

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No.01292 612436



24 May 2024

To: Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont, Mackay and Townson

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Thursday, 6 June 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Dundonald Room.

This meeting will be held in the County Hall County Buildings, Ayr on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of:-
 - (a) 30 April 2024 (Special); and
 - (b) 9 May 2024(copies herewith).
3. Application continued from the Regulatory Panel of 9 May 2024 and the Regulatory Panel (Site Visit) to take place on 3 June 2024: 23/00728/APP Prestwick St Cuthbert Golf Club, Prestwick (report considered by the Regulatory Panel on 9 May 2024 herewith).
[Application summary](#)
4. Hearing relating to an Application for Planning Permission - Submit report by the Housing, Operations and Development Directorate (copy herewith).

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REGULATORY PANEL (SPECIAL) PLANNING

Minutes of a hybrid webcast meeting
on 30 April 2024 at 1.00 p.m.

Present

In County

Buildings: Councillors Martin Kilbride (Chair), Ian Cavana, Alec Clark, Mark Dixon and Alan Lamont.

Present

Remotely: Councillors Craig Mackay and Duncan Townson.

Apologies: Councillors Kenneth Bell and Mary Kilpatrick.

Attending

in County

Buildings: C. Iles, Service Lead (Planning and Building Standards); K. Briggs, Service Lead – Legal and Licensing; A. Gibson, Committee Services Officer; and C. McCallum, Clerical Assistant.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Public Access Exemption Order: the 152nd Open at Royal Troon Golf Course (Camping Sites).

There was submitted a report ([issued](#)) of 24 April 2024 by the Housing, Operations and Development Directorate seeking authority to undertake a public consultation regarding proposed temporary public access exemption orders for areas of land affected by the staging of the 152nd Open 2024 at Royal Troon Golf Course, in particular the camping sites for spectators.

The Panel

Decided: to approve the commencement of a public consultation on the proposed temporary public access exemption orders under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Lochgreen Golf Course and the Marr Rugby Club, Troon, as set out in Appendix 1 of the report.

The meeting ended at 1.10 p.m.

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 9 May 2024 at 10.00 a.m.

Present
in County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Alan Lamont and Duncan Townson.

Present

Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Attending
in County

Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; D. Clark, Supervisory Planner; D. Hearton, Lead Conservation Planner; and F. Sharp, Supervisory Planner; A. Gibson, Committee Services Officer; and C. McCallum, Clerical Assistant.

Attending

Remotely: G. Senior, Ayrshire Roads Alliance.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, Councillor Kilbride advised that, in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, he would declare an interest in item 3(1) below as he had met with the applicant. No further declarations of interest by Members of the Panel were made.

2. Minutes of previous meetings.

The Minutes of previous meetings of 22 March 2024 (Site Visit) and 28 March 2024 (issued) were submitted and approved.

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

There were submitted reports (issued) of May 2024 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

Having previously declared an interest in the following planning application, Councillor Kilbride left the meeting at this point.

- (1) **24/00040/APP – AYR – Lorne Arcade, High Street** – Alterations to Shopping Arcade Entrances.

The Panel heard from various interested parties and the applicant's agent.

The Panel adjourned to allow Members to discuss the application further.

Upon reconvening, the Panel

Decided: to refuse this application on the grounds that the proposed installation of shutters was contrary to the provisions of Policy 15 of NPF4 and the provisions of South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and LDP Policy: Outdoor Public Access and Core Paths, as they would obstruct a right of way through the Lorne Arcade and access by all non-motorised means which was exercisable under the Land Reform (Scotland) Act 2003 and did not meet with the principles of good place making, local living or 20-minute neighbourhoods; the shutters would adversely affect interconnectivity and permeability between streets and facilities within Ayr town centre, to the detriment of the locale.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)01;
 Drawing - Reference No (or Description): AL(0)02;
 Drawing - Reference No (or Description): AL(0)03;
 Drawing - Reference No (or Description): AL(0)04;
 Drawing - Reference No (or Description): AL(0)05;
 Drawing - Reference No (or Description): AL(0)07; and
 Other - Reference No (or Description): SHUTTER SPECIFICATIONS.

Councillor Kilbride re-joined the meeting at this point.

- (2) **23/00728/APP – PRESTWICK – Prestwick St Cuthbert Golf Club, East Road** – Erection of 60-bedroom residential care home with associated car parking, access and landscaping.

The Panel heard from various interested parties.

The Panel

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

- (3) **23/00761/PPP – SYMINGTON – Knockendale Farm C93 From B730 Junction North West of Bogend South West To Brewlands Road** – Planning permission in principle of agriculture buildings to form two dwellinghouses and erection of dwellinghouse.

The Panel heard from an interested party.

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

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

- (a) that the development to which this permission relates must be commenced no later than 5 years from the date of this permission;
- (b) a further application(s) for the full details of the proposed development including the siting, design, external appearance, means of access, landscaping measures and biodiversity enhancements and any other matters specified in conditions below shall be submitted for the approval of the Planning Authority. No works shall commence on site until the written permission of the Planning Authority has been obtained for the specific matter to which the works relate;
- (c) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (d) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted, for approval, which demonstrates how the design, siting and appearance of the development takes cognisance of the character of the surrounding area. The siting, design and appearance of the dwellinghouse and design statement shall have cognisance of the provisions of Planning Advice Note 72 and the Council's policy guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing. The proposed dwelling shall not exceed one and a half storeys in height, the details of which shall be agreed with the Council, as planning authority, within an Approval of Matters Specified in Conditions application;
- (e) that at the Approval of Matters Specified in Conditions stage details shall be submitted, for approval, of private garden ground in accordance with the Council's planning policy guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas;
- (f) that at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval, and shall comprise the use of native planting rather than the use of high boundary walls and fences, and that with the exception of any new access to serve the dwelling, the existing hedgerows around the site shall be retained and maintained;

- (g) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of any additional landscaping, using native species, along with details of biodiversity enhancement measures to be Implemented within the site, for the written approval of the Council as the planning authority;
- (h) that at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the access arrangements. The proposed access shall be widened in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to the completion of the development;
- (i) that at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the surfacing, off-road parking, and means of surface water run off which shall be prevented from discharging to the public road. The aforementioned details shall accord with the provisions of the National Roads Development Guide; and
- (j) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed drainage arrangements for the for the written approval of the Council as the planning authority, with any private waste arrangements being designed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended).

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006;
- (c) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (d) in order to retain the rural character and amenity of the area, and to accord with the Council planning guidance;
- (e) to comply with the Council's planning policy guidance in relation to open space;
- (f) in the interests of visual and residential amenity;
- (g) in the interest of visual amenity and biodiversity enhancement;
- (h) in the interests of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety; and
- (j) to ensure the development can be adequately serviced.

Advisory Notes:

- That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

List of Determined Plans:

Drawing - Reference No (or Description): EX(0)001;
 Drawing - Reference No (or Description): L(00)003 Rev A; and
 Drawing - Reference No (or Description): L(00)004.

Reason for Decision:

The principle of the development hereby approved is considered to accord with the provisions of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, 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.

- (4) **24/00119/APP – AYR – Doonfoot Primary School, 28 Abbots Way** – Proposed revised layout of existing car park, installation of lighting and erection of fencing.

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission; and
- (b) 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.

Reasons:

- (a) 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; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

- In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228. Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.
To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note 1 The Reduction of Obtrusive Light".
Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

List of Determined Plans:

Drawing - Reference No (or Description): 01;
 Drawing - Reference No (or Description): 02;
 Drawing - Reference No (or Description): 03;
 Drawing - Reference No (or Description): 04;
 Drawing - Reference No (or Description): 05;
 Drawing - Reference No (or Description): 10;
 Drawing - Reference No (or Description): 11;
 Drawing - Reference No (or Description): 12;
 Drawing - Reference No (or Description): 15;
 Drawing - Reference No (or Description): 17;
 Drawing - Reference No (or Description): 18;
 Drawing - Reference No (or Description): EX001;
 Drawing - Reference No (or Description): GA 001 REV D;
 Drawing - Reference No (or Description): GA 002 REVA;
 Drawing - Reference No (or Description): GA 004 Rev A;
 Drawing - Reference No (or Description): GA 005 A;
 Drawing - Reference No (or Description): LP+SP;
 Drawing - Reference No (or Description): Car Park 1 Contours;
 Drawing - Reference No (or Description): Car Park 2 Illuminance;
 Other - Reference No (or Description): Supporting Statement;
 Other - Reference No (or Description): Product Datasheet – lighting;
 Other - Reference No (or Description): Statement in relation to trees; and
 Other - Reference No (or Description): Marshalls Tactile Blister Brochure

Reason for Decision:

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.

4. **Public Access Exemption Order: The South Ayrshire Council (Royal Troon Golf Course 152nd Open) Exempting Land from Access Rights (No. 3) Order, 2024.**

There was submitted a report (issued) of April 2024 by the Housing, Operations and Development Directorate seeking authority to agree a Council response to the public consultation representations and to proceed to make a temporary public access exemption order for area of land affected by the 152nd Open 2024 at Royal Troon Golf Course and South Beach car park.

The Panel

Decided:

- (1) to notes the outcome of the public consultation on the proposed public access exemption for land at Royal Troon Golf Course and to agree the proposed Council response to the representations received, as set out in Appendix 1 of the report; and
- (2) to agree to make a temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Royal Troon Golf Course, and a section of the Smugglers Trail/Wrack Road (Core Paths SA1,SA2 and SA6 and Right of Way SKC 28), and the South Beach car park, as set out in the plan included in Appendix 2 of the report.

The meeting ended at 12.40 p.m.

