

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



1 September 2025

To: Councillors Lamont (Chair), Cavana, Clark, Kilbride, Kilpatrick, Lyons, 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, 11 September 2025 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 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 meeting of 24 June 2025 (copy herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

For more information on any of the items on this agenda, please telephone June Chapman,
Committee Services on at 01292 272015, at Wellington Square, Ayr or
e-mail: june.chapman@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 24 June 2025 at 10.00 a.m.

- Present
in County
Buildings: Councillors Martin Kilbride (Chair), Ian Cavana, and Alec Clark.
- Present
Remotely: Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.
- Apologies: Councillors Alan Lamont, Lee Lyons and Duncan Townson.
- Attending
In County
Buildings: K. Briggs, Service Lead - Legal & Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. Brown, Solicitor - Legal & Licensing; G. Senior, Ayrshire Roads Alliance; D. Delury, Planner - Planning and Building Standards, J. Chapman, Committee Services Officer; and E. Moore, Clerical Assistant.
- Also Attending: C. Cox, Assistant Director - Planning and Development.

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. Minutes of previous meetings.

The Minutes of previous meeting of 3 April 2025 ([issued](#)) and 5 June 2025 ([issued](#)) were submitted and approved.

Decided: to approve these minutes.

3. Hearing relating to an Application for Planning Permission.

There was submitted a report (issued) of June 2025 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following application: -

(1) [24/00928/APPM](#) GIRVAN PRIMARY SCHOOL WESLEY ROAD GIRVAN SOUTH AYRSHIRE KA26 9D (Planning permission is sought for a replacement primary school which will include additional supports needs (ASN) and early years provision).

Following discussions,

The Panel

Decided: to approve, subject to the following conditions, including an amendment approved for condition 18C: -

(1C) 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.

(1R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

(2C) That prior to the commencement of construction of the buildings, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.

(2R) To ensure that materials are appropriate for the site and in the interests of visual amenity.

(3C) That prior to the construction of the sprinkler tank on the western side of the application site, full details of the appearance of the tank (including its dimensions, exterior finishes and colour) and means of visually screening the tank from the west, shall be submitted to and approved by the planning authority and thereafter implemented as approved.

(3R) in the interest of visual amenity, full details of the tank having not been submitted with the application.

(4C) That the landscaping works detailed on approved drawing number GIVR-HLA-XX-XX-DR-I-00001 Rev P18 shall be implemented in full within one growing season following completion of the demolition of the former school building on the site. The landscaping

shall be undertaken in accordance with the specification notes in approved drawing 1680-HLA-XX-XX-DR-L-90-004 Rev P01.

(4R) To ensure landscaping works are completed at an appropriate stage in the development of the site.

(5C) That all landscaping works and open space areas shall be maintained in accordance with the Landscaping Maintenance Notes on approved drawing 680-HLA-XX-XX-DR-L-90-004 Rev P01 for a period of 5 years following implementation of the approved landscaping plan. Notwithstanding the approved landscaping maintenance details, any dead or diseased species shall be replaced with similar species and sizes during the maintenance period.

(5R) 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.

(6C) The ecological mitigation measures contained within Table 3.1 of the submitted document "Girvan Primary School Biodiversity Enhancements for NPF4 November 2024" shall be adhered to/implemented in full during the construction phase.

(6R) in the interest of biodiversity enhancement and in accordance NPF4 Policy 3.

(7C) That the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS 5837:2012 (or as may be amended) Trees in relation to Construction, to the satisfaction of the Planning Authority.

(7R) In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.

(8C) That before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

(8R) In order to ensure that no damage is caused to the existing trees during development operations.

(9C) The development shall be undertaken in accordance with the recommendations, including the proposed finished floor levels for all buildings, contained within the submitted Flood Risk Assessment dated December 2024 prepared by Kaya Consulting, unless otherwise agreed in writing with the Planning Authority.

(9R) In order to ensure that the proposed buildings are free from risk of flooding and to ensure that the development does not increase the risk of flooding out with the site.

(10C) That the mitigation measures contained in the approved Noise Impact Report 023640-R03-A dated 5 December 2024 shall be implemented in full.

(10R) To avoid noise disturbance in the interests of residential amenity.

(11C) Prior to the commencement of construction of any of the buildings superstructures hereby approved, full details of the proposed acoustic barrier to be erected around the air-source heat pumps shall be submitted to and approved by the planning authority.

(11R) To avoid noise disturbance in the interests of residential amenity.

(12C) The mitigation measures for ground contamination contained within the submitted Stage 2, Geo-environmental Development Appraisal Project N02023-1022 report shall be implemented in full. A report verifying that the mitigation measures have been completed satisfactorily shall be submitted to the Planning Authority prior to either of the school buildings being brought into use.

(12R) to ensure that the identified ground contamination is appropriately treated.

(13C) 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.

(13R) To ensure all contamination within the site is dealt with.

(14C) Ventilation within the kitchen requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of a smell nuisance, the ventilation system in this area shall be provided with suitable means of filtration e.g. grease and charcoal filters and extended ducting terminating at least one meter above eaves level of any building within 15m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking.

(14R) in order to prevent the likelihood of a smell nuisance.

(15C) That before occupation of the school, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. The Travel Plan shall include:

I. Information on pedestrian facilities on the principal walking routes to and from the school, including estimated walking times to key residential areas within the school catchment. This should include details of crossing facilities, school crossing patrollers, etc;

II. Information on cycling and scooting facilities on the principal routes to and from the school, including estimated journey times to key residential areas within the school catchment. This should include details on cycle/scooter parking facilities within the curtilage of the school;

III. Information on public transport services available in the vicinity of the school (including stops/ stations and their associated facilities);

IV. Details of any "Park and Stride" arrangements or initiatives, including highlighting areas where parent/ carer parking should be discouraged or avoided;

V. Details of all other measures and initiatives to be implemented to encourage modes of travel to and from the development other than by private car;

VI. The identification of a Travel Plan Coordinator who shall be responsible for the day to day running, promotion and implementation of the Travel Plan.

The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan.

(15R) To encourage sustainable means of travel.

(16C) That before occupation of the school a School Travel Pack shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. The School Travel Pack shall promote sustainable travel to and from the school, and shall include information on walking, cycling and public transport facilities and services along principal routes within the school catchment area. The Travel Pack shall be distributed to all pupils prior to the initial opening of the school and thereafter shall be reviewed and updated and distributed annually to all existing and new pupils.

(16R) To encourage sustainable means of travel.

(17C) The applicant shall make provision of pedestrian guardrail at each point of pedestrian access from the school onto an adjoining public road (Wreck Road and Wesley Road) prior to occupation of the development. The precise details and specifications of all infrastructure improvements shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance.

(17R) For the purposes of road safety and the functional operation of the local road network.

(18C) The applicant shall make provision of 2 controlled pedestrian crossing facilities at locations to be determined on Wreck Road in the vicinity of the site frontage and 1 controlled pedestrian crossing facility to be determined on Wesley Road in the vicinity of the site frontage prior to occupation of the development. The precise details and specifications of all infrastructure improvements shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance.

(18R) For the purposes of road safety and the functional operation of the local road network.

(19C) That the points of proposed vehicular access from the site onto Wesley Road and Wreck Road shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide. Each point of access shall require to be a minimum of 5.5 metres wide over the initial 10.0 metres as measured from the rear of the public roadway and be formed with a minimum of 6 metre radius curves. Each point of access shall be constructed, as approved by condition and in conjunction with any necessary road opening permits, prior to occupation of the development.

(19R) In the interest of road safety and to ensure an acceptable standard of construction.

(20C) That prior to occupation of the development any gates shall be set back a minimum of 6 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.

(20R) In the interest of road safety.

(21C) 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 approval of the Planning Authority in consultation with the Ayrshire Roads Alliance, before any work commences on site.

(21R) In the interest of road safety and to avoid the discharge of water onto the public road.

(22C) That notwithstanding the approved plans, 60 off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the SCOTS National Roads Development Guide. This provision shall include the following:

- o 54 x general parking spaces;
- o 6x accessible parking spaces.

(22R) In the interest of road safety and to ensure adequate off-street parking provision.

(23C) Prior to the commencement of development, a revised site layout plan shall be submitted to and approved by the Planning Authority, in consultation with Ayrshire Roads Alliance, including full details of parking layouts, including dimensions of the parking bays and aisle widths, designed to comply with the guidance set out in the Council's National Roads Development Guide and which accord with the requirements of Condition 23 of this permission.

(23R) In the interest of road safety and to ensure adequate off-street parking provision.

(24C) 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.

(24R) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

(25C) That cycle parking accommodating a minimum of 40 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 approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. The approved cycle parking facilities shall require to be installed prior to occupation of the school.

(25R) To ensure adequate provision of cycle parking on site and encourage sustainable means of travel.

(26C) That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. Prior to any work commencing on site.

(26R) In the interests of road safety.

(27C) Prior to the commencement of works on site, a Service Management Plan (SMP) shall be submitted to and approved in writing by the Planning Service in consultation with Ayrshire Roads Alliance as the Council's Roads Service. The SMP shall provide details of all management measures associated with vehicular movements required in the regular servicing activities on the application site and the operation of the development and provide details of measures to limit the impacts that servicing activity may have on the adjacent local road network, and to minimise risks to pupils. Thereafter, the approved SMP and associated details and arrangements shall be implemented as approved prior to occupation of the development and shall be maintained as such for a period of 1 year from that date, unless otherwise agreed in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Following a period of 1 year from that date, an updated SMP reflecting and responding to the initial year of operation shall be submitted to and approved in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved updated SMP shall be implemented as approved for the lifetime of the development unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority).

(27R) For the purposes of road safety and the functional operation of the local road.

