

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



3 November 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 **Thursday, 17 November 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. Minutes of previous meetings of:-
 - (1) 22 September 2022;
 - (2) 4 October 2022 (Special); and
 - (3) 12 October 2022.(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

For more information on any of the items on this agenda, please telephone 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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REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 22 September 2022 at 2.00 p.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Mark Dixon, Martin Kilbride, Craig Mackay, Mary Kilpatrick and Duncan Townson.

Apologies:

Councillors Alec Clark and Brian Connolly.

Attending

In County

Buildings: L. Reid, Assistant Director (Place); K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; D. Clark, Supervisory Planner; E. McKie, Planner; D. Lewis, Planner; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer, and C. McCallum, Committee Services Assistant.

Attending

Remotely:

F. Sharp, Supervisory Planner.

1. Welcome and Declarations of Interest

The Chair welcomed everyone to the meeting and took the sederunt.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct

- (1) Councillor Bell advised that he would declare an interest in item 3(1) below as he had a connection with the Applicant club in Troon and withdraw from the meeting during consideration thereof;
- (2) Councillor Mackay advised that he would not take part in item 3(1) as he would speak to the Panel as a Ward Member and then withdraw from the meeting for the remaining time that item was being considered;
- (3) Councillor Townson advised he would declare an interest in item 3(3) below as he had a personal connection as a resident in that street and would withdraw from the meeting during consideration thereof;

2. Minutes of Previous Meeting

The minutes of 23 June 2022 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission

There were submitted reports ([issued](#)) of September 2022 by the Director - Place on planning applications for determination.

The Panel considered the following applications:-

As previously indicated, Councillors Bell and Mackay left the meeting at this point. Councillor Kilbride took the Chair.

- (1) [22/00417/APP](#) – TROON – New Public Convenience, North Shore Road – Erection of water sports hub.

Councillor Mackay was invited to return to County Hall to address the Panel as a Local Member. He left the meeting after he had addressed the Panel.

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

- (a) 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;
- (b) that all coastal flood risk mitigation and evacuation measures detailed in the Evans River and Coastal, Flood Risk Assessment Reference No 2841/RE/12-21/01 are incorporated within design proposals and implemented prior to operation of the development. These measures shall include, but not be limited to, the following:-
 - o Water entry strategy established up to the 1 in 200 year + climate change flood extent + 600mm freeboard; and
 - o Development of a Business Flood Plan including actions required in the event of a flood warning;
- (c) that notwithstanding the plans hereby approved, the proposed building and galvanised steel gates shall be fully clad with larch within one calendar month of the siting of the building on site to the satisfaction of the Planning Authority;
- (d) that before the development hereby permitted is brought into use, details of the operational days and hours of the sports hub and ancillary community café shall be submitted for the approval in writing of the Planning Authority. Thereafter the sports hub and ancillary community café shall operate within the days and hours agreed under the terms of this condition, unless otherwise agreed in writing; and
- (e) that notwithstanding the plans hereby approved, precise details of electric bicycle charging points and bicycle storage racks to serve the development shall be submitted to and agreed in writing by the Planning Authority prior to occupation of the development. Thereafter, and unless otherwise agreed in writing by the Planning Authority, the agreed electric bicycle charging points and bicycle storage racks shall be implemented before the occupation of the development and shall be maintained and retained for the lifetime of the development to the satisfaction of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to ensure the development is protected against flooding in an acceptable manner;
- (c) in the interests of visual amenity;
- (d) in the interests of residential amenity; and
- (e) in the interests of sustainable modes of transport.

