 – Planning Application and Supporting Information Pages 31 to 32 – Decision Notice Pages 33 to 37 - Appointed Officers site photographs
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	6 January 2022

#### **South Ayrshire Council**

#### **Place Directorate**

#### **Report of Handling of Planning Application**

Application Determined under Delegated Powers where less than five objections have been received.

The Council's Scheme of Delegation can be viewed at http://www.south-ayrshire.gov.uk/committees/

Reference No:	21/00175/APP
Site Address:	6 Newmarket Street Ayr South Ayrshire KA7 1LP
Proposal:	Repainting of existing building
Recommendation:	Refusal

#### REASON FOR REPORT

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. 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.

#### 1. Site Description:

The application site is a ground floor shop located at the corner of Newmarket Street/ Hope Street, Ayr, which is a later 18th century, 3 storey, category C listed building and located within Ayr Central Conservation Area.

#### 2. Planning History:

Listed building consent is sought concurrently with the planning application; Ref:21/00193/LBC.

Advertisement consent has been granted for the erection of signage at the premises; Ref:21/00206/ADV.

#### 3. <u>Description of Proposal:</u>

Planning permission is sought to paint the shop's two frontages (Newmarket Street and Hope Street), as per the submitted plans.

#### 4. Consultations:

No consultations were undertaken for this application.

#### 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. None.

#### 6. <u>S75 Obligations:</u>

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:

No representations were received.

#### 9. <u>Development Plan:</u>

Section 25 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 proposal has been considered against the Local Development Plan's Spatial Strategy and is not in accordance with the strategy.

The following policies are relevant in the assessment of the application and can be viewed in full online at <a href="http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plans/local-development-plans.aspx">http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plans.aspx</a>

LDP Policy: Spatial Strategy (Core Investment Area);

LDP Policy: Sustainable Development;

LDP Policy: Town Centres; and LDP Policy: Historic Environment.

The provisions of the Adopted South Ayrshire Local Plan must 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.

The development proposal has been assessed against the above policies and is considered to be contrary to the development plan. This is outlined further, below.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

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

Scottish Planning Policy (SPP) states that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. The SPP also states that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

The principles outlined in the SPP are largely emphasised by policies HEP2 and HEP4 of the recently adopted Historic Environment Policy for Scotland. Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for

present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. With regard to this application, the Managing Change documents on Setting and Shopfront and Signage are of particular relevance to the proposals.

The Managing Change document on Setting defines setting as the way in which the surroundings of a historic asset contributes to how it is experienced, understood and appreciated, and indicates that the setting of a historic structure often extends beyond the immediate property boundary of that structure into the broader landscape. Planning authorities are expected to take into account the setting of historic assets in the determination of applications for listed building consent.

The Managing Change document on Shopfronts and Signs states that the interest of a historic shopfront can be derived from its architectural quality, fixtures and features and its historical and cultural associations. Regional variations and functional shop types are often identifiable in their form and details. Alterations to historic shopfronts to accommodate commercial needs such as security and signage or associated with a change of use can affect a building's visual amenity and character. High quality historic shopfronts should be retained. Good examples of Georgian, Victorian, Edwardian and inter-war shopfronts are now scarce. Some newer, well-designed shopfronts which relate to the architectural quality of a building are also significant. The commercial purpose of a shopfront is to attract customers. This can present challenges for the historic character of a building or place. A balance needs to be achieved between accommodating commercial needs such as signage and security and maintaining the historic significance of the shopfront. Shopfronts which straddle two separate buildings should acknowledge the architectural and structural divisions above. Where historic details such as pilasters, capitals, console brackets, entablatures or castiron columns are found, an earlier shopfront may be at least partly recoverable. Even if only the cornice survives, this should be retained as a valuable demarcation line between the shopfront and the facade above. Stall risers similarly contribute to the balance of a shopfront by providing a solid base for the display window. Good examples, including those in stone, timber, tile, iron or toughened glass (such as 'Vitrolite'), should be kept.

Supplementary Guidance Policy 1 of South Ayrshire Council's Supplementary Guidance (SG) on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings.