(28C) 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 the Ayrshire Roads Alliance. The CTMP shall be required to include:

- I. Full confirmation of the approved/agreed routes for use by construction traffic movements;
- II. 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;
- III. 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;
- IV. Details of parking facilities to accommodate all construction traffic throughout the construction programme to avoid placing the adjacent road network under undue pressure;
- V. Details of alternative parking facilities/ measures/ arrangements to accommodate displaced parking associated with ongoing school operation throughout the construction programme to avoid placing the adjacent road network under undue pressure;
- VI. Details of measures/ contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes and vehicle parking. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
- VII. Details of all public road signing and lining arrangements to be put in place during both the construction period, and for the operation of the site thereafter. This detail shall include any additional advisory/warning signage and/or temporary traffic control measures which may be required during the construction period;
- VIII. Full details of all arrangements for emergency vehicle access;
- IX. Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, avoiding movements corresponding with the timings of the start and end of the school day, and requirements for all drivers to always drive in a safe and defensible manner;

- X. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- XI. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
- XII. 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;

Advisory Notes:

- (1) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk.
- (2) Scottish Power Distribution PLC advise that there is a substation with HV / LV underground cables within the vicinity of the proposal. SP Distribution PLC reserve the right to protect and/or deviate their apparatus at the applicant's expense. For a plan of the apparatus please contact request for plansscotland@spenergynetworks.co.uk. For advice on working near our apparatus please visit http://www.spenergynetworks.co.uk/pages/working_near_our_network.aspx or contact customer.resolution@spenergynetworks.co.uk.
- (3) The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- (4) 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.
- (5) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- (6) 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 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.
- (7) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
- (8) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002 are permitted within public road limits.
- (9) The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 1&2 Combined Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.
- (10) The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA by no later than 1 month after completion of the development unless an alternative timescale is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the

applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

List of Determined Plans:

Drawing - Reference No (or Description): 00-DR-A-0001 GA Plan EY Level 00 P03
 Drawing - Reference No (or Description): 00-DR-A-0001 GA Plan - Level 00 P04
 Drawing - Reference No (or Description): 00-DR-A-0002 GA Plan EY - Level 00 Presentation P03
 Drawing - Reference No (or Description): 00-DR-A-0002 GA Plan Presentation Level 00 P04
 Drawing - Reference No (or Description): XX-DR-L-90-004 Proposed Fencing Layout P05
 Drawing - Reference No (or Description): 00-DR-A-0003 GA Plan - Level 01 P04
 Drawing - Reference No (or Description): 01-DR-A-0004 GA Plan Presentation Level 01 P03
 Drawing - Reference No (or Description): DR-L-90-006 Existing Trees Removed and Retained P06
 Drawing - Reference No (or Description): RF-DR-A-27001 GA Plan - Roof P03
 Drawing - Reference No (or Description): XX-DR-L-90-004 Softworks Specification and Maintenance P01
 Drawing - Reference No (or Description): XX-DR-L-90-007 Proposed Site Sections P02
 Drawing - Reference No (or Description): ZZ-DR-A-00101 GA Elevations - Sheet 1 P03
 Drawing - Reference No (or Description): ZZ-DR-A-00201 GA Sections Sheet 1 P02
 Drawing - Reference No (or Description): ZZ-DR-A-90000 Location Plan P02
 Drawing - Reference No (or Description): ZZ-DR-A-900003 Construction and Demolition Phase Plan 2 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90001 SITE - EXISTING PLAN P02
 Drawing - Reference No (or Description): ZZ-DR-A-90002 SITE - CONSTRUCTION AND DEMOLITION PHASE PLAN - PHASE 1 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90004 SITE - CONSTRUCTION AND DEMOLITION PHASE PLAN - PHASE 3 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90008SITE - SUN PATH OVERLAY P01
 Drawing - Reference No (or Description): ZZ-DR-A-90009 3D Visual 1 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90010 3D Visual 2 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90011 3D VISUAL 3 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90012 3D VISUAL 4 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90013 3D VISUAL 5 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90014 3D VISUAL 6 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90015 3D VISUAL 7 P01
 Drawing - Reference No (or Description): ZZ-DR-A-90201 SITE SECTIONS P01
 Drawing - Reference No (or Description): SPRINKLER STORAGE TANK SECTION
 Drawing - Reference No (or Description): GIRV-HLA-XX-XX-DR-L-00001 REVISED PROPOSED MASTERPLAN P18
 Drawing - Reference No (or Description): GIRV-NOR-B2-RF-DR-A-27001 REVISED GA PLAN - ROOF EARLY YEARS P03
 Drawing - Reference No (or Description): GIRV-NOR-B2-ZZ-DR-A-00101 REVISED GA ELEVATIONS - EARLY YEARS P04
 Drawing - Reference No (or Description): GIRV-NOR-B2-ZZ-DR-A-00201 EY GA SECTIONS SHEET 1

Drawing - Reference No (or Description): GIRV-WHL-XX-XX-SK-C-030 TURNING MANOEUVRE SKETCH P01

Supporting Information - Reference No (or Description): 2023-1022 GIRVAN PRIMARY STAGE 1 REPORT

Supporting Information - Reference No (or Description): 2023-1022 Girvan Primary School Stage 2

Supporting Information - Reference No (or Description): Arboricultural Impact Assessment Report

Supporting Information - Reference No (or Description): Biodiversity Enhancements for NPF4

Supporting Information - Reference No (or Description): CIVIL AND STRUCTURAL STATEMENT

Supporting Information - Reference No (or Description): DRAINAGE STRATEGY

Supporting Information - Reference No (or Description): FLOOD RISK ASSESSMENT

Supporting Information - Reference No (or Description): NOISE IMPACT ASSESSMENT

Supporting Information - Reference No (or Description): GEO-ENVIRONMENTAL DEVELOPMENT APPRAISAL

Reason for Decision:

1. 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.
2. The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

The meeting ended at 10:32.

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 11 September 2025

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/00220/APP David Clark (Objections) (Application Summary)	Land at Annfield Road Prestwick South Ayrshire	Erection of 5 dwellinghouses	Harkiss Homes Ltd	Approval with Condition(s)
2.	25/00378/APP David Clark (Objections) (Application Summary)	3 Marlborough Court South Harbour Street Ayr South Ayrshire KA7 1HE	Change of use from dwellingflat to form short term let accommodation	Mrs Lisbeth Kirsop	Approval with Condition(s)
3.	25/00337/APP Dianne Lewis (Objections) (Application Summary)	Blackburn Drive Ayr South Ayrshire	Retrospective installation of beach wheelchair storage container	Whiteleys Retreat	Approval with Condition(s)

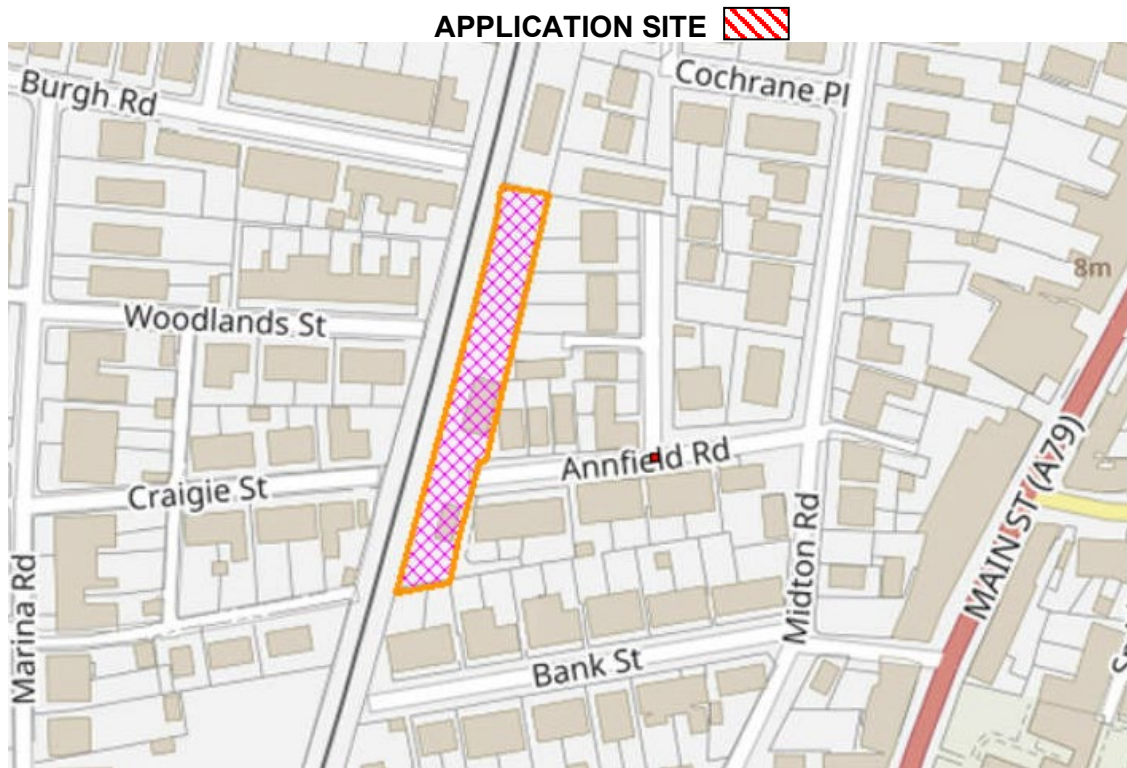
REGULATORY PANEL: 11 SEPTEMBER 2025

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

22/00220/APP

LAND AT ANNFIELD ROAD PRESTWICK SOUTH AYRSHIRE

Location Plan



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

Planning permission is sought for the erection of five dwellinghouses on land accessed from Annfield Road, Prestwick. The application site comprises a long, rectangular and narrow brownfield plot formerly occupied by a haulage yard, located within the settlement boundary of Prestwick and within a predominantly residential area, as prescribed by the South Ayrshire Local Development Plan 2. The application has generated a number of representations from third parties. Consultation responses have been received with no objections raised, subject to the attachment of planning conditions.

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

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 11 SEPTEMBER 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00220/APP
SITE ADDRESS:	Land at Annfield Road Prestwick South Ayrshire
DESCRIPTION:	Erection of 5 dwellinghouses
RECOMMENDATION:	Approve subject to payment of commuted sum in lieu of play equipment and imposition of 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 9 March 2022.
- The application was validated on 9 March 2022.
- The case officer has visited the site on a number of occasions during the assessment of the application.
- 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 24 July 2025.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

Planning permission is sought for the erection of 5 dwellinghouses on land adjacent to and accessed from Annfield Road, Prestwick. The site is a former haulage yard which has lain empty for a number of years, and currently features a large derelict building with considerable vegetation overgrowth. The application site comprises an elongated rectangular piece of land which covers an area of approximately 2,230 square metres. The surrounding residential area is characterised by single and one and half storey dwellinghouses which bound the north, south and east of the application site. The western side of the application site is bound by a railway line which sits in an elevated position, approximately 1.5 metres above the application site.

The proposal comprises the erection of 5 dwellinghouses which are dispersed throughout the site. Plots 1 and 2 are located immediately to the west of 31 and 10 Annfield Road, respectively. Plot 3 is located to the west of the garden ground of 10 Annfield Road and also a site occupied by garages; whereas plots 4 and 5 are located to the west of the dwellings located at 9 to 15 Annfield Terrace. The dwelling proposed within plot 1 comprises a different house design to those proposed within plots 2 to 5. While the design ethos of the proposed houses are similar, the dwelling proposed within plot 1 has different fenestration arrangements to that of the dwellings proposed within plots 2 to 5. The proposed dwellings are to be finished in a combination of materials comprising; rendered external walls, buff brick external base course, timber/ aluminium facing windows, concrete roof tiles, uPVC rainwater goods and steel doors with timber facings. Access to the proposed development would be taken directly from Annfield Road.

Planning History

Planning permission (Ref: 07/00951/OUT) was granted in 2008 for the erection of housing at the application site.

Following this, a further outline application (Ref: 08/00902/OUT) was submitted for the erection of four detached dwellinghouses. That application was refused by the Council, and the decision was subsequently appealed to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). The Reporter dismissed the appeal, thereby refusing outline planning permission. In reaching that decision, the Reporter accepted in principle that four dwellings could potentially be accommodated within the site without unacceptable detriment to the residential amenity of neighbouring properties in Annfield Terrace, provided they were appropriately designed and sensitively sited. However, the indicative scheme submitted under Ref: 08/00902/OUT at that time, failed to adequately meet these standards.