Advisory Notes:

- The premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.
- Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
Drawing - Reference No (or Description): EXTERNAL ELEVATIONS;
Drawing - Reference No (or Description): PROPOSED ELEVATIONS (MONTAGE);
Drawing - Reference No (or Description): SITE PLAN SERVICES;
Drawing - Reference No (or Description): PROPOSED GROUND UPPER FLOOR VIEWING PLATFORM;
Drawing - Reference No (or Description): SITE SURVEY 01;
Other - Reference No (or Description): WATER SPORTS FLOOD RISK ASSESSMENT;
Other - Reference No (or Description): TROON WATER SPORTS BUSINESS PLAN;
Other - Reference No (or Description): WILDLIFE ASSESSMENT TROON HUB REPORT;
Other - Reference No (or Description): SUPPORTING STATEMENT;
Drawing - Reference No (or Description): 01 LOCATION PLAN;
Drawing - Reference No (or Description): HUB BLOCK PLAN;
Drawing - Reference No (or Description): PROPOSED GROUND AND UPPER FLOOR PLAN; and
Other - Reference No (or Description): FURTHER SUPPORTING INFORMATION/ DETAILS.

Reason for Decision:

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

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

Councillors Bell and Mackay re-joined the meeting at this point and Councillor Bell resumed the Chair.

- (2) [22/00392/APM](#) – **TARBOLTON – Land at Westport** – Erection of residential development, ancillary road services, landscaping, drainage infrastructure and other associated works.

There was representation made to the Panel by an interested party.

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

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

- (a) 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;
- (b) prior to the commencement of development, a phasing plan setting out the sequence of construction of the land engineering works, roads, parking areas, hard and soft landscaped areas, public open spaces, equipped play area, footpaths and SUDS features shall be submitted to and approved by the planning authority. The construction of the development shall thereafter proceed in accordance with the approved phasing plan, and no item shall be omitted, unless the prior written permission of the planning authority is received for an amendment to the approved phasing plan.
- (c) prior to the commencement of development, a landscaping phasing plan shall be submitted to and approved by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the scheme as approved shall be implemented within the first planting season following the completion or occupation of the last house within the relevant phase of the development, whichever is the sooner. The open space/landscaped areas shall be retained as open space to this approved standard;
- (d) that notwithstanding the approved plans, prior to the occupation of the first house a maintenance schedule for all areas to be landscaped in accordance with the details approved under this permission shall be submitted to and approved by the Planning Authority. The landscaped areas shall be maintained for a period of five years from the date of completion of the landscaping within the relevant phase of the development;
- (e) that a performance bond or alternative financial mechanism, agreed by the Council, covering the cost of the landscaping of the development, as approved under this permission and play facility scheme as approved under this permission, shall be submitted to, approved in writing by the planning authority and executed before any works commence within the relevant phase. For the purposes of calculating the landscape bond quantum, details of the landscaping works to be implemented within areas that are to be maintained by a factor on a map in m², including all plant species, sizes and densities shall be submitted to the planning authority.

- (f) that notwithstanding the approved plans, no consent is hereby granted for the proposed multi-language play board, rather details of a more universally play-minded board shall be submitted to and approved in writing by the Planning Authority prior to the installation of the play equipment;
- (g) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (h) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (i) that notwithstanding the plans hereby approved, no consent is granted for the footpath running between plots 25/37 and 26/36. Rather, a revised plan shall be submitted to and approved in writing by the Planning Authority illustrating its removal, prior to the commencement of development;
- (j) that the mitigation measures contained within the submitted noise report shall be adhered to;
- (k) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites-Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;

- (l) prior to occupation of the first dwelling within the development, a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development at time of occupation;
- (m) that all new roads infrastructure associated with the development shall be designed and constructed to adoptable standards specified by the Council's National Roads Development Guide and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new Roads infrastructure shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to commencement of work on site. All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of any dwellings within the development;
- (n) that junction access visibility sightline splays of 2.4 metres by 45 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (o) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (p) that prior to occupation of the development, any gates and / or doors shall be designed to open inwards away from the public roadway.
- (q) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council (minimum off road parking bay to be 5.5 metres x 2.9 metres);
- (r) that integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle;
- (s) that designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to the commencement of work on site and shall be implemented as approved;