Supplementary Guidance Policy 3 refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

It is considered that the painting of the original black Vitrolite tiles results in an insensitive alteration to the detriment of the listed building, and does not preserve or enhance the Ayr Central Conservation Area. This is outlined further, below.

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

Planning permission is sought to paint the shopfront at 6 Newmarket Street, Ayr. The premises is sited within a prominent corner site and has two frontages onto Newmarket Street and Hope Street. The property is listed at category C and sited within Ayr Central Conservation Area. It is recognised that the works, which are subject of the current planning application, have now been completed and therefore the application is retrospective.

The original shopfront comprised black coloured Vitrolite tiles which are specifically referred to in the listing description for the building (both in terms of material and colour). The tiles have been painted in 'Piegnoir' (a grey pink colour), and a decorative feature carved into the Vitrolite has also been painted over, also in 'Piegnoir'. Whilst it is acknowledged that the Vitrolite itself has been retained, the painting of the vitrolite frontages of the premises has adversely affected the character and special interest of the listed building through the unacceptable alteration of a feature specifically referred to in the listing description. As set out elsewhere in the report, Historic Environment Scotland in their Managing Change series on 'Shopfronts and Signage' refer specifically to original shopfront features such as Vitrolite tiles and their value in being retained as good examples of historic shopfronts. On this basis, it is considered that the painting of the original black Vitrolite tiles does not meet the statutory test of preserving or enhancing the character of Ayr Central Conservation Area at the locale.

An assessment of the proposals on the setting and special character of the listed building is set out within the report of handling which accompanies the listed building application 21/00193/LBC.

Given the above, and having balanced the rights of the applicant against the general interest, it is recommended that the application is refused.

#### 12. Recommendation:

It is recommended that the application is refused.

#### Reasons:

- (1) That the proposal is contrary to the provisions of Scottish Planning Policy, Historic Environment Policy for Scotland, Historic Scotland's Managing Change in the Historic Environment document on 'Shopfront and Signage', 'Setting' and South Ayrshire Council's Supplementary Guidance on the Historic Environment, by reason that the painting the original Vitrolite tiles found at the premises does not enhance or preserve the character or appearance of the Ayr Central Conservation Area.
- (2) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Spatial Strategy, LDP Policy: Sustainable Development, and LDP Policy: Historic Environment, by reason that the painting the original Vitrolite tiles found at the premises does not preserve or enhance the character or appearance of the Ayr Central Conservation Area.

#### **Advisory Notes:**

#### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused LOCATION PLAN

Drawing - Reference No (or Description): Refused DRAWING ALL DETAILS AS PROPOSED

Other - Reference No (or Description): **Refused** EXISTING ELEVATION Other - Reference No (or Description): **Refused** PAINT COLOURS

#### Reason for Decision (where approved):

#### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics

Decision Agreed By:	Appointed Officer
Date:	9 July 2021



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

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 100480024-001

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.

#### **Applicant or Agent Details** Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting ■ Applicant □ Agent on behalf of the applicant in connection with this application) **Applicant Details** Please enter Applicant details You must enter a Building Name or Number, or both: \* Title: Newmarket street Other Title: **Building Name:** Zoe 6 First Name: \* **Building Number:** Address 1 Hunter 6 Newmarket Street Last Name: \* (Street): \* They Bake Itd Company/Organisation Address 2: 07815915263 Ayr Telephone Number: \* Town/City: \* Scotland Country: \* **Extension Number:** Ka7 1lp Mobile Number: Postcode: \* Fax Number: theybake@outlook.com Email Address: \*

Site Address Details			
Planning Authority: South Ayrshire Council			
Full postal address of the s	site (including postcode where availab	le):	
Address 1:	6 NEWMARKET STREET		
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	AYR		
Post Code:	KA7 1LP		
	e location of the site or sites		233772
Northing	21900	Easting	233112
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)  Re paint building			
Type of Application  What type of application did you submit to the planning authority? *			

