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30 September 2022

To: Councillors Bell (Chair), Cavana, Clark, Connolly, Dixon, Kilbride, Kilpatrick, 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 **Wednesday, 12 October 2022 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
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Hearings relating to Applications for Planning Permission - Submit reports by the Place Directorate (copies herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson,
Committee Services on at 01292 612436, at Wellington Square, Ayr or
e-mail: andrew.gibson@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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South Ayrshire Council**List of Planning Applications for Regulatory Panel (Planning) Consideration on 12th October 2022**

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	21/00157/APP Mr Alan Edgar (Objections)	Corton Ayr South Ayrshire Application Summary	Erection of an overbridge suitable for use by pedestrians and cyclists spanning the A77 trunk road and associated works	Allanvale Homes (Prestwick) Ltd	Approval, Subject to Conditions
2.	22/00360/APP Ms Emma McKie (Objections)	Castlehill Farm Maybole South Ayrshire KA19 8JT Application Summary	Change of use of agricultural land to form 9 holiday accommodation units	T/A J & A Duncan Castlehill Farm	Refusal
3.	22/00478/APP Mr David Clark (Objections)	10 Sandfield Road Prestwick South Ayrshire KA9 1NB Application Summary	Erection of a dwellinghouse	Mr Forbes Robertson	Refusal
4.	22/00601/APP Ms Dianne Lewis (Objections)	2 Belston Holdings Ayr South Ayrshire KA6 5JD Application Summary	Change of use of agricultural land to form holiday park; erection of 8 holiday lodges, erection of reception/amenity block and formation of 20 hardstanding pitches for campervans/tourers	Mr D Green	Refusal

REGULATORY PANEL: 12 OCTOBER 2022

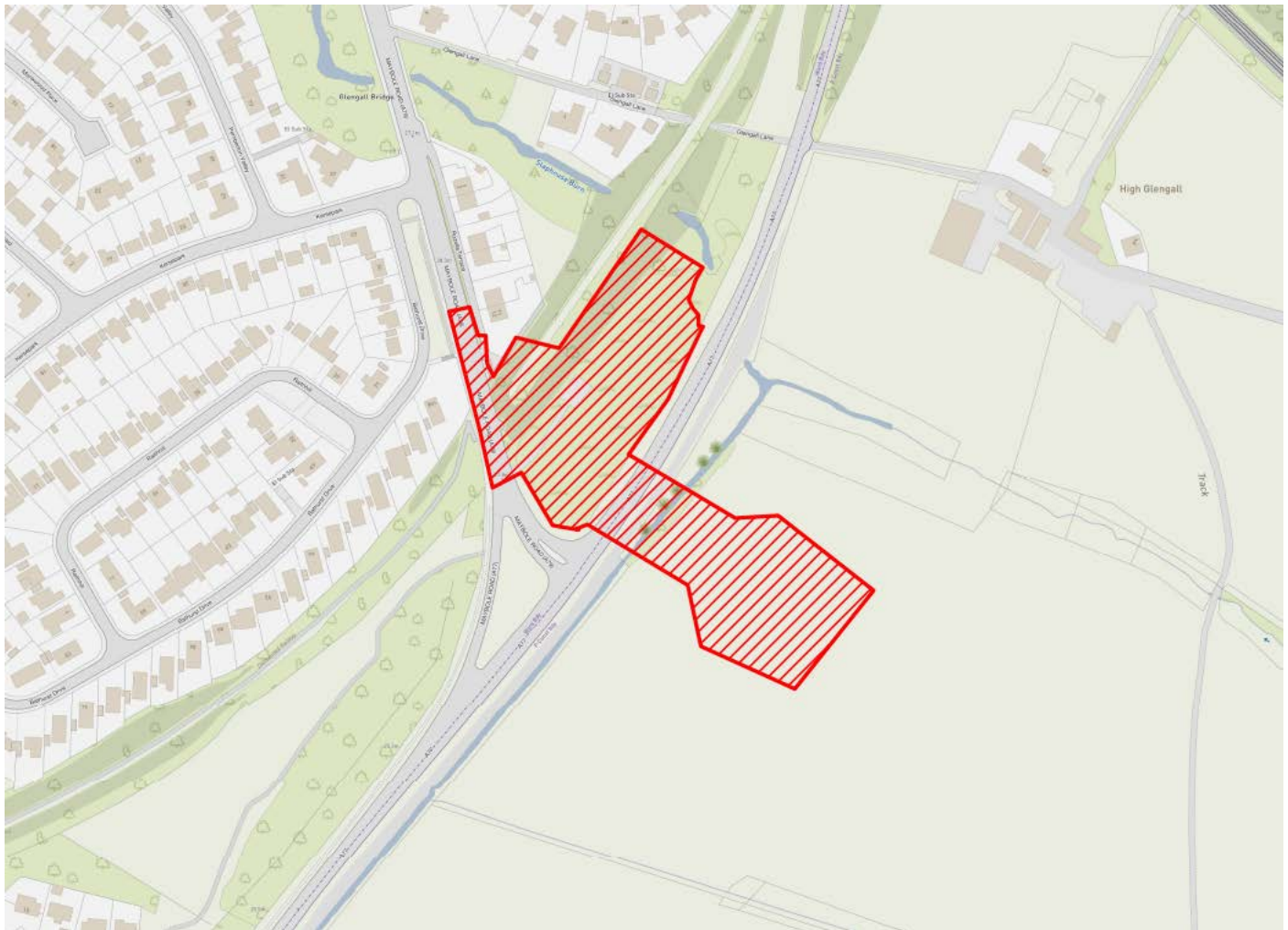
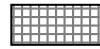
REPORT BY PLACE DIRECTORATE

21/00157/APP

CORTON A77T FROM BANKFIELD ROUNDABOUT - B7034 JUNCTION AYR SOUTH
AYRSHIRE

Location Plan

APPLICATION SITE



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Summary

Planning Permission is sought for the construction of an overbridge suitable for pedestrians and cyclists across the A77 to serve the South-East Ayr settlement expansion area as identified in the Adopted Local Development Plan. Whereas the Planning Permission in Principle and associated Section 75 Agreement for the Corton Phase require that the overbridge is suitable for equestrians as well as pedestrians and cyclists, neither the Council's Site Design Brief nor the relevant policies of the Local Development Plan require provision for equestrian use and the key consultees are supportive of the current proposal. Accordingly, the application is recommended for approval.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	21/00157/APP
SITE ADDRESS:	CORTON A77T FROM BANKFIELD ROUNDABOUT - B7034 JUNCTION AYR SOUTH AYRSHIRE
DESCRIPTION:	ERECTION OF AN OVERBRIDGE SUITABLE FOR USE BY PEDESTRIANS AND CYCLISTS SPANNING THE A77 TRUNK ROAD AND ASSOCIATED WORKS
RECOMMENDATION:	APPROVAL WITH CONDITIONS

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications. As this application is 'Local' development with 2 representations, it could technically be determined by officers under the Council's Scheme of Delegation. However, due to the key inter-relationship between this bridge application and the various applications for Approval of Matters Specified in Conditions (AMSC) for Corton and in view of the Regulatory Panel's decision on 11 June 2021 to refuse a related planning application to vary certain conditions attached to the Planning Permission in Principle (ref 14/01552/FURM) relating to equestrian use of the bridge it is considered appropriate that the application is considered by the Regulatory Panel.

1. Proposal:

Planning permission is sought for the erection of a bridge suitable for pedestrians and cyclists spanning the A77 trunk road. The bridge will form one of the key active travel links between the South-East Ayr settlement expansion area and Ayr. The bridge is to be 150 metres long between the point where it joins Maybole Road to the point where it arrives at ground level on the Corton side of the A77. The actual elevated portion of the bridge is just over 108 metres in length. The bridge will have a 3 metre wide deck to accommodate all users with space to allow ease of movement and future maintenance requirements from the deck itself. There is to be 1.4 m high metal railings. It stretches directly across the A77 in a straight line (to encourage use) and has a maximum gradient of 1:20 for cyclists and pedestrians. The ground is to be remodelled with embankments at either end to create the correct gradient. The bridge structure and handrails are to be galvanised steel with protective light grey paint finish. The bridge deck will be dark grey non-slip surface. A pedestrian crossing (Toucan crossing) is to be provided at the end of Maybole Road to connect with the Alloway / Burton cycle route.

2. Consultations:

- **Ayrshire Roads Alliance** - do not object subject to conditions.
- **Transport Scotland (Trunk Roads)** do not object subject to conditions- .
- **Annbank And Coylton Community Council** - did not provide comments .
- **Alloway And Doonfoot Community Council** - did not provide comments
- **Sustainable Development (Biodiversity)** - do not object
- **Belmont And Kincaidston Community Council** - did not provide comments.
- **Sustainable Development (Landscape And Parks)** - do not object.
- **Prestwick Airport** - sought further information on the height of the bridge but did not provide any further comments.
- **Scottish Environment Protection Agency** - did not provide comments.
- **West Of Scotland Archaeology Service** - do not object.

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 submitted a supporting statement which can be summarised as follows:-

- The application description for the Planning Permission in Principle (PPP) for Corton does not refer to equestrian use for the bridge across the A77. The requirement for equestrian use was introduced erroneously through the conditions attached to the PPP.
- If the bridge is to be used for equestrian purposes the height of the parapets will need to increase to 2.0m
- The bridge and associated approach ramps will be adopted by the Council for maintenance. There would be a requirement for regular cleaning of horse manure.
- Horses and their riders would share the bridge and the two approach paths with pedestrians (including wheelchair users, ambulant disabled users, children, parents with toddlers and babies in buggies). There is potential for health and safety risks.
- A 10 metre wide "Pegasus" crossing would be required on Maybole Road. The crossing would require a holding pen either side of the road and there is insufficient land available to provide these. The Council will therefore be unable to comply with the prescribed standards for the crossing.

4. Planning History & S75 Obligations:

There is a significant planning history associated with Corton and this is a material consideration in the assessment of the current application. The following planning permissions are particularly relevant:-

Planning History

14/00220/PPPM and 14/01552/FURM: PPP for mixed use development at Corton, the latter of which expires on 30 April 2023. Granted subject to conditions including condition 22 which contains a requirement for an 'overbridge' suitable for pedestrians, cyclists and equestrians.

15/00176/APP: Erection of overbridge suitable for use by pedestrians, cyclists and equestrians spanning the A77 Trunk Road and associated works. Granted 24 June 2015. Expired.

15/01351/FUR: Variation of condition 2 of permission 15/00176/APP to amend reference for MSCM approvals. Expired.

20/00462/APP was Permitted on the 25 January 2021 for a bridge suitable for pedestrian, cyclist and equestrian use. This was in effect a renewal of permission 15/0135/FUR and is still an extant permission (expiry date 25 January 2024)

21/00093/FURM was Refused by the Regulatory Panel (contrary to officer recommendation) on the 11 June 2021 to remove the requirement for equestrian use of the bridge.

Section 75 Agreement

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.

There is a Section 75 planning obligation in respect of the wider Corton development which, together with other requirements, seeks to secure the provision of the A77 over-bridge, although it does not relate directly to this planning application. The Agreement, however, refers to the provision of a bridge suitable for use by pedestrians, cyclists and equestrians.

Should the current application be approved, the Section 75 Agreement will require to be modified to reflect the omission of equestrian use, if or when an application is submitted under Section 42 of the Act to vary the relevant conditions of the Planning Permission in Principle (ref 14/01552/FURM) for Corton.

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:

2 representation(s) has/have been received, 2 of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows:

1. Road Safety (the Toucan crossing on Maybole Road will cause traffic to back up onto the new roundabout on the A77)
2. The bridge should be constructed on the south side of the new roundabout to join up with the Alloway/Burton cycle track
3. Road safety (the bridge should be suitable for equestrian use to cater for riders using the bridle paths at Rozelle).
4. The proposals do not relate to the original planning approval for Corton
5. The extent of full route and gradients would be extremely tiresome for wheelchair use and would be a cause for concern during frost and snow conditions
6. potential for conflict between pedestrians and skateboarders.

These matters are addressed in the assessment section of this report.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning.

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), planning history, objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

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 South Ayrshire Local Development Plan 2 was adopted on 31 August 2022. The following provisions of the development plan are considered relevant to the consideration of this application and can be viewed in full at https://archive.south-ayrshire.gov.uk/documents/localdevplan_final.pdf

Sustainable Development
Delivering Infrastructure
Housing Allocation Site (Ayr 4)
Maintaining & Protecting Land for Housing
Landscape Quality
Central Scotland Green Network
Flooding & Development
Archaeology
Natural Heritage
Land use and Transport
Outdoor Access and Core Paths

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.