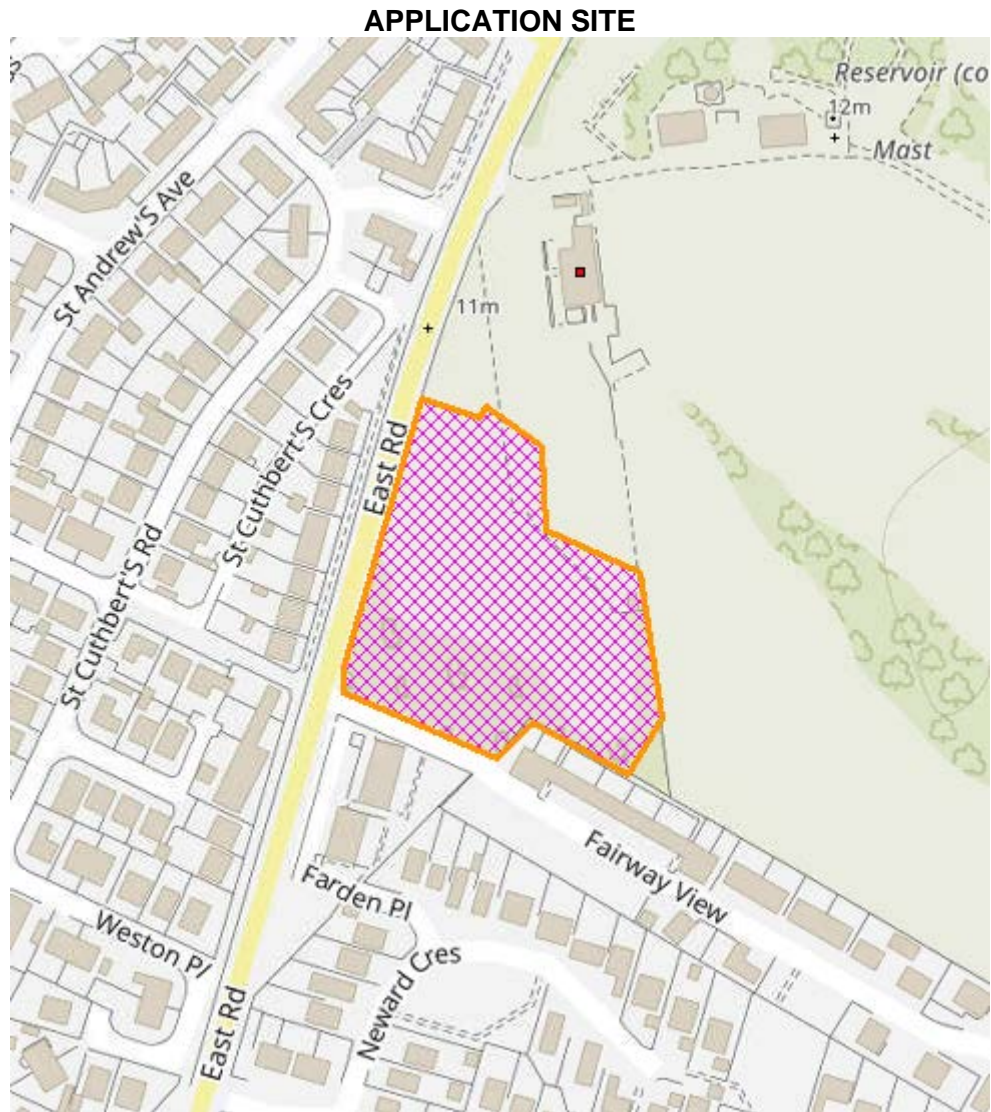
REGULATORY PANEL: 9 MAY 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00728/APP

PRESTWICK ST CUTHBERT GOLF CLUB EAST ROAD PRESTWICK SOUTH AYRSHIRE KA9 2SX

Location Plan



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Summary

Planning permission is sought for the erection of a 60-bedroom residential care home with associated car parking, formation of access and landscaping on land at Prestwick St Cuthbert Golf Club. The application site is located within the settlement boundary of Prestwick, and is designated in the Adopted South Ayrshire Local Development Plan as a residential development site. There are no concerns regarding the intended use of the site for a care home, which is noted as being a form of residential accommodation. The siting, design, scale and appearance of the building are considered to be acceptable. A new access to serve the development is proposed via Fairway View to the south, leading to a dedicated car park area for the development, with 33 off-road parking spaces within the site. Given the location of the site within the settlement boundary, it is well located for access by alternative means of transport, with the development also providing improved pedestrian links and parking for vehicles other than just the private car.

There are no material planning considerations that out-weigh the provisions of development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted below, including, the representations received (53 in total), other policy guidance, and the impact of the proposed development on the locality. Following the assessment below, it is considered that the proposal represents a sustainably located development involving the re-use of partly developed land, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not have an adverse impact on the amenity of the adjoining properties or the character and amenity of the locality. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 9 MAY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00728/APP
SITE ADDRESS:	Prestwick St Cuthbert Golf Club East Road Prestwick South Ayrshire KA9 2SX
DESCRIPTION:	Erection of 60-bedroom residential care home with associated car parking, access and landscaping
RECOMMENDATION:	Approval, subject to conditions

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.

Key Information:

- The application was received on 26 September 2023.
- The application was validated on 4 October 2023.
- The site has been the subject of various site visits, the most recent formal site visit being carried out on 13 February 2024.
- 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 6 October 2023 and again on 21 February 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

The application site is located at the junction of East Road, and Fairway View, Prestwick, and comprises of an area of unused rough, overgrown ground, which until recently formed part of the peripheral area associated with the adjacent of St Cuthbert Golf Club. The site extends to approximately 1.13 ha, and is understood to have been sold by the golf club for development. Areas of hardstanding are evident within the site, which are understood to be associated with the historic use of the site as part of an airfield circa late 1930's - late 1950's. A brick out-building lies on the eastern-most boundary of the site. The topography the site is predominantly flat, although is noted to rise slightly towards the south and south-west, with residual sand mounds present towards the southern boundary. A low post and wire fence extends along the frontage of the site with East Road, which is augmented with trees. Timber fencing extends along the southern boundary. The eastern-most boundary of the site is formed by landscaping and areas of trees adjacent to the golf club. To the north and north-east, temporary fencing has been placed to separate the site from the adjacent golf club. Currently there is no pedestrian or vehicular access to the site via East Road or Fairway View to the south, as historically, access has been taken from within the grounds of the golf club.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Planning permission is sought for the erection of a 60-bedroom residential care home with associated car parking, formation of access and landscaping. The submitted plans show the erection of a T-shaped building, which is to be recessed from the frontage of the site, and positioned close to the northern boundary. A new vehicular access is to be formed from Fairway View to the south, with new pedestrian footpaths linking to existing footpaths along Fairway View and East Road. A new dedicated pedestrian footpath to/ from East Road is to be centrally positioned along the frontage of the site. The vehicular access serves a courtyard car park area with a tuning head for drop-off's and pick-up's, off-street parking originally proposed for up to 25 vehicles, including 3 electric vehicle parking bays, and 3 parking bays for motorcycles, with additional parking and storage for bicycles. Since its original submission, the off-street parking for the proposals has been increased by a further 8 spaces, to a total of 33. The existing trees along East Road are shown as being retained, and augmented with new and additional planting, with the remainder of the site to be landscaped with predominantly soft landscaping. New hard landscaped paths are formed around the building and through the gardens.

In terms of its design, the building is predominantly two storeys in height for each of its three principal accommodation wings to the north, south and east of the site. The central portion of the building serves as the entrance area, as well as accommodating ancillary operational and staff facilities and is proposed to be three storeys in height, with the third floor being the main social area for residents and visitors with social areas being provided inside the building, and on roof terraces to the front and rear of the building. Sixty en-suite bedrooms are proposed within the building, along with ancillary accommodation for residents, in addition to operational areas and areas for staff. An underground attenuation tank for short-term storage of surface water is proposed towards the south-eastern corner of the site, which will be landscaped over. Minor re-grading of levels in the location of the building is proposed. The proposed external materials are shown to include; contrasting buff brick, cast stone detailing, grey roof tiles, with inset photovoltaic panels in certain locations, grey framed windows and doors, black rainwater goods, wood effect and metal cladding, glazed entrance canopy. Further details of the development proposals is set out within the drawings which accompany the submission.

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 more than 10 competent written objections have been received from individuals, in addition to objections having been received from Prestwick Community Council, and the recommendation is to approve the application, subject to conditions.

2. Consultations:

AECOM - no objection.

Ayrshire Roads Alliance - no objection, subject to conditions and advisory notes.

Council's Environmental Health Service - no objection, subject to conditions and advisory notes.

NatureScot - no objection.

Prestwick Airport - no objection, subject to advisory note(s).

SGN Pipelines Maintenance - no objection.

Scottish Environment Protection Agency - no objection, subject to condition(s) following the submission of additional information from the applicant/ agent.

Scottish Fire and Rescue - no objection.

Scottish Power - no objection.

Scottish Water - no objection, subject to advisory note(s).

Sustainable Development (Landscape and Parks) - no objection.

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 applicant/ agent has provided the below noted information in support of their proposals, the main conclusions of which are also summarised below;

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Planning Statement - notes the site to be allocated in the Adopted South Ayrshire Local Development Plan for residential use, but cites ground conditions and costs which render the site unsuitable for housing. The proposed care home is considered to be a quasi-residential use, and is anticipated to be needed to meet a growing demand for care facilities. The planning statement makes reference to previous pre-application consultation with the public, local community Council, and Council, and the evolution of the proposals from a 60 bed care home with 23 assisted living flats, to the development proposed under the current application which is for the care home only. The statement considers the proposals accord with the provisions of National Planning Framework 4 (NPF4) and also the Adopted South Ayrshire Local Development Plan (SALDP). The submission also makes reference to the economic benefit of the proposals, and the creation of temporary jobs on-site during the construction phase (estimated to be 42), and afterwards during the operation of the premises (estimated to be 65 full and part time jobs).

