

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

2 June 2026

**To: Councillors Lamont (Chair), Cavana, Clark, Hogg, Kilbride, Kilpatrick, Mackay, Townson and Weir**

**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 June 2026 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:-
  - (a) 13 May 2026 (copy herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copy 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](mailto:june.chapman@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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**Agenda Item No. 2****REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 13 May 2026 at 10.00 a.m.

Present  
in County  
Buildings: Councillors Alan Lamont (Chair), Ian Cavana, Alec Clark, Wullie Hogg, Martin Kilbride and George Weir.

Present  
Remotely: Councillor Craig MacKay.

Apologies: Councillors Mary Kilpatrick and Duncan Townson.

Attending  
In County  
Buildings: C. Iles, Service Lead – Planning and Building Standards; A. Brown, Co-ordinator - Legal & Licensing; A. McGibbon, Co-ordinator – Development Planning; E. McKie – Supervisory Planner – Planning and Building Standards; R. Dominy, Planning Assistant - Planning and Building Standards; J. Chapman, Committee Services Officer and E. Moore, Clerical Assistant.

**Chair's Remarks.**

The Chair

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

**1. Sederunt and Declarations of Interest.**

The Co-ordinator - Legal & Licensing called the Sederunt for the meeting and having called the roll, Councillor Wullie Hogg advised that, in terms of the Councillors' Code of Conduct, he would declare a personal interest in Agenda Item no 3/1. No further declarations of interest by Members of the Panel were made.

**2. Minutes of previous meetings.**

The Minutes of previous meetings of 2 April 2026 ([issued](#)) were submitted for approval.

**Decided:** to approve these minutes.

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

There was submitted a report ([issued](#)) of May 2026 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications: -

Councillor Hogg left the meeting before the commencement of Agenda Item 3/1.

- (1) **26/00107/APP - UNITED FREE CHURCH 4 KIRKHOLM AVENUE AYR SOUTH AYRSHIRE KA8 8LY** (Planning permission is sought to amend the fenestration arrangements of the proposed dwellinghouses approved under planning application 24/00848/APP. This planning application granted planning permission for the erection of 2 dwellinghouses and the change of use, alterations and extension of an existing church to form 2 dwellinghouses.)

The Panel adjourned for discussions to take place from 10:53am until 11:17am.

Following discussions,

The Panel

**Decided:** to grant delegated authority to officers for the purpose of adding an additional condition requiring a suitable means of enclosure in the rear elevation of the development to be maintained at all times and thereafter to approve the application subject to the additional and 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 notwithstanding the plans hereby approved, the windows formed within the gables of each proposed dwellinghouse hereby granted planning permission shall be glazed with obscured / frosted glass which shall be installed prior to the occupation of each dwellinghouse and retained as such for the lifetime of the development, to the satisfaction of the Planning Authority.

(3R) In the interests of residential amenity.

(4C) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent amendments, the following classes of development shall not apply to the approved dwellinghouses:

1. Class 1A-D (Enlarging a dwellinghouse)
2. Class 2A-B (External alterations which are not enlargements)
3. Class 3A-D (Development within the curtilage of a dwellinghouse, including outbuildings).

Therefore, prior approval from the planning authority is required for any development falling within these classes or any other development which would otherwise be granted by the aforementioned Order.

(4R) The garden grounds of each dwellinghouse do not meet with council standards and the removal of permitted development rights can help prevent over development.

(5C) That the window opening formed within the eastern (rear) elevation of 'Phase 2', closest to the south (principal) elevation, is not approved. This window shall be blocked up prior to the occupation of this dwellinghouse in accordance with Drawing No. HDA-231-010(E).

(5R) In the interest of residential amenity.

(6C) That notwithstanding the approved plans, no in-curtilage parking spaces are to be formed within the front curtilage of each dwellinghouse, for the lifetime of the development.

(6R) To prevent adverse impacts on pedestrian safety in the surrounding area.

**List of Determined Plans:**

Drawing - Reference No (or Description): HDA-231/002

Drawing - Reference No (or Description): HDA-231-006(E)

Drawing - Reference No (or Description): HDA-231/007(H)

Drawing - Reference No (or Description): HDA-231/010(D)

**Reason for Decision:**

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

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

**Background Papers:**

1. Application form, plans and submitted documentation.
2. Representations.
3. National Planning Framework 4 (NPF4).
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. South Ayrshire Council's Planning Guidance on Open Space and Designing New Residential Developments.

**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.

Councillor Hogg returned to the meeting.

- (2) **26/00199/APP - TOWN HALL GARDENS NEW BRIDGE STREET AYR SOUTH AYRSHIRE** (This report relates to a planning application for public realm improvements at Town Hall Gardens, Ayr. The proposal includes upgraded surfacing, new seating, planting, lighting, wayfinding signage, digital information screens and associated works within an existing area of public open space.)

Following discussions,

The Panel,

**Decided:** to approve 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.

**List of Determined Plans:**

Drawing - Reference No (or Description): Ex0011.

Drawing - Reference No (or Description): P001 General Site Plan as Pro.

Drawing - Reference No (or Description): P001 Location Plan.

**Reason for Decision:**

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

**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.

The meeting ended at 11:26.