Sustainable Development

The proposal is consistent with LDP Policy: sustainable development having regard to the design of the bridge and associated ramps which are appropriate in terms of their amenity impact, layout, scale, massing, design and materials in relation to their surroundings and character of the landscape. Furthermore the proposal raises no concerns in regard to natural and cultural heritage, road safety and SUDS. The purpose of the bridge is to facilitate non-motorised modes of transport to link the proposed mixed-use development at South-East Ayr to the existing services and facilities in Ayr and to form connections to the existing Alloway to Burton cycle track and is essential in ensuring that the settlement expansion is undertaken in a sustainable manner.

Delivering Infrastructure & Land Use and Transport

In relation to LDP Policy: *delivering infrastructure* proposals for all forms of development will be expected to contribute to the provision of or improvement of off-site transport or other infrastructure where the need is shown to exist. The bridge is a necessary requirement of the development approved under Planning Permission in Principle 14/01552/FURM for mixed use development at Corton to mitigate the transport impact of the development. Transport Scotland and Ayrshire Roads Alliance do not object to the proposed bridge. In particular, Transport Scotland do not object to the omission of provision for equestrians which was a requirement of the conditions attached to the Planning Permission in Principle and associated Section 75 Agreement for the Corton phase of South- East Ayr. Given the support of both Transport Scotland and the ARA, notwithstanding the omission of provision for equestrian use of the bridge, the proposal does not raise road safety concerns and is considered to be consistent with LDP Policy: *Land Use and Transport*.

Supplementary Guidance – Housing Site Design Briefs

LDP Policy *maintaining and protecting land for housing* requires that developments on allocated sites must meet the Supplementary Guidance for Housing Site Design Briefs. The provision of a pedestrian and cyclist bridge across the A77 is a requirement of the Supplementary Guidance *Site Design Brief* for South-East Ayr. It should be noted that the inclusion of “equestrian use” is not a requirement of the Site Design Brief.

Landscape

The bridge will be a significant “gateway” feature on the approach to the south of Ayr. The aesthetic design of the bridge is of a good standard. The approaches to the bridge will be formed as earth embankments that will be graded and planted to help assimilate the structures into the local landscape. The proposal is considered to be consistent with LDP Policy: *landscape quality*.

Central Scotland Green Network & Outdoor Access and Core Paths

The proposed bridge will facilitate movement across the A77 for pedestrians and cyclists to access services within Ayr and the Alloway Burton Cycle Route which links to Alloway and Greenan. The bridge will also facilitate pedestrian and cyclist movements in the other direction giving improved access to the countryside to the south-east of Ayr. As such the proposal will provide an enhancement to the green networks in the area, consistent with the objectives of the Central Scotland Green Network and LDP Policy Outdoor Access and Core Paths.

Flooding

The application site is located within an area of medium river flood risk and high surface water flood risk. SEPA previously commented on flood risk in 2015 and confirmed that the flood risk mitigation measures designed for the scheme are adequate. The principle of the bridge is not being re-visited and therefore there is no requirement to further consult with SEPA.

Archaeology

In relation to archaeology, WoSAS previously identified a requirement for further archaeological investigation within the application site. However, it has subsequently come to light that an archaeological evaluation of the site was undertaken in 2015 which concluded that there are no archaeological features of interest within the application site boundary. WoSAS have confirmed that no archaeological conditions are required in this instance.

Natural Heritage

The site is not located within any sites designated for nature conservation. The Council's Biodiversity Officer has raised no concerns.

Connectivity

The application proposal does not include connection to the path network on the eastern side of the A77 and consequently it would not be appropriate to start construction on site prior to the implementation of the plans for the various earth regrading and path connections on the eastern side of the A77 which are incorporated in the AMSC application 15/01042/MSCM. A suspensive condition relating to this matter is therefore included in the recommendation.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy advises that the planning system should support patterns of development that provide safe and convenient opportunities for walking and cycling for both active travel and recreation. The deletion of the equestrian element of the proposed bridge will not adversely impact on walking and cycling interests.

(iii) Objector Concerns

The objector concerns relating to the omission of use by equestrians are addressed in the Assessment above. The comment in relation to the position of the bridge relative to the Alloway/Burton cycle route is noted, however, there requires to be sufficient land area to form the bridge embankment which would not be available on the south side of Maybole Road. In relation to the other matters raised, Ayrshire Roads Alliance have raised no objection to the location of the proposed Toucan Crossing on Maybole Road and Transport Scotland have raised no objection to the design of the bridge in relation to disabled access use or conflict between pedestrians and cyclists or other wheeled users.

(iv) Impact on the Locality

The deletion of the equestrian element of the proposed bridge will not adversely impact on the amenity of the locality.

8. Conclusion:

The deletion of the equestrian element of the bridge will not impact the role of the bridge as a key active travel route connecting South-East Ayr settlement expansion area and Ayr. Transport Scotland and the Ayrshire Roads Alliance have no objection to the proposal. The objections raised have been addressed above. The proposal complies with the relevant framework of planning policy, subject to conditions including a suspensive condition with regards the implementation of the plans for the path connections on the eastern side of the A77 prior to construction works starting on the bridge. It is important to note that the S75 agreement in respect of the wider Corton development will require to be modified to reflect the omission of equestrian use, if or when an application is submitted to vary the conditions for the Planning Permission in Principle.

9. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) 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.
- (2) That the bridge shall be designed, constructed and completed, generally in accordance with the approved drawing No 19251-100-800 Pedestrian/Cycleway Link Layout and Levels to the satisfaction of the planning authority after consultation with Transport Scotland (TS-TRBO) and in compliance with the Design Manual for Roads and Bridges (DMRB), and Transport Scotland's Interim Amendments, Roads For All and the Manual of Contract Documents for Highway Works (MCHW). For the avoidance of doubt pre-construction compliance with the DMRB will include, but not be restricted to,
 - (i) Approval in Principle
 - (ii) Category 3 structural design check
 - (iii) Geotechnical Check (Proposal to be considered as Category B)
 - (iv) Assessment in accordance with GG142 Walking, Cycling and Horse Riding Assessment
- (3) Details of the lighting associated with the bridge shall be submitted for the approval of the planning authority after consultation with Transport Scotland prior to any lighting being installed. Thereafter, the lighting shall be implemented as approved.
- (4) That there shall be no drainage connections to the trunk road drainage system.
- (5) That all landscaping works shall be completed in accordance with the approved landscape drawings within twelve months of the bridge becoming operational. Thereafter the landscaped area shall be retained to this approved standard for a period of five years.
- (6) Prior to the bridge becoming operational, a controlled Toucan crossing shall be provided on Maybole Road, providing a safe means of crossing from the proposed bridge to the Alloway - Burton cyclepath. Final designs for the Toucan crossing shall be submitted to and agreed by the Planning Authority prior to any work commencing on-site and shall be implemented as approved. Any details pursuant to this condition shall be consistent with approved drawing Number 19251-1200-201A.
- (7) The applicant shall provide a profiler, loops, counter cabinet, post, batteries, connectors & solar panel at one end of the bridge. Precise details of the siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site and shall be implemented as approved.
- (8) No development shall commence until the applicant or the developer has provided detailed plans showing links with the proposed public roads, footways and cycleways that will form part of the mixed-use development on the eastern side of the A77 within the South East Ayr Settlement Expansion Area.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To ensure that the standard of structure complies with the current standards and that the safety of trunk road users is not affected.
- (3) To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
- (4) To ensure the efficiency of the existing trunk road drainage network is not affected.
- (5) To ensure landscaping works are completed at an appropriate stage in the development of the site.
- (6) For the purposes of road safety and functional operation of the local road network.
- (7) In the interest of monitoring traffic flow generated by the development as stipulated in the Transport Assessment and in the interest of road safety.
- (8) In the interest of the proper planning of the area and to avoid piecemeal development.

Advisory Notes:

(1) AYRSHIRE ROADS ALLIANCE

Costs of Street Furniture: 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.

Costs of TROs: 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.

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.

Construction Consent: Please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.

Signage to TSRGD: 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.

Road Opening Permit (Advisory): That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

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.

(2) SUSTAINABLE DEVELOPMENT (BIODIVERSITY)

That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped/injured during construction).

That the applicant is made aware that works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.

If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.

If a bat survey demonstrates that bats and / or a known roost are likely to be affected by the proposed development and planning permission is to be granted then a condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence (EPS) before work commences.

If a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat then where possible linear features such as tree lines should be retained, and compensatory planting should be considered.

If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.

Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.

Where possible the developer considers the inclusion of bird and bat boxes within the development.

If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.

If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.

Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.

Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.

Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.

Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.

That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinosa*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*).

* Applicable to sites > 13km distance from Prestwick Airport.

All holes and excavations greater than 1m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.

The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.

(3) SEPA REGULATORY ADVICE FOR THE APPLICANT

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: SWS@sepa.org.uk

(4) GLASGOW PRESTWICK AIRPORT ADVICE

Notification of the use of cranes and associated equipment during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome /airfield and its height exceeds 10m or that of the surrounding structures or trees.

(5) TRANSPORT SCOTLAND ADVICE

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

List of Determined Plans:

Drawing - Reference No (or Description): 19251-100-800 Layout _ Levels

Drawing - Reference No (or Description): 19251-100-801 Longitudinal Profile

Drawing - Reference No (or Description): 19251-100-802 Site Plan

Drawing - Reference No (or Description): 19251-100-804 Proposed Bridge

Drawing - Reference No (or Description): 19251-LP-800 Location Plan

Drawing - Reference No (or Description): 4739-01 Pedestrian Footbridge Elevation _ Section

Background Papers:

N/A.

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 Alan Edgar, Supervisory Planner - Place Planning - Telephone 01292 616 683

REGULATORY PANEL: 12 OCTOBER 2022

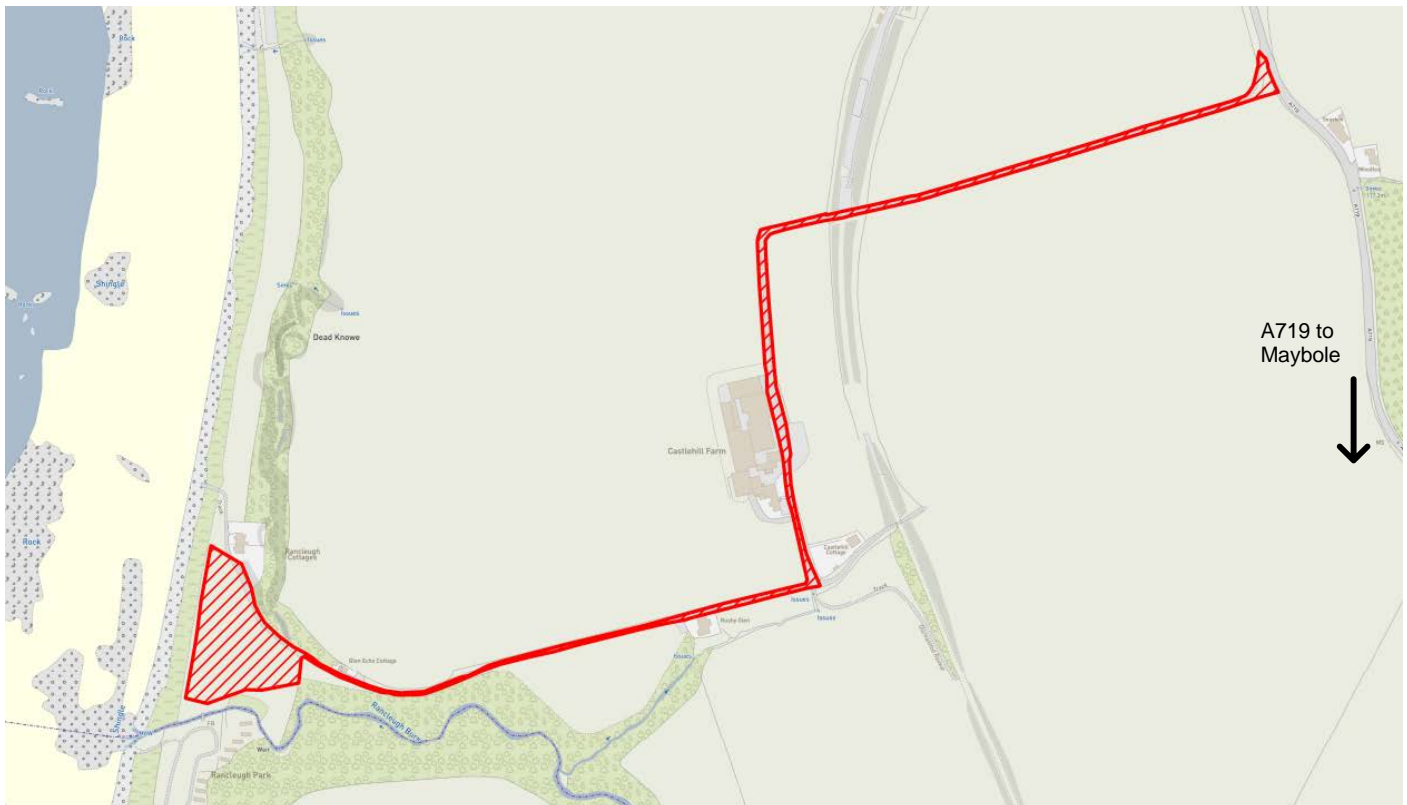
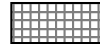
REPORT BY PLACE DIRECTORATE

22/00360/APP

CASTLEHILL FARM MAYBOLE SOUTH AYRSHIRE KA19 8JT

Location Plan

APPLICATION SITE



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Summary

Planning permission is sought for the change of use of an area of agricultural land to form 9 holiday accommodation units. The application site at Castlehill Farm comprises land of approximately 0.9ha largely containing a low-lying seaward agricultural field located approximately 4.5 miles west-northwest of Maybole and 4 miles south-southwest of Dunure.