Design and Access Statement - indicates that the site is surplus to the requirements of the golf course, and sets out the characteristics of the site and locale, the background to the proposals and the evolution of the design process, design requirements, and accessibility of the site. The information considers the design and materials of the development to be in keeping with the mixed style of buildings, and that the proposals do not impact on the amenity due to the separation distances from nearby properties. Landscaping proposals are identified as being an integral part of the design for the benefit of residents and visitors, and the setting and biodiversity of the site, with the existing tree belts to the east and west of the site being retained. From an operational perspective, the report confirms that the parking and servicing layout has had cognisance of applicable standards, and thirteen staff per shift are anticipated to operate the premises.

Flood Risk Assessment - confirms all forms of flood risk within the site have been considered using appropriate data sources. The risk of pluvial and fluvial flooding is considered to be low. The risk of groundwater flooding was assessed to be low due to there being no underground or basement structures proposed. All other forms of flood risk were found to be low for both impact and probability. Recommendations include; a suitable AOD finished floor level of +11.501 metres for the building, which necessitates regrading of levels in the location of the building, foundation and drainage design to take account of the shallow water table, maintenance of soft landscape areas and vegetation in the path of the proposed overland flow route.

Noise Impact Assessment - indicates that the development can be suitably designed so as to meet with the appropriate standards, with ambient noise surveys having been undertaken at the site, so as to predict the noise levels and inform the design and noise attenuation measures within the building. Reference is also made to the estimated servicing arrangements as follows; food deliveries three times a week, and waste uplift twice a week.

Transport Statement - refers to the provisions of NPF4, the SCOTS National Roads Development Guidance, and acknowledges the accessible position of the site and its potential to be accessed by sustainable modes of transport including walking, cycling, and public transport based trips, other than trips solely by private vehicle. An estimated people trip assessment has been undertaken based on sustainable transport options, and a Travel Plan can be prepared with the aim of encouraging sustainable travel. The Transport Statement considers that the development shall integrate well within the existing transport network, can be enhanced with the introduction of additional non-car promoting measures and concludes that the adjacent road network is sufficient to accommodate the likely traffic demands associated with the proposals.

Tree Survey - the applicant has undertaken a tree survey comprising of 22 individual trees, one area of woodland, and one hedge. The survey indicates that 5 trees are to be removed to facilitate the development, including a small group identified as G1. Of the trees to be removed, three are located to the north of 5 Fairway View to the south of the site, and one towards the south-western corner, and one adjacent to the out-building within the site. The group of trees to be removed as shown to be positioned on the southern boundary of the site, and adjacent to the woodland in the south-western corner of the golf course. In terms of a breakdown of the quality of the individual trees to be removed; one is of a moderate quality, three are of low quality, one should be removed for management reasons, irrespective of the proposals. The G1 group is identified as being of low quality. The tree survey also shows the remainder of the trees within the site as being retained, including those along the frontage of the site, and recommends measures to protect the remaining trees within the site, including; construction exclusion zones, root protection areas and an arboricultural method statement.

Ecology Report - considers the potential for protected or notable site, habitats or species in the vicinity of the site. The report concludes that there is no evidence of protected species being potentially affected by the development, or of habitats or protected species being present within, or within a 250 metre buffer zone. The report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Site Investigation Report - investigates the possible presence of ground contamination, and any potential associated risks. No abnormal site issues were identified as part of the surveys works and suitable mitigation measures can be put in place to address any issues.

Sustainable Urban Drainage Strategy Report - sets out that the site and development can be suitably serviced via a sustainable urban drainage system using an underground attenuation tank to accommodate surface water, prior to discharge. Foul drainage shall be connected to the existing sewerage system. All servicing shall meet with the appropriate standards.

Demand and Demographic Report - the submitted information provides some figures for over-75 care from 2021, with rising demand predictions for 2026 and 2031, and some comparative information for similar facilities.

Viability Assessment - is based on the residential development of the site for market housing for sale, and the issue of the provision of affordable housing, rather than the care home proposed under the current application.

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:

53 representation(s) have been received, 52 of which object to the proposed development, and one which is supportive of the development proposal. Of the objecting representations, 13 are supplementary and/or duplicate objections. Prestwick Community Council has submitted 2 representations objecting to the proposals, which are summarised below. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. The issues raised by representees can be summarised as principally relating to;

- Traffic and Transport concerns:
- Development Plan policies:
- Impact of residential amenity:
- Landscape issues:
- Impact on environment / wildlife:
- Other concerns:

The supporting comments are summarised as; re-use of prominent site which will improve the appearance of the site, scale and appearance of the building is appropriate and in-keeping with the surroundings. The development will provide additional facilities for the ageing population.

Prestwick Community Council objections are summarised as follows – consider the principle of development to be inappropriate due to resulting in the loss of a site allocated for housing development and the impact of increased traffic in and out of Fairway View.

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 addressing the Panel directly. A response to these representations is included within the assessment section of this report.

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), 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)

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):

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.

- 1 and 2 - Tackling the climate and nature crises, and climate mitigation and adaptation;
- 3 and 4 - Biodiversity and natural Places;
- 5 - Soils;
- 9 - Brownfield, vacant and derelict land and empty buildings;
- 13 - Sustainable Transport;
- 14 - Design, quality and place;
- 15 - Local Living and 20 minute neighbourhoods;
- 16 - Quality homes;
- 22 - Flood risk and water management;

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. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. Further consideration of the potential impact of the development on the natural environment is set out below.

Policy 5 recognises the importance of locally regionally, nationally and internationally valued soils, including carbon-rich soils. Under 5d. the need for a detailed site specific assessment is identified as means to inform the design of a development based on a mitigation hierarchy which first seeks to avoid adverse impact, and thereafter to minimise impact through best practice. A peat management plan is identified as a requirement due to the presence of a layer of peat being present within the site. The design of the development has had cognisance of the presence of peat within the site, and, has, through design and mitigation has avoided disturbing peat across the majority of the site, including; minimising the volume of peat that needs to be excavated to accommodate the SUDS system, re-using excavated areas of peat within the site as part of the landscaping, along with the retention of areas of peat under the building and car park.

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Policy 9 applies in terms of directing development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land). In this instance, the site comprises of an area of land which until recently formed part of the adjacent golf course. Historically, the site is also understood to have been utilised as an airfield, with areas of hardstanding remaining within the site. Given the aforementioned, the site is considered to be partly developed brownfield land. The site has also been sold by the golf course as its former owner due to being surplus to its requirements, and has subsequently been designed as a site suitable for residential development in the SALDP2.

Policy 13 considers the issue of sustainable transport and active travel, and is supportive of development in locations which supports safe sustainable travel, and travel by means other than private vehicle. The application site is located within the settlement of Prestwick, is located close to public transport routes along East Road, and is partly bound by existing public footpaths. As it is currently, the locale is considered to represent an accessible location, with potential for proposals to further enhance the accessibility of, and potential to access the site by a choice of modes of transport. Given the aforementioned, the development is required to adopt a holistic approach to travel, with a Transport Statement having been submitted. The Transport Statement and development identify a range of measures including not only the provision of private parking (increased from 25 to 33 since the submission of the application), but also the provision of motorcycle and bicycle parking, and the provision of improved footpath links to and from the site which connect with existing public footpaths. Further consideration of transport issues are set out below.

Policy 14 seeks to encourage and promote the 'Place Principle' and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Further consideration of the design and layout of the development is set out below. Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In terms of the aforementioned, this could include residents of the care home potentially being located close to friends or family, being within easy access to any healthcare services not provided on-site, and/or access to leisure facilities for organised events such as day trips. Conversely, there are also potential benefits for staff employed at the care home, in that the development could potentially provide an employment option in an accessible location close to their place of residence. In a plan-led system the development planning process is the mechanism to secure local living and 20-minute neighbourhoods. In this instance, the SALDP2 allocates the site as a site suitable for residential purposes; this aspect is considered further below.

With regard to quality homes, policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations providing choice across tenures that meet housing needs. Policy 16 c) vi. refers to homes for older people, and specifically mentions supported accommodation such as care homes and sheltered housing. Given the nature of the development being for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. The application is considered in this context, and as such, the proposed development of a care home is not inconsistent with the allocation of the site for residential purposes in the SALDP, or NPF4.

In terms of flooding, policy 22 aims to strengthen resilience to flood risk by promoting avoidance, and reducing the vulnerability of existing and future development to flooding. The submission is accompanied by a Flood Risk Assessment and supporting information which has been considered by the Scottish Environment Protection Agency (SEPA), and also by the Ayrshire Roads Alliance in their capacity as the local Flood Risk Management Authority (FMRA); the submitted information is considered to be acceptable, subject to suitable conditions being attached to any permission. Given that no objection has been raised by SEPA or the local FMRA in terms of flooding, it is not considered that the proposals would result in a risk of flooding.

Given the above assessment, the development proposals are considered to align with the policy provisions of NPF4.

(ii) South Ayrshire Local Development Plan 2 (SALDP2) (2022);

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):

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. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

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- Core Principles B1 and C1 - Sustainable Economic Development and Sustainable use of Natural Built and Cultural Heritage Resources;
- Strategic Policies - Sustainable Development and Development Management;
- General Policies
- Maintaining and Protecting Land for Housing;
- Residential Policy within Settlements, Release Sites, and Windfall Sites;
- Community Facilities;
- Flooding and Development;
- Land Use and Transport;
- Preserving Trees;
- Natural Heritage;

The above Core Principles of the LDP support the principles of sustainable economic development through prioritising the development of brownfield land, land within settlements and sustainable travel. The sustainable use of natural, built and cultural heritage resources are also recognised as being important.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development (inter alia) respects, protects and where possible, enhances natural, built and cultural heritage resources, is in keeping with the character of the landscape and the setting of settlements, embraces the principles of 'place-making', is in an accessible location. 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, that the proposals do not have an unacceptable impact on the amenity of nearby land uses, and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network. Further consideration of the impact of the proposal on the built environment and residential amenity of properties in the vicinity, is set out below. Consultation responses have not raised any objections to the development, subject to relevant conditions and advisory notes.

