

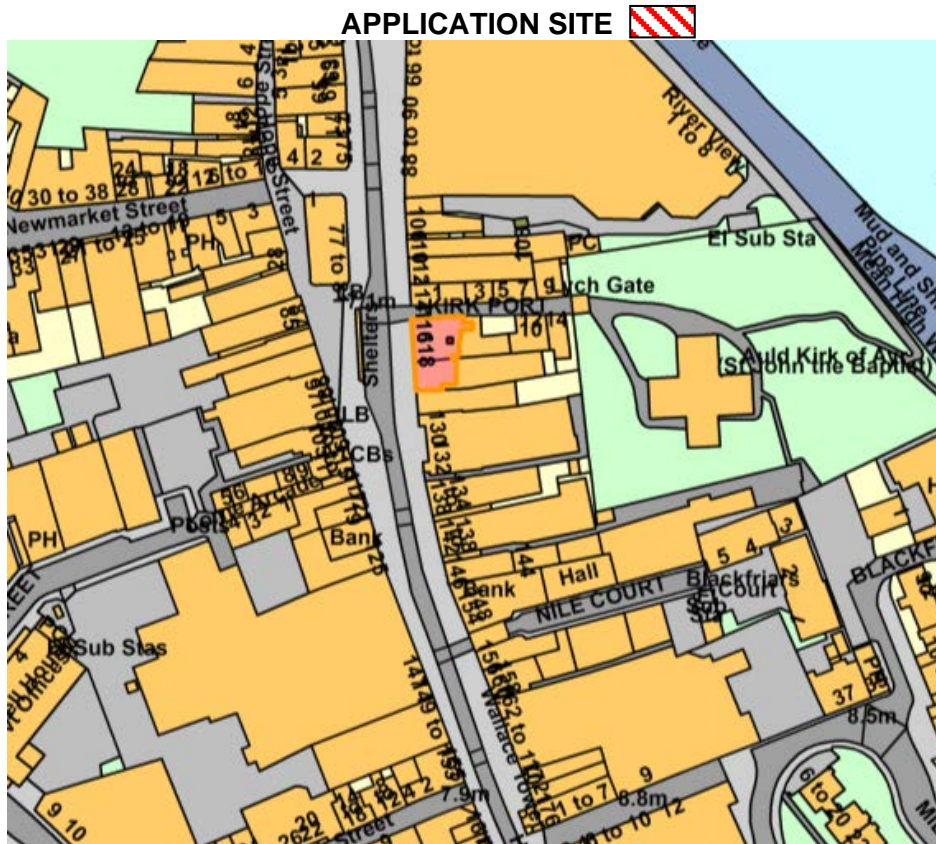
# REGULATORY PANEL: 11 MAY 2023

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00975/APP

116 - 122 HIGH STREET AYR SOUTH AYRSHIRE KA7 1PQ

### Location Plan



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

### Summary

Planning permission is sought for alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats at 116 - 122 High Street, Ayr. The application site of the proposed development comprises a Category C listed three-storey building located at 116 - 122 High Street. The site falls within Ayr Central Outstanding Conservation Area. The building is currently vacant with the ground floor most recently utilised as class 1 retail unit. The application site is bound to the west by the High Street and to the north by Kirk Port which leads to/from the Auld Kirk of Ayr.

The proposal is considered to represent the suitable re-use of a vacant building located within the Ayr Town Centre, while ensuring that the character, appearance and setting of the listed building/ conservation is preserved as a consequence of the physical works associated with the development proposals.

10 representations have been received, 9 of which object to the application proposals. One of the objections has been submitted by the Fort, Seafeld and Wallacetown Community Council. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issued being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

**REGULATORY PANEL: 11 MAY 2023**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00975/APP</b>
<b>SITE ADDRESS:</b>	<b>116 - 122 High Street Ayr South Ayrshire KA7 1PQ</b>
<b>DESCRIPTION:</b>	<b>Alterations and change of use of first and second floors from offices / retail storage to form 6 dwellingflats</b>
<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>

### APPLICATION 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 is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### **1. Proposal:**

Planning permission is sought for alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats at 116 - 122 High Street, Ayr.

The application site of the proposed development comprises a Category C listed three-storey building located at 116 - 122 High Street. The site falls within Ayr Central Outstanding Conservation Area. The building is currently vacant with the ground floor most recently utilised as class 1 retail unit. The application site is bound to the west by the High Street and to the north by Kirk Port which leads to/from the Auld Kirk of Ayr.