More recently, planning application Ref: 21/00427/APP was submitted in 2021 for the erection of dwellinghouses but was withdrawn by the applicant's agent following concerns raised by the Planning Service. These concerns related to the height and siting of the proposed dwellings, the likely impacts on residential amenity, and technical objections raised by the Ayrshire Roads Alliance (ARA). Further work was needed on the siting and design of the proposals to achieve an acceptable development.

Current Application – Delay in Determination

The current application has been under consideration since March 2022 due to the need to resolve technical matters relating to flood risk and drainage. A Flood Risk Assessment (FRA) was submitted with the application which identified site-specific constraints and potential future flood risks (including the 1-in-200-year event with climate change allowance) and set out suggested mitigation measures. In addition, the applicant provided an engineered drainage scheme based on the findings of the FRA and supporting ground investigation data.

ARA, acting in their capacity as the Local Flood Prevention Authority, requested further clarification and evidence to confirm the robustness of the proposed scheme. Their requirements included:

- Site-specific BRE 365 soakaway testing rather than reliance on nearby site data;
- Independent review of the scheme and test results by a second civil engineer;
- Additional testing at specific locations within the site and to depths exceeding 2 metres to demonstrate that the drainage proposals would operate above the water table; and
- Agreement to standard planning conditions and advisory notes relating to drainage.

In response, the applicant's design team undertook the requested site-specific BRE 365 soakaway testing, with the data independently reviewed by a second engineer. Additional testing was carried out at the specified locations and depths, and the applicant confirmed agreement to the standard conditions and advisory notes recommended by ARA.

The additional technical work submitted summer 2025 has now provided ARA with sufficient information to conclude their assessment, whereby they offer no objections subject to conditions. This has allowed the application to now be progressed.

Neighbour Notification

Given the scale and nature of the further flood risk and drainage information submitted during the course of the application, all parties originally notified of the development were re-notified on 25 June 2025. This afforded neighbouring residents and property owners a formal opportunity to review and comment on the updated technical submissions before the application was progressed to determination.

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.

2. Consultations:

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

Scottish Water - offer no objection.

Council's Environmental Health Service - offer no objection subject to a condition which requires for the mitigation measures identified in the Noise Impact Assessment to be undertaken.

Network Rail (Railtrack Property) - offer no objection subject to conditions.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

The applicant and their agent have submitted a comprehensive package of information in support of the application. This includes a full suite of plans and drawings which set out the proposed site layout, house types, elevations, and floorplans. These drawings provide the basis for the assessment of the design, scale, and siting of the proposed dwellings, and illustrate how the development would be integrated within the existing residential context.

A Design and Access Statement has also been provided. This document explains the design rationale underpinning the development, including the choice of layout, house types, materials, and architectural detailing. It also addresses issues of accessibility, connectivity with the surrounding area, and compliance with relevant policy and design guidance.

In addition, a Noise Impact Assessment has been submitted. This considers the potential for noise impacts associated with the proximity of the adjacent railway line and identifies appropriate mitigation measures to ensure that acceptable residential amenity standards can be achieved for future occupants. The assessment is particularly important given the location of the site directly adjoining the rail corridor, which is elevated relative to the site.

A Flood Risk Assessment (FRA) has been prepared to examine the potential flood risk affecting the site, including consideration of a 1-in-200-year flood event with climate change allowance. The FRA highlights site-specific constraints and identifies a series of mitigation measures and drainage strategies to ensure that flood risk can be satisfactorily managed. The FRA has been supplemented by an engineered surface water drainage scheme, supported by site investigation data and independent engineering review, in response to requests from the Ayrshire Roads Alliance acting as Flood Prevention Authority.

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:

46 representations have been received, 46 of which object to the proposed development. All representations can be viewed online at ([Application Summary](#)). The grounds of objection as submitted are summarised and responses to each are set out in detail in Section 7 iii) below.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, by 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, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

In Scotland, the planning system is plan-led. On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 now forms part of the statutory development plan, along with the adopted South Ayrshire Local Development 2 (LDP2).

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The following provisions of the development plan are considered relevant to the consideration of this application:

National Planning Framework 4 (NPF4)

The following policies are considered relevant:

Policy 1 (Tackling the Climate and Nature Crises) requires development proposals to give significant weight to the global climate and nature crisis. Policy 2 (Climate Mitigation and Adaptation) requires proposals to be sited and designed in a manner which minimises lifecycle greenhouse gas emissions. The Scottish Government's guidance on Policy 2 is intended to be proportionate and confirms that a detailed lifecycle greenhouse gas assessment is not required for proposals of fewer than 10 residential units. As the current application relates to 5 residential units, no specific condition is considered necessary. Nevertheless, the development will be required to comply with Building Standards Regulations, which secure energy efficiency and sustainability measures, thereby ensuring an appropriate level of alignment with Policy 2.

NPF4 emphasises the need to make efficient use of existing buildings, land, and infrastructure, and to prioritise the redevelopment of rural and urban brownfield sites before greenfield sites. Protection and enhancement of landscapes, the natural environment, and linkages to infrastructure are also key considerations. In addition, NPF4 highlights the importance of safeguarding and enhancing biodiversity as an integral part of sustainable development, requiring that development should avoid net losses of biodiversity and, where possible, secure measurable gains through habitat creation, ecological enhancements, or the incorporation of nature networks.

Brownfield land is defined in the NPF4 policy 9 (Brownfield, vacant and derelict land and empty buildings) as "land which has been previously developed" and includes vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. In this regard, it is of note that the site is located within an established residential area in the settlement of Prestwick. The site is considered to fall within the above noted NPF4 definition of brownfield land. As such, it is considered that the application proposals represent the sustainable development of a brownfield site. As noted above, the site is located within a residential area, and as such, the proposed addition of 5 dwellings are consistent with this setting.

The proposal has potential to integrate biodiversity enhancements such as native planting, wildlife features and sustainable drainage systems in line with the biodiversity objectives of Policy 3 of NPF4.

NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. Policy 15 – Local Living and 20-minute neighbourhoods is also relevant, stating that development proposals will contribute to local living.

With regards to 'Placemaking', NPF4 policy 14 – Design, quality and place states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It is considered that the proposal offers the opportunity to redevelop the site through the infilling of new residential properties without significant adverse impact on the character or townscape setting of the area, or on the amenity of the locality. The proposal is considered to represent a sustainable development due to involving the use of previously development land within a settlement. Also, the site is within the settlement of Prestwick and is in walking distance to services and amenities and therefore meets with the aspirations of Policy 15.

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

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. The policies of NPF4 can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4-revised-draft/documents/>

Adopted South Ayrshire Local Development Plan 2

The following provisions of the adopted South Ayrshire local development plan are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Residential Policy within settlements, release sites and windfall sites;
- Land use and transport;
- Flooding and development; and
- Air, noise and light pollution.

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

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

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

The strategic policies also seek to ensure that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings. In considering the development proposal, it is noted that the proposal represents the development of former haulage yard for residential purposes. The application site is located within a residential area, as prescribed by the LDP, and in close proximity to other residential land and property, and in this context represents the sustainable use of land. Further consideration of details of the proposal in terms of its amenity impact, layout, scale, massing, design and materials is considered further below.

- Residential Policy within Settlements, Release Sites and Windfall Sites;

This policy aims to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effects on the local amenity. The site is located within a residential area, and is adjacent to, and in close proximity to other residential properties. The proposal is for the re-use of a vacant site which was previously used as a haulage yard. For the reasons noted within this report, it is considered that, there is no issue with the principle of residential development in this location, and that subject to appropriate planning conditions; the site can provide an acceptable residential environment.

- Land use and transport;

The LDP policy in relation to land use and transport 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. The site is well located in an established residential area, with the potential for trips by other means of travel, than just the private car. The Ayrshire Roads Alliance has also been consulted on the proposals and have offered no objection, subject to conditions. The application is considered in this context.

- Flooding and development;

In terms of the flooding, the agent has submitted a Flood Impact Assessment (FRA) which assesses the risk of flooding associated with the application site. The FRA has been considered and assessed by the Ayrshire Roads Alliance in their capacity as the Flood Prevention Authority, who offer no objection to the proposal. SEPA has not been consulted on this application as it is considered that there is no requirement to do so as prescribed by Regulation 25 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The ARA has provided site specific advice on matters relating to flooding who consider that the development proposal is acceptable and does not present any issues in terms of flooding. The implementation of any flood mitigation measures can be addressed by way of an appropriate planning condition.

- Air, noise and light pollution;

Due to the proximity of the railway line, the application is accompanied by a Noise Impact Assessment (NIA) which assess the noise impact associated with the application site. The NIA has been considered and assessed by the Council's Environmental Health Service who offer no objection to the proposal, subject to a condition which requires for the mitigation measures suggested in the NIA to be undertaken mitigation barrier to be installed alongside the western boundary of the site? as specified in the NIA. This can be secured by condition and will likely form a fence or similar boundary feature.

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

(ii) Other Policy Considerations (including Government Guidance)

- South Ayrshire Council Planning Guidance (PG);

The Council's Planning Guidance entitled 'Open Space and Designing New Residential Developments' is also material to the consideration of the application. The guidance seeks to achieve a design-led solution based on qualitative proposals, rather than a more simplistic application of quantitative standards. Notwithstanding, the guidance maintains some quantitative elements, which are considered further below.

The proposal is considered to constitute infill development given that it is sited within an existing residential area and is bound by existing development. The above PG acknowledges that "infill developments can have a number of benefits both for the immediate areas in which they are found and in terms of the wider sustainability agenda. Infill developments normally take place within existing urban areas which reduces the need to identify new residential sites on greenfield land; they utilise existing public infrastructure such as roads, water and drainage and they can help to regenerate areas suffering from poor environmental quality."

Open space requirements within infill developments will be the same as those for new residential areas, i.e; a 9 metre depth of rear garden, and private garden ground for detached properties provided at a ratio of one and a half times the size of the ground floor area, with a minimum of 100 sq. metres. However, the Council recognises that there may be circumstances where higher or lower open space standards may be necessary when taking into account the established character and amenity of the existing surrounding area. In all cases one of the key considerations will be the ratio of built form to open space. This should be reflective of the existing surrounding area unless overriding design considerations indicate otherwise. In all circumstances the quality of the open space and the overall design principles of the site, including how it complements the established character and amenity of the existing surrounding area will be considered to be of prime importance. A design statement will be a key tool in this respect.

Having considered the proposal against the above, it is noted that the dwellinghouses are to be provided with the following rear garden provision: -

- o Plot 1 – 289 square metres,
- o Plot 2 – 122 square metres,
- o Plot 3 – 153 square metres,
- o Plot 4 – 112 square metres,
- o Plot 5 – 166 square metres.

It is noted that the surrounding area comprises a mixture of medium to high density development. Specifically, the dwellings located at 6 to 10 Annfield Road, and the dwellings located on the southern side of Annfield Terrace are typified by dwellings set within relatively small plots. Having considered the plot ratios of the proposed dwellings, it is not considered that the development proposal will result in a ratio of built form to open space which is atypical to the character of the locale.

The proposals are also considered to be consistent with the terms of the guidance in achieving the minimum separation distances of 18 metres window to window so as to ensure that the amenity and privacy of neighbouring dwellings are not adversely compromised.