**REGULATORY PANEL: 11 JUNE 2026**

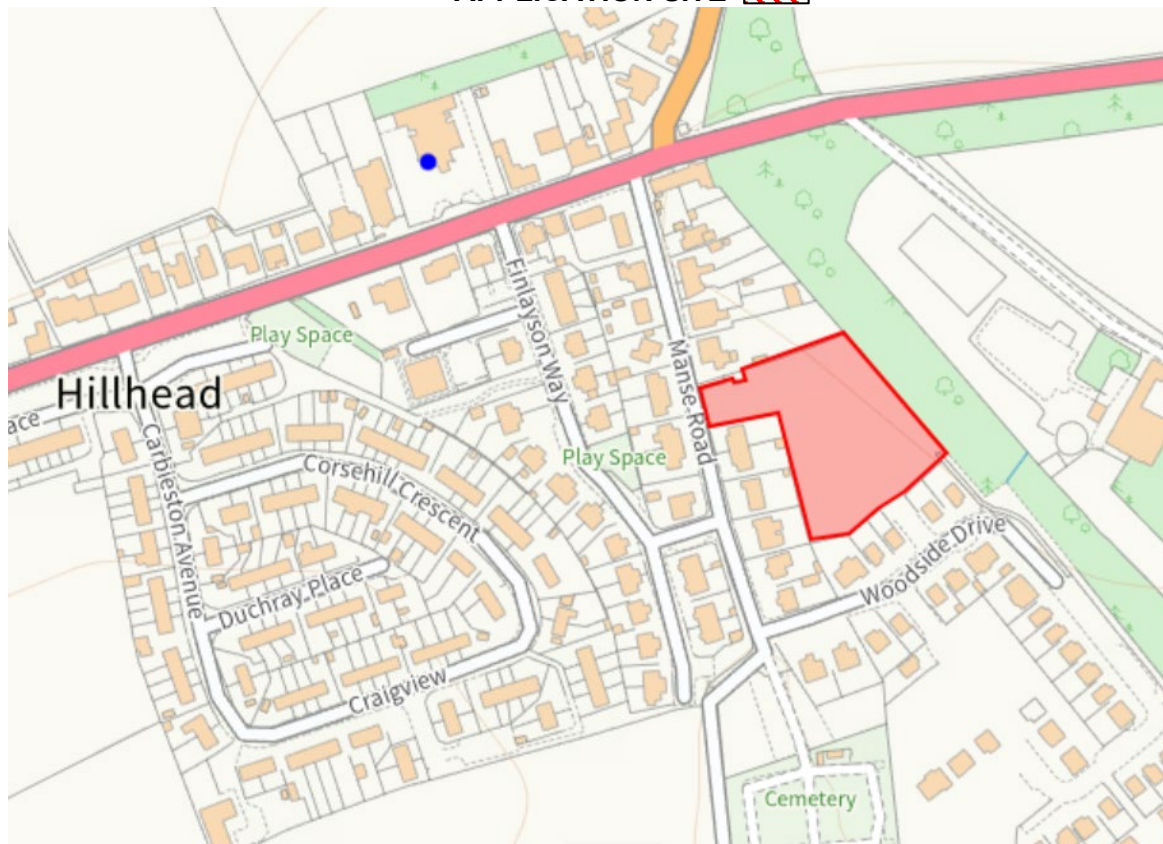
**REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT**

**26/00131/APP**

**LAND AT MANSE ROAD COYLTON SOUTH AYRSHIRE**

**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:

<https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=TAWFGZBDM6X00&activeTab=summary>

**Summary**

The application seeks to vary part of the development approved under the previous Planning Permission in Principle and Matters Specified in Conditions approvals for the residential development that is currently being undertaken at the COY5 housing allocation site at Manse Road, Coylton. The current application site relates to Phase 3 of the development, which was granted permission for the erection of 13 affordable homes. An application under Section 42 of the Act to vary the conditions attached to the Matters Specified in Conditions to delete the requirement for affordable housing was approved by the Regulatory Panel in December 2025. The current application seeks approval for alternative 'open market' house types and layout for Phase 3. The principle of residential development on the site has been established through the previous planning approvals and is consistent with the Local Development Plan. Nine letters of objection have been received and the matters raised include issues in relation to the scale and siting of the proposed development, failure to respect the character of the area, the nature of properties proposed and impact on wildlife. A key consideration in the assessment is the inclusion of two houses closer to the existing houses in Manse Road than previously approved. The impact of these two houses on the privacy and amenity of the existing houses has been carefully assessed and on balance it is considered that the proposal will not result in overlooking of the adjoining properties and that the development adequately protects the amenity of the existing houses.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

### REGULATORY PANEL: 11 JUNE 2026

|                         |  |
|-------------------------|--|
| <b>SUBJECT:</b>         | <b>PLANNING APPLICATION REPORT</b>                           |
| <b>APPLICATION REF:</b> | <b>26/00131/APP</b>  |
| <b>SITE ADDRESS:</b>    | <b>Land At<br/>Manse Road<br/>Coylton<br/>South Ayrshire</b> |
| <b>DESCRIPTION:</b>     | <b>Erection of 10 dwellinghouses and associated works</b>    |
| <b>RECOMMENDATION:</b>  | <b>Approval with conditions</b>                              |

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (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 23 February 2026.
- The application was validated on 23 February 2026.
- A Site Visit was undertaken by the Planning Authority on 8 April 2026.
- 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 26 February 2026. Neighbour notification was reissued on 16 April 2026, following receipt of additional information.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 10 March 2026. A second advertisement was placed on 28 April 2026 following receipt of additional information.

#### 1. Description of Site & Proposal, Planning History and Procedural Matters:

##### **Description of Site and Proposals**

The application site forms part of the COY5 Local Development Plan housing allocation. The entire housing allocation is currently being developed for housing granted under Approval of Matters Specified in Conditions permission granted on 17 November 2022 (ref 22/00779/MSCM).

The current application relates to the northern end of the housing development, corresponding to 'Phase 3' of the development approved in 2022. The application seeks permission for a different layout and house types from those previously approved. As set out in the Planning History, this part of the site was originally intended to be developed for affordable housing and has extant planning permission for the erection of 13 dwellings comprising two blocks of two storey cottage flats (four flats per block), one single storey detached house and two pairs of semi-detached two storey houses. An application to vary Condition 19 of 22/00779/MSCM was approved by the Regulatory Panel on 11 December 2025 to delete the requirement for the provision of affordable housing. The dwellings for which permission is sought in this application will be sold on the open market.

The application site comprises a former agricultural field located between the existing houses at 15 to 25 Manse Road and the strip of woodland to the northeast. The northern boundary is formed by the dwellinghouse and associated rear garden of 13 Manse Road and the southern boundary is formed by the newly erected houses in Woodside Drive, that form part of the housing development approved under application 22/00779/MSCM. The site slopes from northeast to southwest. The site has recently been stripped of topsoil and work has commenced on levelling the site to form building platforms and the base of the road. Gabion basket retaining walls have been installed along the northeastern boundary with the woodland and along the southwestern boundary with the rear gardens of the houses in Manse Road. Timber fencing posts have also been installed along the southwestern and northern boundaries, and a surface water drain has been installed behind the gabion basket retaining feature on the southwestern boundary (Manse Road).

Permission is sought for the erection of 10 detached dwellinghouses with associated gardens and driveways, fencing, drainage, public open space, retaining walls and road with turning-head. Three different houses-types are proposed. Two of the house types ("Inverary" and "Balmoral") are two-storey four-bedroom detached villas. The external wall finish is to be predominantly render with reconstituted stone detailing. The third house-type ("Belvedere") is a single storey, three-bedroom, bungalow which will also be finished externally in render and reconstituted stone detailing. The house types proposed have been constructed elsewhere within the development. The proposed houses would be set out either side of the access road and would each have their own private garden and parking areas. The access road will follow the route of the previously approved access but with the hammerhead being closer to the end of the road than previously. As a consequence, the closest point of the hammerhead to nearest adjoining dwelling will decrease from 5.7m to 3.4m. The houses proposed on the southwest side of the site will be positioned further along the access road resulting in a house (Plot 43) being constructed behind the rear garden of 19 Manse Road, whereas in the previously approved layout there were no buildings located immediately behind that property. A house has also been introduced at the end of the access road, adjacent to 13 Manse Road on land which was previously approved as public open space. Whilst an area of public open space and footpath connection to Manse Road are still proposed at the northern end of the site, the amount of public open space has been reduced as the result of the introduction of this house.