- (t) no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the planning authority prior to its installation if required for that phase. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (u) that prior to the movement of any construction traffic to or from the site, the applicant/ developer shall submit a Construction Traffic Management Plan (CTMP) for the written approval of the Planning Authority, in consultation with the Council as Roads Authority. The plan shall provide all relevant information pertaining to traffic implications associated with construction, including details of the methodology for the movement of construction traffic to and from the site. The CTMP shall require the agreement of the Council as Planning Authority prior to any movement of construction traffic associated with the site. The CTMP shall be implemented as approved;
- (v) that the edge of any proposed signage within the public road limit shall be no nearer than 0.5 metres from the edge of the carriageway and the underside of the signage shall be a minimum of 2.25 metres above the public footway. Proposed traffic signage shall be agreed in writing by the Planning Authority through consultation with the Roads Authority before it is erected;
- (w) that none of the dwellings hereby approved shall be occupied until the Sustainable Urban Drainage System (SUDS) has been completed in accordance with the submitted and approved plans;
- (x) the applicant/developer shall provide / upgrade 2 no. bus stop(s) within Tarbolton prior to the completion of the development. The design, location and specification of the bus stops shall be submitted for the written approval of the Planning Authority through consultation with the Council's Roads Authority prior to their installation;
- (y) the applicant / developer shall submit plans of all proposed new bus stops for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The bus stop details shall include the exact proposed location of the stops in addition to specifications of a flag and pole, bus shelter (where appropriate) and associated bus boarder kerbing. All new bus stops shall be constructed, as approved, prior to completion of the development;
- (z) that the applicant/developer shall upgrade the bus stop(s) to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing regional Real Time system, prior to the completion of the development. This shall include supply and installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket compatible with a Trueform Elite pole, a Trueform Elite pole and a 6 line bann display or equivalent. The developer shall also be responsible for providing 5 years maintenance cover for the screens. The design, location and specification of the RTPI screens associated with all new bus stop(s) shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to their installation and thereafter shall be implemented as approved.; and

- (aa) no dwelling shall be occupied on the site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Council as Planning Authority. The affordable housing on the site shall be provided in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely housing of a reasonable quality that is affordable to people on modest incomes) in the Scottish Government's 2014 'Scottish Planning Policy' or any future government policy that replaces it. The scheme shall take account of the Council's current guidance about affordable housing (the replacement (if any) of the Council's 2006 Supplementary Planning Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:-
- (i) the timing of the occupation of the market homes within each phase or sub-phase of the site and the delivery of the affordable homes in the relevant phase or sub-phase of the site;
 - (ii) the arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
 - (iii) the factoring and/or common maintenance regime (including charges) for affordable homes;
 - (iv) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
 - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that all elements of the proposed development are provided at an appropriate stage in the development in the interest of the proper planning of the area;
- (c) to ensure the approved landscaping details are implemented at an appropriate time and no areas are left in an unsatisfactory condition in respect to landscaping for an unacceptable length of time in the interest of visual amenity;
- (d) to ensure that the approved landscaping details are properly maintained for a sufficient length of time to ensure that all areas of planting are established in the interest of visual amenity;
- (e) to ensure that the approved landscaping is implemented in the event that the developer is unable to complete the development;
- (f) in the interest of interactivity of the proposed play equipment;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) in the interests of visual amenity;
- (i) in the interests of residential amenity;
- (j) to avoid noise disturbance in the interests of residential amenity;
- (k) to ensure all contamination within the site is dealt with;
- (l) to encourage sustainable means of travel;

- (m) in the interest of road safety and to ensure an acceptable standard of construction;
- (n) in the interest of road safety and to ensure an acceptable standard of construction. To avoid the possibility of unnecessary reversing of vehicles onto the public road;
- (o) in the interest of road safety and to avoid the discharge of water onto the public road;
- (p) in the interest of road safety;
- (q) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (r) in the interest of road safety and to ensure adequate off-street parking provision;
- (s) in the interest of road safety;
- (t) in the interest of road safety;
- (u) in the interest of road safety;
- (v) in the interest of road safety;
- (w) to ensure that the site is drained in an acceptable and sustainable manner;
- (x) to provide accessible public transport;
- (y) to provide accessible public transport;
- (z) to provide accessible public transport; and
- (aa) to ensure that satisfactory arrangements are made for the provision of affordable housing on the site.