This 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 application has received over 5 competent written objections.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan 2, Scottish Planning Policy, consultations, representations received (90 in total), and the impact of the proposed development on the locality. It is considered that the proposal does not accord with the provisions of the aforementioned local development plan by virtue that the development proposals comprise a formal visitor facility within the plan-designated 'Undeveloped' coast and shall result in a detrimental visual impact on the coastal landscape setting of the locale.

Accordingly, it is recommended that the application is refused.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00360/APP
SITE ADDRESS:	CASTLEHILL FARM MAYBOLE SOUTH AYRSHIRE KA19 8JT
DESCRIPTION:	CHANGE OF USE OF AGRICULTURAL LAND TO FORM 9 HOLIDAY ACCOMMODATION UNITS
RECOMMENDATION:	REFUSAL

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

The application site at Castlehill Farm comprises land of approximately 0.9ha largely containing a low-lying seaward agricultural field immediately to the south of a pair of unrelated semi-detached cottages. The site is located approximately 4.5 miles west-northwest of Maybole and 4 miles south-southwest of Dunure. The site is accessed via the westward continuation of a private road principally serving and passing Castlehill Farm itself (off the A719 public road), the steading of which sits approximately 500m east of the site. The application site is situated within two Provisional Wildlife Sites (Goatsgreen to Katie Gray's Rocks and Dunure to Drumbane Burn), a Scenic Area and Culzean Local Landscape Area. The site is also situated approximately 750 metres to the north of Maidens to Doonfoot SSSI and approximately 1.3km north of Culzean Castle Country Park.

Planning permission is sought for the change of use of 0.9ha of agricultural land to form 9 holiday accommodation units. The units shall comprise of single storey, portable, timber clad, modular lodges with 4 different "types" proposed. The footprints of each type range from approximately 35 sqm for Type 1 to approximately 75 sqm for Type 4. The maximum ridge height of each lodge is approximately 3.5 metres, featuring both pitched and flat roof styles. The number of each type of lodge proposed are as follows:

- 2 no. Type 1 – 1 bed lodge
- 1 no. Type 2 – 1 bed lodge with bunk room
- 3 no. Type 3 – 2 bed lodge
- 3 no. Type 4 – 3 bed lodge

Lodges Type 2-4 shall have two parking spaces. An additional 3 parking spaces shall be provided within the application site.

The planning application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than five representations have been received objecting to the proposal.

2. Consultations:

- **Ayrshire Roads Alliance** – No objection, subject to conditions.
- **Development Planning (Access)** - No objection, subject to conditions. (Response to previous application ref. 21/00747/APP)
- **Environmental Health** - No objection, subject to conditions and advisory notes.
- **NatureScot** – Offer no objections.
- **Scottish Environment Protection Agency** - No objections, subject to advisory note regarding small-scale foul drainage proposals.
- **Scottish Water** - Offer no objections.
- **Scottish Wildlife Trust** - No objection, subject to conditions regarding compensatory planting.
- **Sustainable Development (Landscape and Parks)** – No objections, subject to conditions regarding protective measures.
- **Sustainable Development (Biodiversity)** – Offer no objections.
- **West Of Scotland Archaeology Service** – No objections, subject to conditions.

3. Submitted Assessments/Reports:

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

The applicant/agent has submitted the following information in support of the development proposal, which can be summarised as follows;

Planning Statement: This statement provides information on the details of the proposed development and considered its compliance with national and local planning policy and guidance.

Ecological constraints survey: The scope this survey is stated as to provide baseline information on the existing habitat types within the survey area and to determine the presence and location of any ecologically valuable areas and habitat types with the potential to support protected species, including bats, badgers, birds, and otters, as well as invasive and protected plant species.

The survey makes several recommendations including mitigation methods which would be required to protect protected mammal species, measures which would enhance the biodiversity of the site and further surveys which would be required prior to the commencement of development on site.

Tree survey: This survey confirms that no trees are located within the application site boundary and that no trees are proposed to be removed as part of the proposed development. The survey recommends that protective fencing be erected to incorporate a 15-metre buffer zone protecting woodland to the south of the application site and a planting scheme to improve the grassland vegetation and associated biodiversity along east of the site.

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:

90 representations have been received, 87 of which object to the proposed development. 3 representations in support of the proposed development have been received. It is noted that 2 of the supporting representations contain points of objection to the application which have been duly considered below. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by the representations can be summarised as principally relating to the following matters:

- Provisions of planning policy and advise
- Landscape impact and visual appearance of development
- Road infrastructure, traffic and safety concerns
- Flooding and drainage concerns
- Impact on natural environment
- Residential amenity concerns
- Odour, noise and air pollution concerns
- Outdoor access and core paths
- Disturbance during construction period
- Need for proposed development

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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. 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

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 South Ayrshire Local Development Plan 2 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> :

- LDP Policy: Core Principle B8
- LDP Policy: Core Principle C1
- LDP Policy: Strategic Policy 1: Sustainable Development
- LDP Policy: Strategic Policy 2: Development Management
- LDP Policy: The Coast
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flooding and Development
- LDP Policy: Natural Heritage
- LDP Policy: Outdoor public access and core paths
- LDP Policy: Land use and transport

The provisions of the South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

Principle of the development (LDP2 Polices: Core Principle B8, Core Principle C1, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, The Coast and Tourism)

Core Principle B8 supports *“the development of entrepreneurial small scale and artisan businesses in the countryside, provided they have no significant adverse environmental impact and satisfy other LDP2 polices.”*

As per the submitted Planning Statement, the applicant/agent considers that the proposed development will enable rural diversification to maintain the viability of the farm. The LDP 2 defines Rural diversification as the use of rural land and/or buildings for non-agricultural or forestry purposes. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. The Planning Statement outlines that the proposed development will be funded principally by bank borrowing, with the return on capital making the project viable if occupancy rates are achieved at the levels anticipated. The applicant/agent anticipates that the proposed development will be implemented in phases over a three-year period, starting with three or four lodges in year one. The applicant intends to employ approximately 7 staff once fully operational, 4 of which will be part time. Notwithstanding this, on the basis of the information provided, the proposed development is not considered to comply with Core Policy B8 due to the resultant adverse impact of the proposed development on the coastal landscape setting of the locale and therefore does not fully satisfy ‘other’ LDP2 policies, as follows.

Core Principle C1 identifies that we will *‘ensure Local Landscape Areas, the Coast and culturally sensitive locations are treated with due respect’*. Strategic Policy 1: Sustainable Development requires that all development *‘respects, protects and where possible enhances natural, built and cultural heritage resources’*, *‘respects the character of the landscape and the setting of settlements’*, *‘ensures appropriate provision for waste water treatment, avoid(s) the proliferation of private treatment systems [...]’* and *‘wherever possible, is in an accessible location, with opportunities for the use of public transport [...]’*. Strategic Policy 2: Development Management, which requires that all proposals *‘are appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses’*, and *‘do not have an unacceptable impact on the amenity of nearby land uses, or committed development proposals [...]’*.

The coastline at the locality is identified as ‘Undeveloped’ within the strategy map accompanying LDP 2 policy: The Coast. Appendix B of the LDP comprises Coastal Development Guidance which complements the map’s designations. The Coast Policies outline that development within the wider coastal area will have to be in line with this Coastal Development Guidance. The Development Guidance for ‘Undeveloped’ coastline reads thus:

“Relatively remote areas characterised by extensive open landscapes. There will be a presumption against development in these areas, except that associated with existing uses. Minimal development, which does not impinge upon the surrounding landscape and which has particular regard to visual amenity and nature conservation may be acceptable. The provision of additional formal visitor facilities and development is not encouraged.”

It is noted that the Coastal Development Guidance has a presumption against development in such areas as the application site, and particularly that the provision of additional formal visitor facilities and development is not encouraged. The scope of the development proposals, in terms of intensity and spatial coverage, is found generally indicative of a formal visitor facility in nature and scale. It is noted that the guidance offers a limited degree of latitude for ‘minimal development’ of an especially sensitive nature and subject to landscape capacity at a particular locale.

In relation to this policy, it has been noted that the applicant/agent disputes the designation of the site as ‘undeveloped’ coast. In response the Planning Service would outline that the appropriate time to have contested this designation would have been during the consultation stages of the Council’s now Adopted Local Development Plan 2. Therefore, this matter shall not be considered as part of the assessment of this planning application as this would seek to undermine the newly adopted development plan. Notwithstanding this, the Planning Service are of the view that the setting of the site and its unfettered relationship to its surroundings is clearly of an open, coastal and undeveloped character.

With regard to tourist accommodation, the LDP2 encourages proposals which improve the standards and appearance of self-catering or touring caravan and camping sites, and will allow new sites and accommodation to be developed, subject to the following criteria;

- a. all new accommodation is for holiday use;*
- b. the development has suitable screening and is appropriate in terms of the landscape setting, scale and design.*

The proposal clearly comprises of holiday accommodation, in accordance with criterion (a). Criterion (b) underlines the emphasis made above, in reference to LDP Polices C1 and The Coast, regarding the scale and spatial configuration of the proposed holiday accommodation representing formal visitor facilities rather than 'minimal development', as encouraged within areas defined as 'undeveloped' coast under the LDP2. A scheme of permanent development comprising formal visitor facilities as proposed would introduce an incongruous feature to what presents as an innately coastal and largely undeveloped landscape setting at the locale, to the detriment of its qualities as such and therefore does not comply within criterion (b).

In light of the above, it is considered that the accommodation proposed does not constitute 'minimal development', as deemed appropriate in a designated 'undeveloped' coastal area. The proposed holiday accommodation comprises of formal visitor facilities which would introduce incongruous features to what presents as an innately coastal and largely undeveloped landscape setting at the locale, to the detriment of its qualities as such and in contravention of the development plan's strategy diagram for coastal development. As such the proposed development is not considered to give due consideration and respect to the coastal designation of the application site, as per LDP Policy C1 and Sustainable Development, outlined above. Therefore, the proposed development is considered contrary to the provisions of the Adopted Local Development Plan 2.

Landscape and visual impact (LDP2 Policy: Landscape Quality)

This policy includes 11 'Local Landscape Areas' which were identified following a review of specific local landscapes. A Local Landscape Area is a non-statutory designation used by Scottish Local Authorities to identify and categorise landscapes in terms of their characteristics.

Proposals for development must conserve features that contribute to local distinctiveness, including:

- a. Community settings, including the approaches to settlements, and buildings within the landscape;*
- b. Patterns of woodland, fields, hedgerow and tree features;*
- c. Special qualities of river, estuaries and coasts;*
- d. Historic and cultural landscape;*
- e. Geodiversity of the area;*
- f. Skylines and hill features, including prominent views.*

As the application site is located within Culzean Local Landscape Area (LLA) the development proposals must be considered against the guidance for this LLA contained with the South Ayrshire Local Landscape Designations Review.