It is noted that the site is allocated for residential development under PRES2 in the SALDP. Given the nature of the development being for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. As noted above, the proposed development a care home for the elderly is not inconsistent with the allocation of the site for residential purposes. The application is considered in this context.

Within settlements, the following criteria apply to new residential development proposals;

- a) The site has adequate access for vehicles, which is separate from other property and which directly connects to the public road network;
- b) The layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area;
- c) It does not affect the privacy and amenity of existing and proposed properties;
- d) The site does not form an area of maintained amenity or recreational open space unless it is already part of the established housing land supply;
- e) The site provides a suitable residential environment; and
- f) It provides private and public open space in accordance with the requirements of the LDP Policy: open space, and our open space guidelines.

For the reasons noted elsewhere within the report, the proposals are considered to align with the above criteria in terms of providing an acceptable layout which is in keeping with its surroundings.

With regard to community facilities, it is noted that the development offers the potential for additional choice with regards to elderly care facilities in the local area.

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The LDP policy in relation to flooding and development, states that; Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates. The applicant has undertaken a flood risk assessment, and has provided additional supporting technical information which has been considered by SEPA, as the statutory government agency responsible for managing flood risk, and also by the ARA in their capacity as the local flood risk management authority. Neither SEPA nor the ARA have offered any objection to the proposals, subject to suitable conditions being attached to any permission.

In terms of LDP policy in relation to Land Use and Transport which recognises the inter-relationship between land use planning and transport as a means to achieve sustainable economic development. The policy requires a holistic approach to the consideration of development proposals, in particular, development proposals should;

- Closely link to existing and proposed walking, cycling and public transport networks, where possible;
- Ensure essential use of the private car is accommodated within the context of an integrated approach to transport;

As noted above, the application is accompanied by a Transport Statement which considers the proposals in the context of an integrated and holistic approach to travel. The Ayrshire Roads Alliance (ARA) has considered the proposals, including the submitted Transport Statement, in line with the policy provisions of NPF4, and also the maximum requirements of the SCOTS National Roads Development Guide which is adopted as the Council's parking standards. For a care home, the standards require a maximum provision of vehicle parking based on a rate of 1 space per staff member (per shift), plus 1 visitor space per 3 beds, which equates to a maximum of 33 spaces. Reductions from maximum parking standards are permissible in situations where it can be demonstrated that the site is well served by a range of available modes of travel, and/or additional mitigation measures are put in place in efforts to reduce reliance on single-occupancy car trips to and from the site. The submission was originally accompanied by proposals for 25 vehicle spaces, which might have been appropriate given the accessible location of the site. However, in attempting to address the concerns of local residents regarding parking provision, the applicant has been provided the maximum number of spaces (i.e. 33), as required by the SCOTS National Roads Development Guide for a development of this nature. This ensures that the development can meet its anticipated operational requirements within the boundaries of the application site. Should there be any persistent issues associated with off-site parking associated with the development, the ARA can pursue a Traffic Regulation Order (TRO), if it is considered necessary. TRO's are the subject to a legislative process separate to the planning process, and, cannot therefore be dealt with by way of a planning condition.

Noting the accessible location of the site, the ARA, has suggested the submission of a Travel Plan will provide further opportunities for travel by a choice of modes of transport for staff and visitors to the site, and has noted the provision of new footways to assist with pedestrian movement. Appropriate planning condition(s) can be attached to address the aforementioned matters. Overall, the proposals have been considered by the Ayrshire Roads Alliance (ARA), and no objection has been offered in terms of parking, access, servicing, road and pedestrian safety and the impact on the local transport network, subject to conditions. The application has been assessed in this context, and it is considered that the proposal is consistent with the SALDP policy in relation to Land Use and Transport.

With regard to protected species, LDP Policy: Natural Heritage states that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The applicant/ agent has considered the potential for protected species to be present within the site, and has conducted the relevant surveys and concluded that there is no evidence of protected species being potentially affected by the development, or of habitats or protected species being present within, or within a 250 metre buffer zone. The report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area, as per national policy. It is considered that the applicant/ agent has appropriately considered the potential for protected species to be present within the site and the results of the surveys have been considered by the Council's ecological advisors with no objection having been offered to the proposals. Therefore, it is considered that the proposals do not have an adverse effect on the natural heritage.

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The Preserving Trees policy sets out that in assessing development proposals involving loss of, or works to, trees the Council will consider the extent of any adverse impact on the locality. The applicant has undertaken a tree survey which indicates that 5 trees are to be removed to facilitate the development, including a small group identified as G1. In terms of a breakdown of the quality of the individual trees to be removed; one is of a moderate quality, three are of low quality, one should be removed for management reasons, irrespective of the proposals. The G1 group is identified as being of low quality. The tree survey also shows the remainder of the trees within the site as being retained, including those along the frontage of the site, and recommends measures to protect the remaining trees within the site, including; construction exclusion zones, protection of root protection areas and arboricultural method statement. Therefore, the proposals are considered to present the opportunity for the on-going maintenance and management of the trees along the frontage of the site at East Road. In addition, the proposals incorporate tree and landscape planting for the development which is considered to provide an improved visual appearance of the site through a managed landscape, in addition to compensatory planting for trees lost to the development. The proposed landscaping and management of the landscape setting is considered to offer the opportunity for biodiversity enhancement, in line with the provisions of NPF4.

Overall, for the reasons noted above, and elsewhere in this report, the proposals are considered to accord with the above noted policies of the development plan comprising of the combined provisions of NPF4 and the SALDP.

(iii) Other Policy Considerations (including Government Guidance)

Developing with Nature Guidance (NatureScot);

Provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. The Ecology Report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area, as per national policy. A suitable condition can be attached in respect of the submission of a peat management plan. The ecological enhancements are noted to include; tree, hedge and shrub planting of native species, wildflower planting, re-use of peat within the site to form peat bunds, and the installation of; hedgehog houses, bat roosting and bird nesting blocks within the structure of the building, tree-mounted bird nest boxes and feeders. The Council's ecological advisors have offered no objection to the development proposals from an ecological perspective.

(iv) Representations Received;

The representations received in relation to the proposal are summarised, and responded to below, as follows;

- Traffic and Transport concerns, including; the perceived inadequate parking provision and perceived unsuitability of access to/from site for all vehicle types including service vehicles, particularly due to the road configuration and limited width, positioning of site access on Fairway View existing congestion along East Road at Fairway View access, access road might not meet required visibility splays, potential for parking congestion/ overspill outwith site in surrounding residential areas, potential for existing access to/ from Fairway View to be restricted, increased traffic movements to/ from the development with potential for traffic congestion, road and pedestrian safety concerns, only one footpath on access road, need for risk assessment to consider additional traffic, travel by other modes of transport other than car are unrealistic, potential restriction to emergency vehicles, access via East Road is preferential;

The ARA has been consulted on the development proposals, and no objection has been offered in terms of parking, access, servicing, road and pedestrian safety and the impact on the local transport network, subject to conditions. Comments regarding the level of off-street parking provision are set out above. Should there be any persistent issues associated with off-site parking associated with the development, the ARA can pursue a Traffic Regulation Order (TRO), if it is considered necessary. TRO's are the subject to a legislative process separate to the planning process, and cannot therefore be dealt with by way of a planning condition. No concerns have been expressed by the ARA regarding the existing access arrangements to/ from the houses on Fairway View. The new access to, and from the site linking with Fairway View shall be required to meet with the relevant technical standards, including visibility splays, as set out in the National Roads Development Guide. The ARA has not noted congestion as being an issue in the immediate locale. It is expected that there will be an increase in vehicles and pedestrians to, and from the site, which is anticipated will be commensurate with the nature of the development. An increase in vehicles and pedestrians to, and from the site would occur whether the site were to be developed for a care home or for private market residential properties. The submitted drawings show the formation of a public footpath at the junction of East Road and Fairway View and extending to the access to/ from the site, where currently there is no footpath. To the east the new footpath shall link with the existing footway.

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Given the aforementioned, the proposals are considered to offer the opportunity to improve pedestrian movement and safety in the locale. Scottish Government Planning Policy, as supplemented by the South Ayrshire Local Development Plan, and the SCOTS National Roads Development Guide require an integrated and holistic approach by multiple modes of transport, rather than solely trips by private car; the application is considered in this context, with the development noted to provide for a range of potential trips. No objection has been offered regarding the access to/ from the site for emergency vehicles. With regards to the suggested alternative access via East Road, the applicant/ agent has sought to form a new access via Fairway View, and therefore the application requires to be considered and determined on this basis; the ARA has offered no objection to the site being serviced via an access off of Fairway View.

- Development Plan policies – the site is allocated for residential development, proposed care home is inconsistent with the residential allocation of the site, and wider residential area, loss of open space, undermines Tourism policy and does not protect existing golf course, proposals do not represent a sustainable development, contrary to NPF 4 policies in relation to sustainable transport and community wealth building;

As noted above, the proposed development of a care home at the site is not incompatible with the allocation of the site in the SALDP2 for residential use. Similarly, the proposed use is not considered out of keeping with other land uses in the locale which are noted to include residential, and also the commercial leisure use of the donor property of the golf club to the north. The site is understood to have been surplus to the requirements of the golf club, and to have subsequently been disposed of to a private developer on that basis. Given the aforementioned, the site cannot be accurately considered to be open space, or to function as part of the overall golf course. More recently the site has been annexed and separated from adjacent land with temporary fencing erected to separate it from the adjacent golf club. Currently, the site lies overgrown and unused, pending the consideration of the current application. For the reasons noted within this report, the development is considered to represent a sustainable development in land use planning terms, and in terms of the policy provisions of the NPF4.