Advisory Notes:

- That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits prior to works commencing on site.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local Roads Authority and the relevant utility companies.
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.
- 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 and 20mph orders for all residential streets off the spine road.
- The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

- That Roads Construction Consent (RCC) from the Council as 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 Council's National Roads Development Guide and Designing Streets as National Policy.
- Details of regulatory requirements and good practice advice can be found on the Regulations section of the SEPA 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: 31 Miller Road, Ayr, KA7 2AX Tel: 01292 294000.
- 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 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 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 NatureScot 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.
- 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 spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). * May be Applicable to sites > 13km distance from Prestwick Airport.
- All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.
- In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light"

[http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)

- 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 18.5km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

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

- Should the developer make an amendment to this current planning application for a requirement of renewable energy (such as solar panels (roof based)), Glasgow Prestwick Airport (GPA) insists that the developer conducts a solar and glare assessment at the location and shares the results of said assessment with GPA to allow them to review the findings and satisfy themselves that such an installation would have no impact on the safe provision of air traffic services in the vicinity of the aerodrome.

List of Determined Plans:

Drawing - Reference No (or Description): 201 Revision A;
 Drawing - Reference No (or Description): 202;
 Drawing - Reference No (or Description): 203;
 Drawing - Reference No (or Description): 300
 Drawing - Reference No (or Description): 301;

Drawing - Reference No (or Description): 302;
Drawing - Reference No (or Description): 303;
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Drawing - Reference No (or Description): 502;
Drawing - Reference No (or Description): 503;
Drawing - Reference No (or Description): 504;
Drawing - Reference No (or Description): 505 Revision B;
Drawing - Reference No (or Description): 601;
Drawing - Reference No (or Description): 701;
Drawing - Reference No (or Description): 1829/01 Rev B;
Drawing - Reference No (or Description): 1829/02 Rev A
Drawing - Reference No (or Description): 1829/03 Rev B;
Drawing - Reference No (or Description): 1829/04 Rev A;
Drawing - Reference No (or Description): 1829/05 Rev A;
Drawing - Reference No (or Description): 21181-SK-03 Rev B;
Drawing - Reference No (or Description): 21181-SK-09 Rev B;
Drawing - Reference No (or Description): 21181-SK-011 Rev A;
Drawing - Reference No (or Description): SC14810/01;
Drawing - Reference No (or Description): SK110;
Other - Reference No (or Description): Planning Statement;
Other - Reference No (or Description): Design and Access Statement;
Other - Reference No (or Description): PAC Report;
Other - Reference No (or Description): Ecological Appraisal;
Other - Reference No (or Description): Flood Risk Assessment;
Other - Reference No (or Description): Flood Risk Assessment Addendum;
Other - Reference No (or Description): Drainage Strategy Report;
Other - Reference No (or Description): Ground Investigation Report;
Other - Reference No (or Description): Landscape and Visual Appraisal;
Other - Reference No (or Description): Landscape Maintenance and Management Proposals;
Other - Reference No (or Description): Noise Impact Assessment; and
Other - Reference No (or Description): Transportation Statement

Reason for Decision:

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

Councillor Townson, having previously declared an interest left the meeting at this point.

(3) [22/0466/APP](#) – AYR – 5 Cherry Hill Road – Erection of an ancillary outbuilding.