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 an	ny agreed extension) – o	leemed refus	sal.
Statement of reasons for seeking review			
You must state in full, why you are a seeking a review of the planning authority's decision (or must set out all matters you consider require to be taken into account in determining your reseparate 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 la all of the information you want the decision-maker to take into account.	ter date, so it is essentia	al that you pr	oduce
You should not however raise any new matter which was not before the planning authority a the time expiry of the period of determination), unless you can demonstrate that the new mattime or that it not being raised before that time is a consequence of exceptional circumstance.	tter could not have been		
We are seeking an appeal on the decision as we could not have opened our premises of the current condition of the shop. The tiles which were in the original description are still in tact. We have painted over these to give the building a clean look which has only been praised by the local community. The building before was damaged and the cockerel on the building was defaced which we had cleaned and all graffiti removed. We have improved the street with the current look.			
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 n your application was determined and why you consider it should be considered in your review			efore
Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the	submit with your notice on process: * (Max 500 c	of review and the contracters)	d intend
Photos of before and after showing the damage to the building and the look we have left it	with		
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	21/00175/APP		
What date was the application submitted to the planning authority? *	18/02/2021		
What date was the decision issued by the planning authority? *	20/02/2021		

Review Proced	ure		
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.			
	a conclusion, in your opinion, based on a review of the relevant informather procedures? For example, written submission, hearing session, si		
In the event that the Local R	eview Body appointed to consider your application decides to inspect t	the site, in your opinion:	
Can the site be clearly seen	from a road or public land? *		
Is it possible for the site to be	e accessed safely and without barriers to entry? *	⊠ Yes □ No	
Checklist – App	olication for Notice of Review		
	ng checklist to make sure you have provided all the necessary informa is may result in your appeal being deemed invalid.	tion in support of your appeal. Failure	
Have you provided the name	e and address of the applicant?. *	X Yes No	
Have you provided the date a review? *	and reference number of the application which is the subject of this	Ⅺ Yes ☐ No	
	on behalf of the applicant, have you provided details of your name whether any notice or correspondence required in connection with the or the applicant? *	☐ Yes ☐ No ☒ N/A	
	ent setting out your reasons for requiring a review and by what f procedures) you wish the review to be conducted? *	Ⅺ Yes ☐ No	
require to be taken into acco at a later date. It is therefore	why you are seeking a review on your application. Your statement mu unt in determining your review. You may not have a further opportunity essential that you submit with your notice of review, all necessary info w Body to consider as part of your review.	y to add to your statement of review	
	ocuments, material and evidence which you intend to rely on hich 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 - Notic	e of Review		
I/We the applicant/agent cert	tify that this is an application for review on the grounds stated.		
Declaration Name:	Mrs Zoe Hunter		
Declaration Date:	18/10/2021		

















County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk 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 100355516-001 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) We would like to repaint the outside of the shop using https://www.homebase.co.uk/farrow-ball-exterior-eggshell-peignoir-no-286-750ml\_p351133 for the main part of the outside and then https://www.homebase.co.uk/farrow-ball-no-272-plummett-exterioreggshell-paint-750ml\_p429760 for the wood edging along the canopy's and the shutter door. We propose to use J Tisor painter and decotator. ☐ Yes ☒ No Is this a temporary permission? \* Yes 🛛 No If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) \* Has the work already been started and/or completed? \*

### **Applicant or Agent Details**

No Yes – Started Yes - Completed

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)

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$\triangle$	Applicant	∟ Agent

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Applicant De	tails		
Please enter Applicant d	letails		
Title:	Mrs	You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	Newmarket street
First Name: *	Zoe	Building Number:	6
Last Name: *	Hunter	Address 1 (Street): *	6/8 Newmarket Street
Company/Organisation	They Bake Itd	Address 2:	
Telephone Number: *	070/50/5000	Town/City: *	Ayr
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	Ka7 1lp
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	South Ayrshire Council		
Full postal address of the	e site (including postcode where available):		
Address 1:	6 NEWMARKET STREET		
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	AYR		
Post Code:	KA7 1LP		
Please identify/describe the location of the site or sites			
Northing	621980	Easting	233772