The Croy shore area, where the application site is located, is identified as a popular destination for local people and tourists by the Culzean LLA. The LLA outlines that this area is sensitive to change, in particular, from intrusive caravan park and chalet developments around Maidans and Croy, any extension of which could affect views from the coast and adversely affect the wider setting of this landscape. As such, it is considered that the proposed development shall result in a detrimental impact on the special qualities of the coast at this locale and is therefore contrary to LDP 2 Policy: Landscape Quality.

Impact on natural heritage (LDP 2 Polices: Natural Heritage and Preserving Trees)

When assessing proposals for development that might involve loss of, or work to, trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed tree preservation order.

Development, either individually or with other proposals, which would affect local heritage sites and designations, including Wildlife sites, shall only be supported where the developer can show that the integrity of the site will not be put at risk.

The development site is fully situated within two Provisional Wildlife Sites:

- Goatsgreen to Katie Gray's Rocks – A coastline with site a diversity of habitats. A variety of plant and bird species are present along the cliffs, while several uncommon plants occur on the foreshore. Also has two steep-sided wooded valleys which are important for breeding mammals and birds.
- Dunure to Drumbane Burn - A shoreline with shingle, rocky headlands, grassy cliffs, scattered scrub, dense scrub and woodland. All of interest for plants and birds.

It is noted that no trees are proposed to be felled as part of the development. However, the site is situated within close proximity to an Ancient Woodland Area to the north and south. Ancient and Semi-natural woodlands make a significant contribution to a landscape character and quality and are important and irreplaceable resource that should be protected and enhanced. The submitted Tree Survey has outlined that protective fencing is to be erected to the south of the site, incorporating a 15-metre buffer zone. However, no protective measures are proposed in respect of the woodland area to the east. It is considered that such measures would be required to ensure this woodland area would not be affected during construction.

The submitted Tree Report includes a planting scheme of new trees and shrubs along the eastern edge of the site for the purposes of landscaping. The Scottish Wildlife Trust noted within their consultation response that several the species suggest are not native to the area. It would therefore be required that only appropriate native species were planted to protect and enhance the ecology of the provisional wildlife sites.

It is noted that the submitted Ecological Survey outlines that signs of otters, which are a protect species under the Conservation (Natural Habitats, &c) Regulations 1994, were identified along Rancleugh burn during the survey and a pre-construction otter survey would require to be carried out no less than six weeks prior to any works commencing on site. The Ecological survey also outlines that the application site has suitable habitat for foraging and commuting bats, badgers and nesting birds. Therefore, if any trees were required to be removed from the site they should be surveyed for the presence of bats prior to removal.

The submitted survey also outlines that if works are not commenced by March 2022, then ecological constraints survey should be carried out prior to works commencing on site, due to the high mobility of wildlife and to re-establish the ecological baseline.

Flooding impact (LDP 2 Polices: Water Environment and Flooding & Development)

We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:

- a. It will protect, and where possible, improve the water environment;*
- b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and*
- c. It will not harm the biodiversity of the water environment.*
- d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment;*
- e. It provides an appropriately sized buffer strip between the development and a water course.*

Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere.

SEPA have advised that they have no objection to the proposed development on flood risk grounds. They have noted that topographic level information has been submitted in support of the application which demonstrates that the lowest level of a proposed unit is approximately 6.7mAOD, which is a significant height above the coastal flood boundary level. Additionally, they have noted the proposed holiday accommodation units are also set a minimum of 15m away (and above) the Rancleugh Burn. To conclude, it is not considered that the development proposals present a flood risk in this instance.

Outdoor Access (LDP 2 Policy: Outdoor public access and core paths)

We will aim to improve and protect all core paths and other significant access routes - including recognised rights of way, disused railway lines, riverside walkways, wind farm access tracks and cycleways and cycle parking facilities. We will only support proposals which would have a negative effect on a core path or other significant access route if we are satisfied that they provide a suitable alternative route. Development that is next to or near the core paths network should provide suitable links to the network, where appropriate and practical.

It is recognised that both Core Path SA2 and The Ayrshire Coastal Path cross at least part of the application site. It is noted that the current layout of the application site does not accommodate these footpaths. Therefore, a condition would require to be attached to any approval requiring that any development on the site must ensure that easy access for walkers to cross the Rancleugh Burn and through the application site is retained.

Transportation and Road Safety (LDP 2 Policy: Land use and transport)

This policy requires for development to provide parking which reflects the role of the development, and which keeps any negative effects of road traffic on the environment to a minimum.

The Ayrshire Roads Alliance have advised that they have no objections to the proposed development subject to the attachment of conditions requiring the provision of adequate parking within the site and the provision of passing places on the access road to the development to any permission granted.

Conclusion

Overall, the development plan is required to be read and applied as a whole, and as such it is considered that the 9 holiday accommodation units proposed does not constitute 'minimal development', as deemed appropriate in the plan-designated 'undeveloped' landscape, but rather a formal visitor facility development and thus would have a detrimental visual impact on the coastal landscape setting of the locale. It is considered that, on balance, any economic benefit that may accrue from the proposal would not outweigh the detrimental visual impact of the proposal on the coastal landscape setting. The proposal is considered to be an example of the right development in the wrong place; the right development in that the Plan supports the principle of tourism development in South Ayrshire but not to the detriment of sensitive landscape locations such as the application site. Overall, the proposed development is considered contrary to the LDP Policies B8, C1, Sustainable Development, The Coast, Tourism and Landscape Quality and therefore not in accordance with the South Ayrshire Local Development Plan 2.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy (SPP)

Scottish Planning Policy forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise (para 33).

In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification, including tourism and leisure uses. Notwithstanding, the SPP (para. 75) states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. In addition, the siting and design of development should take account of local landscape character and any decisions made by planning authorities should take account of potential effects on landscapes and the natural and water environment, including cumulative effects (para. 202).

As outlined in section 7(i) above, it is considered that the proposed development would result in a detrimental visual impact on the plan-designated 'undeveloped' coastal landscape setting of the locale and any economic benefit that may accrue would not, on balance, outweigh this impact on the established landscape character.

NatureScot National Landscape Character Assessment: Landscape Character Type 63: Coastal Valley with Policies

The Coastal Valley with Policies Landscape Character Type occurs in one place in South Ayrshire, along the mainland coast to the south of the Carrick Hills stretching inland from Culzean Bay. It extends across the grounds and wider policies of Culzean Castle. The area is small in extent and has low relief.

The landscape is dominated by Culzean Castle, its formal policy woodland and farmland. Landcover within the valley comprises a mosaic of arable farmland (concentrated in the lower part of the valley) pastures (on mid slopes) and broadleaf and coniferous shelter belts and woodland. Field boundaries are marked by hedges and shelterbelts. This forms a pattern of small spaces and the enclosure of woodland reinforces this creating an often contained landscape. There is semi-natural woodland along dramatic raised beaches on the foreshore. The area provides a pronounced contrast to less wooded stretches of adjacent coast.

Woodland is an essential component of this landscape and creates a small scale, complex landscape which has an intimate feel. This area also has a timeless character of high historic value, being heavily influence by the policy landscapes of Culzean Castle and the castle itself. Views are typically enclosed by the surrounding woodland. However, longer distance views open up from the north, near the coastal edge and from open areas of high ground such as Electric Brae. The area can be seen from the A719 and the Ayrshire Coastal Path.

As outlined in section 7(i) outlined above, the location of the proposed development is visually prominent and shall therefore adversely affect views from the coast and the wider setting of this landscape. Most notably the existing pronounced contrast between semi-natural woodland and the less wooded stretches of land adjacent to the coast where the application site is situated.

(iii) Objector Concerns

- *Provisions of planning policy and advice*

The proposed development is assessed against the relevant local policies within section 7(i) of this report. A consideration of the proposed development against Scottish Planning Policy is also contained within section 7(ii) of this report.

- *Landscape impact and visual appearance of development*

These matters addressed fully in sections 7(i), (ii) and 7(iv) of this report.

- *Road infrastructure, traffic and safety concerns*

This matter is addressed in section 7(i) above. Additionally, the Ayrshire Roads Alliance (ARA) have advised that they have no objections to the proposed development subject to conditions regarding the provision of both parking places and passing spaces on the access road.

It is noted that the ARA recommended refusal of a previous application for this development proposal (21/00747/APP), which was subsequently withdrawn, on the basis that the visibility splays at the existing junction with the public road were sub-standard for the intensification of use which would have been caused by the proposed development. Following the withdrawal of 21/00747/APP, a planning application to form a new access was approved (ref. 22/00147/APP) in April 2022. The proposed development is to be served by this new access. In their consultation response for this current planning application the ARA have stated that their response is based on this new access being utilised, which was noted to be under construction at the time the ARA issued their response.

- *Flooding and drainage concerns*

This matter is addressed in section 7(i) above. Additionally, SEPA have advised that they have no objection to the proposed development on flood risk grounds. Notwithstanding, the Ayrshire Roads Alliance, as local flood prevention authority, has a duty to ensure that surface water management infrastructure (drainage and flooding) is designed to appropriate standards, where that infrastructure is owned by the land / homeowners rather than vested by Scottish Water or a local authority (as roads authority).

- *Impact on natural environment*

Matters relating to the natural environment are considered in section 7(i) above.

- *Residential amenity concerns*

The potential impact of the proposed development is addressed in section 7(iv) of this report.

- *Odour, noise and air pollution concerns*

If any statutory nuisance arise on development sites regarding odours, noise and air pollution, or any other matter related to lighting or health and safety issues, it is for the Council's Environmental Health Service to address such matters under their statutory powers. The Council's Environmental Health Service have advised that they have no objections to the proposed development subject to appropriate conditions and advisory notes regarding contamination, water supply details and light pollution.

- *Outdoor access and core paths*

Matters relating to outdoor access rights and core paths are considered in section 7(i) above.

- *Disturbance during construction period*

It is for the Council's Environmental Health Service to address such matters under their statutory powers, should they arise.

- *Need for proposed development*

The appropriateness of the proposed development and the potential impact on the locality are considered in sections 7(i), (ii) and (v) of this report, respectively.

(iv) Planning History

The most recent planning applications at the site are noted as follows:

- Planning application 21/00747/APP for the change of use of agricultural land to form 9 holiday accommodation units was withdrawn by the agent in November 2021.
- Planning application 22/00147/APP for the change of use of agricultural land to form access road was approved subject to conditions in April 2022.

Of some relevance to the current application are two refusals for the expansion of long - established caravan parks to the north and south of the application site, also situated with the plan-designated 'undeveloped coast', as follows:

- Planning application 07/00144/COU was for a change of use to form holiday lodge (caravan) park at Croyburnfoot to the north of the application site. The application was refused by the Council's Regulatory Panel in October 2007. The reasons for refusal included concerns expressed in relation to the locational requirements for the proposal, the significant visual impact of the development on the locality, and that any economic benefit arising would not out-weigh the significant visual impact of the development on the locality. Subsequently the refused application was subject to an appeal by the applicant to the Scottish Ministers which was dismissed in August 2008. The Reporter concluded that the proposed development would breach important environmental protection policies of the local development plan, and that the economic, tourism and other benefits of the scheme did not justify an exception to those policies.
- Planning application 07/00738/FUL was an application for the change of use of land to form an extension to the existing caravan site and the siting of additional caravans at Rancleugh, to the south of the current application site. It was concluded that the economic benefits of the proposals were not demonstrated to be significant enough to outweigh the requirement to protect and enhance the landscape character of the area and the application was subsequently refused.

(v) Impact on the Locality

In terms of the residential amenity impact of the proposed development, it is noted that there are two residential dwellings to the north and one dwelling to the east of the application site. The nearest holiday lodge is proposed to be sited approximately 20 metres from the neighbouring dwellings to the north and approximately 25 metres from the dwelling to the east of the site. Due to the separation distances outlined, it is not considered that the proposed development would have a detrimental impact on the residential amenity of these neighbouring dwellings.

However, it is acknowledged that the proposed holiday accommodation would utilise and thus take access from the same private access road which serves these neighbouring dwellings. In this context, there is potential for any activity at, and movements to and from the holiday accommodation to disrupt the amenity of the neighbouring residential properties to an extent. However, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation, any disruption, should it occur, would be on a temporary and limited basis during the holiday occupation of the units.

As outlined above, the application site is situated in a location designated in the LDP Plan 2 as 'undeveloped' coast. It is considered that the accommodation proposed does not constitute 'minimal development', as deemed appropriate at this locale under the Local Development Plan 2, but rather a formal visitor facility development and thus would have a detrimental visual impact on the coastal landscape setting of the locale. It is considered that, on balance, any economic benefit that may accrue from the proposal would not outweigh the detrimental visual impact of the proposal on the established coastal landscape character of the locale.