In addition, the Council's Planning Guidance requires a commuted sum in lieu of on-site play equipment, where proposals range between 5 and 15 residential units. As noted above, the proposal is to provide an additional 5 residential units in this residential location, and therefore, a commuted sum is required for the provision of off-site play equipment. This will require to be secured before any decision to approve the application can be issued.

Overall, having considered the infill nature of the proposal, and the built context in which the site is set, the development is considered to be acceptable and broadly in accordance with the principles of the Council's Planning Guidance in relation to 'Open Space and Designing New Residential Developments'.

(iii) Objector Concerns

The concerns of the objectors are summarised and considered as follows: -

Overdevelopment and Scale

- *The site is too small to accommodate five large detached houses.*

The site is considered to be of sufficient size to accommodate five detached dwellings while maintaining appropriate plot ratios and garden ground. The proposals reflect a medium-density pattern of development typical of Annfield Road and Annfield Terrace, where dwellings are set within relatively modest plots. Rear gardens for the new houses range between 112 sqm and 289 sqm, exceeding minimum design guidance and ensuring adequate private amenity.

- *The proposed dwellings are two-storey and overbearing, dramatically out of scale with surrounding single-storey bungalows and cottages.*

The wider area is characterised by a mix of house types, including two-storey houses. The proposed dwellings have a ridge height of 6.3 metres, which is comparable with neighbouring properties such as 31 Annfield Road (6.6 metres). They will not appear excessive or overbearing.

- *The height, volume, massing, and rooflines are not comparable with the local area.*

There is no uniform house type or roof profile in the locality. The proposals introduce a cohesive but varied design, incorporating changes in façade treatment and roof detailing to reflect the mixed character of the area.

- *The layout fails to reflect the character, form, and vernacular of the existing streetscape.*

The development represents infill on a brownfield site, with a design ethos consistent across the five units but incorporating variation to avoid uniformity. The locality is typified by variety, and the proposal respects this established pattern.

- *Overdevelopment would overshadow adjacent properties and reduce sunlight to gardens and homes.*

Sunlight/daylight impacts have been assessed against the separation standards. It is considered that there will be no unacceptable overshadowing or loss of sunlight to existing dwellings or gardens.

- *Residents feel the proposal is profit-driven rather than sympathetic to local needs.*

The planning system does not assess the motives of an applicant. The relevant test is whether the proposal accords with the framework of planning policy. The application represents a sustainable residential re-use of a brownfield site in line with NPF4 and SALDP2.

- *There is a shortage of bungalows locally, which could be more suitable and marketable on this site.*

While the comments are noted, planning applications must be assessed on the acceptability of what is proposed, not on alternative development options.

Amenity, Privacy, and Overlooking

- *Two-storey homes would result in overlooking of private gardens, bedrooms, and living areas, affecting privacy.*

The dwellings are positioned to avoid direct overlooking of neighbouring gardens and habitable rooms. Separation distances and window placements are compliant with planning guidance.

- *Overshadowing would reduce sunlight and amenity for neighbouring properties.*

Shadowing impacts have been assessed and are not considered significant. The scale and orientation of the proposed dwellings ensure that adjacent properties retain adequate sunlight and daylight.

- *Landscaping proposals are unclear, including tree species, potential overshadowing, and invasive root systems.*

A detailed landscaping scheme will be secured by condition. This will ensure appropriate species selection and siting to avoid impacts on light or neighbouring structures.

- *Lack of communal amenity space; residents suggest alternative uses such as allotments or open greenspace.*

Given the infill nature of the site and the private gardens proposed, the absence of communal space is not considered to represent a policy conflict. The site is within walking distance of public open spaces and local facilities.

Traffic, Access, and Parking

- *Annfield Road and adjacent streets are narrow and congested.*

The Ayrshire Roads Alliance has reviewed the application and raises no objection. On this basis, it is considered that the road network is capable of absorbing the limited additional traffic generated by the 5 dwellings. Each of the dwellings also has dedicated off street parking provision.

- *Increased traffic from multiple cars per household, visitors, and service vehicles would exacerbate congestion.*

Adequate off-street parking is provided in accordance with Council standards. Visitor demand for 5 dwellings is expected to be low and can be absorbed without adverse effect.

- *No adequate turning facilities for emergency vehicles, delivery vans, refuse lorries, or visitors.*

Access and turning have been reviewed by ARA and are considered acceptable. Conditions will ensure refuse collection points and access surfacing are provided.

- *Pedestrian safety is compromised by shared surface access, blind spots, and lack of segregated pathways.*

Shared surface arrangements are acceptable in small residential developments. Conditions will secure surfacing and visibility splays to protect pedestrian and vehicle safety.

- *Visitor parking is not provided, raising risks of overspill into neighbouring streets.*

On-plot parking meets required standards. It is considered that visitor demand will be modest and can be accommodated on-site and within the local street network without material impact.

Drainage, Flood Risk, and Utilities

- *Existing drainage and sewerage infrastructure is overburdened and prone to blockage and flooding.*

Scottish Water has been consulted and raises no objection. Connection to the public network will be subject to their separate approval.

- *The proposal increases impermeable surfaces, raising risks of runoff and local flooding*

A Flood Risk Assessment and engineered drainage scheme have been submitted and reviewed by ARA. No objection is raised subject to conditions securing implementation of the scheme.

- *Concerns exist regarding water pressure, sewer capacity, and potential contamination.*

These matters fall within the remit of Scottish Water and the Council's Environmental Health Service, who have confirmed no objection.

- *Residents report repeated maintenance issues and request evidence of Flood Risk Assessment or ground investigation.*

A FRA and soakaway testing have been submitted and independently reviewed. These confirm that site conditions can accommodate the proposed drainage system. All reports submitted with the application are available for public viewing in the online planning portal.

Environmental and Wildlife Impacts

- *The site supports local wildlife, including hedgehogs, foxes, and bats.*

The site is previously developed with no natural heritage designation. Landscaping and biodiversity enhancements (e.g. native planting, hedgehog highways, bird/bat boxes) can be secured by condition.

- *Construction may disrupt habitats and local ecology.*

Impacts during construction will be temporary and can be mitigated through best practice construction methods.

- *Asbestos in the existing industrial structure may pose health risks during demolition if not properly managed.*

Asbestos removal is regulated under separate Health & Safety legislation.

- *Vermin (rats, foxes) may be displaced onto neighbouring properties during construction.*

This is a common issue with redevelopment of vacant sites and can be addressed through proper site clearance and pest management measures of which the developer will be responsible.

Safety and Site Suitability

- *Narrow streets and lack of turning areas create hazards for children, elderly residents, and pets.*

ARA has reviewed the application and considers the proposed access arrangements acceptable.

- *Emergency vehicle access is restricted, increasing risk during incidents.*

Emergency access is adequate and has been confirmed acceptable by ARA.

- *Proximity to the railway embankment raises concerns over site stability; independent assessment is requested.*

Network Rail has been consulted and raises no objection subject to conditions. The embankment is structurally stable and does not preclude development.

- *Residents question whether the site is safe and suitable for this scale of development.*

The site has been assessed by statutory consultees and found suitable for residential use, subject to standard conditions.

Design, Policy, and Planning Compliance

- *Proposal fails to respect National Planning Policy (NPF4), particularly requirements for infill, scale, and street character.*

The development is fully in line with NPF4's emphasis on reusing brownfield land, delivering housing within established settlements, and supporting compact, walkable neighbourhoods. Scale and design are compatible with the surrounding mix of house types.

- *The site is not allocated for residential use in the Adopted Local Development Plan (LDP), nor identified in the housing land audit.*

As an infill brownfield site within the settlement boundary, the proposal is supported by SALDP2 and NPF4 policies on sustainable housing delivery, regardless of allocation status.

- *Proposed development does not meet windfall site policy requirements for visitor parking, privacy, or public open space.*

The scheme provides appropriate private amenity and meets all parking standards. Privacy standards are achieved. The absence of communal open space is acceptable in the context of nearby facilities.

- *Concerns remain about inconsistencies in submitted plans, including discrepancies in elevations, window positions, and roof heights.*

The submitted scaled plans provide sufficient clarity for robust assessment.

- *Residents request consideration of alternative uses or building types more in keeping with local character.*

Applications must be assessed on the proposals before the Authority, not on alternative uses. The current application is considered acceptable.

Other Matters

- *Loss of view and impact on property values.*

These are not material planning considerations.

- *Disturbance during construction.*

Construction impacts are temporary and regulated separately under Environmental Health and the Control of Pollution Act 1974.

(iv) Impact on the Locality

The application site is situated within a predominantly residential part of Prestwick and comprises a long, narrow brownfield plot formerly occupied by a haulage yard. The immediate context is characterised by a mix of single and one-and-a-half storey dwellings, with no dominant or consistent architectural style defining the locality. This mix of house types, scales, materials and roof forms has created a varied streetscape and townscape character. Against this background, the proposal for five new dwellings, including a variation in design between Plot 1 and Plots 2–5, is not considered to appear incongruous. There is no prevailing architectural vernacular that new development must replicate, and the introduction of a modestly varied housing type is consistent with the diversity of the area.

In terms of scale, the proposed dwellings would reach a maximum height of approximately 6.3 metres, which sits comfortably alongside existing dwellings within Annfield Road and Annfield Road Terrace. By way of comparison, the dwelling at 31 Annfield Road rises to approximately 6.6 metres at its highest point, demonstrating that the scale of the proposed units is compatible with the established built form. The proposal therefore achieves a balance between respecting the height and massing of surrounding dwellings, while contributing a contemporary design solution.

The determining issues in this case are the impact of the development on the amenities of adjoining properties, its effect on the wider character and amenity of the area, and whether a satisfactory residential environment would be created for future occupiers. Each of these matters has been carefully considered with reference to the provisions of the development plan and associated guidance.

The development comprises five dwellings dispersed across the length of the site. Plots 1 and 2 sit adjacent to 31 and 10 Annfield Road, respectively. Plot 3 lies to the west of the garden ground of 10 Annfield Road and adjacent garages, while Plots 4 and 5 are positioned to the west of dwellings on Annfield Terrace. The dwelling proposed for Plot 1 departs slightly in fenestration and form from Plots 2–5, but the overarching design ethos, materials palette, and massing remain consistent. Proposed finishes include rendered walls with a buff brick basecourse, timber/aluminium windows, concrete roof tiles, uPVC rainwater goods, and steel/timber-faced doors. This approach offers a simple but robust design solution which is sympathetic to the mixed character of the area.

The accompanying Design and Access Statement reinforces the absence of a unifying architectural style within the locality. It highlights that Midton Road, the nearest main route, contains a range of building types, from single-storey bungalows to two-storey villas, finished in stone, render, cladding and tile. Side streets such as Annfield Road are generally more consistent in scale, though exceptions exist, particularly towards the railway where massing steps up to one-and-a-half and two storeys. A site inspection corroborates the Statement's conclusion that there is no typical architectural form in the vicinity. In this context, the design, form and detailing of the proposed dwellings are considered to be appropriate.