- Impact on residential amenity – over-large size and scale of development will impact on residential buildings in the locale, out-of-keeping with character of area and the single storey properties in the area, there are no other 3 storey buildings in the locale, over-development of site, potential for over-looking and over-shadowing, building should be lower, operational concerns including potential for nuisance from noise e.g traffic noise, odour, fumes, glare from floodlights;

Further consideration of the impact of the proposals on the amenity of the locale is set out below. It is not considered that the operation of the care home will result in a statutory nuisance. Notwithstanding, should any statutory nuisance occur it would be a matter for the Council's Environmental Health Service to address using its legislative powers. Given the nature of the development, it is not anticipated that any statutory nuisance would occur. There are no floodlights proposed as part of the development.

- Landscape issues – the trees along East Road should be retained, lack of proposed tree planting;

The submission confirms the existing pine trees along East Road are to be retained, and augmented with additional planting. The submission is accompanied by a landscape drawing which confirms the development is accompanied by the planting of structural planting around the north-eastern perimeter of the site, and with new specimen trees to the western and southern boundaries, as well as within the body of the site to the front and rear of the building. Precise details of the landscaping species can be dealt with by way of an appropriate planning condition.

- Impact on environment / wildlife – potential impact on wildlife the reside or utilise the site, no proposals for biodiversity improvements, no peat management plan submitted, no construction environment management plan submitted, increased noise and light pollution, contrary to Scottish Government Climate Change/ Green Policies;

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The submission has appropriately considered the potential for protected or notable site, habitats or species within, or in the vicinity of the site. The Council's ecological advisors have considered the submitted information and concur with the information submitted by the applicant/ agent. The development proposals have included proposals for biodiversity improvements, as noted above. The submission of a peat management plan is to be dealt with by way of an appropriate condition. A construction environment management plan can be dealt with by way of an appropriate planning condition to any permission. The impact of the development on the natural environment and any species contained therein has been considered by the Council's ecological advisors. There will be an inevitable change in terms of the character of the site; however the same would also be true of a residential development. Any statutory noise or light pollution should it occur would be a matter for the Council's Environmental Health Service to address using its legislative powers. The proposals are not contrary to the Scottish Government's land use planning policies, for the reasons noted above, and elsewhere in this report.

- Other concerns – availability of other existing and unoccupied care homes in Prestwick/ Ayr/ Troon locale/ perceived lack of need for further care facilities, challenges facing care home facilities and their employees, resident/ patient safety concerns, disruption during construction including noise, vibration/ width of Fairway View too narrow for construction traffic/ need for considerate construction, possible alternative solutions economic viability of site for residential uses, viability information not relevant, lack of consultation with residents, only certain neighbours notified, supporting information not available to view, loss of view, potential adverse impact on property values, alleged common ownership of verge and fencing at entrance to site;

Development proposals require to be considered on their planning merit, and therefore the applicant is not required to demonstrate a need for the development; as such, the availability of other alternative care homes is not a matter which is relevant in the consideration of the current application. Similarly challenges facing care homes, employees and residents is outwith the scope of the consideration of the application by the Council, as planning authority. The purpose of the planning application is consider the resultant development only, not the construction process; therefore, any disruption during the construction phase would be of a temporary nature only. Notwithstanding the aforementioned, SEPA has suggested a Construction Environment Management Plan be submitted, and additionally the ARA has requested the submission of a construction traffic management plan. Both of the aforementioned matters can be dealt with by way of suitable conditions, which shall ensure the proper management of the construction process. As noted above, there are no land use planning issues with the site being developed to provide a care home. Any consideration of viability issues only applies to proposals for private market residential housing, not for the development proposed. The applicant/ agent undertook previous pre-application consultation with the public, local community Council, and Council, on a development comprising of a 60-bed care home with 23 assisted living flats. The development has now been reduced to consist only of the 60-bed care home, and therefore to be a local development. The local authority has undertaken the neighbour notification of relevant properties, and owner/ occupiers on 6 October 2023, in line with the requirements of the relevant planning legislation. A further neighbour notification was issued on 21 February 2024 to the relevant parties, and also, for completeness to those parties who had already submitted representations to the development proposals. Supporting information is available to view via the Council's website. The potential loss of a view or impact on property values are not matters which are material in the assessment of the planning applications. The ARA has confirmed the grass verge at the northern entrance to Fairway View forms part of the adopted footway. It is understood that it is not uncommon for adopted sections of verges to be maintained by a factor, with most grassed road verges within new developments being covered by such agreements. The agent has certified on the application form that the applicant is the owner of the site. Any dispute regarding the ownership of the site is a separate and private legal matter which is outwith the scope and remit of the Council, as planning authority in its consideration of the current application.

The supporting comments consider that the proposals will re-use a prominent site which has become overgrown and an eyesore, the development will add to the existing local facilities particularly for the aging population. The scale and appearance of the building seems appropriate and in keeping with the surroundings. The terms of the supporting comments are noted.

(v) Impact on the Locality

For the reasons noted above and elsewhere in this report, there are no concerns in terms of the land use concerns arising from the proposals. Notwithstanding, the proposals require further consideration in terms of its siting, design, and appearance so as to better understand the potential impact of the proposals on the locality.

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In terms of its siting, the building is to front onto East Road, which is not atypical of buildings in the area. Furthermore, the building is to be set back from the frontage of the site with East Road, and at its closest shall be separated by a distance of approximately 19 metres from the boundary with East Road. At its furthest point, a distance of approximately 33 metres separates the building and the boundary with East Road. In terms of the character of the area, the proposed building is to be positioned further back than the closest properties to East Road which are located at 8 – 20 Farden Place, and marginally forward of the existing golf course club house to the north; therefore, the recessed positioning of the building within the site is not considered to be out-of-keeping with the locale. Additionally, the recessing of the building within the site provides separation between the new building, and existing properties, and creates space to the frontage of the site, which ensures that the existing trees along East Road can be retained and augmented with new planting, as well as areas created for new planting and landscaping which will provide a setting for the building; this approach is considered to retain and offer the potential to improve the existing landscaped green frontage of the site. A distance of approximately 40 metres separates the properties to the west, and south of the site, which is considered to retain the amenity of the closest residential properties, and not to result in over-shadowing, or overlooking.

With regard to its design, a T-shaped building of predominantly two storeys in height is proposed. The three, two storey wings contain the accommodation blocks for a total of 60 bedrooms. The central portion of the building serves as the entrance area, as well as accommodating ancillary operational and staff facilities, and is proposed to be three storeys in height. The area is characterised by properties of mixed styles, for example, to the east of East Road, the majority of the properties on Fairway View, and all of the properties on Farden Place are two storeys in height, including the existing golf clubhouse of St Cuthberts Golf Club to the north. Further to the west of, and opposite the site, the properties are predominantly single, or have been adapted to be one and a half storey in height. Given the aforementioned mixed character of the buildings in the locale, it is not considered that the two storey element of the proposed building would be out of keeping with the area. With regard to the proposed three storey element of the care home, this is noted to extend across a much smaller area, and central portion of the building over a distance of approximately 23 metres, which is approximately a quarter of the frontage of the building over its distance of approximately 83 metres. The punctuation of the design of the building with a section of a different and taller height, along with two storey outward projecting bays is considered to effectively break up the visual scale and mass off the proposed care home and to add some visual interest to the frontage of the building. The frontage and entrance of the building has been designed to provide an active elevation, with windows, doors, balcony and feature glazing, which shall face onto the public elevation with East Road. For the aforementioned reasons, it is not considered that the height and design of the building, including the three storey element is inappropriate, or would warrant a different recommendation.

The proposed external materials of contrasting buff brick, cast stone detailing, grey roof tiles, with inset photovoltaic panels in certain locations, grey framed windows and doors, black rainwater goods, wood effect and metal cladding, glazed entrance canopy are considered to be acceptable and not out of keeping with the locale.

The submitted site plan shows the majority of the site to remain undeveloped, with open space to the front, side and rear, which ensure that the site is not over-developed, as well as providing a setting for the development. Additionally, there are proposals to incorporate new landscaped areas throughout the site. Precise details of the landscaping proposals can be dealt with by way of an appropriate condition to any permission. The landscaping of the site is considered to offer the opportunity to improve the visual appearance of the site going forward.

As noted above, the development provides dedicated parking and servicing for the development, with the parking having been increased from 25 spaces to 33 spaces in total, along with a package of options to provide for a choice of modes of transport. The ARA have been consulted regarding the proposals, and have offered no objection, subject to conditions. Appropriate planning conditions are proposed in this regard. No other objections from consultees have been offered. For the reasons noted above, and elsewhere in the report, it is not considered that the development proposal, subject to being appropriate conditioned, will adversely impact on the amenity of the area.

8. Conclusion:

The proposals involve the erection of a purpose built 60-bedroom residential care home with associated car parking, formation of access and landscaping on land which was formerly associated with St Cuthberts Golf Club in Prestwick. The site is allocated within the SALDP2 for residential development. While the development is for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. Policy 16 of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations providing choice across tenures that meet housing needs, with Policy 16 c) vi. specifically referring to homes for older people, including supported accommodation such as care homes. As such, the proposed care home is not inconsistent with the allocation of the site for residential purposes; the application is considered in this context.

There are no concerns regarding the physical proposals, subject to appropriate conditions being attached to any permission. Consultation responses do not raise any over-riding issues, and appropriate conditions can be attached to meet with the advice and requirements of consultees. For the reasons noted in this report, the proposal is considered to represent a suitable form of sustainable development, in an appropriate and sustainable location.