The drainage system remains as per the approved layout, with surface water and wastewater being drained to separate systems. Surface water will be drained to an existing SUDS pond located to the south of the cemetery that was constructed as part of the adjacent Finlayson Way housing development. Wastewater will be connected to the public sewer system via the existing pumping station, which is also located to the south of the cemetery. The previous planning permission for the wider site included proposals to upgrade, modify and extend both the existing SUDS basin and the existing pumping station, to ensure they can accommodate and serve the development.

### **Planning History**

18/00585/PPPM – Planning Permission in Principle for residential development with associated access roads, open space, landscaping and infrastructure – approved 28 June 2019.

22/00255/MSCM – Approval of Matters Specified in Conditions for erection of 53 residential dwellings with associated access road, open space landscaping and infrastructure – application withdrawn 21 August 2022.

22/00779/MSCM – Approval of Matters Specified in Conditions for erection of 53 residential dwellings with associated access road, open space landscaping and infrastructure – approved 17 November 2022.

25/00425/APP – Planning permission for change of house types on plots 9, 39, 13 and 15 – approved 14 August 2025.

25/00650/FURM – Planning Permission under Section 42 of the Act granted for deletion of condition 19 of planning permission 22/00779/MSCM (removal of requirement to provide affordable housing) - approved 11 December 2025.

## **Procedural Matters**

### Hierarchy of Development and Design & Access Statement and Pre-Application Consultation Requirements

The application falls within the category of "Local Development" under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. In accordance with the Town and Country Planning (Development Management) (Scotland) 2013, the application does not require a 'Design Statement' or 'Design and Access Statement' or Pre-Application Consultation.

### Determination Route

The application requires to be determined by the Regulatory Panel in accordance with the Council's Scheme of Delegation, as a competent written objection has been received from the relevant Community Council and the appointed officer is minded to recommend a determination contrary to the views expressed by that Community Council.

## **2. Consultations:**

**Scottish Water** – no objection.

**Ayrshire Roads Alliance** – no objection subject to conditions.

**Ayrshire Roads Alliance (Flood Officer)** – no objection.

## **3. Submitted Assessments/Reports:**

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

9 representations have been received, all of which object to the proposed development. All representations can be viewed online at <https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=TAWFGZBDM6X00&activeTab=summary>

The issues raised by Representees can be summarised as follows:-

*1/ The proposed dwellings on Plots 44 and 45 by reason of their scale, height and proximity would result in an unacceptable loss of daylight and sunlight to adjoining properties;*

**Comment:** the effect of the development on the amenity of the adjoining properties in Manse Road is fully considered in the Assessment section of this report.

*2/ Due to the proposed houses being at a higher level than the existing houses in Manse Road there will be overlooking by windows resulting in loss of privacy;*

**Comment:** the effect of the development on privacy within the existing houses in Manse Road is fully considered in the Assessment section of this report.

*3/ Due to the proposed houses being at a higher level than the existing houses in Manse Road they will have an overbearing presence leading to unacceptable loss of amenity;*

**Comment:** the effect of the development on the amenity of the adjoining properties in Manse Road is fully considered in the Assessment section of this report.

*4/ The proposal is contrary to LDP2 Strategic Policy 2 – Development Management as the development will have a detrimental impact in terms of overshadowing, overlooking and physical impact;*

**Comment:** the effect of the development on the amenity of the adjoining properties in Manse Road is fully considered in the Assessment section of this report.

*5/ The siting and proximity of the proposed dwellings are not consistent with the established pattern of development and spacing within the surrounding area and fails to demonstrate an appropriate relationship between new and existing development;*

**Comment:** the acceptability of the development in terms of its fit with the surrounding settlement pattern is fully considered in the Assessment section of this report.

*6/ The development will have an adverse impact on the neighbouring properties and on the character and residential amenity of the surrounding area. In particular the proposal will result in over-looking, loss of privacy, overshadowing and an increased sense of enclosure;*

**Comment:** the effect of the development on the amenity of the adjoining properties in Manse Road is fully considered in the Assessment section of this report.

*7/ The proposal is contrary to LDP2 Policy: Residential Policy Within Settlements, Release Sites and Windfall Sites as the scale, siting and design would result in an unacceptable impact on residential amenity and would fail to respect the character of the area;*

**Comment:** The proposal is assessed against LDP Policy: Residential Policy Within Settlements, Release Sites and Windfall Sites in the Assessment section of this report;

*8/ Overlooking of windows of properties on the opposite of Manse Road from the development resulting in loss of privacy;*

**Comment:** the effect of the development on the amenity of the adjoining properties in Manse Road is fully considered in the Assessment section of this report

*9/ There would be a significant loss of outlook and intrusive visual impact as the result of the development being at a higher level than the existing houses in Manse Road;*

**Comment:** the acceptability of the development in terms of its fit with the surrounding settlement pattern is fully considered in the Assessment section of this report.

*10/ Impact on skyline;*

**Comment:** the acceptability of the development in terms of its fit with the surrounding settlement pattern is fully considered in the Assessment section of this report.

*11/ Reducing views of the distant woodland;*

**Comment:** loss of view is not a material Planning consideration.

*12/ The increase in the number of bungalows will result in an imbalance in the overall design of the development. All properties located behind the existing houses in Manse Road should be bungalows which will produce a harmonious design;*

**Comment:** the acceptability of the development in terms of its fit with the surrounding settlement pattern is fully considered in the Assessment section of this report.

*13/ Local residents were assured that all houses located behind existing properties in Manse Road would be limited to 1.5 storey at earlier consultation stages;*

**Comment:** Statutory Pre-Application Consultation was undertaken in 2018 and a Pre-Application Consultation Report was submitted with the subsequent Planning Permission in Principle application (ref 18/00585/PPPM). In their response to public comments section the then developer (Hope Homes (Scotland) Ltd) stated that they would consider bungalows along the boundary with the existing houses in Manse Road. However, the conditions attached to the Planning Permission in Principle did not stipulate that only single storey houses could be erected within this area of the site. The subsequent Approval of Matters Specified in Conditions application (which was submitted by the current applicant) included a two-storey block of flats behind 21 and 23 Manse Road. The impact of this element of the development on the amenity of the adjoining houses was assessed as being acceptable and the application was approved on this basis.

*14/ No drainage designs have been submitted. Significant amounts of water-runoff will enter the gardens of the existing houses on Manse Road which may have a material impact on the existing housing stock. The applicant should resubmit the application with full drainage details;*

**Comment:** The arrangements for surface water drainage are fully considered in the Assessment section of this report.

*15/ The retaining wall behind the properties in Manse Road will significantly reduce the opportunities for small mammals to move freely around the area, particularly hedgehogs;*

**Comment:** The impact of the development on conservation of nature is considered in the Assessment section of this report.