The proposal has been amended from the earlier scheme submitted under application 21/00427/APP. Key changes include reduced building heights through cropped ridge and lowered eaves, increased offset from the eastern boundary to reduce enclosure impacts, and reorientation of dwellings to face away from neighbouring gardens. Roof profiles slope away from Annfield Terrace rather than presenting gables directly towards neighbouring gardens, thereby lessening visual impact. The internal layout has been revised to avoid windows overlooking adjoining garden ground, with only rooflights serving bathrooms and en-suites facing in this direction. These design refinements significantly reduce the sense of enclosure and protect residential privacy.

The proposals also achieve compliance with the Council's open space standards, with rear gardens repositioned to maintain adequate private amenity space. The separation distances between the new dwellings and existing residential properties are judged sufficient to protect privacy, outlook and sunlight/daylight access. While the site lies adjacent to a railway line, a Noise Impact Assessment has been provided, which identifies appropriate mitigation to ensure internal and external noise levels for future residents remain within acceptable standards. The Council's Environmental Health Service has reviewed this matter and raised no objection, subject to appropriate conditions.

The redevelopment of this long-vacant and visually deteriorated brownfield site represents a positive intervention in the local streetscape. The replacement of derelict structures and overgrown land with modern dwellings will enhance the appearance of Annfield Road, creating a more ordered and attractive frontage while improving the amenity of the immediate environment. The siting of the proposed dwellings follows an established pattern of residential development on elongated plots adjacent to the railway line, ensuring that the scheme integrates naturally with the local urban grain.

While the scheme is considered to be well-designed and compatible with the surrounding area, it is noted that the development represents a relatively medium/high-density form of infill, with dwellings positioned on relatively narrow plots. In this context, even modest extensions, outbuildings, or alterations falling within the scope of permitted development rights could materially erode the carefully considered balance of spacing, layout and amenity established through the approved design. For example, the introduction of rear extensions or additional outbuildings could lead to overdevelopment of the plots, loss of usable garden space, or a reduction in the amenity of neighbouring occupiers. To avoid such incremental changes undermining the quality of the scheme or the residential environment, it is considered both prudent and necessary to remove permitted development rights for extensions, roof alterations, outbuildings, and garden structures. This will ensure that any future alterations are subject to planning control, allowing the Council to assess their impacts on character, design integrity, and amenity in the context of this constrained site.

Finally, waste collection is an essential element of any development; therefore, a condition has been recommended requiring details of a designated bin collection point to be submitted for approval in consultation with the Council's waste services.

In summary, the proposed development is considered to be compatible with the surrounding residential environment in terms of siting, scale, height and design. The varied architectural approach is reflective of the area's existing diversity, and the scheme safeguards the residential amenity of existing and future occupiers. The regeneration of this brownfield site is expected to enhance the character and visual quality of the locality, while continuing established local patterns of development. Subject to the removal of permitted development rights as outlined above, the proposal is not considered to have a detrimental impact on the character or amenity of the area and is consistent with the development plan.

8. Conclusion:

The application has been assessed against the various material considerations which include the provisions of the development plan, supplementary planning guidelines, consultations, representations received and the impact of the proposed development on the locality.

The assessment concludes that the principle of the proposed development complies with the development plan and supplementary guidance. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered but do not raise any issues that would merit refusal of the application. It is considered that the site context, building design and layout finish are satisfactory and together with the imposition of suitable planning conditions, will ensure an acceptable development.

Given the above assessment of the proposal, and having balanced the applicant's rights against the general interest, delegated powers are sought to approve the application subject to the lodging of an appropriate financial contribution in lieu of onsite play equipment, and appropriate conditions.

9. Recommendation:

It is recommended that the application is approved subject to the payment of a commuted sum in lieu of onsite play equipment and the imposition of the following conditions.

The commuted sum will require to be secured before any decision to approve the application can be issued.

- (1C) 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.
- (1R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2C) That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order revoking and re-enacting the Order) all development falling within Classes 1 and 3 (covering the enlargement of a dwellinghouse and other development within the curtilage of a dwellinghouse) shall be the subject of a formal application for planning permission.
- (2R) In the interests of the amenity of the area.
- (3C) That the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to the occupation of the first dwelling. Precise details and specifications of the required surfacing 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.
- (3R) In the interest of road safety and to ensure an acceptable standard of construction.
- (4C) That a maximum of 10 off-road parking spaces shall be provided within the site boundary as shown on Drawing Number L(00)003 Rev K, to satisfy provision levels as defined within the SCOTS National Roads Development Guide.
- (4R) In the interest of road safety and to ensure adequate off-street parking provision.
- (5C) 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.
- (5R) In the interest of road safety and to avoid the discharge of water onto the public road.

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- (6C) That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, prior to the occupation of the development. Details and specification of the siting and design of bin collection points 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.
- (6R) In the interests of road safety.
- (7C) No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in such a quantity which will cause a nuisance or hazard to the road system in the locality.
- (7R) In the interest of road safety.
- (8C) The applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes, and shall be implemented as approved.
- (8R) In the interest of road safety.
- (9C) No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority, in consultation with the Ayrshire Roads Alliance (Flooding). The scheme shall incorporate the findings of the Flood Risk Assessment and BRE 365 soakaway testing, and shall include details of long-term maintenance arrangements. The approved scheme shall thereafter be implemented in full prior to the occupation of the dwellings.
- (9R) To ensure satisfactory drainage and to protect the site and surrounding area from flood risk.
- (10C) The applicant must provide a trespass-proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, with provision made for future maintenance and renewal. Details of the proposed fencing shall be submitted for the prior written approval of the Planning Authority (in consultation with Network Rail) before development commences, and thereafter erected as approved.
- (10R) In the interests of public safety and the protection of Network Rail infrastructure.
- (11C) The applicant must provide a safety barrier along the boundary of the railway where adjacent to roads, turning circles and parking areas, designed to prevent vehicles driving onto the railway or damaging lineside fencing. Details shall be submitted for the prior written approval of the Planning Authority (in consultation with Network Rail) before development commences, and the barrier shall be installed as approved prior to occupation of the dwellings.
- (11R) In the interests of public safety and the protection of Network Rail infrastructure.
- (12C) Any Sustainable Urban Drainage features shall not be located within 10 metres of the railway boundary.
- (12R) To protect the stability of the adjacent railway lines and the safety of the rail network.
- (13C) No development shall take place until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include:
- Hard and soft landscaping works;
 - Boundary treatments;
 - Details of trees and vegetation to be retained;
 - Species and planting locations;
 - Phasing and implementation programme.

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Where trees/shrubs are proposed adjacent to the railway boundary these must be positioned at a distance greater than their predicted mature height, and certain broadleaf species shall be avoided.

The approved scheme shall be implemented in accordance with the agreed phasing and thereafter maintained.

- (13R) To safeguard residential amenity, enhance biodiversity, and protect railway operations.
- (14C) Prior to occupation of the dwellings, details of biodiversity enhancement measures (such as native planting, bird/bat boxes, and hedgehog highways) shall be submitted for the written approval of the Planning Authority, and thereafter implemented as approved.
- (14R) To ensure the development delivers biodiversity enhancement in line with NPF4 requirements.
- (15C) No dwelling shall be occupied until the noise mitigation measures set out in the Noise Impact Assessment (ref: 7480-00-00, dated 2 September 2022) have been fully implemented. These shall include the erection of a mitigation barrier as specified in Section 9.1 of the report. The approved mitigation shall thereafter be retained in perpetuity.
- (15R) To protect the amenity of future occupiers from railway noise and vibration.
- (16C) The external materials of the development shall be in accordance with the approved plans unless otherwise agreed in writing by the Planning Authority.
- (16R) In the interests of visual amenity and to safeguard the character of the area.

Advisory Notes:

- (1) Road Will Not Be Adopted: The Council as Roads Authority advises that the Council will not adopt the road on its completion.
- (2) Road Opening Permit: 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.
- (3) Roads (Scotland) Act: 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.
- (4) New Roads and Street Works Act 1991: 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.
- (5) Costs of Street Furniture: 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.
- (6) Costs of TROs: 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.
- (7) Signage to TSRGD 2016: 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.

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- (8) Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer

151 St. Vincent Street, GLASGOW, G2 5NW

E-mail: AssetProtectionScotland@networkrail.co.uk

List of Determined Plans:

Plan Type	Reference	Version No.	Received Date
Drawing	L(00)002		09.03.2022
Drawing	L(00)003	K	24.05.2025
Drawing	L(00)004	F	24.05.2025
Drawing	L(00)01		09.03.2022
Drawing	L(01)301	House Type A Floor Plans	09.03.2022
Drawing	L(01)301	House Type B Floor Plans	09.03.2022
Drawing	L(02)301		09.03.2022
Drawing	L(02)301		09.03.2022

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, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. South Ayrshire Council Planning Guidance – Open Space and Designing New Residential Developments
5. Consultation Responses.
6. Representations

Regulatory Panel (Planning): 11 September 2025

Report by Housing, Operations and Development (Ref: 22/00220/APP)

Equalities Impact Assessment:

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

Person to Contact:

Mr David Clark, Development Management Co-ordinator - Telephone 01292 616 118

REGULATORY PANEL: 11 SEPTEMBER 2025

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

25/00378/APP

3 MARLBOROUGH COURT SOUTH HARBOUR STREET AYR SOUTH AYRSHIRE KA7 1HE

Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

Planning permission is sought for the change of use of a two-bedroom ground floor dwellingflat to form short term letting accommodation at a 5-storey flatted residential block located at 5 Trenchard Court, Ayr. A total of 19 dwellingflats are located within the Marlborough Court residential block.

The application site is located within the settlement boundary of Ayr, as prescribed by the South Ayrshire Local Development Plan 2. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application only seeking permission for change of use.

7 representations objecting to the proposed development, including an objection by the Fort, Seafield and Wallacetown Community Council have been received. Following consideration, the points raised do not merit refusal of this application.

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

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 11 SEPTEMBER 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	25/00378/APP
SITE ADDRESS:	3 Marlborough Court South Harbour Street Ayr South Ayrshire KA7 1HE
DESCRIPTION:	Change of use from dwellingflat to form short term let accommodation
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 (as amended). 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 11 June 2025.
- The application was validated on 13 June 2025.
- The case officer visited the application site on 20 August 2025
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 17 June 2025.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

Planning permission is sought for the change of use of an existing two-bedroom dwellingflat to form short-term letting accommodation.

The application site comprises a ground floor dwellingflat located within a five-storey residential block at 3 Marlborough Court, South Harbour Street, Ayr. The flatted block is finished in red brick with concrete roof tiles and accommodates a total of 19 dwellingflats. The application property is one of four flats situated at ground floor level. Marlborough Court benefits from a shared entrance, lift, and bin storage facilities. There is one other STL's operating within the flatted block. The site lies within the defined settlement boundary of Ayr, as identified in the South Ayrshire Local Development Plan 2 (SALDP2).

The proposal seeks planning permission to enable the property to be used as short-term let accommodation, in order to comply with the licensing requirements introduced by the Scottish Government for such uses. No external alterations to the building or internal layout changes are proposed; the application is therefore limited solely to the change of use of the property.