The application proposals involve the alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats. The proposed alterations involve internal alterations to create 3no. dwelling flats on each of the first and second floor levels, the refurbishment, upgrading and repair of the fabric of the existing building and the replacement of the existing timber windows with timber double glazed windows to match existing. The proposed alterations also involve the installation of air source heat pumps and the PV panels on the rear elevation of the existing building. The access to the new dwellingflats on the upper floors will be via the existing door at ground floor level off Kirk Port into the existing rear staircase. The external doors are proposed to be replaced, and the ground floor entrance area will be refurbished. New lobbies will be formed at the first and second floor level which will lead to the front doors of each flat.

Currently the first floor at 116 -122 High Street is open plan and appears to have been used as an office space. The proposal is to insulate the external walls, upgrade the separating floor with the second floor above, replace the windows and introduce new internal partitions to form the new layout for 3no. single bedroom apartments.

The second floor at 116 – 118 High Street still has the original flat layout, which will be altered, with new steelwork over, and new partitions introduced to form 2no. single bedroom dwellingflats. The second floor of 120 – 122 High Street will have new partitions introduced to form a further single bedroom dwellingflat.

## **Regulatory Panel (Planning): 11 May 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/00975/APP)

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved.

### **2. Consultations:**

**Waste Management** - offer no objection to the proposals. The Council's Waste Management Service indicates that they will schedule the collection of waste to be appropriate to the properties so there is no requirement for any additional bins to that shown within the application submission.

**Ayrshire Roads Alliance (ARA)** - offer no objection subject to advisory note.

**Environmental Health (EH)** - offer no objection subject to conditions.

### **3. 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.

The application has been accompanied by a series of floor and elevation plans and drawings, a Planning Design Statement, A Noise Assessment, and a Structural Condition Survey.

### **4. 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.

### **5. 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.

### **6. Representations:**

10 representations have been received, 9 of which object to the application proposals. Two of the objections have been submitted by the Fort, Seafield and Wallacetown Community Council. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for representees to make further submissions upon the issue of this Panel Report, by requesting to address the Panel directly.

### **7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

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 (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.

(i) National Planning Framework 4 (NPF4) (2023)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. 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. An assessment of the proposals against the provisions of NPF4 is set out below.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 7 Historic assets and places
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 11 Energy
- Policy 14 Design, Quality and Place
- Policy 15 Local living and 20 minute neighbourhoods
- Policy 16 Quality Homes
- Policy 27 City, town, local and commercial centres

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

NPF4 emphasises the need to make efficient use of existing buildings, land and infrastructure and to redevelop rural and urban brownfield sites before greenfield sites. The preservation of the historic environment is also a key consideration.

Brownfield land is defined in the NPF4 as "land which has been previously developed" and includes vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. In this regard, it is of note that the site is located within Ayr Town Centre. The site is considered to fall within the above noted NPF4 definition of brownfield land. As such, it is considered that the application proposals represent the sustainable development of a brownfield site. As noted above, the site is located within Ayr Town Centre. NPF4 supports the principle of town centre living especially in upper floors and the re-use of vacant buildings.

NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. As noted above, the site is considered to represent sustainable development due to involving the re-use of unused building within a settlement. The location within the town centre also supports local living and the principle of 20-minute neighbourhoods.

With regards to 'Placemaking', NPF4 states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It is considered that the proposal offers the opportunity to re-use an empty listed building located within the Ayr Central Conservation Area without significant adverse impact on the character or townscape setting of the area, or on the amenity of the locality. The proposal is therefore not considered to contravene the NPF4 in terms of 'Placemaking'.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

- **Local Development Plan 2 (LDP2)**

The following policies of LDP2 are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Town Centre (guiding land use)
- o LDP Policy: Ayr Town Centre; and
- o LDP Policy: Historic Environment.

An assessment of the proposals against the provisions of the Local Development Plan is set out below.

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.

- Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management;

The above strategic policies seek to direct development, including residential development, to the most environmentally suitable places with the best infrastructure. While the site is not specifically identified as a housing allocation site, proposals for residential development can be considered under the LDP Policy in relation to residential development within settlements and windfall sites. Further assessment of the development proposal against the LDP policy in relation to residential development within settlements and windfall sites is set out below.