8. Conclusion:

It is concluded that the principle of the proposal is contrary to the development plan insofar as it comprises a formal visitor facility within the plan-designated 'Undeveloped' coast, which does not accord with the LDP Core Principles B8 and C1, Strategic Policy 1: Sustainable Development, the Coastal Development Guidance of LDP policy: The Coast, Tourism and Landscape Quality. It is considered there is insufficient justification, and no apparent competing material considerations of such weight, as to warrant a departure from the development plan.

Given the above assessment, it is recommended that the application is refused.

9. Recommendation:

It is recommended that the application is refused for the reasons noted below.

Reasons:

- (1) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan, specifically LDP2 Policies: Core Policy B8, Core Policy C1, The Coast and Tourism, by virtue that the development proposals comprise a formal visitor facility within the plan-designated 'Undeveloped' coast and that, on balance, there is insufficient justification, and no apparent competing material considerations of such weight, as to warrant a departure from the development plan.
- (2) That the development proposal is contrary to the policy provisions the South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and Landscape Quality, by virtue that the development proposals shall result in a detrimental visual impact on the coastal landscape setting of the locale.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan
Drawing - Reference No (or Description): 30-001 – Existing Site Plan
Drawing - Reference No (or Description): 30-002 – Proposed Site Plan
Drawing - Reference No (or Description): 30-003 – Proposed Plans and Elevations
Drawing - Reference No (or Description): 30-004 – Topographic Level Survey
Drawing - Reference No (or Description): 30-005 – Ecological Constraints
Drawing - Reference No (or Description): 30-006 – Coastal Floor Risk Constrains
Drawing - Reference No (or Description): 30-007 – Existing Sections
Drawing - Reference No (or Description): 30-008 – Proposed Drainage
Drawing - Reference No (or Description): 30-009 – Ownership Bounds
Drawing - Reference No (or Description): 30-010 – Existing Land Use Plan
Drawing - Reference No (or Description): 30-011 – LDP Landscape Statemen
Drawing - Reference No (or Description): 30-012 – Proposed Sections
Drawing - Reference No (or Description): 30-013 – Proposed Site Access

Background Papers:

1. Planning application form, plans and supporting documents
2. South Ayrshire Local Development Plan 2 (available online)
3. Scottish Planning Policy (available online)
4. South Ayrshire Local Landscape Designations Review (available online)
5. Representations (available online)
6. NatureScot National Landscape Character Assessment: Landscape Character Type 63: Costal Valley with Policies (available online)

Equalities Impact Assessment:

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

Person to Contact:

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

REGULATORY PANEL: 12 OCTOBER 2022

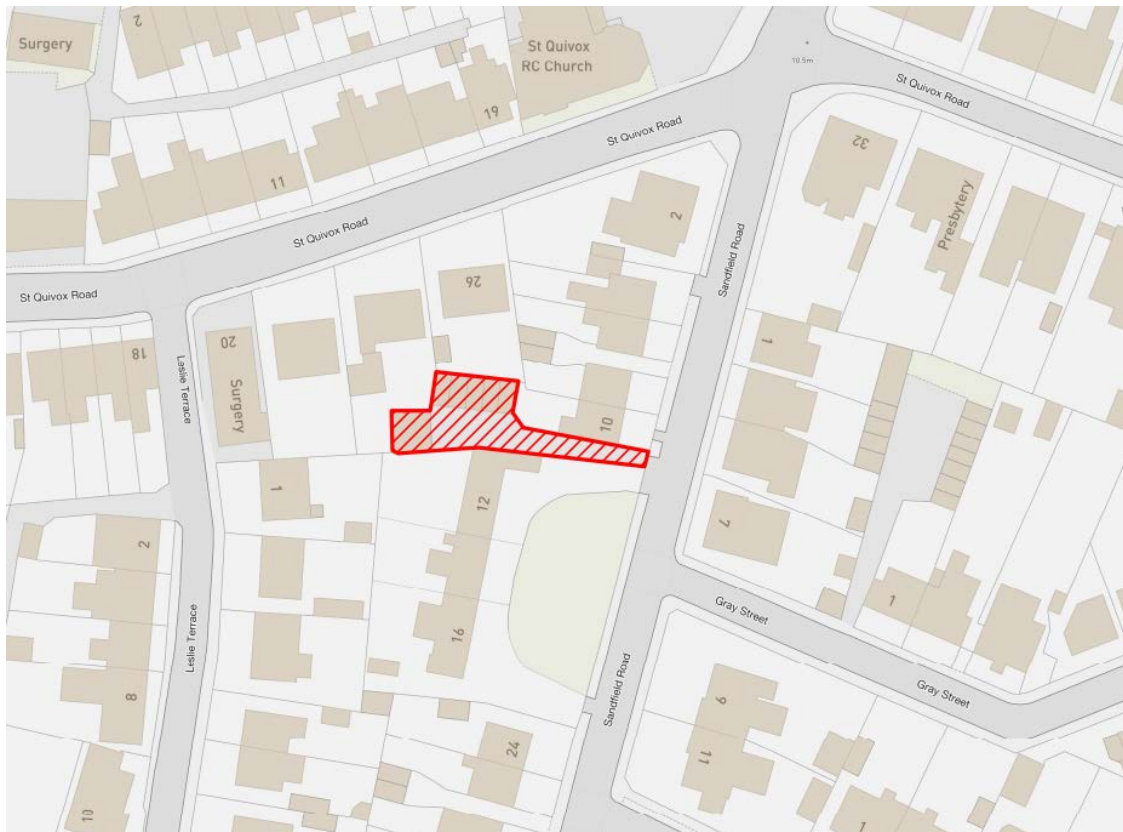
REPORT BY PLACE DIRECTORATE

22/00478/APP

10 SANDFIELD ROAD PRESTWICK SOUTH AYRSHIRE KA9 1NB

Location Plan

APPLICATION SITE



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Summary

The application site is located within a residential area at Sandfield Road, Prestwick, and more specifically comprises the site of 7 lock-up garages.

The proposals involve the demolition of the 7 lock-up garages to accommodate the erection of a dwellinghouse and its associated garden ground. The proposed dwellinghouse is 2 storeys in height, comprises 3 bedrooms and is finished with a grey tiled roof, rendered walls and uPVC windows and doors.

It is considered that the proposals would result in a) an increased demand for on-street parking and congestion which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and residential amenity at this location; b) would result in an unacceptable sense of enclosure to adjacent neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road; c) is considered that the proposed development results in 'town cramming' by reason that the development would have a detrimental impact on the established character and layout of the area; d) the small infill plot is considered to represent over-development which would not provide a suitable residential amenity for the future occupiers of the property due to insufficient private garden ground; e) that the that the proposed development will be overlooked by the dwellinghouse located at 24 St Quivox Road and f) the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.

It is considered that the proposal would have a detrimental impact on the character of area and residential amenity of the neighbouring properties and does not meet the provisions of the Scottish Planning Policy, the Local Development Plan policy 'Sustainable Development', 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport'.

Accordingly, it is recommended that the application is refused.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00478/APP
SITE ADDRESS:	10 SANDFIELD ROAD PRESTWICK SOUTH AYRSHIRE KA9 1NB
DESCRIPTION:	ERECTION OF A DWELLINGHOUSE
RECOMMENDATION:	REFUSAL

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

Planning permission is sought for the erection of a dwellinghouse on land adjacent to 10 Sandfield Road, Prestwick.

The site of the proposed development comprises an area of ground which accommodates 7 x lock-up garages. The site is relatively flat and extends to an area of approximately 323m². To the north, the application site is bound by residential properties located at 10 Sandfield Road and 26 St Quivox Road; to the west by the dwellinghouse located at 24 St Quivox Road; to the south by the dwellinghouse located at 12 Sandfield Road; and to the east by the public footway/ highway located on Sandfield Road.

The proposals involve the demolition of the 7 x lock-up garages to accommodate the erection of a dwellinghouse and its associated garden ground. The lock up garages are within the ownership of the applicant, who also owns the dwellinghouse located at 10 Sandfield Road. The proposed dwellinghouse is 2 storeys in height and shall comprise 3 bedrooms and is finished with a grey tiled roof, rendered walls and uPVC windows and doors. Access to the application site is to be taken directly from Sandfield Road.

This 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 five competent written objections have been received.

2. Consultations:

- **Scottish Water** - offer no objection.
- **Ayrshire Roads Alliance (ARA)** - recommend refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups.

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:

6 representations have been received from 5 separate households, all of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by representees can be summarised as follows.

- Parking, road safety and access concerns;
- Privacy/ amenity concerns;
- Development not in keeping with the character of the locale; and
- Loss of view.

These points are addressed in section 7(iv) of this report.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. 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

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 South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application:

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Residential Policy within settlements, release sites and windfall sites;
- Land Use and Transport.

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 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, and importantly, by being appropriate to the local area in terms of road safety and effect on the transport network.

The proposed dwellinghouse is considered to represent 'town cramming' and increases the density of housing development at the locality. Furthermore, the Ayrshire Roads Alliance (ARA) has recommended refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups. On this basis, there are fundamental concerns that the proposals could potentially result in additional on-street parking and increase parking congestion in the vicinity, which it is considered would be detrimental to road safety as well as the residential amenity of the locality.

For these reasons, the development proposal is considered to be contrary to the provisions of strategic LDP2 policies in relation to sustainable development and development management.

- **LDP2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites;**

The above 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 policy also sets out the criteria to be applied to new residential development within settlements, and which are noted as follows;

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

In response to the above:

- a) While the proposed site has access for vehicles which is separate from other property and which directly connects to the public road network, it is noted that the ARA recommends refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups. On this basis, there are fundamental concerns that the proposals could potentially result in additional on-street parking and increase parking congestion in the vicinity, which it is considered would be detrimental to road safety as well as the residential amenity of the locality.

- b) The proposed 2 storey dwellinghouse is to be sited within a small infill plot which is sandwiched between the neighbouring properties at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. It is considered that the resultant development will detrimentally impact those properties, as outlined under c), below.

The size, scale and massing of a 2 storey dwellinghouse within the small plot results in town cramming and over-development of the plot which will increase the density of residential development in the locality and be detrimental to the layout and appearance of the area. The proposals are therefore considered to be detrimental to the visual and residential amenity of the locality.

- c) The proposed 2 storey dwellinghouse is considered to adversely impact the adjacent neighbouring properties amenity at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. The proposed development is to be sited in close proximity to the mutual side boundaries of the aforementioned properties which will result in an unacceptable sense of enclosure to their private garden grounds. Furthermore, the driveway to serve the proposed dwellinghouse sits immediately adjacent to the rear garden ground of the dwellinghouse located at 10 Sandfield Road and vehicles accessing/ egressing from the application site has the potential to disturb the residential amenity of this property. In terms of privacy impact, it is noted that the dwellinghouse at 24 St Quivox Road has a dormer window which has an aspect over the application site resulting in unsuitable residential amenity for the future occupants of the dwellinghouse. There are also concerns that the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.
- d) The site does not form an area of maintained amenity or recreational open space.
- e) The proposed dwellinghouse will not provide a suitable residential amenity for the future occupiers of the dwellinghouse as the garden ground provided is deficient for the size of the dwellinghouse proposed, and is not in accordance with the Council's minimum standards (as outlined elsewhere in the report), and the rear garden ground of the proposed property shall also be overlooked by the neighbouring property at 24 St. Quivox Road.
- f) As outlined elsewhere in the report, the property is not provided with a sufficient amount of garden ground and does not meet the minimum space standards, as outlined elsewhere in the report.

For these reasons, it is considered that the proposals are contrary to the LDP2 Policy: Residential Development within settlements, release sites and windfall sites.

LDP2 Policy: Land Use and Transport;

This policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. As outlined elsewhere in the report, the development is not considered to be in accordance with this policy.

Given the above policy context, the development proposal is not considered to be in accordance with the aforementioned policy provisions of the local development plan.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy;

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government in June 2014. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The SPP which must be read as a whole, is based on two principal policies, namely; Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost (para. 28). 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 (para. 29).

With regards to 'Placemaking', the SPP 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.

The Scottish Planning Policy (SPP) recognises that infill sites can make a useful contribution to the supply of housing land. It directs that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

There are fundamental concerns in relation to the proposal in terms of impact on amenity of adjacent neighbouring properties, visual amenity of the immediate locality, and impact on the local road network, therefore the development proposal is considered to be contrary to the principal policies of the SPP, as outlined further, below.