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

- (a) 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;
- (b) the ancillary outbuilding shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority;
- (c) that the existing dwellinghouse and the outbuilding forming ancillary accommodation shall remain part of the same single inter-connected residential planning unit. Once the outbuilding has been erected, neither the existing dwellinghouse nor the ancillary outbuilding shall be sold, leased or otherwise disposed of separately for the use as a separate dwellinghouse without the benefit of planning permission;
- (d) that notwithstanding the plans hereby approved, the shower room window on the eastern elevation of the outbuilding hereby granted planning permission shall be glazed with obscured / frosted glass to the satisfaction of the Planning Authority, and retained as such for the lifetime of the development. Full details of the glazing shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site and shall be implemented as approved; and
- (e) that notwithstanding the plans hereby approved and unless otherwise agreed, additional screening of 1.8 metres in height, when measured from ground level, shall be erected along the entire western boundary of the rear curtilage of the application site adjacent to the neighbouring residential property at 3 Cherry Hill Road. Precise details of the proposed screening shall be submitted for the prior written approval of the Planning Authority before works commence on site. Thereafter, the agreed screening shall be installed prior to the completion of the outbuilding hereby approved and retained at its agreed height and location for the lifetime of the development to the satisfaction of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential amenity;
- (c) in order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse;
- (d) in the interests of residential amenity; and
- (e) in the interests of residential amenity.

Advisory Notes:

- The development could be in an area where there are gas mains and services. Please see the link below for further information and actions required of you: <https://archive.south-ayrshire.gov.uk/planning/decisions.aspx>
- A Building Warrant will require to be obtained before works start on site. The Council's Building Standards Service can be contacted for further information.

List of Determined Plans:

Drawing - Reference No (or Description): **Approved** 2102-A-101;
Drawing - Reference No (or Description): **Approved** 2102-A-102;
Drawing - Reference No (or Description): **Approved** 2102-A-103; and
Drawing - Reference No (or Description): **Approved** 2102-A-104.

Reason for Decision:

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

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

Councillor Townson re-joined the meeting at this point.

- (4) [22/0558/APP](#) – AYR – Seafield Post Office, 45 Blackburn - Alterations and extension to existing shop.

There was representation made to the Panel by an interested party.

Decided: to approve application subject to the condition 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.

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

Advisory Note:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings. Contact should be made with the Ayrshire Roads Alliance.

List of Determined Plans:

Drawing - Reference No (or Description): **Approved** 283/01;
Drawing - Reference No (or Description): **Approved** 283/02;
Drawing - Reference No (or Description): **Approved** 283/03;
Drawing - Reference No (or Description): **Approved** 283/04;
Drawing - Reference No (or Description): **Approved** 283/05;
Drawing - Reference No (or Description): **Approved** 283/06;

Drawing - Reference No (or Description): **Approved** 283/07;
Drawing - Reference No (or Description): **Approved** 283/08;
Drawing - Reference No (or Description): **Approved** 283/09; and
Drawing - Reference No (or Description): **Approved** 283/10.

Reason for Decision:

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

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

(5) **22/00526/APP** – **COYLTON** – **Land to the rear of 30 Joppa** – Change of use of vacant land to form Community Garden.

There was representation made to the Panel by the applicant and her agent and various interested parties.

Decided:

- (a) 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;
- (b) that before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. The travel plan shall be implemented as approved;
- (c) that the proposed community garden shall not be in use before 9.00am and after 6.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction and how the facility will be secured when not in use, shall be submitted for the prior written approval of the planning authority before facilities become operational. Thereafter, the management plan shall be implemented as approved;
- (d) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval. Thereafter, the development shall be implemented in accordance with the details approved; and
- (e) that notwithstanding the terms of condition (a) above, no sheds or structures shall be erected within the curtilage of the application site without the prior written approval of the planning authority. Thereafter, the shed/ structures shall be implemented in accordance with the details approved.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to encourage sustainable means of travel;
- (c) in the interests of residential amenity;
- (d) in the interests of residential amenity; and
- (e) to retain proper control over the development.

Advisory Notes:

- That any lighting to be installed on site shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service.
- Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice>

List of Determined Plans:

Drawing - Reference No (or Description): 694 B1;
Drawing - Reference No (or Description): 694 L1; and
Drawing - Reference No (or Description): 694 S1

Reason for Decision:

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

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

Councillor Kilbride left the meeting at this point.

- (6) [22/00137/APP](#) – TROON – 49 Academy Street – Erection of two retail units with associated access, parking and landscaping.