The strategic policies also seek to ensure that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings. In considering the development proposal, it is noted that the proposal represents the development of the upper floors of a vacant building located at 116 – 122 High Street, Ayr. The application site is located within Ayr Town Centre, as prescribed by the LDP, and will facilitate more opportunities for local living, including the principles of '20 minute neighbourhoods'.

- LDP Policy: Town Centre (guiding land use) & LDP Policy: Ayr Town Centre

In terms of the proposed residential use, scope exists for the conversion of properties to provide dwellings subject to compliance with LDP policy: town centre, townscape consideration, the provision of an acceptable residential amenity, and the proposed dwelling(s) having access gained not solely through business or retail premises. The proposed dwellingflats are to be accessed via the entrance to the side of the application site which would not require access through the retail unit. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site and that the site occupies a town centre location.

- LDP Policy: Historic Environment

In terms of the conservation It is recognised that from certain viewing angles that the proposed works may be visible. That said, when viewed within the context of the building it is likely that the visual impact of the proposed works would be negligible. The proposed works are considered to respect the character and appearance of the listed building and conservation area.

The development proposal has been assessed against the above policies and is considered to be in accordance with the adopted South Ayrshire Local Development Plan 2, and is not considered to contravene any other policies of the development plan.

### Summary of Assessment against LDP2

Following review, it has been established that Local Development Plan 2 (LDP2) is generally supportive of the reuse of an empty building to provide residential accommodation in this location. It is considered that the application submission demonstrates and satisfied that the proposed development is compliant with the policies which cover these topics across LDP2.

#### **(ii) Material considerations**

- Government/ Council Guidance

Policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland (HEPS) largely emphasise the provisions contained within NPF4 in relation to preserving and enhancing the historic environment. 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. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

- o Historic Environment Scotland - Managing Change in the Historic Environment;

Historic Environment Scotland offers guidance through its 'Managing Change' series. The 'Setting' guidance note acknowledges that "Setting can be important to the way in which historic structures or places are understood, appreciated and experienced", and that "setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes." Planning authorities are expected to take into account the setting of historic assets in the determination of applications for planning permission.

The 'External Walls' guidance note acknowledges that the external walls of historic buildings are an important element in defining its character; and maintenance and appropriate repair are the best means of safeguarding the historic character of a wall. The 'Walls' guidance note acknowledges that indent repairs should be carried out in stone that best matches the existing stonework in mineralogical composition and carried out to the highest technical standards.

In considering the setting and walls of the application site, it is noted that the existing exterior of the building will remain substantially unaltered, with only minor external alterations, and therefore the visual impact of the proposal will be minimal.

The Managing Change document on Windows states that windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and proportion of a window, the pattern of design, the materials and details of construction, the method of opening, the finish, and associated fixtures typically contribute to the interest of a historic window. Where there is no alternative to the replacement of historic windows or elements of their joinery or glazing, the new elements should match the original in all respects. This should include exact replication of the opening method, astragal dimensions and profiles, fixing of the glass (e.g. putty) and the reuse of historic glass where this contributes to a building's character. Changes in framing materials or types of glazing, the adoption of different opening methods, the insertion of extractor fans and other similar features, or the use of planted-on or sandwiched astragals should normally be avoided.

An assessment of the proposed replacement windows is set out elsewhere in this report.

The Managing Change document on Micro-renewables states that micro-renewable installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources. Renewable energy systems will often have some visual or physical impact on the building or site they serve. It is important to minimise this impact to maintain the character and significance of the historic asset, whether it is a building, archaeological site, garden or designed landscape. When renewable systems subsequently become obsolete, it should be possible to remove them without causing harm to the building or site, or exposing unnecessary damage caused by installation.

Where possible, installations on a building should avoid its main and visible elevations. For instance, it may be possible to place installations on secondary parts of the building, adjacent outbuildings or on the ground nearby. Solar collectors can be installed on pitched or flat roofs, or may be integrated into the roof so that they are flush with its surface. For the integrity of the building, it is usually desirable to mount panels over existing slates.

Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields.

Due to the position of the proposed solar panels and air source heat pumps on an elevation which is not publicly visible, it is not considered that the development shall adversely impact the visual appearance of the conservation area or setting of the listed building. Therefore, the proposed development is considered to have a neutral impact on the character and appearance of the conservation area and listed building. A suitable condition is also proposed to ensure that should the panels become redundant, they shall be removed from the site.