The Council's Planning Guidance entitled 'Open Space and Designing New Residential Developments';

The guideline sets out what is considered to be appropriate garden sizes for new residential development. This ensures that residential properties are serviced by sufficiently sized gardens for their inhabitants and also provides for adequate distances from boundaries to protect the neighbours' privacy from overlooking. Additionally, appropriately sized gardens provide an appropriate setting for a dwellinghouse within its surroundings. The guideline states that detached, semi-detached and terraced properties should be provided with rear gardens in proportion to their size. Rear gardens will be expected to be 1.5 times the size of the ground floor area for detached and semi-detached dwellings and no less than 100m². This will generally include rear and side dwellinghouse gardens enclosed by fence/wall/hedge.

A minimum garden depth of 9 metres shall be required. This distance may be relaxed in the case of corner plots and on plots, with two or more frontages onto roads, subject to the minimum areas being satisfactorily provided. A minimum of 18 metres between habitable windows (including kitchens) shall be provided. This may have to be increased in certain circumstances, for example where a new development is backing onto an existing residential area or where the new development is greater than 2 storeys in height.

The guideline specifically states that open space requirements within infill developments will be the same as those for new residential areas. 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. There will, therefore, be instances where the plan form and plot ratio of dwellinghouses within the vicinity will be significantly greater or smaller and it may therefore be more appropriate to require more than the minimum standard in order to achieve a reasonable balance in the town plan form and fit with adjacent properties.

In this instance, the proposed development does not provide for private rear garden ground of 100 m² or at a ratio of one and a half times the dwelling's ground floor area.

It is noted that the proposed dwellinghouse is sited, at its closest point, approximately 2 m from the rear boundary; A minimum of 9m is required. The proposed footprint of the dwellinghouse is 64 m²; however, the resultant garden ground equates to 63 m², which is deficient of the requirements set out in the guideline. On this basis, it is considered that the proposals are contrary to the above Council guidance, and shall not provide a suitable residential amenity for the occupants of the dwellinghouse. Whilst it is accepted that some housing in the locality will not meet the minimum standard; the net effect of the proposal is to overdevelop the site with an adverse impact on the area and it is therefore not otherwise considered in this instance that to accept a reduction in open space standards serves the wider public interest. Additionally, the proposed dwellinghouse results in a cramped visual appearance within the small infill plot which is sandwiched between the adjacent neighbouring properties, and is considered to have a negative visual impact on the established character and layout of the area. This is outlined further, below.

(iii) Objector Concerns

- *Parking, Road safety and access concerns;*

These matters are addressed elsewhere in this report.

- *Privacy/ amenity concerns;*

These matters are addressed elsewhere in the report.

- Development not in keeping with the character of the locale.

The proposed dwellinghouse results in a cramped visual appearance within the small infill plot which is sandwiched between the adjacent neighbouring properties, and is considered to have a negative visual impact on the established character and layout of the area

- Loss of view.

The loss of view is not considered to be a material consideration to the assessment of the planning application.

(iv) Impact on the Locality

Sandfield Road is a residential area, as defined by the development plan, however the proposal is considered to result in overdevelopment in the locality. The erection of a dwellinghouse at the application site would result in the loss of off-road parking, and would adversely impact on the residential amenity currently afforded to the neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. Specifically, the properties would be impacted in terms of an unacceptable sense of enclosure due to the close proximity, scale and massing of the proposed dwellinghouse being 2 storeys in height and sited in close proximity to mutual boundaries. Furthermore, the driveway to serve the proposed dwellinghouse sits immediately adjacent to the rear garden ground of the dwellinghouse located at 10 Sandfield Road and vehicles accessing/ egressing from the application site has the potential to disturb the residential amenity of this property. In terms of privacy impact, it is noted that the dwellinghouse at 24 St Quivox Road has a dormer window which has an aspect over the application site resulting in unsuitable residential amenity for the future occupants of the dwellinghouse. There are also concerns that the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.

Matters relating to road safety/ parking are material to the assessment of the current planning application. Given the policy provisions of the development plan, along with the consultation response from the ARA, it is considered that the development proposal would have an adverse impact on the local road network due to the loss of 7 x existing lock-up garages. It is considered that the proposals, if approved, would result in increased demand for on-street parking and congestion which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and residential amenity at this location. In this regard, it is considered that the proposal would not meet the provisions of LDP policy 'Sustainable Development' in terms of its potential impact on road safety and effect on the local transport network, 'Residential Policy within Settlements, Release Sites and Windfall Sites', due to the adverse impact on the residential amenity of the locale, and LDP policy 'Land Use and Transport' in terms of not providing parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum.

Furthermore, it is considered that the proposed 2 storey dwellinghouse sited within a small infill plot at the locale would result in a visually cramped appearance. The resultant development would not be provided with sufficient private garden ground for the future occupants of the dwellinghouse, and which would be overlooked by the adjacent neighbouring property at 24 St Quivox Road. Therefore, as well as the unacceptable impact on the character of the area, the development proposals would not provide a suitable residential environment for the future occupiers of the dwellinghouse and would adversely impact the residential amenity currently afforded to the neighbouring properties.

The application has been assessed in this context and against the policy provisions of the Adopted South Ayrshire Local Development Plan 2, and is considered to be contrary to the provisions of the development plan. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused for the reasons below.

8. Conclusion:

The application has been assessed against the various material considerations which include the provisions of the development plan, Government guidance, consultations undertaken, representations received and the impact of the proposed development on the locality. There are significant concerns that the application proposals would result in the loss of off street parking provision, as well as adversely impacting the residential amenity currently afforded to the neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. As such, the assessment concludes that the principle of the proposed development is significantly contrary to the provisions of the development plan, Scottish Planning Policy and the Council's Supplementary Planning Guidance entitled 'Open Space and Designing New Residential Developments'.

Given the above assessment, it is recommended that the application is refused.

9. Recommendation:

It is recommended that the application is refused.

Reasons:

- (1) That the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites' as the proposals would result in an unacceptable sense of enclosure to adjacent neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road;
- (2) That the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' as the proposals would result in 'town cramming' by reason that the development would have a detrimental impact on the established character and layout of the area;
- (3) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', as the proposed development will be adversely affected in terms of their residential amenity due to the private rear garden ground being overlooked by the adjoining neighbouring property at 24 St Quivox Road.
- (4) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites' as the vehicular access/ egress to the serve the dwellinghouse will adversely impact the residential amenity of the residential property located at 10 Sandfield Road.
- (5) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management', 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' due to the loss of existing off street parking provision, which would result in increased demand for on-street parking and congestion in the locality, which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and the residential amenity of the immediate locality.

List of Determined Plans:

Drawing - Reference No (or Description): 1

Drawing - Reference No (or Description): 2

Background Papers:

1. Adopted South Ayrshire Local Development Plan 2 (LDP2);
2. Scottish Planning Policy (SPP);
3. The Council's Supplementary Planning Guidance entitled 'Open Space and Designing New Residential Developments'
4. Consultation responses;
5. Representations Received.

Equalities Impact Assessment:

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

Person to Contact:

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

REGULATORY PANEL: 12 OCTOBER 2022

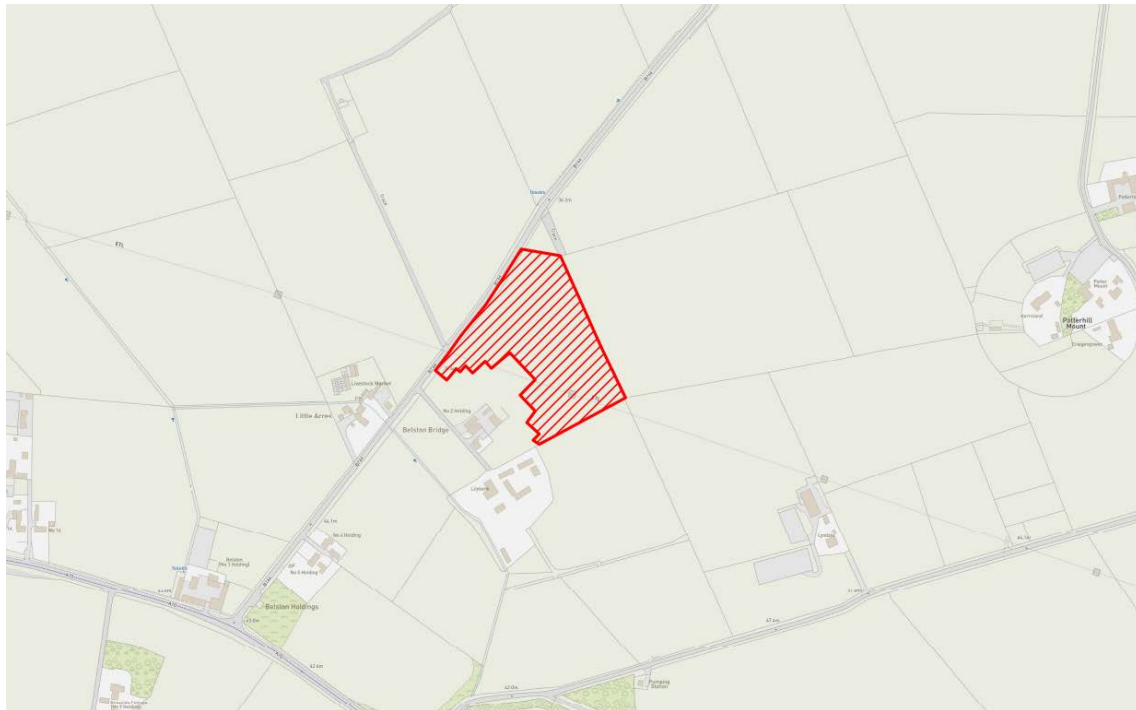
REPORT BY PLACE DIRECTORATE

22/00601/APP

2 BELSTON HOLDINGS AYR SOUTH AYRSHIRE KA6 5JD

Location Plan

APPLICATION SITE



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Summary

Planning permission is sought for the change of use of an area of undeveloped agricultural land to form a holiday park. The application site at approximately 1.99ha of agricultural land associated with a small holding at 2 Belston Holdings, Ayr B744 in close proximity to the A70. The proposed holiday park would comprise 8 lodges and 20 caravan / campervan pitches, as well as the erection of a reception/ facilities building, upgrading of an existing field entrance, the erection of a perimeter fence, additional planting and an area for waste disposal and SUDS drainage.

This 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 application has received over 5 competent written objections.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan 2, Scottish Planning Policy, consultations, representations received and the impact of the proposed development on the locality. It is considered that the proposal does not accord with the provisions of the aforementioned local development plan by virtue that the development proposals shall result in a detrimental visual impact on the rural landscape character and setting of the locale. Also, because the location is considered inappropriate and unsustainable; the B744 that serves the site has no pedestrian footpaths to Annbank to the north-east or the A70 to the south. There are also no off-road footpaths available that link the site to surrounding villages/ towns and there are no cycle routes or bus stops within the vicinity of the site. Considering this, users of the site would have to rely on the private car for access to and from the site.

Accordingly, it is recommended that the application is refused.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00601/APP
SITE ADDRESS:	2 BELSTON HOLDINGS AYR SOUTH AYRSHIRE KA6 5JD
DESCRIPTION:	CHANGE OF USE OF AGRICULTURAL LAND TO FORM HOLIDAY PARK; ERECTION OF 8 HOLIDAY LODGES, ERECTION OF RECEPTION/AMENITY BLOCK AND FORMATION OF 20 HARDSTANDING PITCHES FOR CAMPERVANS/TOURERS
RECOMMENDATION:	REFUSAL

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

The application site is approximately 1.99ha of undeveloped agricultural land which rises from west to east (41m AOD to 51m AOD) and is associated with a donor property at 2 Belston Holdings, Ayr to the south of the site. The application site is approximately 1.5 miles east of the Holmston Roundabout (A77) and is sited adjacent to the B744 Annbank road which is a short distance from the junction with the A70 and approximately 2 miles south - west of the village of Annbank. The site boundaries comprise hawthorn hedgerows and a mature tree to the south - west corner. An electricity pylon sits within the eastern side of the plot and an existing access is currently from a field gate along the B744.

It is proposed to change the use of the undeveloped agricultural land to form a holiday park. The proposed holiday park would comprise 8 lodges and 20 caravan / campervan pitches, as well as the erection of a reception/ facilities building, upgrading of an existing field entrance, the erection of a perimeter fence, additional planting and an area for waste disposal and SUDS drainage.