In support of the proposal, the applicant has submitted an Operating Plan, which sets out the following:

- The applicant is the sole owner of the property and is responsible for payment of Council Tax.
- The property will be available for letting throughout the calendar year (January to December) and will accommodate a maximum of four guests at any one time.
- The minimum booking period is two nights per stay, with a maximum of 28 consecutive nights.
- Marlborough Court comprises 19 flats in total, accessed from a shared common entrance, lift and bin store; four of these flats, including the application property, are located on the ground floor.
- The application property comprises two bedrooms and benefits from one designated off-road parking space.
- Guest arrivals and departures will be managed directly by the applicant, who will meet guests on site for key handover.
- Cleaning and changeover arrangements, including laundry services, will be undertaken by a third-party contractor.
- Deliveries to the property will be limited to periods when the applicant is personally occupying the flat.
- A complaints procedure is in place, with all complaints to be directed to the applicant.

In accordance with the Council's approved Scheme of Delegation and procedures for handling planning applications, the application is required to be referred to the Council's Regulatory Panel for determination. This is because the Fort, Seafield and Wallacetown Community Council has submitted a representation expressing a contrary view to the Planning Service recommendation of approval.

2. Consultations:

No consultations were undertaken for this application.

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:

7 representations have been received, 7 of which object to the proposed development. All representations can be viewed online at [\(Application Summary\)](#)

Objections have been received from individual residents, the Fort, Seafield and Wallacetown Community Council, and the Fort, Seafield and Wallacetown Community Association. The concerns raised can be summarised as follows:

1. Impact on Residential Amenity

- Previous experience of noise, disturbance, and occasional anti-social behaviour (e.g. shouting, swearing, late-night activity).
- Concerns over loss of privacy and sense of security due to frequent turnover of short-term guests in a communal stairwell.
- Potential for smoking in communal areas and triggering of fire alarms.
- Increased movement of people and luggage compared with normal residential use, leading to disturbance.

2. Impact on Communal Areas and Building Maintenance

- Wear and tear to shared areas (walls, doors, carpets, and lift) from frequent guest use.
- Improper waste disposal by visitors leading to blocked refuse chutes and additional maintenance costs.
- Increased risk of entry doors being left open, compromising security.
- Concerns over installation of unsightly key safes.

3. Parking and Traffic

- Each flat has a designated parking space, but short-term let guests may park in other residents' bays.
- Larger guest groups may arrive with multiple vehicles, exacerbating existing parking pressures in the area.

4. Safety and Security

- Single communal entrance considered unsuitable for holiday letting, raising security risks for long-term residents, particularly elderly occupants.
- Concerns that unvetted, unknown guests reduce residents' feeling of safety within their homes.
- Fears of potential fire risks associated with guest behaviour (e.g. smoking in communal areas).

5. Loss of Residential Character and Community

- The block is described as a quiet, well-kept residential community that would be undermined by commercial short-term letting.
- Fears of the building acquiring a reputation as a "holiday/party block," reducing quality of life and property values.
- Objections highlight the cumulative effect of more than one short-term let within the block, with risk of the community being displaced by transient visitors.

6. Policy Grounds

- Reference to SALDP2 policies protecting residential amenity and character.
- Reference to NPF4 Policy 30(e) which restricts short-term lets where they would cause unacceptable impacts on amenity, character, or result in loss of residential accommodation without clear local economic benefit.
- Citing Scottish Government research and multiple DPEA Reporter appeal decisions which have found short-term lets in communal flatted properties to be incompatible with residential amenity.
- Title deeds for Marlborough Court are said to prohibit business uses such as short-term letting.

7. Community Council / Association Positions

- Both the Fort, Seafield and Wallacetown Community Council and the Community Association have objected, citing adverse amenity impacts, safety and security risks, parking pressures, waste issues, and policy conflicts with NPF4 and SALDP2.

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, 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) indicate 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):

Policy 30 of the National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.

In considering the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' 2019 document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located within the settlement of Ayr and guests of the STL will have easy access to services and amenities located in-and-around Ayr town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a cleaning company which is considered to support local economic benefit. Overall, it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

(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 (southayrshire.gov.uk):

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Tourism; and
- LDP Policy: Residential policy within settlement, release sites and windfall sites.

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.

(iii) Objector Concerns

7 representations have been received which object to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. The points of objection are summarised in the sub-sections below (in bold) and responded to below as follows:

Impact on Residential Amenity (noise, disturbance, anti-social behaviour, loss of privacy and security)

While concerns regarding noise and disturbance are noted, there is no substantive evidence that the proposed change of use will inevitably result in unacceptable impacts on residential amenity. The application is for a two-bedroom flat with a maximum occupancy of four persons, which is comparable to the level of occupation expected within the existing residential unit. The applicant has confirmed a minimum booking period of two nights and a maximum of 28 nights, which provides a degree of stability and reduces the likelihood of frequent, disruptive turnover. Any instances of anti-social behaviour would be a matter for Police Scotland, the Council's Environmental Health Service or the Council's Short-Term Let Licensing Team to address, rather than a reason to resist the principle of the use. It is considered that, subject to management through the licensing regime, the proposal will not give rise to an unacceptable impact on neighbouring amenity.

Impact on Communal Areas and Building Maintenance (wear and tear, waste disposal, doors left open, key safes)

Concerns regarding increased wear and tear to communal areas, waste disposal issues, and misuse of entry doors are noted. However, these matters are essentially property management concerns rather than material planning considerations. All occupiers, whether permanent residents or short-term visitors, are expected to use the communal facilities responsibly, and enforcement of property factoring arrangements is a private legal matter between residents and the building factor. The provision of a key safe does not in itself constitute development requiring planning permission, and its visual impact would be minimal. Waste storage arrangements will remain as existing, and the Council's Environmental Health service retains powers to address any future waste management issues. On this basis, these matters do not provide a reason for refusal.

Parking and Traffic (pressure on bays, overspill parking, multiple cars)

The property benefits from one allocated off-street parking space, which is consistent with other flats within Marlborough Court. Occupation of the flat by up to four people is not materially different from that of a family or multiple permanent residents in terms of potential car ownership. On-street parking in the surrounding area is controlled by normal traffic regulations, and there is no evidence to suggest that the proposed use would lead to unacceptable impacts on road safety or parking provision.

Safety and Security (single entrance, strangers in stairwell, vetting of guests, fire risk)

The presence of visitors within a communal stairwell is not in itself a material planning ground to resist the application. There is no planning policy or statutory prohibition on the use of flats with communal access for short-term letting. Licensing legislation requires operators to comply with safety, fire, and security standards, and the applicant has submitted an Operating Plan which confirms active management, including meeting guests in person and engaging a professional cleaning company. Compliance with fire safety requirements will be overseen through the separate licensing regime, which is specifically designed to address such operational matters.

Loss of Residential Character and Community (holiday/party use, property values, cumulative effect)

Planning decisions must focus on land-use impacts rather than property values, which are not material considerations. The proposed use would retain the unit in residential occupation, albeit on a short-term basis, and would not remove it from the housing stock permanently. The use of one flat as short-term let within a block of 19 does not amount to over-concentration or a fundamental change in character. The Scottish Government's licensing scheme exists to manage the type of issues raised, ensuring operators are accountable. It is therefore considered that the proposal would not undermine the established residential character of Marlborough Court. It is noted that No.17 Marlborough Court, located within the same flatted block, is already utilised as a short-term let. The presence of two short-term let units in a block of 19 flats equates to approximately 10% of the overall residential stock within the building. On assessment, this level of short-term let activity is not considered sufficient to undermine the character or residential amenity of the block. Both units are modest in size, and their maximum occupancy limits prevent significant intensification of use or increased traffic and parking demand beyond that which would normally occur for permanent residents. Any further applications for short-term lets within the block would require careful consideration of cumulative impact.

Policy Grounds (conflict with SALDP2 and NPF4)

It is acknowledged that NPF4 Policy 30(e) requires proposals for short-term letting to be assessed against potential amenity impacts and the loss of residential accommodation. In this case, the scale of the proposal (a single two-bedroom unit) is such that there is unlikely to be an unacceptable impact on local amenity or the overall character of the block. The property remains in residential use, and its removal from the permanent housing stock is negligible in the context of the wider settlement of Ayr. Furthermore, the Council's Tourism Service, Destination South Ayrshire recognises that self-catering accommodation contributes to the local visitor economy, providing demonstrable local economic benefit. The proposal therefore complies with the relevant provisions of NPF4 and SALDP2.

Community Council / Association Objections

The objections from the Community Council and Community Association are acknowledged. However, they largely reiterate the general concerns outlined above, many of which relate to management, property factoring, or licensing matters that are not material to the planning determination. On balance, the proposal is considered to comply with the development plan and national policy, and any operational issues arising can be adequately managed through the existing licensing framework.

(iv) Impact on the Locality

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the National Planning Framework 4 (NPF4) and the South Ayrshire Local Development Plan 2 (LDP2). The relevant provisions of both plans are set out in the policy section of this report and are considered further below.

The key determining issues in this case are:

- Whether the proposal complies with the policies of the development plan; and
- Whether there are other material considerations that would justify a departure from those policies.

NPF4 was adopted on 13 February 2023 and carries increased statutory weight compared with previous iterations of national policy. In terms of section 24(3) of the 1997 Act, where there is any incompatibility between the provisions of NPF4 and those of a Local Development Plan, the more recent provision prevails. Accordingly, the assessment below considers NPF4 in the first instance.

Assessment Against NPF4

There is no specific short-term let policy within LDP2. Therefore, the primary consideration in this case is NPF4 Policy 30(e) Tourism, which states:

Development proposals for the reuse of existing buildings for short-term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

With regard to criterion (i), the application site forms part of a purpose-built residential flatted block comprising 19 units, finished in red brick and concrete roof tiles, located at 3 Marlborough Court, South Harbour Street, Ayr. The application property is a ground-floor, two-bedroom flat with an allocated parking space. The proposal seeks a change of use to short-term letting but involves no external or internal physical alterations.

It is noted that No.17 Marlborough Court, located within the same flatted block, is already utilised as a short-term let. The presence of two short-term let units in a block of 19 flats equates to approximately 10% of the overall residential stock within the building. On assessment, this level of short-term let activity is not considered sufficient to undermine the character or residential amenity of the block. Both units are modest in size, and their maximum occupancy limits prevent significant intensification of use or increased traffic and parking demand beyond that which would normally occur for permanent residents.

The property has a maximum occupancy of four persons, which is no greater than could reasonably be anticipated if the flat were occupied on a permanent residential basis. It is therefore considered that the proposed use is compatible with the established character and amenity of the surrounding area. Potential issues of noise or disturbance are not expected to be significant, and any anti-social behaviour would be a matter for separate enforcement agencies (Police Scotland, the Council's Environmental Health Service, or the Council's Short-Term Let Licensing Team).

In the event of any future complaints or demonstrable impacts arising from cumulative short-term let activity within the block, these would be subject to separate statutory controls via the short-term let licensing scheme, which regulates matters such as guest behaviour, safety, and waste management. Accordingly, while cumulative use is recognised, it is not considered to present a level of harm that would justify refusal in this instance. Any further applications for short-term lets within the block would, however, require careful consideration of cumulative impact.