- o South Ayrshire Council - Planning Guidance - Historic Environment;

The above guidance echoes the principles of NPF4 and the HEPS in terms of development proposals affecting listed buildings and conservation areas.

On the basis of the information contained within the application submission and for these reasons noted elsewhere in this report, it is considered that the proposals comply with the HEPS, HEPS Managing Change Series Guidance and the Council's Guidance, and are not significantly detrimental to the character and setting of the listed building or conservation area.

- o South Ayrshire Council Guidance - Open Space and Designing New Residential Developments;

The Council's Supplementary Planning Guidance in relation to 'Open Space and Designing New Residential Developments' is material to the assessment of the current application. This guidance seeks to provide a minimum of 50 square metres per flat. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site. Whilst the non-provision of private amenity space to the flatted dwelling is in conflict with the terms of the SPG on Open Space, it is considered that the proposal is characteristic of residential development in the town centre locality of the application site and is therefore acceptable in this instance.

The Council's Supplementary Planning Guidance in relation to 'Open Space and Designing New Residential Developments' requires for formal play areas (or a financial contribution in lieu of onsite play equipment) when 6 or more units are created. It is noted from the existing floor plans that a single dwellingflat exists at the building's 2nd floor level. As such, the application proposals will result in the creation of 5 further dwellings, it is not considered that there is a requirement to provide a formal play area or financial contribution, in this instance.

- o South Ayrshire Council Guidance – Affordable Housing;

Given the number of units proposed and the size of the site (approximately 0.15 ha), the Council's Affordable Housing policy (LDP policy: Affordable Housing and supplementary planning guidance) does not apply. It is not therefore necessary to seek the provision of affordable housing within these development proposals.

- Planning History

A listed building application (22/00990/LBC) for 'alterations to the listed building' was approved under delegated powers on 2<sup>nd</sup> February 2023.

- Representations (Objector Concerns)

10 representations have been received, 9 of which object to the application proposals. Two of the objections have been submitted by the Fort, Seafield and Wallacetown Community Council. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

- Concerns relating to the lack of bin storage provision, that the bins will be stored permanently on Kirk Port which will impede pedestrian access and also detract from the setting of the listed building, and that the proposed bin storage arrangements lack capacity to serve the proposed dwellingflats.

**During the assessment of the application, the Planning Service sought clarification from the applicant's agent relating to the proposed waste management arrangements. Subsequently, the applicant's agent submitted an update ground floor plan (as proposed) which confirmed that a bin storage area would be provided. The bin storage area provides provision for green, blue, grey, glass and food waste and will be accessed via a separate access from Kirk Port. The Council's Waste Management Service provided comment on the proposed bin storage arrangements and offered no objection to the proposals. The Council's Waste Management Service indicates that they will schedule the collection of waste to be appropriate to the properties so there is no requirement for any additional bins to that shown within the application submission.**

**In terms of the impact on the setting of the listed building, an assessment of the proposals impact on the historic environment is set out elsewhere in this report.**

- Noise concerns from the proposed air source heat pumps.

**The Council's Environmental Health Service has been consulted on this application and offer no objection, subject to conditions. Specifically, EH has requested a condition which requires for an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system/air sourced heat pump complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation**

- Discrepancies with the site address within the submitted application.

**The applicant's agent has confirmed the that the application site address is 116- 122 High Street, Ayr.**

- Concern has also been expressed that the proposals are unacceptable from an access, road safety and parking perspective.

**The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.**

- Concerns relating to the neighbour notification process.

**This matter was investigated whereby it was determined that properties on Kirkport had not been neighbour notified. Subsequently, the Planning Authority re-neighbour notified so as to fulfil the requirements of the Development Management Procedures.**

- General Impact on the Locality (Residential and Visual Amenity)

The proposed alterations involve internal alterations to create 3no. dwelling flats on each of the first and second floor levels, the refurbishment, upgrading and repair of the fabric of the existing building and the replacement of the existing timber windows with timber double glazed windows to match existing. The proposed alterations also involve the installation of air source heat pumps and the PV panels on the rear elevation of the existing building.

It is noted from the submitted information that the building is currently vacant and therefore a suitable reuse for the building is to be welcomed. The adopted LDP indicates that in town centres, shops should be the prominent ground floor use and the proposal retains a class 1 retail use fronting onto High Street.