The proposed holiday lodges would comprise 4 x 2 bedroom lodges and 4 x 3 bedroom lodges and reach a height of approximately 5m. The proposed 2 bedroom lodges would have a footprint of approximately 66 sqm with a covered raised decking area/ veranda; and the proposed 3 bedroom lodges would have a footprint of approximately 77 sqm, each with a covered hot tub and raised decking area. The proposed lodges would comprise felt shingle roofs, cedar clad walls and grey uPVC windows and doors. Each lodge would have designated parking spaces sited to the north of the application site.

A reception building comprising showers/ toilets and laundry facilities is also proposed to the south - western portion of the site. The proposed building would reach a height of 4.2m and have a footprint of 120 sqm (20m in length and 6m in width). It shall also be finished with felt shingle roof tiles, cedar clad walls and grey uPVC windows and doors.

The proposed caravan and campervan pitches would comprise permeable hardcore approximately 6m by 6m and will be sited to the northern portion of the application site.

2. Consultations:

- **Environmental Health** offer no objections subject to advisory notes for the developer in relation to SEPA advice, waste water/ sewerage system and caravan site licence.
- **West of Scotland Archaeology Service** advise that the application site lies in a landscape populated with recorded archaeological sites of prehistoric, medieval and later periods. The proposals will affect a large area of previously undisturbed ground and stands a good chance of unearthing buried unrecorded remains which could be of any period and which may survive below ground level. As such, a potential archaeological issue is raised by the proposals. However, WOSAS offer no objections subject to a recommended condition be attached to any permission with regards to an archaeological watching brief which is to be carried out by the Developer.
- **Ayrshire Roads Alliance** offer no objections subject to conditions regarding off road parking, wheel washing facilities, construction traffic management plan, junction visibility splays and a travel plan. Advisory notes are also outlined for the developer in terms of a road opening permit, costs of relocation of any street furniture, etc.
- **Ayrshire Roads Alliance as Flood Risk Management Authority** offer no objections to the proposal.
- **Scottish Water** offer no objections but do offer advice for the developer.
- **Scottish Power Energy Networks (SPEN)** offers some initial concerns and advice for the developer given the location of the SPEN infrastructure (electricity pylon) 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.

A supporting statement accompanies the application which sets out the context of the proposals and how the applicant's agent considers that the proposal meets national and local policy.

The statement refers, it is proposed to erect a holiday park which is to be marketed as luxury self-catering accommodation. The finishing materials have been chosen so as to blend in with the rural vernacular surroundings the site. The topography of the raised site lends itself to views west across to Arran.

Phase 1 is to be self-funded and will include the erection of a reception and facilities building, erection of 2 of the 3 bedroom lodges and the installation of 14 caravan/ campervan pitches. Planting will also be included within this phase of the development.

Phase 2 will be funded by Phase 1 and shall comprise the erection of the 2 remaining 3 bedroom lodges, the erection of 4 of the 2 bedroom lodges and the remaining pitches will also be installed. Thereafter, Phase 3 is to install any remaining lodges and will be funded by Phase 2.

It is anticipated that 2 full time staff will be employed as well as other trades for repair and maintenance/ upkeep of the site.

A Zone of Theoretical View Study and photo montages of the proposed site also accompany the application to assess the landscape and visual impact of the proposals.

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:

23 representations have been received, 11 of which object to the proposed development and 12 support the proposed development. All representations can be viewed in full online at www.south-ayrshire.gov.uk/planning

The objections raised by Representees can be summarised as follows;

- Proposal is against planning policy;
- Landscape impact and visual appearance;
- Concerns with increase in noise/ odour/ light pollution and litter;
- Road infrastructure, traffic and safety;
- No footpaths and no amenities nearby;
- Too close to electricity pylon infrastructure;
- Potential for trespassing into neighbouring land and potential for crime;
- Adverse impact on existing water and waste infrastructure;
- Climate change will increase demand for agricultural land and this proposal puts this at risk;
- Adverse impact on established neighbouring holiday park which is in close proximity of the site;
- Impact on cultural assets;
- Impact on natural environment, i.e, birds;
- Potential to exacerbate flooding.

The supporting comments are summarised, below:

- Quieter choice for holidaymakers, as small scale and no noisy facilities proposed;
- Small family business should be supported;
- Enhance tourist facilities in the area;
- Good for the local economy;
- Close to amenities and the beautiful Ayrshire countryside;
- Enhances the area;

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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. 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

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 South Ayrshire Local Development Plan 2 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> :

- LDP Policy: Core Principle B1
- LDP Policy: Core Principle B7
- LDP Policy: Core Principle B8
- LDP Policy: Core Principle C1
- LDP Policy: Strategic Policy 1: Sustainable Development
- LDP Policy: Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Land Use and Transport
- Flooding and Development

The provisions of the South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

LDP Core Principle B1 states that the Council will prioritise sustainable travel and development, direct development to settlements and prioritise brownfield over greenfield sites.

The proposals are located on greenfield land. Therefore, the proposal is subject to the Council's Rural Business Procedure Note (RBPN). Whilst a note and not policy, it can be used to guide and assess the appropriateness of the application. According to the RBPN, the council will have an overarching general presumption against developments out with settlement boundaries unless there is a specific justification. The council will support rural diversification where appropriate in order to provide rural areas with a stronger local economy, assuming the proposed development does not:

- Cause a significant increase in car trips.
- Is otherwise sustainable in its operation.
- Has access to public roads/rail.
- Does not run counter to other strategic LDP Priorities.

LDP Core Principles B7 states that the Council will support flexible growth within the Kyle investment area, allowing small scale business development providing there are no significant adverse environmental impacts, and the proposals are not in breach of other LDP2 policies.

LDP Core Principle B8 states the Council will be willing to support the development of business and diversification in appropriate locations by supporting small scale businesses in the countryside, providing they are in accordance with other LDP2 policies and pose no significant environmental impacts.

LDP Core Principle C1 identifies that the Council will ensure development proposals safeguard protected natural and built heritage resources, ensure Local Landscape Areas, the Coast and culturally sensitive locations are treated with due respect, and follow a precautionary approach where unrecorded natural or archaeological resources may be present, and maintain commitment to the existing Greenbelt.

LDP Strategic Policy 1: Sustainable Development requires that all development 'respects, protects and where possible enhances natural, built and cultural heritage resources'; 'respects the character of the landscape and the setting of settlements'; incorporates SUDS and avoids increasing flooding and reduces the risk from all forms of flooding, 'ensures appropriate provision for waste water treatment, avoid(s) the proliferation of private treatment systems [...]'; 'wherever possible, is in an accessible location, with opportunities for the use of sustainable transport modes including cycling or walking,

LDP Strategic Policy 2: Development Management requires that all proposals are appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses, and 'do not have an unacceptable impact on the amenity of nearby land uses or committed development proposals [...]'.are appropriate to the local area in terms of road safety, parking provision and effects on the local road network; and are located within a settlement boundary or otherwise justified by LDP subject specific policies or locational need.

LDP Policy Tourism; states that the Council will look favourable on proposals which will provide or improve tourist and leisure infrastructure and we will allow new sites and accommodation to be developed, subject to the following criteria;

- a. all new accommodation is for holiday use;
- b. the development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

LDP Policy: Landscape Quality; This policy includes 11 'Local Landscape Areas' which were identified following a review of specific local landscapes. A Local Landscape Area is a non-statutory designation used by Scottish Local Authorities to identify and categorise landscapes in terms of their characteristics.

Proposals for development must conserve features that contribute to local distinctiveness, including:

- a. Community settings, including the approaches to settlements, and buildings within the landscape;
- b. Patterns of woodland, fields, hedgerow and tree features;
- c. Special qualities of river, estuaries and coasts;
- d. Historic and cultural landscape;
- e. Geodiversity of the area;
- f. Skylines and hill features, including prominent views.

The site is located within the Ayr Valley, as defined by the LDP2 Local Landscape Areas.

LDP Policy Land Use and Transport policy; requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum.

LDP: Flooding and Development; Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere.

Assessment against policies, below;

Rural business & Tourism

The business falls into the category of 'micro business' and is considered to offer a form of rural diversification which is supported in principle by the rural business procedure note. However, this is assuming the proposed development does not cause a significant increase in car trips, has access to public roads and rail and is otherwise sustainable in its operation and does not counter other LDP policies. It is considered that by virtue of the development itself, it will increase car trips to the area but also because the location is unsustainable; there are no pedestrian footpaths on the B744 road that serves the development, there are no other off road footpaths or cycle paths connecting the site to the wider area including towns and villages and there is no access to public transport; there are no rail links or bus stops in reasonable proximity to the site. In this regard, the proposal is considered contrary to the rural business procedure note and also counters other LDP policies as noted below.

The LDP2 defines Rural Diversification as, *the use of rural land and/or buildings for non-agricultural or forestry purposes*. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. The submitted supporting statement outlines that the applicant currently has a smallholding and utilises the land for grazing animals. A business plan has not been submitted; however, the proposed development will be self-funded by the applicant and comprises 3 phases of development with each phase funding the next, respectively. On the basis of the information provided, the proposed development is considered, in principle, to comply with LDP2 Core Policies B7 and B8 in part, as the proposal is sited within the Kyle Investment Area; is considered to be a form of rural diversification and is a small 'micro business' within a rural locale, which supports the South Ayrshire tourism sector (a key objective of the LDP2); and provides holiday accommodation which has direct access to the local road network. However, there are fundamental policy concerns in terms of the provisions of Policy B1, C1, Strategic Policies Sustainable Development, Development Management, Tourism, and Landscape Quality due to the resultant adverse impact of the proposed development on the rural landscape character and setting of the locale. Also, because the location is inappropriate and unsustainable given the absence of pedestrian footpaths and cycle networks in the area and public transport opportunities. It is considered that the proposal is an example of the right development, in the wrong place. The visual impact of the proposed development and suitability of the location is further assessed, below;

Environment & Visual Impact

The proposal under consideration is sited within the Ayr Valley Local Landscape Area (as defined by LDP2 Local Landscape Areas) where landcover is described as predominantly pastoral, though with some arable areas on lower and better soils. Cattle, sheep and ley grassland are common. The landscape settlement pattern is of a dispersed network of discrete agricultural holdings, and pastoral landcover predominates.

The site is accessed and sited immediately adjacent to the B744 Annbank Road with the land rising from west to east (41m to 51m AOD). The proposed holiday accommodation comprising 8 holiday lodges and a large reception and facilities building and campervan/ caravan pitches is considered to be atypical, visually prominent and introduces incongruous features to what is presently undeveloped agricultural land within a rural landscape setting. Furthermore, in terms of the LDP Tourism policy, the proposal, although comprises existing hedgerow planting and proposes additional planting throughout the site, it is not considered that it would adequately screen the development to mitigate the landscape and impact. The submitted Zone of Theoretical Visibility (ZTV) survey demonstrates that the proposed development is highly visible within the wider local landscape. Additionally, the submitted photo montages also demonstrate the prominence of the proposed site within the local landscape. Considering the above, the proposal is considered to have an adverse impact on the established local landscape character and distinctiveness of the area as described in the Ayr Valley LLA.

The proposal is also not compliant with Core Principle C1 which aims to protect South Ayrshire's natural environment, and which ensures that local landscapes are respected. The sloping topography of the site, the scale of development, and minimal screening results in the site being visible from most surrounding areas. As such, it is considered that the application does not conform to Strategic Policies Sustainable Development or Development Management, as the proposal does not respect, protect or enhance the local rural landscape character or respect, enhance or protect the natural environment by introducing an incongruous feature with the predominately undeveloped rural landscape. This is outlined further, below;

It is recognised that the application is not supported by an ecological survey. However, the application site has no environmental designations. The application proposals do not meet the criteria for consultation with NatureScot. No trees or hedgerows are to be removed at the site. The existing hawthorn hedgerows which bound the application site and mature trees are to be retained and supplemented by further planting, as outlined in the submission. The onus is on the applicant to ensure compliance with legislative requirements set out in the Wildlife and Natural Environment (Scotland) Act 2011. On this basis, it is not considered that any special natural heritage features at the site shall be significantly impacted as a consequence of the development proposal.

The SEPA Flood Maps show that the south - western edge of the site is sited within a Medium to Low Surface Water Flood Area. However, the proposed development is not considered to exacerbate flooding within the area due to the proposed use of a SUDS area and waste-water treatment plant which will be subject to SEPA Regulations and advice. Furthermore, the Ayrshire Roads Alliance, as Flood Risk Management Authority for South Ayrshire Council, offer no objections to the proposal. The site does not propose any land raising and the proposed caravan and campervan pitches are to comprise permeable aggregate. On this basis, it is considered that the proposal meets the policy provisions of the LDP Flooding and Development Policy.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy (SPP)

Scottish Planning Policy forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters and is therefore relevant in the consideration of the current application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise (para 33).