With regard to criterion (ii), it is acknowledged that the proposal would result in the loss of one two-bedroom flat from the permanent housing stock. However, given the scale of the proposal, this loss is not considered to materially affect the availability of housing within the settlement of Ayr. On the other hand, there are clear demonstrable economic benefits associated with the provision of short-term let accommodation, which align with the aims of NPF4 to support local economies and sustainable tourism. Guests staying at the property will have convenient access to the services, facilities, and attractions of Ayr, thereby increasing visitor spend in the local area.

The Council's Tourism Service (Destination South Ayrshire) has previously advised that holiday lets contribute significantly to the local economy, with self-catering accommodation generating over £50m per annum. Such accommodation has proven particularly important during major events such as The Open, and is expected to remain so for forthcoming events, including the International Ayr Show – Festival of Flight. It is therefore considered that the economic benefits of the proposal outweigh the very limited impact on housing supply. On this basis, the proposal is considered to comply with NPF4 Policy 30(e) Tourism.

Assessment Against SALDP2

Under LDP2, the site lies within the settlement boundary of Ayr, where development proposals are supported in principle, subject to compliance with relevant policies. The following policies are of most relevance:

Residential Policy (within settlements, release sites and windfall sites): requires that new development should not adversely affect the privacy and amenity of existing and proposed residential properties. The proposed change of use does not involve external alteration to the property, and its occupancy level is consistent with normal residential use. On this basis, the proposal is not considered to have a materially detrimental impact on the amenity of neighbouring residents.

Tourism Policy: supports new tourism accommodation, provided it is of an appropriate scale and design, is for holiday use, and is suitably located. Although primarily aimed at new-build provision, the principles are applicable here. The proposal represents the modest reuse of an existing unit within the settlement boundary, avoids dispersed development in the countryside, and requires no external works. Accordingly, the development is consistent with the spirit and intent of the policy.

It is recognised that the use of flats for short-term lets can, in certain circumstances, give rise to impacts on residential amenity, particularly where there is intensive use or where large groups are involved. However, the modest scale of the unit, the maximum occupancy of four persons, and the management measures outlined in the submitted Operating Plan (including personal guest check-in, professional cleaning, and direct complaint contact) all act to minimise potential impacts. Any future external works often associated with tourist accommodation would require separate planning permission, as the property would not benefit from householder permitted development rights once in commercial use.

Other Material Considerations

The statutory short-term let licensing scheme now in force across Scotland is a material consideration. Licensing provides an additional regulatory framework to control operational matters such as fire safety, waste management, and guest behaviour. This framework ensures that the concerns raised by objectors are capable of being addressed through appropriate channels, without the need to refuse planning permission.

Given its siting within the settlement boundary of Ayr, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as no external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to the area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

Planning Circular 1/2023: Short-Term Lets and Planning sets out how councils can manage the location and concentration of short-term lets through planning powers, operating alongside the national licensing scheme. The Circular explains that local authorities may designate Short-Term Let Control Areas, within which any change of use from a residential property to a short-term let automatically requires planning permission. South Ayrshire Council has not designated any control areas and there are currently no proposals to do so, as proposals for short-term lets are being considered on a case-by-case basis. Outside control areas, the need for planning permission depends on whether the use represents a material change, as is the case with the current application. The Circular also emphasises the relationship between planning permission and the separate short-term let licensing scheme, confirming that both systems are intended to operate alongside each other, as outlined in this report.

In conclusion, the proposal which would in essence retain a residential use despite the commercial aspect, is considered to be compliant with the provisions of the stated Development Plan Policies and as there are no material considerations which override the presumption in favour of a determination in accordance with the terms of the development plan, it is recommended that this proposal be approved subject to condition listed below.

8. Conclusion:

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

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

9. Recommendation:

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

- (1C) That the development hereby permitted must be begun within three years of the date of this permission.
- (1R) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2C) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3C) That the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.
- (3R) To define the terms of this planning permission, and to retain proper planning control over the development.

9.1 Advisory Notes:

N/A.

9.2 List of Determined Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Ground Floor Layout

Other - Reference No (or Description): Operational Statement

9.3 Reason for Decision (where approved):

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers.

Background Papers:

1. Application form, plans and submitted documentation.
2. Representations.
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. National Planning Framework 4 (NPF4).
5. Research into the Impact of STLs on Communities Across Scotland
6. Planning Circular 1 2023: short term lets and planning
7. DPEA appeal decisions

Integrated Impact Assessment:

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

Person to Contact:

David Clark, Development Management Co-ordinator - Telephone 01292 616 118

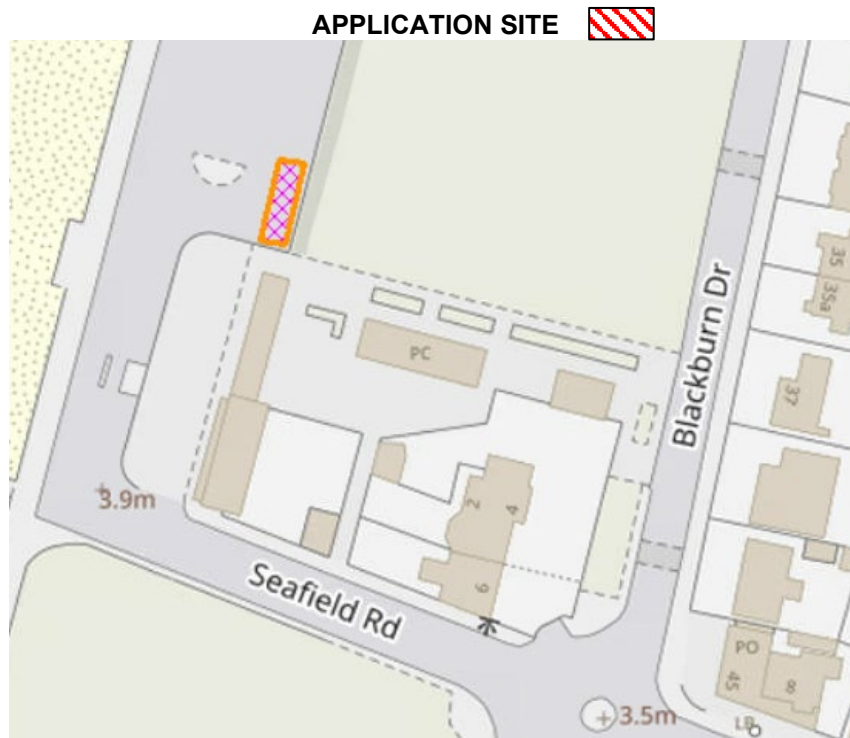
REGULATORY PANEL: 11 SEPTEMBER 2025

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

25/00337/APP

BLACKBURN DRIVE AYR SOUTH AYRSIRE

Location Plan



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

Retrospective planning permission is sought for a temporary period of five years for the erection of a storage container to store specialist beach wheelchairs, a project delivered by Whitley's Retreat, a local registered charity. The beach wheelchair storage container is sited within the south-eastern corner of a public car park at Blackburn Drive, Ayr. The site area including the container and manoeuvring space for wheelchairs measures approximately 62.5m² and occupies five standard car parking spaces within a car park of around 420 spaces. The manoeuvring space is clearly defined by the installation of two fixed barriers.

The storage container comprises a slightly sloped roof design, reaching a height of approximately 2857mm (the upstand of the rooflight projects approximately 200mm above the height of the roof and the roof has an overhang of approximately 250mm to the front of the container and a 50mm overhang to the rear and sides of the container). The container has a footprint of approximately 15.68m² and is finished with a grey EPDM roof (synthetic rubber), white composite clad walls, grey uPVC fascia and gutters, grey aluminium door and roller shutter and grey aluminium rooflight.

The principle of a beach wheelchair storage container at this location has already been established through the granting of planning permission under application Ref. 23/00829/APP. As part of the assessment of that application, it was considered that the proposal was in compliance with the provisions of the current local development plan. There have been no significant changes in policy or the setting of the application site and its surroundings since the approval of 23/00829/APP. However, the container in situ does not accord with the approved plans and has a slightly higher roof, footprint and finishing materials. The purpose of the current application is therefore to regularise these variations and secure planning permission for the container in its current form.

Beach wheelchairs play a vital role in making the coastline accessible to all members of the community. The proposal is considered to have an acceptable relationship to surrounding land and buildings, with minimal impact on the locality. The consultation response does not raise any issues and the points raised in the 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 it is considered that the resultant development will not have an adverse impact on the character, appearance or amenity of the locality or the environment. On this basis, it is recommended that the application be approved subject to conditions.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council owns the public car park and one competent written objection has been received.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 11 SEPTEMBER 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	25/00337/APP
SITE ADDRESS:	Blackburn Drive Ayr South Ayrshire
DESCRIPTION:	Retrospective installation of beach wheelchair storage container
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 (as amended). 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 27 May 2025.
- The application was validated on 27 May 2025.
- A Site Visit was carried out by the Planning Authority on 7 July 2025.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 29 May 2025.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

Retrospective planning permission is sought for a period of five years for the erection of a storage container to accommodate specialist beach wheelchairs, a project delivered by Whitley's Retreat, a local registered charity. The beach wheelchair storage container is sited within the south-eastern corner of a public car park at Blackburn Drive, Ayr. The site area including the container and manoeuvring space for wheelchairs is approximately 62.5m² and occupies five standard car parking spaces within a car park of around 420 spaces. The manoeuvring space is clearly defined by the installation of two fixed barriers.

The principle of a beach wheelchair storage container at this location has already been established through the grant of planning permission under application Ref. 23/00829/APP, which confirmed compliance with the relevant provisions of NPF4 and the LDP2. There have been no material changes in planning policy, site circumstances, or the wider setting since that approval. However, the container in situ does not accord with the approved plans and has a slightly higher roof, footprint and finishing materials. The purpose of the current application is therefore to regularise these variations and secure planning permission for the container in its current form.

The storage container comprises a slightly sloped roof design, reaching a height of approximately 2857mm (the upstand of the rooflight projects approximately 200mm above the height of the roof and the roof has an overhang of approximately 250mm to the front of the container and a 50mm overhang to the rear and sides of the container. The container has a footprint of approximately 15.68m² and is finished with a grey EPDM roof (synthetic rubber), white composite clad walls, grey uPVC fascia and gutters, grey aluminium door and roller shutter and grey aluminium rooflight.

The supporting statement which accompanies the application advises that Whitley's Retreat, a registered charity which supports families affected by cancer or other life limiting illness, are funding and operating a project so as to allow its clients, the local community and visitors access to the beach via specially adapted wheelchairs.

The project will mainly operate April to September; however, can be open any time of the year on request. It is hoped that community groups, schools and other organisations will utilise the specialist beach wheelchairs acquired by the charity.

The project has raised funds for 7 specialist wheelchairs of various sizes to suit a range of mobilities. A hoist and trailer will also be provided to aid users.

Details are contained within the submitted plans.

2. Consultations:

Ayrshire Roads Alliance offers no objections to the proposal.

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:

One representation has been received from a residential property sited in Blackburn Drive, Ayr, which objects to the proposed development. The representation can be viewed in full online at ([Application Summary](#))

The issues raised by the objector can be summarised as follows.

Height and scale of the structure now built compared to that previously approved.

My belief is that the height is more than is necessary for the purpose of the structure to be utilised as a "beach wheelchair storage container".