*16/ No justification has been offered for the variation of the approved plans;*

**Comment:** There is no statutory requirement to provide a Design and Access Statement for applications which do not fall within the National or Major Development categories.

*17/ An independent assessment of the effect of the revised proposals on wildlife and any required mitigation should be provided;*

**Comment:** The impact of the development on conservation of nature is considered in the Assessment section of this report.

*18/ No details of the design to the rear of 21 Manse Road has been provided;*

**Comment:** The submitted drawings (Drawing Number 21228-SK-36 "Bungalow Levels") show the treatment of ground levels to the rear of 21 Manse Road.

*19/ The site levels have been raised in order that the surface water drainage system can be located within the centre of the site. A better solution would be to run the surface water drain along the southwestern boundary and maintain the existing ground levels;*

**Comment:** The application requires to be assessed as submitted. A full assessment is provided in the Assessment section of the report.

*20/ There is a reliance on the existing French drain behind 23 Manse Road to deal with surface water run-off in the direction of Manse Road. This has already proven unacceptable with flooding in the rear garden of number 23 that the developer had to address by clearing the drain. This issue is highly likely to keep recurring with the current design.*

**Comment:** The Council Flood Officer has no objection to the proposed surface water drainage arrangements, noting that the amended development will not result in an additional discharge of surface water into the rear gardens of Manse Road. The applicant has confirmed that the existing surface water drain to the rear of the houses in Manse Road became blocked during an earlier phase as a result of earthworks. The drain was cleared and the applicant is not aware of any repeated incidents of flooding.

*21/ The gabions and related excavations on the eastern and northern edges of the site have caused loss of trees and the environmental impact is greater than envisaged when the original application was approved;*

**Comment:** The damage to the trees along the woodland edge was noted during the site inspection. However, the current application requires to be assessed on its own merits.

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), consultation responses, 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 \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 6 Forestry, woodland and trees
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 16 Quality homes
- Policy 18 Infrastructure first
- Policy 19 Heating and cooling
- Policy 21 Play, recreation and sport
- Policy 22 Flood risk and water management

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):

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Management

LDP Policy: delivering infrastructure

LDP Policy: maintaining and protecting land for housing

LDP Policy: residential policy within settlements, release sites and windfall sites

LDP Policy: affordable (including specialist) housing

LDP Policy: woodland and forestry

LDP Policy: flood and development

LDP policy: natural heritage

LDP Policy: land use and transport

In addition to the above policies of LDP2, the Supplementary Guidance: Housing Site Design Briefs is also relevant to the assessment of the current application.

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.

Having regard to the policies of the Development Plan listed above, the application requires to be assessed in respect of the following matters:-

**The Principle of Residential Development**

The site is allocated for residential development through the Local Development Plan and the principle of residential development is therefore consistent with both NPF4 Policy16 (a) (Quality Homes) and LDP2 Policy: maintaining and protecting land for housing. As stated above, there is a live planning permission for the erection of houses within this part of the housing allocation and the principle of residential development is therefore established.

**Climate Change Mitigation and Adaptation**

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. In regard to climate change, the proposal is assessed positively against NPF4 Policy 2 and it is considered that the requirement to give weight to the global climate crises has been fulfilled.

Policy 2(a) requires that proposals be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. In respect to siting, the proposed housing is located within an area allocated for residential development through the Local Development Plan. The selection of sites for inclusion in the LDP was informed by sustainable economic development principles (Core Principle B1) which prioritises residential development within settlements in preference to countryside areas. The location of the site is accordingly consistent with Policy 2(a). Policy 2(a) further requires that the design of developments minimises lifecycle greenhouse gas emission, as far as possible. In this regard, the energy performance standard of the individual houses will require to comply with current Building Standards and it is considered that the proposal is consistent with this aspect of NPF4.

NPF4 Policy 2(b) requires that development proposals will be sited and designed to adapt to current and future risks from climate change. The application site is not within an area at risk of flooding. Rainwater runoff from the roofs and roads will be discharged via the Sustainable Urban Drainage System (SUDS) that has been installed to serve the wider development, which includes an allowance for climate change. Having regard to these factors, it is considered that the development fulfils the requirements of NPF4 Policy 2(b).

## Natural Heritage/Biodiversity

Application reference 22/00779/MSCM was supported by an extended Phase 1 Habitat Survey which did not identify any valuable or notable habitats and species within the site. The woodland to the north was identified as having bat roost potential; however, no bat roosts were located, whilst the site itself was described as having negligible suitability for foraging and commuting bats. The current proposal for alternative house types and layout will not introduce development that will be closer to the woodland than the extant development layout. Furthermore, the applicant has commenced implementation of the approved development and the topsoil has been stripped. In light of these factors it is considered that updated habitat or protected species surveys are not required. The development will not result in any loss of biodiversity over and above the negligible value that would be lost if the approved development were to be fully implemented. The Extended Phase 1 Habitat Survey which was submitted in support of the previous Application for Approval of Matters Specified in Conditions application included a range of measures to avoid injury, obstruction or disturbance of any mammal species within the site. Condition 10 attached to planning permission 22/00779/MSCM requires that these measures are to be adhered to throughout the duration of the construction phase. It is proposed that a condition be imposed requiring these measures to be fully implemented for the development proposed through this application.

NPF4 Policy 3(a) requires that proposals for the development contribute to the enhancement of biodiversity and Policy 3(c) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity which are proportionate to the nature and scale of the development. The proposals include areas of public open space that will provide opportunities to improve the biodiversity value of the site. No details of the landscape proposals were included in the application and a condition is proposed to ensure that the site is landscaped in a manner which enhances biodiversity.

Subject to the imposition of the conditions set out at the end of this report, the proposal is consistent with NPF4 Policy 3 (biodiversity) and the relevant criteria of LDP2 Strategic Policy 1: Sustainable Development and LDP Policy: natural heritage.

## Trees

As noted above, the site is bounded by Ancient/Semi-Natural Woodland to the east. No works are proposed within this woodland. Condition 9 of the previous AMSC permission required details of measures to protect trees located within and adjoining the site. It is noted that the groundworks have been undertaken across the current application site and a gabion basket retaining structure has been constructed along the eastern boundary, in accordance with the extant permission for the development of this part of the wider housing land allocation. It was noted during the site visit that a small number of trees have been damaged during these works and it is proposed that the condition requiring protection of the trees also be imposed on this permission to help avoid any further accidental damage to the trees. Subject to the imposition of the conditions set out at the end of this report it is considered that the proposals are consistent with NPF4 Policy 6 (Forestry, woodland and trees) and LDP2 Policy: woodland and forestry.