Pre-Application D	iscussion		
Have you discussed your propos	al with the planning authority? *		🛛 Yes 🗌 No
Pre-Application D	iscussion Details (	Cont.	
In what format was the feedback		aail	
Please provide a description of the agreement [note 1] is currently in	the feedback you were given and the place or if you are currently discus nelp the authority to deal with this appropriate the second sec	e name of the officer who provid sing a processing agreement wi	th the planning authority, please
	e planning department regarding the plain that planning permission, listed	_	
Title:		Other title:	
First Name:		Last Name:	
Correspondence Reference Number:		Date (dd/mm/yyyy):	
	t involves setting out the key stages whom and setting timescales for the		
Site Area			
Please state the site area:	28.39		
Please state the measurement ty	/pe used: Hectares (ha	Square Metres (sq.m)	
Existing Use			
	ost recent use: * (Max 500 charact	·	
The current premises is empty	and was used previously as West 0	Coast Fisheries	
Access and Parki	ng		
Are you proposing a new altered	vehicle access to or from a public r	oad? *	Yes X No
	on your drawings the position of an d also show existing footpaths and i		
Are you proposing any change to	o public paths, public rights of way o	or affecting any public right of ac	cess? * Yes X No
If Yes please show on your draw arrangements for continuing or a	rings the position of any affected are alternative public access.	eas highlighting the changes you	propose to make, including

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0	
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)? *	0	
Please show on your drawings the position of existing and proposed parking spaces and identify if thes types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	se are fo	the use of particular
Water Supply and Drainage Arrangements		
Will your proposal require new or altered water supply or drainage arrangements? *		Yes X No
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *		X Yes □ No
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 connection required  If No, using a private water supply, please show on plans the supply and all works needed to provide it	(on or o	ff sita)
ii No, using a private water suppry, please show on plans the supply and all works needed to provide it	(011 01 0	n site).
Assessment of Flood Risk		
Is the site within an area of known risk of flooding? *	Yes	No Don't Know
Is the site within an area of known risk of flooding? *  If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information r	before y	our application can be
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment	before ye nay be r	our application can be
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If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information represented to your proposal may increase the flood risk elsewhere? *  Trees  Are there any trees on or adjacent to the application site? *  If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to	before your may be read the second the secon	our application can be equired.  No Don't Know  Yes No
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information reduced to you think your proposal may increase the flood risk elsewhere? *  Trees  Are there any trees on or adjacent to the application site? *  If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close that any are to be cut back or felled.	before your may be read the second the secon	our application can be equired.  No Don't Know  Yes No
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information representation to your think your proposal may increase the flood risk elsewhere? *  Trees  Are there any trees on or adjacent to the application site? *  If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close that any are to be cut back or felled.  Waste Storage and Collection	before your may be read the second the secon	our application can be equired.  No Don't Know  Yes No  Doposal site and indicate if
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information representation of the plans incorporate areas to store and aid the collection of waste (including recycling)? *	before your may be read to the proof	our application can be equired.  No Don't Know  Yes No  Doposal site and indicate if
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information r Do you think your proposal may increase the flood risk elsewhere? *  Trees  Are there any trees on or adjacent to the application site? *  If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to 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)? *  If Yes or No, please provide further details: * (Max 500 characters)	before your may be read to the proof	our application can be equired.  No Don't Know  Yes No  Doposal site and indicate if
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information r Do you think your proposal may increase the flood risk elsewhere? *  Trees  Are there any trees on or adjacent to the application site? *  If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to 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)? *  If Yes or No, please provide further details: * (Max 500 characters)	before your may be read to the proof	our application can be equired.  No Don't Know  Yes No  Doposal site and indicate if