Overall, there are no material planning considerations that out-weigh the provisions of development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted above. Following the above assessment, it is considered that the proposal, subject to being appropriately conditioned will not have an adverse impact on the character and amenity of the locality, or on the amenity of the nearby properties. The proposals do not warrant a different recommendation. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions below.

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.

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) 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.

To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

- 3) That, prior to the commencement of the development a peat management plan shall be submitted for the prior written approval of the Council, as planning authority, and thereafter, the development shall be implemented in accordance with the recommendations of the approved plan, and any mitigation measures contained therein.

To accord with the advice of SEPA.

- 4) Prior to the commencement of development a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling shall be submitted to and approved in writing by the planning authority, in consultation with SEPA. The CEMP shall include (but shall not be limited to):

- a) a site waste management plan;
- b) a dust management plan;
- c) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;

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- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;
- f) soil storage and management;
- g) a water and drainage management plan for all groundwater, surface and waste water;
- h) details of any temporary site illumination;
- i) the method of construction of the access into the site and the creation and maintenance of associated visibility splays;
- j) details of the methods to be adopted to reduce the effects of noise occurring during the construction period.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in writing by the planning authority.

To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment.

- 5) 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 development on the closest residential properties to the application site. . 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 residential properties, 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.

The noise assessment shall be undertaken from the closest publicly accessible point to the residential properties, or alternatively, within the properties. The location of the noise assessment shall first be agreed in writing by the Planning Authority.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority and implemented prior to the care home becoming operational.

To avoid noise disturbance in the interests of residential amenity.

- 6) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites - Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

To ensure all contamination within the site is dealt with.

- 7) That the development shall be implemented in accordance with the section 4.2 recommendations, as set out in the submitted Flood Risk Assessment dated September 2023, prepared by Cundall.

To alleviate any risk of flooding to the development

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- 8) That the development shall be implemented in accordance with the section 7 recommendations, including the biodiversity enhancements as set out in the Phase 1 Habitat Survey, Protected Species Surveys and Ecological Impact Assessment date November 2023, prepared by ESS Ecology.

To clarify the terms of this permission, and in the interests of ecology, and the natural environment.

- 9) That before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard. The landscape scheme shall also have full cognisance of the species advice of the Council's landscape consultants (AECOM), in its response of October 2023.

In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 10) That before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

- 11) That the existing trees along East Road shall be retained and maintained, and no trees shall have roots cut or be lopped, topped, felled, uprooted, or removed.

In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.

- 12) That the development shall be implemented in accordance with the sections 6 and 7 in relation to recommendations, summary and conclusions as set out in the report entitled Survey of Trees, dated May 2023, prepared by Hinshelwood Arboricultural Consultants. Precise details of the proposed tree protection measures for the existing trees within the site shall be submitted for the prior written approval of the Council as planning authority, prior to the commencement of works on-site. Thereafter the development shall be implemented as per the agreed written specification, to the satisfaction of the Council, as planning authority.

In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

- 13) That, prior to first occupation, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Authority. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan.

To encourage sustainable means of travel.

- 14) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 6 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with 6 metre radius curves. The access shall be constructed, as approved, prior to first occupation of the development.

In the interest of road safety and to ensure an acceptable standard of construction.

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- 15) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site, and shall be implemented as agreed thereafter.

In the interest of road safety and to avoid the discharge of water onto the public road.

- 16) That cycle parking accommodating a minimum of 6 cycles shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site. Thereafter the cycle parking shall be implemented as agreed, and shall be available for use on first operation of the premises.

To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel

- 17) That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council, and shall be implemented and agreed as per the aforementioned specification.

In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

- 18) That 33 off-road parking spaces shall be provided within the proposed site boundary and shall be available from first operation of the development. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the development shall be implemented as per the agreed specification.

In the interest of road safety and to ensure adequate off-street parking provision

- 19) That, prior to the commencement of development, plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), and shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- 20) That, prior to the commencement of development, plans, supplemented by swept path analysis of service vehicle arrangements within the curtilage of the site shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Service vehicle areas shall be constructed, as approved, prior to completion of the development. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- 21) That a 2 metre wide public footway(s) shall be provided along the site frontage on Fairway View, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, and shall be available for use on first operation of the development.

In the interest of road safety and to ensure that adequate provision is made for pedestrians.

- 22) That no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with ARA. The CTMP shall be required to include:

1. Full confirmation of the approved/agreed routes for use by construction traffic movements;
2. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;

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3. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
4. Full details of all arrangements for emergency vehicle access;
5. Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
6. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
7. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
8. Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless approved otherwise in writing with the Planning Authority, in consultation with ARA.

In the interests of road safety.

- 23) That the development shall be implemented in accordance with the Sustainable Urban Drainage System (SUDS) as set out in the "SUDS & Drainage Strategy Report" prepared by GM Civil and Structural Engineers Ltd in conjunction with the submitted and approved plans.

To ensure the site is drained in an acceptable and sustainable manner.

9.1 Advisory Notes:

- (1) In order to minimise nuisance in the surrounding area from dust, noise and vibrations, during all demolition and construction works, the plant and machinery used should be used in accordance with British Standard 5228 Noise Control on Construction and Open Sites Order (as amended) and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF

- (3) 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.
- (4) Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

Glasgow Prestwick Airport
Aviation House
Prestwick
Ayrshire
KA9 2PL
Tel: 01292 511012
www.glasgowprestwick.com

- (5) Any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping that is considered, and as the facility is in close proximity to an aerodrome the Developer should incorporate measures to minimise their attractiveness during both the construction and operational phases of the site. To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity - fully enclosed or covered skips should be used.

Regulatory Panel (Planning):

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- (6) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (7) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (8) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- (9) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- (10) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
- (11) The Council as Roads Authority advises that only signs complying with the requirements of ‘The Traffic Signs Regulations and General Directions 2016’ are permitted within public road limits.
- (12) The Council as Roads Authority advises that the Council will not adopt the road on its completion.

9.3 List of Determined Plans:

- Drawing - Reference No (or Description): L(90)0001 rev B
- Drawing - Reference No (or Description): L(92)0001 rev C
- Drawing - Reference No (or Description): Drawing - Site Plan (Updated)
- Drawing - Reference No (or Description): Site Plan as Proposed (Updated)
- Drawing - Reference No (or Description): 101-01 (Rev. C)
- Drawing - Reference No (or Description): 1192 (97) 001 (Rev. 2)
- Drawing - Reference No (or Description): 200-01 (Rev. C)
- Drawing - Reference No (or Description): 203-01 (Rev. B)
- Drawing - Reference No (or Description): 210-L(10)-100 (Rev. P2)
- Drawing - Reference No (or Description): 210-L(20)-CH-300 (Rev. P8)
- Drawing - Reference No (or Description): 210-L(20)-CH-301 (Rev. P8)
- Drawing - Reference No (or Description): 210-L(20)-CH-302 (Rev. P8)
- Drawing - Reference No (or Description): 210-L(20)-CH-30R (Rev. P4)
- Drawing - Reference No (or Description): 210-L(20)-CH-400 (Rev. P3)
- Drawing - Reference No (or Description): 210-L(20)-CH-410 (Rev. P3)
- Drawing - Reference No (or Description): 210-L(20)-CH-500 (Rev. P4)
- Drawing - Reference No (or Description): 210-L(20)-CH-501 (Rev. P4)
- Drawing - Reference No (or Description): 210-L(20)-CH-510 (Rev. P4)

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

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. Planning application form
2. Plans and supporting documentation
3. National Planning Framework 4
4. South Ayrshire Local Development Plan
5. Online representations

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:

Ms Fiona Sharp, Supervisory Planner - Place Planning - Telephone 01292 616 147

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 6 June 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	24/00029/APP Ms Emma McKie (Objections) (Application Summary)	6A Elmbank Street Ayr South Ayrshire KA8 8DH	Change of use from existing workshop to a dance school	Dansarena	Approval with Condition(s)

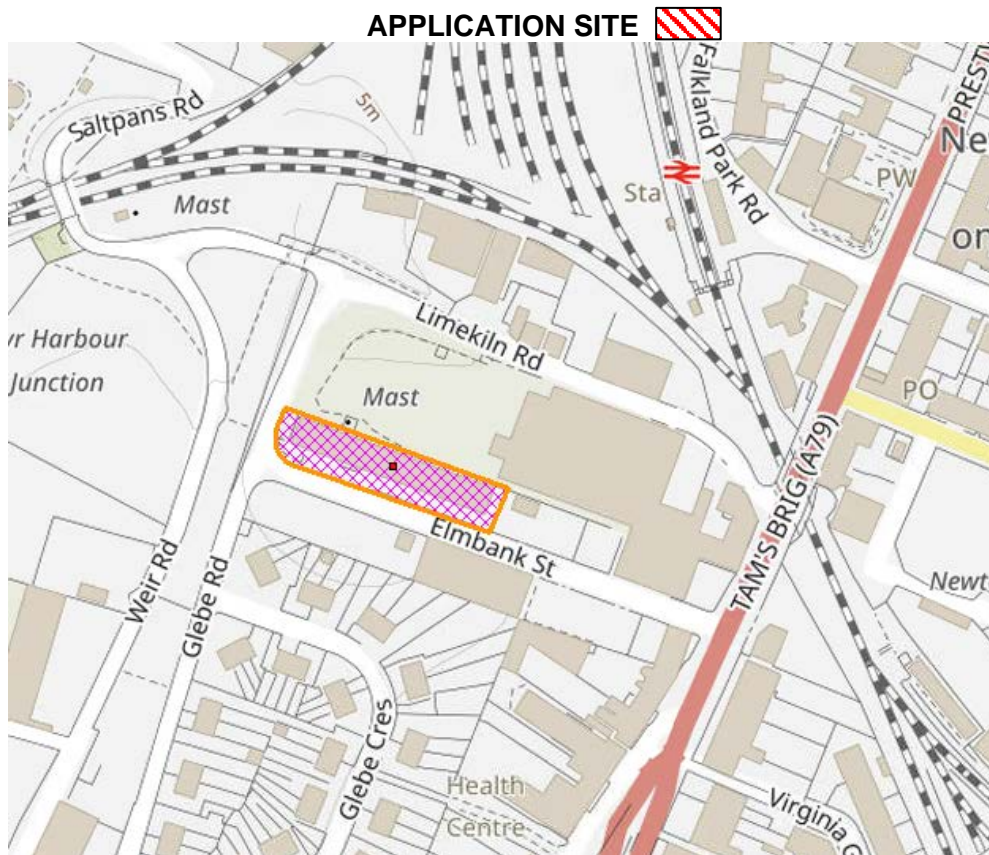
REGULATORY PANEL: 06 JUNE 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00029/APP

6A ELMBANK STREET AYR SOUTH AYRSHIRE KA8 8DH

Location Plan



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Summary

Planning permission is sought for the change of use of a workshop to form a dance school. No external alterations are proposed to the building. Alterations to the internal layout of the premises are proposed which shall enable the creation of 3 dance studios, changing areas, a waiting area, an office and kitchen for staff, and toilets. 7 parking spaces including 1 accessible bay together with motorcycle and bicycle parking are proposed to be formed to the front of the premises.