## Place Making

NPF4 Policy 14 requires that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals will be supported where they are consistent with the six qualities of successful places (Healthy/Pleasant/Connected/Distinctive/Sustainable/Adaptable). LDP Policy: *residential policy within settlements, release sites and wind fall sites* establishes criteria against which proposals for development will be assessed to ensure that the character and amenity of existing residential areas are protected. The policy requires, *inter alia*, that the layout, density, plot ratio, scale, form and materials do not detract from the character of the surrounding buildings and the local area and that suitable public and private open space are provided in accordance with the Council's open space guidelines. In terms of urban design, the layout of the site is very similar to the previously approved extant planning permission layout. A single cul-de-sac access road is proposed, with a turning area at the end. The houses will be set out either side of the road with each house having its own private garden front and rear. Private parking will be provided within the front curtilage of each house. Landscaped areas between the houses will 'break up' the parking areas thus avoiding an undesirable dominance of hard surfaces within the streetscape. An area of public open space will be provided at the northern end of the site, which will provide a footpath connection to Manse Road. No landscaping details have been provided for this area of open space and a condition is proposed requiring these details to be submitted. The scale, form and layout of the individual house units are reflective of the predominant existing housing within this part of Coylton and have previously been approved within the wider housing development at Manse Road. Full details of the exterior finished have not been provided with the application and a condition is proposed to ensure

that the exterior finishes used are consistent with those in the remainder of the Manse Road development and the surrounding area.

The minimum recommended private garden sizes set out in the Council's guidance "Open Space and Designing New Residential Areas" are exceeded for all but two of the plots. The private garden areas proposed for Plots 43 and 44, whilst being less than the standard set out in the guidance, exceed the minimum size of 100 sqm and are considered acceptable, noting that the majority of gardens exceed the minimum requirement and that the guidance is non-statutory and does not have the status of policy. The distance between the houses varies from circa 3m to circa 5.8m. Whilst the Council's guidance recommends a minimum of 4m between houses, there are only three instances where the distance falls below 4.0 m. As noted above, all the houses will have areas of landscaping to the front and this will avoid a predominance of hard surfacing, which is consistent with the aim of the Council's guidance.

The public open space proposed at the northern end of the site will provide a well-defined pedestrian entrance to the development from Manse Road and will provide a shortcut for residents within the northern part of the site to the services within Coylton. The footpath will be overlooked from the front windows of the houses on plots 45 and 46 and from the front windows of the existing houses on the opposite side of Manse Road. Furthermore, the path will run within a 6m wide area of open space, thus giving the route a sense of openness and safety. Any proposed landscaping scheme will require to be designed to maintain a sense of openness and avoid creating potential hidden spaces. The area of open space is smaller in size compared to that granted under application 22/00779/MSCM. However, the wider development is served by areas of public open space, the aggregate area of which significantly exceeds the minimum requirements under the Council's Guidance for "Open Space and Designing New Residential Areas". The reduction in the extent of open space within this part of the site will not, therefore, result in a deficit of open space compared with the Council's guidance. The existing approved equipped play area was previously assessed as sufficient in respect of size and range of equipment to serve all areas of the wider housing development, including the current application site. Condition 13 attached to the previous permission (ref 22/00779/MSCM) for the development requires the equipped play area to be completed prior to the completion of the eighth house within Phase 2.

Having regard to the foregoing assessment, it is considered that the overarching requirements of "Designing Streets" and "Creating Places" have been met and that the proposal is consistent with the Council's Guidance "Open Space and Designing New Residential Development" and NPF4 Policy 14 and LDP Policy: residential policy within settlements, release sites and wind fall sites.

### **Impact on Amenity of Adjoining Houses and Areas**

LDP2 Policy: residential policy within settlements, release sites and windfall sites and LDP Strategic Policy 2: Development Management aim to the protect the character and amenity of areas that are mainly residential from the effects of new development. Proposals require to be assessed against a list of criteria, including impact on privacy and amenity of existing and proposed properties. The majority of the objections received relate to the impact on the privacy and amenity of the adjoining houses in Manse Road that back onto the application site. To fully assess the effect on the privacy and amenity, particularly in relation to plots 43 and 44, additional cross-sections were requested to demonstrate the levels difference and relationship between these plots and the adjoining existing houses in Manse Road. Additional drawings were received on 15 April 2026 and neighbour notification was reissued and the application re-advertised.

The extant planning permission for the development of the application site includes two-storey cottage flats to the rear of 21 Manse Road. The flats would have been set back 16.7 metres from the rear garden boundary of 21 Manse Road at the closest point. The amended proposals now include a two storey detached house to the rear of 21 Manse Road (Plot 42) that will be set back 14.5 metres (at the closest point). The extant permission did not include a house directly to the rear of 19 Manse Road whereas the amended proposals include a single storey bungalow directly to the rear of 19 Manse Road (Plot 43), which will be set back 5 metres at the closest point. The current application also now includes a single storey bungalow to the side of 13 Manse Road (plot 44) on an area of the site which was previously open space.

### Plot 43

Plot 43 is located to the east of the existing house at 19 Manse Road. The cross section supplied indicates that the garden ground of plot 43 will be 1.3 metres higher than the top of the garden at 19 Manse Road. It is noted that the garden of 19 Manse Road slopes down relatively steeply to the rear elevation of the house, meaning that the difference in floor levels between the existing and proposed houses will be greater than 1.3m. The cross-section indicates that the gutter levels of the two houses being approximately the same height. The separation distance between the rear elevations is circa 21 metres, at the closest point, increasing to circa 26 metres at the widest point (as the result of the house on Plot 43 being set at an angle to the rear fence of 19 Manse Road).

Due to the difference in levels and the proposed 1.8 metre high boundary fence, views into the windows and rear garden of 19 Manse Road from the proposed house will not be possible. This is demonstrated by the cross section and it is concluded that there will be no loss of privacy to 19 Manse Road or the other properties in Manse Road.

A retaining structure is required along the boundary of Plot 43, to provide the house with a level garden. The retaining structure comprises of two rows of gabion baskets stacked one on top of the other with an overall maximum height above the level of the rear garden of 19 Manse Road of 1.3 metres. A 1.8 metre high open boarded timber fence will be erected on top of the gabion baskets giving an overall maximum height of 3.1 metres. The existing hedge along the rear boundary of the garden of 19 Manse Road will screen the gabion baskets, however, the fence will be visible.

The effect of this structure on the amenity of 19 Manse Road has been carefully considered in respect of loss of daylight, loss of direct sunlight and overbearing impact. The house at 19 Manse Road is set back 14 metres from the rear boundary of the garden. The line of the fence does not cross a 45 degree line from the midpoint of the windows on the rear elevation indicating that there will be no reduction in daylighting within the house. The fence will be positioned due east of 19 Manse Road and is likely to cast a shadow over part of the rear garden (on sunny days) in the mornings. The effect would be more noticeable in the winter months (October through to March) when the angle of sun is lower, than in the summer months (April through September). However, such overshadowing is common in most urban areas and is not considered to be grounds for refusal of planning permission, except in extreme circumstances, such as when there would be a loss of sunlight for the majority of the day.