It should further be noted that the Supporting Statement quotes "7 beach wheelchairs" all of which are folding in design and fold into a compact, vertical position that are to be stored, so again I question the requirement for the height and scale of the structure now built.

A structure 2m high that was approved in original applications (23/00829/APP & 23/00829/NMV) is more appropriate as at that height there will be no unacceptable effect on the amenity of neighbouring land and buildings.

I am supportive of the overall proposal and previously reported a Breach of Planning Control due to the non-compliance to conditions of permission or consent.

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, 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-planning-framework-4):

Policy 30 Tourism

With regard to proposals for tourism related development, Policy 30 outlines that the following factors will be taken into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

The principle of the development proposal at this location has already been established through the granting of planning permission under application Ref. 23/00829/APP. As part of the assessment of that application, it was considered that the proposal was in compliance with the provisions of NPF4. There have been no significant changes in policy or the setting of the application site and its surroundings since the approval of 23/00829/APP. However, an assessment against Policy 30 is summarised, below;

The proposed development makes a clear contribution to the local economy by strengthening the tourism and recreation amenities in the area, supporting visitor expenditure and providing opportunities for local businesses to benefit from increased activity. The nature and scale of the proposal is compatible with the coastal setting, without adversely impacting on the surrounding environment or community. Importantly, the development does not hinder the provision of housing or local services; rather, it complements existing amenities and contributes positively to the social and economic vitality of the locality.

In terms of transport and accessibility, the development is sited within a public car park which provides adequate parking provisions and safe access arrangements while also encouraging sustainable travel choices, including opportunities to connect with public transport and active travel routes. The Ayrshire Roads Alliance has no objection to the loss of 5 parking spaces within Blackburn car park which has around 420 spaces.

Finally, the proposal promotes equal access, encourages inclusion, supports health and wellbeing and enhances opportunities for residents and visitors to engage with the natural coastal environment, providing improved recreational access while ensuring that the scenic and environmental qualities of the area are safeguarded. Overall, the development is considered to represent a sustainable form of development that balances economic, social and environmental objectives and is considered to meet the provisions of policy 30.

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.

(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):

Core Principle C1

Strategic Policy 1: Sustainable Development;
Strategic Policy 2: Development Management;
LDP Policy: The Coast
LDP Policy: Tourism
LDP Policy: Open Space

The principle of the development proposal at this location has already been established through the granting of planning permission under application 23/00829/APP. As part of the assessment of that application, it was considered that the proposal was in compliance with the provisions of LDP2. There have been no significant changes in policy or the setting of the application site and its surroundings since the approval of 23/00829/APP. However, an assessment against the aforementioned policies is outline, below;

Core Principle C1 (inter alia) states that the Council will promote the sustainable use of Natural Built and Cultural Heritage Resources; ensuring that development proposals safeguard natural and built heritage resources, ensuring that local landscape area, the coast and culturally sensitive locations are treated with due respect.

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.

Given the location of the site, the provisions of the coastal policy are also considered to be relevant in the consideration of the proposal. The LDP coastal policy requires development within the coastal areas to be in accordance with the coastal strategy, and to protect or improve the scenic and environmental quality of the area. The coastal strategy map defines the area as 'Recreation and Tourism' where such leisure uses are welcomed and are considered to enhance the vitality of the coastal area.

Tourism policy (inter alia) states that the Council 'are committed to promoting sustainable tourism development and will make sure that new development makes the best use of the area's built and natural assets, which support local and rural economies'.

The Council 'will look favourably on proposals which will provide or improve tourist and leisure infrastructure and we will support keeping and improving existing significant leisure, recreation and tourist facilities'. The application proposal is considered to meet with the provisions of the policy as it improves recreation and tourist facilities at the locale which does not adversely impact the area's natural or build assets.

The site is also designated as open space within the Local Development Plan2. This policy requires consideration of the value of open spaces, in order that locally significant green spaces which are valued and valuable to the wider environment are afforded appropriate safeguarding. As such, consideration is required of the individual site-specific factors relating to this site, and the area in which it is set. Development proposals also require to be considered based on the merits of the proposal and any individual site-specific circumstances arising.

The proposal represents a sustainable form of development that accords with the overarching objectives of protecting the natural and built environment while supporting recreation, tourism and economic vitality. It is considered to enhance existing visitor facilities without detriment to the coastal landscape character or amenity. It is acknowledged that the application site comprises a small section of an existing public car park located adjacent to Ayr beach which is designated as open space. However, the proposal does not result in the loss of any public amenity green space which is what the open space policy seeks to protect. There is no objection from the Ayrshire Roads Alliance to the loss of 5 parking spaces within the Blackburn car park which has around 420 spaces. Thus, is considered to represent an appropriate form of development which makes a positive contribution to the local economy and community.

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.

(iii) Planning History

Planning permission was granted for a period of 5 years in December 2023 for a similar beach wheelchair storage container at the same location; Planning Ref: 23/00829/APP. The container took the form of a flat roofed, timber clad metal storage container. The approved container reached a height of 2590mm, 6069mm in length and 2438mm in width. The application was approved with conditions;

- (1) That the approval for the proposed structure is limited to 5 years when the structure shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority.
- (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.

Reasons;

- (1) The use of the land is of a temporary nature and is only acceptable as a temporary expedient.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Subsequent to the approval, a Non Material Variation application (NMV) was submitted to the Planning Service for consideration. As per the submitted plans, the structure was to be constructed fully in timber and of the same design, footprint, height and siting, as that approved under planning permission 23/00829/APP. Therefore, the proposal to change the structure from a timber clad storage container to a timber structure did not constitute a material change in planning terms and a decision was issued in May 2024.

Notwithstanding the above, the container installed at the site is not in accordance with the previously approved plans and the Planning Service requested that the applicant submit a fresh application for consideration given the changes to the container approved.

(iv) Objector Concerns

The objector concerns are captured and responded to below.

- *Height and scale of the structure now built compared to that previously approved.*
- *My belief is that the height is more than is necessary for the purpose of the structure to be utilised as a "beach wheelchair storage container".*
- *It should further be noted that the Supporting Statement quotes "7 beach wheelchairs" all of which are folding in design and fold into a compact, vertical position that are to be stored, so again I question the requirement for the height and scale of the structure now built.*
- *A structure 2m high that was approved in original applications (23/00829/APP & 23/00829/NMV) is more appropriate as at that height there will be no unacceptable effect on the amenity of neighbouring land and buildings.*

Planning Service response:

The previously approved container was a flat-roofed, timber-clad metal storage unit. It measured 2.59m in height, 6.07m in length, and 2.44m in width. Within the report of handling for that application, the container was incorrectly described as being 2m in height; this was a typographical error. The assessment was based on the approved plans, which clearly illustrated the correct height of 2.59m.

The current proposal seeks to increase the height of the container to 2.86m, representing a marginal increase of 0.27m. When viewed from the front of the nearest residential properties on Blackburn Drive, located approximately 80m away, only the upper 0.6m of the roof is visible due to the presence of raised grass banking. This limited level of visibility is not considered to result in any significant adverse impact on the outlook from these properties that would justify refusal of the application.

In addition, the visual impact of the container is considered acceptable when viewed from the open space to the east, where the raised banking provides effective screening. From the perspective of the car park, the visual impact is also acceptable, as the container is sensitively positioned in the corner of the car park and lies adjacent to the established commercial building group to the south-east, which further reduces its prominence within the wider setting.

The Planning Service is required to assess the proposal as submitted. Consideration is given to whether the scale and height of the container is acceptable in planning terms, rather than whether a lower height might also have accommodated the intended use. In this case, the modest increase in height is not considered to result in any unacceptable impacts.

- *I am supportive of the overall proposal and previously reported a Breach of Planning Control due to the non-compliance to conditions of permission or consent.*

Planning Service response:

The Planning Service investigated the matter when it was brought to their attention in accordance with the terms of the Council's Enforcement Charter. It was concluded, that because the change in dimensions of the container that a new planning application should be submitted to regularise the breach, and the applicant duly submitted a planning application for the consideration of the Planning Service.

(v) Impact on the Locality

Planning permission is sought for a period of five years for the erection of a storage container to accommodate specialist beach wheelchairs, a project delivered by Whitley's Retreat, a local registered charity. The principle of development at this location has already been established through the granting of planning permission under application Ref. 23/00829/APP, which confirmed compliance with the relevant provisions of NPF4 and the LDP2. There have been no material changes in planning policy, site circumstances, or the wider setting since that approval.

The purpose of this application is to consider the change in dimensions of the container from that approved under the above permission. The storage container comprises a slightly sloped roof design, reaching a height of approximately 2857mm (the upstand of the rooflight projects approximately 200mm above the height of the roof and the roof has an overhang of approximately 250mm to the front of the container and a 50mm overhang to the rear and sides of the container. The container has a footprint of approximately 15.68m² and is finished with a grey EPDM roof (synthetic rubber), white composite clad walls, grey uPVC fascia and gutters, grey aluminium door and roller shutter and grey aluminium rooflight.

The proposed container, although located within a prominent coastal area, is modest in scale, single storey in height, and of simple form and finish. When viewed in the context of surrounding car park infrastructure, adjacent commercial buildings, and open space, the proposal can be comfortably absorbed without detracting from the character or visual amenity of the locality. Its siting is directly linked to its functional requirement to serve beach users and is considered appropriate in this regard.

Due to its small-scale nature, orientation and separation distance from the nearest residential properties in Blackburn Drive (approximately 80 metres away), it is not considered that the development would give rise to any adverse residential amenity impacts. The proposal has an acceptable relationship with surrounding land uses and is compatible with the character and appearance of the area.

The Ayrshire Roads Alliance has confirmed it has no objection to the loss of five standard parking spaces within Blackburn car park, which provides approximately 420 spaces in total, to accommodate the wheelchair storage container and associated manoeuvring space. The development delivers clear social and community benefits by improving inclusive access to Ayr Beach, while safeguarding the amenity and character of the area. The proposal is in accordance with the provisions of the Development Plan, and there are no material considerations which would warrant refusal.

8. Conclusion:

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. The proposal, has an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. 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 with conditions.

- (1C) The storage container is granted for a temporary period of five years from the date of this permission. Upon expiry of this period, the container shall be removed from the site, and the land shall be reinstated to its former condition. Details of the reinstatement works, including a written specification and timescale for implementation, shall be submitted to and approved in writing by the Planning Authority prior to the expiry of the five-year period. The approved reinstatement works shall thereafter be carried out in full within the agreed timescale.
- (1R) The use of the land is of a temporary nature and is only acceptable as a temporary expedient.
- (2C) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

9.1 List of Determined Plans:

Drawing - Reference No (or Description): 770/01A

Drawing - Reference No (or Description): 770/02A

Drawing - Reference No (or Description): 770/03A

Drawing - Reference No (or Description): 770/04A

Supporting Information - Reference No (or Description): Beach Wheelchair

Supporting Information - Reference No (or Description): Supporting statement

9.2 Reason for Decision (where approved):

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

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

Background Papers:

1. Application form, drawings and supporting information
2. Representation
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. Consultation responses
6. Planning application 23/00829/APP and associated Non-Material Variation Application.

Integrated Impact Assessment:

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

Person to Contact:

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