In terms of the proposed residential use, scope exists for the conversion of properties to provide dwellings subject to compliance with LDP policy: town centre, townscape consideration, the provision of an acceptable residential amenity, and the proposed dwelling(s) having access gained not solely through business or retail premises. The proposed dwellingflats are to be accessed via an independent entrance to the side of the application site which would not require access through the retail unit. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site and that the site occupies a town centre location.

The proposed physical works associated with the application involve conservation repairs concerning the external stonework/ slates at 116 High Street, Ayr. It is understood that some of the stonework and slates on the building have suffered deterioration. The proposed restoration works to the sandstone/ slates represents sound practice for the repair and maintenance of a listed building, and allow the original elements to remain unaltered in shape/ size/ appearance.

The proposed physical works also involve the installation of double-glazed timber sash and case windows in lieu of existing single-glazed timber sash and case windows. There are no objections to the principle of replacement timber sash and case windows on the basis that the windows presently installed are in a state of disrepair, and are having an adverse impact on the character, appearance and setting of the listed building. A condition can be attached to the consent which requires for details of the replacement sash and case windows to be submitted for the prior written approval of the Planning Authority. On this basis, the installation of replacement timber sash and case windows is considered to be acceptable.

In terms of the impact on the historic environment, it is recognised that from certain viewing angles that the proposed conservation repair works may be visible. That said, when viewed within the context of the building it is likely that the visual impact of the proposed works would be negligible. The proposed conservation repair works are considered to respect the character and appearance of the listed building and conservation area. As set out above, due to the position of the proposed solar panels and air source heat pumps on an elevation which is not publicly visible, it is not considered that the development shall adversely impact the visual appearance of the conservation area or setting of the listed building. Therefore, the proposed development is considered to have a neutral impact on the character and appearance of the conservation area and listed building. A suitable condition is also proposed to ensure that should the panels become redundant, they shall be removed from the site.

The Ayrshire Roads Alliance offers no objections to the proposals, and it is noted that given the town centre location, a choice of modes of transport, including walking and cycling are available to the future occupants. The Environmental Health Service and Waste Management Service also offer no objection to the proposal.

## **8. Conclusion:**

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Subject to specific conditions restricting details of the proposed replacement windows, the submission of an acoustic consultant's report relating to the proposed air sourced heat pumps and that the PV panels/ air source heat pumps should be removed in the vent they become redundant, it is considered that the proposal complies with the provisions of the planning policy framework and that there would be no significant adverse impact on the historic environment setting and amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

**9. Recommendation:**

It is recommended that the application is approved subject to the following conditions: -

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) That precise details and specifications, including typical 1:1 cross-sectional plans of the astragals and frames and a sample of the proposed window shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site. Thereafter, the windows as agreed shall be installed to the satisfaction of the Planning Authority.
- (4) That, prior to the commencement of development, an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system/air sourced heat pump complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority. The unit shall be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface.
- (5) In the event that the air source heat pumps/ PV panels become obsolete or redundant they shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

**9.1 Reasons:**

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To safeguard the character and appearance of the conservation area.
- (4) In order to prevent additional noise caused by vibration.
- (5) To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

**9.2 Advisory Notes:**

The Council as Roads Authority advises that the residents will qualify for Residents Parking Permits in accordance with the Council's Controlled Parking Zone TRO.

**9.3 List of Determined Plans:**

- Drawing - Reference No (or Description): L(00)001
- Drawing - Reference No (or Description): L(01)001
- Drawing - Reference No (or Description): L(01)002
- Drawing - Reference No (or Description): L(01)003
- Drawing - Reference No (or Description): L(01)004 Rev A
- Drawing - Reference No (or Description): L(01)005 Rev B
- Drawing - Reference No (or Description): L(01)006
- Drawing - Reference No (or Description): L(02)001
- Drawing - Reference No (or Description): L(02)002
- Drawing - Reference No (or Description): L(02)004
- Drawing - Reference No (or Description): L(02)005
- Drawing - Reference No (or Description): L(02)006

**Regulatory Panel (Planning): 11 May 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/00975/APP)

Drawing - Reference No (or Description): L(02)006

Drawing - Reference No (or Description): L(02)003

**9.4 Reason for Decision (where approved):**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

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

**Background Papers:**

1. Application form, plans and submitted documentation.
2. Representations.
3. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).

**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.

**Person to Contact:**

Mr David Clark, Supervisory Planner - Place Planning - Telephone 01292 616 118