The retaining structure and fence will result in a boundary treatment that is taller than typically found in suburban areas and it is necessary to consider whether this would have an overbearing effect on the occupants of the house at 19 Manse Road such that it would result in the house becoming an unpleasant place to live. On balance, having regard to the length of the rear garden of 19 Manse Road, it is not considered that the development would cross the threshold of being significantly detrimental to the enjoyment of the house and garden. It is further noted that the house proposed on Plot 43 will set at an angle to the rear boundary and will not directly align with the rear elevation of 19 Manse Road.

### Plot 44

Plot 44 is located at the northern end of the application site and has a boundary with 13 Manse Road. The submitted cross section indicates that the house on plot 44 will sit level with the rear garden of 13 Manse Road. The dwelling proposed is a bungalow with no window or door openings overlooking the adjoining house or its rear garden. The house proposed on Plot 44 will be set further back from the edge of Manse Road than 13 Manse Road and will bound with the southern edge of the garden, immediately adjacent to an existing outbuilding. The proposed house will be positioned close to the garden boundary (circa 2.0 metres). A 1.8 metre high timber close boarded fence is proposed along the boundary between the two properties which will be of sufficient height to prevent overlooking between gardens. 13 Manse Road has a substantial sized rear garden and whilst the gable elevation of the proposed bungalow will be positioned close to the neighbouring property's garden, it will affect only a small section of the garden, with the majority retaining an open aspect. The proposed house is separated from the windows in the rear elevation of 13 Manse Road by 17 metres (measured horizontally) and as a result of this separation distance and the fact that the proposed house will be arranged perpendicular to the rear elevation of the existing house there will be no loss of daylight. The house on plot 44 will be due south of the garden of 13 Manse Road and there will be some overshadowing of part of the garden for part of the day as a result. However, such overshadowing is common in all urban areas and moderate levels of shading are not considered to be grounds for refusal of planning permission. Furthermore, as stated above, 13 Manse Road benefits from a substantial sized rear garden and the area affected by overshadowing will be relatively small in relation to the overall garden. In view of the foregoing, it is not considered that the proposed house on plot 44 will result in loss of privacy or otherwise adversely affect the amenity of 13 Manse Road to such a degree that would be considered detrimental to the enjoyment of the property.

## **Roads and Parking Standards**

The access road is proposed to be constructed to adoptable standard. The four-bedroom villas will be provided with three car parking spaces and the three-bedroom bungalows will be provided with two parking spaces. ARA have advised that since the approval of the Planning Permission in Principle there has been an amendment to the standard for parking bay dimensions. Whilst some of the parking bay dimensions fall short of the new standards, the previous standards are accepted in this instance given the planning history. ARA also note that the parking provision standard cannot be met for Plot 41; however, additional parking is available within visitor bays and the provision of two spaces for Plot 41 is therefore deemed to be acceptable. ARA have further advised that conditions are required in relation to swept-path analysis at the turning head. Subject to the imposition of conditions, the proposals are consistent with NPF4 Policy Sustainable Transport and LDP2 Policy: land use and transport.

## **Surface Water and Waste Water Drainage**

Surface water from the road and the roofs will be drained to an existing SUDS basin located to the south of the cemetery. The basin was installed for an earlier housing development at Finlayson Way. Foul water will be drained to the public sewerage system via an existing private pumping station, which is also located to the south of the cemetery and was installed for the previous development at Finlayson Way. The capacity of both the pumping station and SUDS basin have been augmented since the development commenced at Manse Road and Scottish Water have no objection to the current application.

The representations received refer to the possibility of flooding of the rear gardens of the properties in Manse Road that back onto the site as the result of the increase in ground levels. The Council's Flood Officer has been consulted and does not object to the development proposals on the grounds of flooding. It is noted that the arrangements for surface water drainage are the same as previously approved. Rainwater collected from roads and roofs will be drained to the existing SUDS system located adjacent to the cemetery. In relation to the specific concern raised in the letters of objection, the developer is required to design the development so that the volume of runoff will not increase. However, the developer is not obliged to improve the situation outwith the site. The Flood Officer notes that rainwater will have drained from the site towards the rear gardens of the houses in Manse Road prior to the development and will continue to do so post development. However, the Flood Officer has advised that both the original site layout and the proposed will not increase surface water runoff. It is noted that a surface water drain is incorporated into the gabion basket retaining feature that will connect to an existing field drain located behind the properties in Manse Road and the Flood Officer has no objection to this arrangement. The proposals are therefore consistent with NPF4 Policy 22 (Flood Risk & Water Management) and LDP Policy: flood and development.

## **Mitigation of Off-Site Impacts on Public Road Network, Water and Sewerage Infrastructure**

ARA have not advised that any off-site highway mitigation is necessary for this application. The previous permission was subject to conditions requiring off-site works relating to the public road and bus travel. Condition 4 of planning permission reference 22/00779/MSCM required the resurfacing of the footways either side of Manse Road while Condition 7 required the provision of real-time passenger information at bus stops on the A70. In relation to Condition 4, ARA subsequently advised that the footways are in a suitable condition, and no resurfacing work is necessary and accordingly it is not proposed to impose this condition on the current permission. In relation to Condition 7, the Real Time Passenger Information displays have been installed and there is therefore no requirement to reimpose Condition 7 on this permission. Future maintenance of the displays is subject to Condition 7 of planning permission reference 22/00779/MSCM.

## **Mitigation of Education Impact**

The requirement for augmentation of capacity within the affected primary and secondary schools was considered at the Planning Permission in Principle stage (application reference 18/00585/PPPM). Schools and service Support advised that the proposed development of 53 houses will have no educational impact on the catchment primary schools and secondary schools. Therefore, no developer contributions towards mitigation of education impact were sought at the Approval of Matters Specified in Conditions stage. Given that the current application is for a change in house types and layout only and that the permission for the existing house types is extant, it is not considered appropriate or necessary to seek education contributions.

### **Affordable Housing Requirement**

NPF4 Policy 16 (e) and LDP2 Policy: *affordable housing* requires proposals for new homes to make provision for affordable homes to meet an identified need. Condition 19 of the approval of matters specified in conditions for the wider development required the provision of 13 affordable homes within the current application site. An application (ref 25/00650/FURM) to delete Condition 19 and thereby remove the requirement for the provision of affordable housing, was considered by the Regulatory Panel on 10 December 2025. Following consideration of the application, the Panel agreed to the applicant's request and the application was approved. Having regard to this decision, it is not considered that there is a requirement to provide affordable housing and the current application is therefore compliant with NPF4 Policy 16 and LDP2 Policy: Affordable Housing in this respect.