In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification, including tourism and leisure uses. Notwithstanding, the SPP (para. 75) states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. In addition, the siting and design of development should take account of local landscape character and any decisions made by planning authorities should take account of potential effects on landscapes and the natural and water environment, including cumulative effects (para. 202). Paragraph 203 further states that planning permission should be refused where the nature or scale of a proposed development would have an unacceptable impact on the natural environment.

The development proposals are not considered to comply with the provisions of the SPP, as outlined elsewhere within the report.

NatureScot National Landscape Character Assessment: Landscape Character Type 66 Agricultural Lowlands extract:

The *Agricultural Lowlands - Ayrshire* Landscape Character Type is described as forming extensive areas of agricultural lowland which occupy much of the Ayrshire Basin. Lying between about 10 metres and 150 metres, the area's geology is dominated by coal measures, though basalt, sandstones, limestone's, millstone grit and volcanic intrusions are also present.

The landform is surprisingly complex and variable, dissected by many burns and streams draining to incised main river valleys to create an undulating lowland landscape. There is a gentle increase in height from the coastal fringe to the more abrupt transition to upland.

Landcover is predominantly pastoral, though with some arable areas on lower and better soils. Cattle, sheep and ley grassland are common. Fields within this landscape type, probably dating back to the 18th or 19th Century, are often small to medium in scale, regular in shape, and enclosed by beech or hawthorn hedges. For the most part, the hedges are intact and in good condition. Many field boundaries are also marked by mature hedgerow trees. Again, beech trees predominate. These trees give the landscape a surprisingly wooded character, often forming avenues along minor roads.

As outlined in section 7(i) and 7(v), the location of the proposed development is visually prominent as evidenced in the submitted ZTV and shall therefore affect views from the wider locale and is considered atypical for the local rural landscape character and setting. Most notably the existing pronounced contrast between undeveloped rural landscape of the application site and the scale of the proposed holiday park comprising 8 holiday lodges, a large reception and facilities building and 20 caravan and campervan pitches.

(iii) Objector Concerns

- *Provisions of planning policy and advice*

The proposed development is assessed against the relevant local policies within section 7(i) of this report. A consideration of the proposed development against Scottish Planning Policy is also contained within section 7(ii) of this report.

- *Landscape impact and visual appearance of development*

These matters addressed fully in sections 7(i), (ii) and 7(v) of this report.

- *Odour, noise, light pollution and litter concerns;*

Should any statutory nuisance arise regarding odours, noise and light pollution, it is for the Council's Environmental Health Service to address such matters under their statutory powers. The Council's Environmental Health Service have advised that they have no objections to the proposed development subject to appropriate advisory notes regarding contamination, water supply details and light pollution.

Matters relating litter are not regulated by the planning system and are not material to the determination of this planning application. Notwithstanding, the submitted plans show that an area for waste disposal is provided within the application site. The applicant is responsible for waste management/ disposal.

- *Road infrastructure, traffic and safety concerns (no footpaths along the B744);*

The Ayrshire Roads Alliance has offered no objection to the development proposal from a traffic and transportation perspective and recommend conditions are attached to any permission requiring the provision of adequate parking within the site and a travel plan, wheel washing facilities, a construction management plan and visibility splays. However, it is recognised that the proposed development does not link to existing and proposed active travel networks, including walking, cycling and public transport networks. The application site is located immediately adjacent to B744 and local road network, however, it is not served by any existing pedestrian footpaths, cycling linkages, or bus stops. While a travel plan is recommended by the Ayrshire Roads Alliance, it is not considered that this could adequately address the fundamental issues with regards to the inappropriate and unsustainable location of the development and the lack of active travel networks and public transport infrastructure in the area. The proposal is therefore not considered to comply with LDP2 Core Policy.

- *Too close to electricity pylon infrastructure;*

Scottish Power Energy Networks (SPEN) were consulted and offer no objections to the proposal. However, SPEN has offered advice to the developer in regard to the existing electricity pylon. This is a matter for the applicant in conjunction with SPEN.

- *Potential for trespassing into neighbouring land and potential for crime;*

This is not a material planning consideration in the assessment of the application. Any such matters would be for the applicant to address in association with Police Scotland.

- *Adverse impact on existing water and waste infrastructure;*

It is noted that the submission includes the provision of a Waste Water Plant. Scottish Water and Environmental Health has been consulted and offer no objections to the proposals. The proposed WWP would be constructed and installed in accordance with BS6279 Code of Practice for Design and Installation of drainage fields for use in waste water treatment (as amended) and shall also be subject to SEPA Regulations/advice.

- *Climate change will increase demand for agricultural land and this proposal puts this at risk;*

It is recognised that the proposal is to change the use of 1.99ha of existing agricultural land, however, it is not considered that the loss of this land would significantly impact the provision of agricultural land available for growing of crops. The land is classified at 3.2 capable of producing a moderate range of crops with an increasing trend towards grass within the rotation (Land Capability For Agriculture in Scotland).

- *Adverse impact on established neighbouring holiday park which is in close proximity of the site;*

Each application is assessed on its own merits.

- *Impact on cultural assets;*

The application site is undeveloped agricultural land which is not designated within a National Scenic Area, Conservation Area or sited in close proximity of any listed buildings or scheduled monuments. However, it is recognised that the land is undeveloped and may contain buried unrecorded remains which could be of any period and which may survive below ground level. As such, a potential archaeological issue is raised by the proposals. However, WOSAS offer no objections subject to a recommended condition be attached to any permission with regards to an archaeological watching brief which is to be carried out by the Developer. On this basis, it is not considered that there would be any specific adverse impact on any cultural assets as a consequence of the development proposals.

- *Impact on natural environment, i.e, birds;*

This is addressed elsewhere within the report.

- *Impact on flooding;*

This is addressed elsewhere within the report;

(iv) Planning history

Planning application 21/01123/APP for Change of Use of Agricultural Land to Form Holiday Park; Erection of 8 Holiday Lodges, Erection of Reception/Amenity Block and Formation of 20 Hardstanding Pitches for Campervans/Tourers was withdrawn by the applicant's agent following discussion with the Planning Service. It was considered that the application had not been submitted with sufficient information so as to fully assess the visual impact of the development on the local landscape.

(v) Impact on the Locality

As set out elsewhere within the report, the principle of holiday accommodation within the Kyle Investment Area, which is considered to be a form of rural diversification, supports the South Ayrshire tourism sector which is a key objective of the LDP2. However, there are fundamental concerns that the proposed development has a significant adverse impact on the established local landscape character, and given its locale is not considered to be in an accessible location, with opportunities for the use of other sustainable transport modes including public transport, walking or cycling.

The site is located within the Ayr Valley, as defined by the LDP2 Local Landscape Areas, where landcover is predominantly pastoral, though with some arable areas on lower and better soils where cattle, sheep and ley grassland are common. The landscape settlement pattern is of a dispersed network of discrete agricultural holdings, and pastoral landcover predominates. As per the submitted Zone of Theoretical Visibility survey, the proposed development is highly visible within the wider local landscape. Additionally, the submitted photo montages also demonstrate the prominence of the proposed site within the local landscape. Furthermore, the site is located immediately adjacent to the B744 Annbank Road with the topography of the land rising from west to east (41m to 51m AOD). Therefore, the site is prominent within the landscape with minimal screening. The proposed holiday accommodation comprising 8 holiday lodges, a large reception and facilities building and 20 campervan/ caravan pitches is considered to be atypical, visually prominent and would introduce incongruous features to what is presently undeveloped agricultural land within a rural landscape setting. Furthermore, although the site comprises existing hedgerow planting and proposes additional planting throughout the site, it is not considered that this could adequately screen the proposed development, given its scale and prominent location.

The Ayrshire Roads Alliance has offered no objection to the development proposal from a traffic and transportation perspective and recommend conditions are attached to any permission requiring the provision of adequate parking within the site, a travel plan, wheel washing facilities, a construction management plan and visibility splays. It is however recognised that the application site, although located immediately adjacent to B744 and local road network, that the proposed development does not have any footpaths, cycle paths or local bus routes or train links within close proximity of the site or which connects to neighbouring villages or towns. On this basis, it is not considered that the submission of a travel plan would adequately address the fundamental issues with regards to the inappropriate and unsustainable location of the development. The proposal does not adequately satisfy the requirements of LDP2, in relation to policies B1 and Sustainable Development, in that the location of the proposed development does not encourage active travel and will be accessed predominately by car or other vehicles.

In terms of the residential amenity impact, the donor property (which is the closest neighbouring property) at 2 Belston Holdings, is within the ownership and control of the applicant. Additionally, the neighbouring property known as Lilybank, 3 Belston Holdings is a domestic dwellinghouse with equestrian paddock and stables, and sits approximately 100m east of the site. The property at Little Acres, which comprises Hamilton Lodge Pets Hotel, sits to the south-west of the site on the opposite side of the B744 and is approximately 100m from the application site. In this context, there is potential for any activity at, and movements to and from the holiday park to disrupt the amenity of the adjacent properties to an extent. However, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation and that the site has its own separate vehicular access and off-road parking within the application site, any disruption, should it occur, will be on a temporary and limited basis during the occupation of the holiday units. Furthermore, due to the separation distances outlined above, it is not considered that the proposed development shall have a significant detrimental impact on neighbouring residential amenity of the closest neighbouring dwellings by way of overlooking or overshadowing. Additionally, Environmental Health offer no objections to the proposals in terms of potential noise, odour, or light impact.

Finally, on balance, it is not considered that any economic benefit that may accrue from the proposed use would be outweighed by the detrimental visual impact of the proposal on the established rural landscape character and setting of the locale. As such, it is concluded that the proposal to site a holiday park at land adjacent to 2 Belston Holdings, Ayr has a significant adverse impact on the rural landscape character of the locale and that the development due to its location is not well connected and does not promote sustainable modes of transport. There is no sufficient justification, and no apparent competing material considerations of such weight, as to warrant a departure from the development plan in this instance.

8. Conclusion:

The application has been assessed against the various material considerations which include the provisions of the development plan, Government guidance, consultations undertaken, representations received and the impact of the proposed development on the locality. There are significant concerns that the application proposals would have detrimental visual impact on the established rural landscape character and setting of the locale. Furthermore, the development is considered to be sited in an unsustainable location which is not connected to local footpaths, cycle paths or any bus or rails routes and does not encourage active travel. Given the above assessment, it is recommended that the application is refused.

9. Recommendation:

It is recommended that the application is refused, for the following reason(s);

Reasons:

- (1) That the development proposal is contrary to Scottish Planning Policy, the policy provisions the South Ayrshire Local Development Plan2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2 Development Management, Core Principle B1, B7, B8, C1, LDP Policy Tourism and LDP Policy Landscape Quality, by virtue that the development proposals shall result in an incongruous feature resulting in a detrimental visual impact on the established rural landscape character and setting at the locale.
- (2) That the development proposal is contrary to Scottish Planning Policy, the policy provisions the South Ayrshire Local Development Plan2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2 Development Management, Core Principle B1, B7, B8, C1, LDP Policy Tourism, LDP Policy Landscape Quality and LDP Policy Land Use and Transport by virtue that the development proposals shall result in development in an unsustainable location which is not connected to local footpaths, cycle paths or local bus or rail routes and does not encourage active travel.

List of Determined Plans:

Drawing - Reference No (or Description): 0763 LOC 01
Drawing - Reference No (or Description): 0763 PP 01 (Rev. A)
Drawing - Reference No (or Description): 0763 PP 02 (Rev. A)
Drawing - Reference No (or Description): 0763 PP 03
Drawing - Reference No (or Description): 0763 PP 04
Drawing - Reference No (or Description): 0763 PP 05
Other - Reference No (or Description): Supporting Statement
Other - Reference No (or Description): Zone of Theoretical View Study
Other - Reference No (or Description): Photo montage 1
Other - Reference No (or Description): Photo montage 2

Background Papers:

1. Planning application form, plans and supporting documents
2. South Ayrshire Local Development Plan 2 (available online)
3. Scottish Planning Policy (available online)
4. South Ayrshire Local Landscape Designations Review (available online)
5. Rural Business Procedure Note (available online)
6. Representations (available online)
7. NatureScot National Landscape Character Assessment: Landscape Character Type 66: Agricultural Lowlands of Ayrshire (available online)

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:

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