This planning 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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.

It is considered that on balance the proposal can be supported by the National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022). It is considered that the proposal represents a sustainably located development involving the re-use of vacant property, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. In acknowledging the recommendation of the Ayrshire Roads Alliance, it is considered that the consultation responses do not raise any issues of over-riding concern, noting the nature of the proposal and the location and characteristics of the area, that cannot be addressed by condition. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application.

Accordingly, given this assessment and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 06 JUNE 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	24/00029/APP
SITE ADDRESS:	6A Elmbank Street Ayr South Ayrshire KA8 8DH
DESCRIPTION:	Change of use from existing workshop to a dance school
RECOMMENDATION:	Approval with conditions

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.

Key Information:

- The application was received on 17 January 2024.
- The application was validated on 17 January 2024.
- A Site Visit was carried out by the Planning Authority on 5 February 2024.
- 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 25 January 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

The application site is located at 6A Elmbank Street, Ayr and is currently a vacant unit formerly used as a workshop. The site is situated on the corner of Elmbank Street and Glebe Road. The premises is the end unit of a row of commercial premises located within the single storey building. The adjoining units are currently occupied by a gym and dance school. The site, and the immediate locality is situated within the Newton-on-Ayr area, where there are a variety of different land uses. Commercial premises are also located opposite the site to the south and there is a private car park to the north.

The proposals comprise of the change of use of a workshop to form a dance school. No external alterations are proposed to the building. The alterations to the internal layout of the premises proposed shall enable the creation of 3 dance studios, changing areas, a waiting area, an office and kitchen for staff, and toilets.

7 off road parking spaces including 1 accessible bay together with motorcycle and bicycle parking are proposed to be formed to the front of the premises.

The application submission has been accompanied by both a Design and Access Statement and Additional Supporting Documentation, which set out the background to the selection of the site and details of the proposed operations of the business, as follows:

- The applicant is seeking relocate their existing business from their current, larger premises to the application site.
- Alternative premises within Ayr Town centre were considered by the applicant. However, both the rental cost and size of the premises available were not considered to be viable options with respect to the requirements of the dance school.
- The hours of operation will be the same as the applicant's current premises: Mon-Fri 1600-2100, Sat 0900-1600 and Sun 0945-1200.
- The business has 7 employees in total, with only 3 in work on any one day.
- The maximum capacity of the application site is 64 pupils and 3 staff.
- The business operates currently from a larger premises, typically at less than 75% of the maximum capacity of the current application site.
- Class sizes range from 5 to a maximum of 20 children. The average maximum number of pupils in the building at any one time is 25. This increases to 40 on Saturdays between 1100 and 1300.
- Classes will be 45 minutes long with a 15-minute break in between and 2-3 classes running simultaneously.
- Generally, 3 staff members would travel by car and would remain parked on site until 30 minutes after the last class of the day.
- Pupils generally arrive either by public transport or are dropped off and collected after class. Some pupils car share or cycle.
- The timetable has been designed to allow pupils to attend 2 to 3 classes at time i.e. one after the other. This in turn means that the arrival and departure of vehicles is varied.

This planning 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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.

2. Consultations:

Ayrshire Roads Alliance - Recommend refusal on the basis that the parking provision demonstrated falls short of the Council's requirements for a development of this nature.

Council's Environmental Health Service - Offer no objections, 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.

None.

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:

14 representations have been received, all of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows.

- Traffic and transport issues and road safety concerns.
- Business competition.
- Safety risks during construction.
- Usage of proposed kitchen.

A response to these representations is included within the assessment section of this report.

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 addressing the Panel directly.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns 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)

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 \(www.gov.scot\)](http://www.gov.scot):

- 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 27: City, town, local and commercial centres

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 supports the appropriate reuse of existing buildings. Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a designed approach to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale. The application site is currently an existing and vacant former workshop. The proposals shall comprise of the relocation of an existing dance school business to this location, bringing the premises back into use. There are other similar leisure uses within the immediate locale. No external alterations to the building area proposed. As such, it is considered the development proposals are in compliance with these policies.

National Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application site is located approximately 220 metres/3-minute walk from the nearest bus stop heading north on New Road (A79) and approximately 275 metres/4-minute walk from the nearest bus stop heading south on Tams Brig (A79). The site is also located approximately 370 metres/5-minute walk from Newton-on-Ayr Train station. The premises is also adjacent to both National Cycle Route 7 and Core Path SA1, which take route along Glebe Road. It is therefore considered that the proposed development is accessible by multiple forms of public transport and active travel measures and therefore complies with the terms of this policy.

National policy 27 seeks to encourage, promote and facilitate development in city and town centres. This policy outlines that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

The proposed development represents the reuse of a building previously occupied as a workshop as a dance school. No external alterations to the building are proposed. The property is located in an area with a mix of uses, with some noise generating non-residential uses. To the east of the site, it is noted there are commercial uses including a gym, dance school and car wash. On the opposite side of Elmbank Street, heading east, there are more commercial uses, including a car dealer, tyre shop and gym. It is therefore considered that the proposed use, while located outwith a town centre, is appropriate at this given location, due to the mix of uses and established mix-use character of the immediate locale.

The provisions of NPF4 must 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 and it is considered that the proposed development accords with the provisions of NPF4, as set out further below.

(ii) 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):

LDP 2 Strategic Policy 1: Sustainable Development
LDP 2 Strategic Policy 2: Development Management
LDP 2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
LDP 2 Policy: Newton-on-Ayr
LDP 2 Policy: Land Use and Transport

The proposals represent development within the settlement of Ayr and it is important to ensure that proposals do not adversely impact on the amenity of the area in which the property is located. LDP2 identifies the site as being within the Newton-On-Ayr light industrial area. It is noted there are several commercial uses to the east, northeast, south and southwest of the site including gyms, a dance school and car wash. A local neighbourhood centre, with various commercial premises, is located approximately 215 metres to the northeast of the site at Tams Brig. The nearest residential properties are located approximately 45 metres to the south of the site on Glebe Crescent. As such, the immediate locale comprises of a mix of uses. The proposed development shall involve the reuse of a vacant premises as a dance school, which is an existing business relocating to the application site. As such it is considered that the proposed use shall be appropriately sited at this location, and the application has been considered in this context.

LDP Policy: Land use and transport, sets out a number of standards which development proposals should adhere to. These include taking appropriate measures to keep any negative effects of road traffic on the environment to a minimum, development linking in to existing/proposed active travel networks, including walking, cycling and public transport networks, and provide parking that reflects the role of the development, the location in which it is situated and the projected capability of existing parking facilities. The application site is located approximately 220 metres/3-minute walk from the nearest bus stop heading north on New Road (A79) and approximately 275 metres/4-minute walk from the nearest bus stop heading south on Tams Brig (A79). The site is also located approximately 370 metres/5-minute walk from Newton-on-Ayr Train station. The premises is also adjacent to both National Cycle Route 7 and Core Path SA1, which take route along Glebe Road. It is therefore considered that the proposed development is accessible by multiple forms of public transport and active travel measures.

The Design and Access statement submitted in support of the application outlines that the business has 7 employees, with only 3 in work on any one day. These staff members generally travel by car and remain parked on site until 30 minutes after the last class. At the current location pupils generally arrive either by public transport, car share or are dropped off and collected after class by private car. Given the age range of the potential pupils ranges from children aged 2 ½ upwards, it is likely that while younger children may require taken into the building, older children will only require to be dropped off. All classes will be 45 minutes long with 2-3 classes running simultaneously and 15-minute break in between each class. The timetable has been designed to allow pupils to attend 2 to 3 classes at time, one after the other. This in turn means that the arrival and departure of vehicles is varied. Given that the proposed application site is within walking distance of multiple forms of public transport and adjacent to a cycle route it is considered reasonable to conclude that pupils could continue to access the business via public transport at this new location. It is noted that the application submission proposes cycle storage for 10 bicycles.

As noted above, the Ayrshire Roads Alliance have recommended refusal of the application on the basis that the parking provision demonstrated falls short of the Council's requirements for a development of this nature. The ARA have suggested that a maximum of 60 spaces is required. However, it is noted that the ARA have not raised any concerns with respect to either road safety or accessibility, with the recommendation based only on parking provision. The application submission is accompanied by a proposed parking layout which seeks to demonstrate 7 off-street parking spaces (including 1 accessible space) and 2 motorcycle spaces. The ARA have advised that the layout proposed presents a layout which is in line with Council design standards.