#### (iii) Other Policy Considerations (including Government Guidance)

### **Scottish Government “Designing Streets”**

Designing Streets is the Government's policy statement for street design and marks a change in emphasis of guidance towards place-making and away from a system focussed upon the dominance of motor vehicles. The guidance advises that street design must consider place before movement and should meet the six qualities of successful places, Design should be based on balanced decision making and adopt a multi-disciplinary collaborative approach. The planning permission and Road Construction Consent processes should run in parallel. The street design proposed comprises of a single cul-de-sac formed off the main loop road serving the wider development. The use of a cul-de-sac is appropriate for this small section of the site. A variety of parking solutions are proposed which include front curtilage and side curtilage parking. The parking layout creates opportunities for green areas within the front curtilages. A footpath connection will be provided to Manse Road, creating a permeable street layout.

### **Scottish Government “Creating Places”**

The policy outlines six qualities of successful places that developers and planners must integrate into new developments: Distinctive (places with a strong character and identity that respect local context); Safe and Pleasant (spaces that feel secure, attractive and comfortable for everyone); Easy to move around (layouts prioritising connectivity, walking, cycling and public transport over car dominance); Welcoming (environments that are easy to navigate and inviting to visitors and residents); Adaptable (spaces and buildings that can respond to changing demographics, lifestyles and long-term needs); and Resource efficient (developments that use energy, water and materials responsibly). The layout and design of the development have been fully assessed above and it is considered that the development complies with the Scottish Government guidance.

### **South Ayrshire Council Design Brief for (COY5)**

The Housing Site Design Brief was adopted as Supplementary Guidance in connection with the Local Development Plan 2022 (LDP2). In respect to the COY5 housing allocation, the brief contains the following requirements:-

- 1/ The design for the site to link into the existing street patterns and the maximise accessibility so that the development integrates with the existing settlement;
- 2/ Large functional open spaces included within the proposed development, with open space provided in the southwest corner adjacent to the cemetery;
- 3/ Passive surveillance of open spaces;
- 4/ maintain existing boundaries to the east and south which are defined by woodland.

Having regard to the foregoing assessment under the Development Plan, it is considered that the proposed development complies with the aspirations and expectations of the site design brief.

### **South Ayrshire Council Guidance “Open Space and Designing New Residential Development”**

“Open Space & Designing New Residential Development” is the Council's guidance on the provision and treatment of outdoor space in designing new residential environments. The guidance has been fully considered in the assessment section of this report and the development is considered to be consistent with it.

#### (iv) Consultation Responses

The consultation responses are summarised in Section 2 above and are supportive of the proposal.

(v) Objector Concerns

The concerns expressed in the letters of representation are summarised in Section 6 above. Where not covered in the responses set out in Section 6, the concerns regarding the impact on the existing houses in Manse Road are fully discussed in the Assessment above. The concerns regarding adverse impact on the amenity of the existing houses because of over-looking, overshadowing, loss of daylight and over-bearing presence are material considerations in the assessment and have been fully considered. It is acknowledged that the occupiers of the closest houses in Manse Road will experience change in their environment as the result of the loss of the previous open aspect to the rear of their properties. It is further acknowledged that there will be some loss of direct sunlight to the rear gardens of two properties. However, it is considered that the extent and duration of overshadowing will not diminish the amenity value of the properties concerned to an unacceptable degree and beyond what can be reasonably expected within a typical residential area. Furthermore, it is not considered that there will be any loss of privacy because of direct overlooking window to window or overlooking of private gardens and there will be no loss of daylight within any of the existing houses. Thus, whilst the concerns of the neighbouring property occupiers are understood, it is not considered that the issue raised merit refusal of planning permission.

(vi) Impact on the Locality

The layout and design of the proposed houses and their compatibility with the surrounding established residential area have been fully considered in the assessment against the development plan above. It is concluded that the revised house types and development layout will integrate successfully with the existing residential environment and there will be no unacceptable impact on the locality of the application site.

**8. Conclusion:**

Given the above assessment it is concluded that the proposed development meets the requirements of the Development Plan and associated guidance and is acceptable in all respects.

**9. Recommendation:**

It is recommended that the application is approved subject to 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 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.
- (3R) To ensure all contamination within the site is dealt with.

- (4C) Prior to the commencement of development on site, details of measures to protect trees and hedgerows located within and adjacent to the site (including those forming part of the Ancient Woodland Inventory Designation to the northern site boundary) shall be submitted for the written approval of the planning authority. The trees and hedgerows shall be protected during the course of construction by erection of fencing in accordance with British Standard BS 5837(2012) 'Trees In Relation To Construction', or by such other means of protection deemed necessary and shall be agreed in advance in writing with the Planning Authority. No changes of levels, movement or parking of vehicles, storage of building materials, machinery, equipment or soil/aggregate shall take place within protected areas established pursuant to this condition. The development shall be undertaken in accordance with the approved tree protection details and shall be implemented before any other construction works commence on site. Thereafter, the measures agreed shall be maintained as such for the duration of the construction works until the development is complete on site.
- (4R) In order to ensure that no damage is caused to the existing trees during development operations.
- (5C) All construction work and activity on site relevant to the development shall be carried out in strict accordance with the recommendations and mitigation measures set out in Section 5.2 of the "Extended Phase 1 Habitat Survey (Wild Surveys Ltd dated 23 February 2022) approved under Approval of Matters Specified in Conditions permission reference 22/00779/MSCM. These measures and recommendations shall remain in effect until all construction work associated with the development is complete on site.
- (5R) In the interest of protecting local wildlife and minimising impact on ecology
- (6C) Further to Condition 5 above and the mitigation measures and recommendations outlined within Section 5.2 of the 'Extended Phase 1 Habitat Survey' (Wild Surveys Ltd, Dated 23rd February 2022) approved under Approval of Matters Specified In Conditions permission reference 22/00779/MSCM, all ground and vegetation clearance works shall take place out with the main breeding bird season (specifically March to August, inclusive). If this is not possible and works are due to take place between March and August, then a suitably qualified ornithologist/ecologist shall be engaged and appointed to undertake surveys and scrub vegetation and nesting bird checks and advise of any actions required to protect birds immediately prior to any scrub or vegetation removal works commencing on site.
- (6R) In the interest of protecting local wildlife and to advise the applicant/developer of any bird nesting activity and any actions required to protect birds
- (7C) That before any works start on site for the implementation of this permission, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard. Any details pursuant to this condition shall include a planting scheme that maximises the biodiversity value of the site and which also takes account of the need to maintain personal safety, particularly for women, along the route of the proposed footpath. Once implemented, the approved landscaping scheme shall be maintained for a period of 5 years and trees, shrubs, plants or grass areas forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased shall be replaced in line with good horticultural practice with others of similar sizes and species unless the Planning Authority gives written approval to any variation.
- (7R) In the interest of amenity, biodiversity and personal safety
- (8C) Other than where they share mutual boundaries with existing and proposed dwelling plots, no fencing or other means of enclosure shall be erected around the areas of open space within the development site as shown on approved drawing "Site Plan - Affordable Housing Remix" (drawing number AL(00)003 Rev A) unless otherwise agreed in writing by the Planning Authority.
- (8R) To ensure that all areas of open space approved as part of this development are accessible and usable by future occupants of the development.
- (9C) The development hereby approved shall be constructed strictly in accordance with the finished site levels and finished floor levels as shown on approved drawing "Bungalow Levels" (drawing number 21228-SK-36C). Any alterations or deviations to these finished site and floor levels shall be first agreed in writing with the Planning Authority.