All Types of Non Housing Development – Proposed No	ew Floorspace
Does your proposal alter or create non-residential floorspace? *	☐ Yes ☒ No
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 authority will do this on your behalf but will charge you a fee. Please check the planning authority's we 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 contess before contacting your planning authority.	check the Help Text and Guidance
Planning Service Employee/Elected Member Interest	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service elected member of the planning authority? *	or an Yes X No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEV PROCEDURE) (SCOTLAND) REGULATION 2013	ELOPMENT MANAGEMENT
One Certificate must be completed and submitted along with the application form. This is most usually Certificate B, Certificate C or Certificate E.	Certificate A, Form 1,
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? *	X 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; (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. Mrs Ruth Knowles Name: Address: romar, upper dalhouse, bonnyrigg, mid lothian, eh19 3hz Date of Service of Notice: \* 26/01/2021 Ms marnie mcvitie Name: Address: 4, 4 cross street, peebles, eh45 8le Date of Service of Notice: \* 26/01/2021 (2) - None of the land to which the application relates constitutes or forms part of an agricultural holding; (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:	Mrs Zoe Hunter		
On behalf of:			
Date:	04/02/2021		
	⊠ 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 No No not applicable to this application			
b) If this is an application for planning permission or planning permission in principal 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			
to regulation 13. (2 Statement? *	cation for planning permission and relates to development belonging to the category of local developments (subject ) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design  Not applicable to this application		
	n relates to installation of an antenna to be employed in an electronic communication network, have you provided an		
ICNIRP Declaration			
	cation for planning permission, planning permission in principle, an application for approval of matters specified in plication for mineral development, have you provided any other plans or drawings as necessary:		
Elevations.  Floor plans.  Cross sections  Roof plan.  Master Plan/F  Landscape pla	ramework Plan.		

If Other, please specify: * (Max 500 characters)				
Provide copies of the follow	ving documents if applicable:			
A Flood Risk Assessment. A Drainage Impact Assess Drainage/SUDS layout. * A Transport Assessment o Contaminated Land Assess Habitat Survey. * A Processing Agreement. *	sign and Access Statement. *  * ment (including proposals for Sustainable Drainage Systems). *  r Travel Plan sment. *	Yes N/A		
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:	Mrs Zoe Hunter			
Declaration Date:	17/02/2021			
Payment Detai	ils			
		Created: 17/02/2021 12:49		



5150mm



The lettering is graphite black foam with a 20mm return and a 5mm acrylic graphite face.

Applied to pre painted fascia.

Printed vinyl logo and vinyl lettering, applied to pre painted fascia.

#### SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

This drawing is issued for Advertisement Consent



Address: 6 Newmarket Street, Ayr, KA7 1LP

Email: theybake@outlook.com

Proposed shopfront of building, 6 Newmarket Street, Ayr, KA7 1LP for They Bake

**Proposed Front Elevation** 

1/25

Scale:

@A3

Date:

The lettering is graphite black foam with a 20mm return and a 5mm acrylic graphite face.

### 5150mm



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Applied to pre painted fascia.

Printed vinyl logo and vinyl lettering, applied to pre painted fascia.

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## Proposed Front Elevation

1/25

Scale:

@A3

Date:



3430mm www.theybake.com

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Address: 6 Newmarket Street, Ayr, KA7 1LP

Email: theybake@outlook.com

Date:

Proposed shop side of building, 6 Newmarket Street, Ayr, KA7 1LP for They Bake

Proposed Side Elevation

1/25

Scale:

@A3





The lettering is graphite black foam with a 20mm return and a 5mm acrylic graphite face.

Applied to pre painted fascia.

Printed vinyl logo and vinyl lettering, applied to pre painted fascia.

## SOUTH AYRSHIRE COUNCIL

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Date:

Proposed shop side of building, 6 Newmarket Street, Ayr, KA7 1LP for They Bake

Proposed Side Elevation

1/25

Scale:

@A3



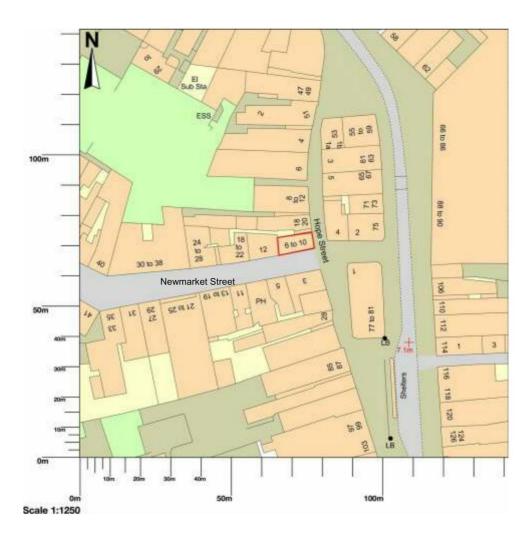




Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.