It is also noted that there is unrestricted (e.g., no double yellow lines) on-street parking available on Elmbank Street to accommodate dropping and picking up pupils of the proposed dance school. The premises across the road to north of the application site is currently occupied by a car dealer which has off street parking. The opening hours of which overlap the proposed development for an hour on weekdays (between 4 and 5pm) and Saturday mornings (between 9am and 12.30pm). The premises adjacent to the car dealer is occupied by a tyre shop and the opening hours overlap the proposed development for only half an hour on weekdays (4-4.30pm). The unit adjoined to the application site is occupied by a gym which does overlap the operating hours of the proposed development on weekdays (between 4 and 7pm) and all day on Saturday but also has capacity for off-street parking to the front of the property. The hours of operation of the dance studio adjoined to this gym are not clear but it has capacity for off street parking to the front. Another gym is located further east along Elmbank Street which is served by a car park of approximately 30 spaces. As such, it is considered that the proposed use shall not have significant competition for off-street parking with other neighbouring businesses during their core hours of operation.

While it is acknowledged that the ARA have applied the Councils own adopted parking standards to arrive at their recommendation of refusal of this application, it is considered in this case that a reasonable exception to the standards can be made by affording greater weight to the other material considerations including the opportunities for sustainable means of accessing the site by both public transport and active travel measures and that the proposed development shall bring back into economic use a vacant premises with an established business. Additionally, Elmbank Street offers on-street parking opportunities and the application site itself has capacity to accommodate 7 off-street parking spaces, including cycle bays. It is also considered that due to its core hours of operation, the proposed dance school will not be competing for off-street parking with many other neighbouring businesses. Furthermore, a condition can be imposed to any approval granted requiring a Travel Plan is submitted prior to the occupation of the development, which includes measures designed to encourage modes of travel other than private car.

On balance, the proposal is considered to revitalise a previously redundant building by the relocation of this existing established business to the locale, to the benefit of the wider economy and is not considered to raise significant issues relating to traffic, transport, road safety and accessibility, that would warrant the refusal of this application in this instance, subject to the aforementioned condition.

The provisions of the Adopted South Ayrshire Local Development Plan 2 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 and overall is considered to be in accordance with the provisions of LDP2, as set out further below.

(iii) Other Policy Considerations (including Government Guidance)

None.

(iv) Objector Concerns

- Traffic and transport issues and road safety concerns.

This matter is considered in detail in both sections 7(ii) and (iv) of this report.

In summary, the Ayrshire Roads Alliance have recommended refusal of the application on the basis that the parking provision demonstrated falls short of the Council's requirements for a development of this nature. The ARA have not raised any concerns with respect to either road safety or accessibility. The application site can be assessed by both public transport and active travel measures, there are existing on-street parking opportunities on Elmbank Street and the application site itself has capacity for 7 off-street parking spaces and cycle bays. Furthermore, it is not anticipated that there will be a great deal of conflict for on street parking with other businesses in the locale due to the core hours of operation, as noted elsewhere in this report.

Whilst it is acknowledged that the site has the capacity to be accessed via sustainable transport methods, it is deemed appropriate to attach a condition to any approval granted required a Travel Plan is submitted prior to the occupation of the development, which includes measures designed to encourage modes of travel other than private car.

- Business competition.

Competition between businesses does not constitute a material planning consideration. As such, this matter does not form part of the assessment of this current application.

- Safety risks during construction.

There are no external alterations proposed. However, should any noise or related nuisance arise through the works to complete the internal alterations proposed, this would be for the Council's Environmental Health Service to investigate under their statutory powers.

- Usage of proposed kitchen.

The representation suggests that the small kitchen facility is to be used as a cafe, but a cafe is not proposed as part of this application. The kitchen is for the use of staff only and a condition can be imposed in this regard should permission be granted for the change of use of the unit to a dance school. The development relates solely to the change of use of an existing workshop to form a dance school.

(v) Impact on the Locality

As noted above, the development proposal represents development within the settlement of Ayr. LDP2 identifies the site as being within the Newton-On-Ayr light industrial area. It is noted there are several commercial uses to the east, northeast, south and southwest of the site including gyms, a dance school and car wash. A local neighbourhood centre with various commercial premises is located approximately 215 metres to the northeast of the site at Tams Brig. The nearest residential properties are located approximately 45 metres to the south of the site on Glebe Crescent. As such the immediate locale comprises of a mix of uses. No external alterations are proposed to the building. The proposed change of use will revitalise a previously redundant building by the relocation of this existing established business to the locale, to the benefit of the wider economy.

With regard to any potential impact on residential amenity, it is noted that the closest residential property is located approximately 45 metres to the south of the application site. The Council's Environmental Health Service has raised no objection to the proposal, subject to the attachment of relevant noise related conditions. Additionally, while it is not anticipated, it is noted that the Environmental Health Service has statutory powers in relation to any noise nuisance should it occur. Therefore, it is considered that the proposed development shall not adversely impact on the amenity of nearby properties, subject to the conditions outlined below.

The Ayrshire Roads Alliance have recommended refusal of the application on the basis that the parking provision demonstrated falls short of the Council's adopted standards which require a maximum of 60 spaces for a dance studio. The ARA have not raised any concerns with respect to either road safety or accessibility.

Given the ARA position, it has been important to look closely at the nature of the proposed development. The age range for the proposed dance studio is 2 ½ upwards. Parents/ carers of younger pupils who are travelling by car would be expected to either park within the 7 proposed parking bays or on street and take them into the dance studio. For those who are in the older age range, it is more likely that they will be 'dropped off' with no requirement for parents/ carers to park for any length of time or enter the premises. It is also known that car sharing is common practice amongst pupils attending dance schools. Furthermore, the core operational hours of the proposed dance studio are such that there is unlikely to be any significant degree of competition for on street parking between business in the area.

As an alternative to the private car, parents/ carers/ pupils could be expected to travel by bike, noting the close proximity to National Cycle Route 7 and the on site cycle bay parking proposed by the applicant, or take public transport to the premises given how accessible it is by both bus and train. A condition is recommended to secure a travel plan to encourage car sharing and the use of more sustainable modes of transport that are available. Considering these other material considerations, it is the view of the Planning Service that a reasonable exception can be made in this case to allow a departure from the Council's parking standards and support the proposed change of use to a dance studio.

On balance, the proposal is considered to revitalise a previously redundant building by the relocation of this existing established business to the locale, to the benefit of the wider economy and is not considered to raise significant issues relating to traffic, transport, road safety and accessibility at the locale, that would warrant the refusal of this application in this instance, subject to a condition which requires the provision of a Travel Plan, which includes measures designed to encourage modes of travel other than private car, to be submitted prior to the occupation of the development.

For the reasons noted above, it is considered that the development proposals broadly align with the provisions of National Planning Framework 4 and the Adopted South Ayrshire Local Development Plan 2. Accordingly, it is considered that the development does not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. Indeed, it is regarded that the proposal will enhance the vitality of the area by utilising a vacant property and is also a location accessible by sustainable modes of transport. Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (14 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly complies with the provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022). It is considered that the proposal represents a sustainably located development involving the re-use of vacant property, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. In acknowledging the recommendation of the Ayrshire Roads Alliance, it is considered that the nature of proposal including the hours of operation, the in-curtilage parking and cycle bays to be provided and the unrestricted on street parking in the area such as on Elmbank Street allows for the change of use to dance studio to be considered favourably. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that, on balance, the application should be recommended for approval, subject to conditions.

9. **Recommendation:**

It is recommended that the application is approved subject to the conditions (C) and reasons (R) set out below:

- (1C) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (1R) **Reason:** *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) **Reason:** *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
- (3C) Prior to the occupation of development, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the dance studio on 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 nearby residential properties. The assessment shall be undertaken using the current British Standard (or as may be amended) from the closest accessible location to the nearest noise sensitive dwelling from where noise can be measured, or other location as may be agreed. The assessment shall identify any mitigation measures required to achieve British Standard ratings and shall be agreed in writing with the Planning Authority, in consultation with the Council's Environmental Health Service, prior to the occupation of the development. The location from where the noise can be measured from will first be agreed in writing by the Planning Authority.
- (3R) **Reason:** *To avoid noise disturbance in the interests of residential amenity.*
- (4C) That before the occupation of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.
- (4R) **Reason:** *To encourage sustainable means of travel.*
- (5C) The kitchen shall be used solely for purposes incidental to the use of the premises as a dance school and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.
- (5R) **Reason:** *To define the terms of this planning permission, and to retain proper planning control over the development.*

Advisory Notes:

- (1) The hours of operation for any construction/alterations to the development shall be restricted to between 8 am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No operations or activity shall take place at any time on a Sunday.

9.1 **List of Determined Plans:**

- Drawing - Reference No (or Description): A514-L01
- Drawing - Reference No (or Description): A514-L02
- Drawing - Reference No (or Description): A514-L03
- Drawing - Reference No (or Description): A514-L04
- Drawing - Reference No (or Description): A514-L05
- Drawing - Reference No (or Description): A514-L06 Rev. D

Supporting Information - Reference No (or Description): Design and Access Statement

Supporting Information - Reference No (or Description): Additional Supporting Documentation

9.2 Reason for Decision (where approved):

The application has been assessed against the various material planning considerations which include 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), consultations, representations received (14 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly complies with the development plan. It is considered that the proposal represents a sustainably located development involving the re-use of vacant property, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. In acknowledging the recommendation of the Ayrshire Roads Alliance, it is considered that the consultation responses do not raise any issues of over-riding concern that cannot be addressed by absorbing on street parking in the area such as on Elmbank Street and by way of the parking spaces which can be accommodated within the application site. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that, on balance, the proposal, suitably conditioned, will not detract from the character or appearance of the surrounding area or introduce any significant, adverse amenity issues.

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. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. Consultation Responses.
5. Representations.

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:

Ms Emma McKie, Planner - Place Planning - Telephone 01292 616 203