- (9R) In the interest of residential amenity
- (10C) Prior to the commencement of work for the implementation of this permission, full details of the fencing to be erected within the site shall be submitted to and approved by the Planning Authority. Any such details shall show timber fencing or other means of enclosure erected along the rear garden boundaries of the proposed houses of sufficient height to ensure no overlooking between private garden areas, including the private rear gardens of the existing dwellinghouses in Manse Road.
- (10R) In the interest of privacy and amenity, full details not having been submitted with the application.
- (11C) That prior to the commencement of development, 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.
- (11R) To ensure that materials are appropriate for the site and in the interests of visual amenity.
- (12C) 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 Planning Authority before any work commences on site.
- (12R) In the interest of road safety and avoid the discharge of water on to the public road.
- (13C) That all new road infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified in the SCOTS National Roads Development Guide. The precise details and specifications of all new road infrastructure shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. All roads infrastructure shall be constructed, as approved by condition and in conjunction with any necessary Roads Construction Consents and/or permits, prior to occupation of the development.
- (13R) In the interest of road safety and to ensure an acceptable standard of construction.
- (14C) That driveway dimensions associated with each dwellinghouse shall accord with the following dimensions:
- a single-width driveway 5.5m (minimum) in length x 2.75m (minimum, up to 3.0m maximum) in width;
  - a double width driveway 5.5m (minimum) in length x 4.8m (minimum, up to 5.5m maximum) in width;
  - a three-car driveway: 10.5m (minimum) in length for tandem parking x 4.8m (minimum, up to 5.5m maximum) in width (creating an L shaped drive configuration of double width where the driveway meets the public road);
- For the avoidance of doubt, triple-width driveways for single properties are not permitted.
- (14R) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (15C) That plans supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the written approval by the Planning Authority in consultation with the Ayrshire Roads Alliance. The turning area facilities shall be required to accord with paragraph 3.1.3 and figure 18 of the SCOTS National Roads Development Guide. The turning areas shall be constructed as approved prior to completion of the development.
- (15R) To reasonably avert the reversing of vehicles onto the main road and in the interests of road safety.

## **9.1 Advisory Notes:**

- (1) The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- (2) 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 Council as Roads Authority and the relevant utility companies.

- (3) 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.
- (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.

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

- Drawing - Reference No (or Description): 005 Inverary Stair Drawings
- Drawing - Reference No (or Description): 005 T4 310 Inverary Foundation Plan
- Drawing - Reference No (or Description): 005 T4 311 Inverary Underbuild B
- Drawing - Reference No (or Description): 005 T4 312 Inverary Pop-Ups Plan B
- Drawing - Reference No (or Description): 005 T4 313 Inverary GF Plan F
- Drawing - Reference No (or Description): 005 T4 314 Inverary FF Plan D
- Drawing - Reference No (or Description): 005 T4 315 Inverary Roof Plan
- Drawing - Reference No (or Description): 005 T4 316 Inverary Future Shower F
- Drawing - Reference No (or Description): 005 T4 510 Inverary Front Elevation A
- Drawing - Reference No (or Description): 005 T4 511 Inverary Rear Elevation A
- Drawing - Reference No (or Description): 005 T4 512 Inverary End Elevation 1 A
- Drawing - Reference No (or Description): 005 T4 513 Inverary End Elevation 2 C
- Drawing - Reference No (or Description): 005 T4 700 Inverary Door and Window Schedule
- Drawing - Reference No (or Description): 005 T7 600 PH3 Balmoral Stair Drawings
- Drawing - Reference No (or Description): 005 T7 601 PH3 Balmoral Future Shower
- Drawing - Reference No (or Description): 009 T7 310 PH3 Balmoral Foundation Plan
- Drawing - Reference No (or Description): 009 T7 311 PH3 Balmoral Underbuild B
- Drawing - Reference No (or Description): 009 T7 313 PH3 Balmoral Ground Floor Plan C
- Drawing - Reference No (or Description): 009 T7 314 PH3 Balmoral First Floor Plan C
- Drawing - Reference No (or Description): 009 T7 315 PH3 Balmoral Roof Plan A
- Drawing - Reference No (or Description): 009 T7 400 PH4 Balmoral Section AA A
- Drawing - Reference No (or Description): 009 T7 510 PH3 Balmoral Front Elevation
- Drawing - Reference No (or Description): 009 T7 511 PH3 Balmoral Rear Elevation C
- Drawing - Reference No (or Description): 009 T7 512 PH3 Balmoral End Elevation 2 C
- Drawing - Reference No (or Description): 009 T7 513 PH3 Balmoral End Elevation 1 B
- Drawing - Reference No (or Description): 009 T7 700 PH3 Balmoral Door and Window Schedule B
- Drawing - Reference No (or Description): 21228-SK-36C Bungalow Levels
- Drawing - Reference No (or Description): AL(00)002 Location Plan A

**Regulatory Panel (Planning): 11 June 2026**

Report by Housing, Operations and Development (Ref: 26/00131/APP)

Drawing - Reference No (or Description): AL(00)003 Site Plan Affordable Housing Remix A

Drawing - Reference No (or Description): AL(00)100 Belvedere GF Plan

Drawing - Reference No (or Description): AL(00) 101 Belvedere Foundation Plan

Drawing - Reference No (or Description): AL(00) 200 Belvedere Elevations

Drawing - Reference No (or Description): AL(00) 300 Belvedere Section A-A

Drawing - Reference No (or Description): AL(00) 301 Belvedere Section B-B

Drawing - Reference No (or Description): 21228-100-208B Fencing Details

Drawing - Reference No (or Description): 21228-500-200F Drainage Layout

Drawing - Reference No (or Description): AL(00)300 Site Sections Plots 43 and 44

Drawing - Reference No (or Description): SK24-5306-F2-01A Gabion Basket Retaining Wall Details Plot 43

**9.3 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 impact on the amenity of the neighbouring land and buildings.

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

**Background Papers:**

Application form, plans and supporting information

National Planning Policy Framework 4

South Ayrshire Local Development Plan 2

Scottish Government "Designing Streets"

Scottish Government "Creating Places"

South Ayrshire Council Guidance "Open Space and Designing New Residential Development"

South Ayrshire Council Guidance "Site Design Briefs"

**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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