### 6 Newmarket Street, Ayr, KA7 1LP



Map area bounded by: 233701,621909 233843,622051. Produced on 26 January 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/564393/764517

Farrow & Ball 'Peignoir'
Anthor site Ones
Anthracite Grey

Proposed colours for repainting external elevations are:

#### **Proposed Method of Works**

Simpson and Shaw will be doing the re-painting and they have confirmed that they are aware of the tiles and they will be using tile paint to avoid any disruption to the current finish.

#### SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

#### LOCAL DEVELOPMENT

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

Ref No: 21/00175/APP

#### **SOUTH AYRSHIRE COUNCIL**

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by the PLANNING ETC. (SCOTLAND) ACT 2006

#### TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: They Bake Ltd
Mrs Zoe Hunter
6 Newmarket Street
Ayr
KA7 1LP

With reference to your application dated **12th April 2021** for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

#### Repainting of existing building

#### at: 6 Newmarket Street Ayr South Ayrshire KA7 1LP

The Council in exercise of their powers under the above-mentioned Acts and Orders hereby **refuse** planning permission for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/planning/.

The reasons for the Council's decision are:

- (1) That the proposal is contrary to the provisions of Scottish Planning Policy, Historic Environment Policy for Scotland, Historic Scotland's Managing Change in the Historic Environment document on 'Shopfront and Signage', 'Setting' and South Ayrshire Council's Supplementary Guidance on the Historic Environment, by reason that the painting the vitrolite tiles found at the premises does not enhance or preserve the character or appearance of the Ayr Central Conservation Area.
- (2) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Spatial Strategy, LDP Policy: Sustainable Development, and LDP Policy: Historic Environment, by reason that the painting the vitrolite tiles found at the premises does not preserve or enhance the character or appearance of the Ayr Central Conservation Area.

#### **List of Plans Determined:**

Drawing - Reference No (or Description): Refused LOCATION PLAN

Drawing - Reference No (or Description): Refused DRAWING ALL DETAILS AS PROPOSED

Other - Reference No (or Description): Refused EXISTING ELEVATION

Other - Reference No (or Description): Refused PAINT COLOURS

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

Dated: 20th July 2021

.....

**Julie Nicol** 

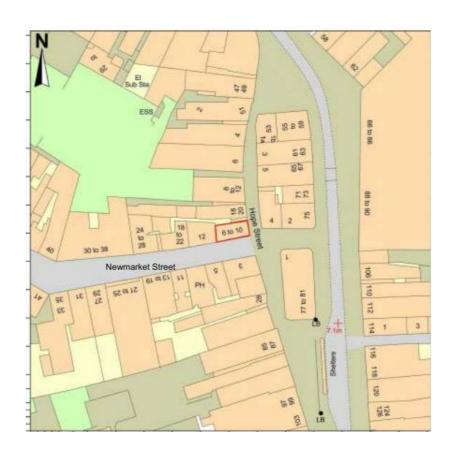
**Service Lead – Planning and Building Standards** 

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

### LOCAL REVIEW

Planning application Reference: 21/00175/APP
6 Newmarket Street, Ayr
Repainting of existing building

### Location Plan – 6 Newmarket Street, Ayr



# Proposed front and side elevations, as submitted



Front elevation fronting Newmarket Street



Side elevation fronting Hope Street

Existing building (images from Google Streetview dated 2017, as building had been painted prior to officer's site visit).



**Elevation fronting Newmarket Street** 



Side elevation fronting Hope Street

## Officer Site Photographs (Saturday 15<sup>th</sup> May 2021)