There was representation made to the Panel by the applicant and his agent.

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

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

- (a) 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;

- (b) that, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of an uncontrolled crossing at Academy Street. Thereafter, the crossing shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council;
- (c) that, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of cycle parking accommodating a minimum of 12 cycles shall be provided within the site boundary. Thereafter, the cycle parking shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council;
- (d) that before the first occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. The travel plan shall be implemented as approved;
- (e) that, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development. Thereafter, the development shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council;
- (f) that, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of the trolley bays, electric charging points and electrical substation. The substation details shall include the substation being elevated to a level above 3.59 metres AOD. Thereafter, the trolley bays, electric charging points and electrical substation shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council;
- (g) that the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LArTr) where Tr = 1 hour daytime and 5 minutes 30 minutes night time as applicable (Measured as per the current version of British Standard 4142 BS 4142;1997, or as may be amended). For the avoidance of doubt BS4142;1997 defines the rating level (LAr Tr) as being the specific noise level LAeq, Tr plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;

- (h) that delivery vehicles for the operation of this facility shall be restricted to between the hours of 7am and 11pm Monday to Sunday, inclusive;
- (i) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved; and
- (j) that, prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority in conjunction with the Ayrshire Roads Alliance. The plan shall describe the methodology for the movement of works traffic to and from the site during both demolition and construction works, and shall include agreement on suitable routes to and from the site and a works programme showing a breakdown of estimated daily trips by vehicle classification. Thereafter the development shall be implemented as per the agreed Construction Traffic Management Plan (CTMP), prior to any movement of works traffic associated with demolition or construction.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) for the purposes of road safety and the functional operation of the local road network;
- (c) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (d) to encourage sustainable means of travel;
- (e) in the interest of road safety;
- (f) to clarify the terms of this permission;
- (g) in order to prevent noise nuisance;
- (h) in the interests of residential amenity;
- (i) in the interests of visual amenity; and
- (j) in the interest of safety.

Advisory Notes:

- That, notwithstanding the terms of this permission, no permission is hereby granted for the erection of signage at the site, which shall require the submission and grant of advertisement consent.
- The Business Gateway Ayrshire (01292 616349) may be able to provide support and/ or advice regarding the availability of alternative retail premises in the area.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)001 P2;
Drawing - Reference No (or Description): AL(0)002 P1;
Drawing - Reference No (or Description): AL(0)003 P2;
Drawing - Reference No (or Description): AL(0)004 P1;
Drawing - Reference No (or Description): AL(0)005 P1;
Drawing - Reference No (or Description): AL(0)1011P3;
Drawing - Reference No (or Description): AL(0)1012P3;
Drawing - Reference No (or Description): AL(0)1014 P2;

Drawing - Reference No (or Description): AL(0)2001 P1; and
Drawing - Reference No (or Description): AL(0)1013 P2.

Reason for Decision:

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

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

Councillor Mackay left the meeting at this point.

4. Public Access Exemption Order: Prestwick Golf Course 150th Open 2022.

There was submitted a report ([issued](#)) of 20 September 2022 by the Director – Place seeking authority to undertake a public consultation, regarding a proposed temporary public access exemption order for an area of land affected by the Prestwick Golf Course 150th Open 2022.

The Panel

Decided:-

- (1) to approve the commencement of a public consultation on the proposed temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Prestwick Golf Course and the right of way (SKC 35), as set out in Appendix 1 of the report; and
- (2) to ensure that there was suitable consultation with Prestwick Community Council.

The meeting ended at 5.00 p.m.

REGULATORY PANEL (SPECIAL)

Minutes of a hybrid webcast meeting
on 4 October 2022 at 2.40 p.m.

Present
In County
Buildings:

Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride and Mary Kilpatrick.

Present
Remotely:

Councillor Craig Mackay.

Apologies:

Councillors Brian Connolly and Duncan Townson.

Attending
In County
Buildings:

K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; J. Hall, Planning Strategy Co-ordinator; A. Gibson, Committee Services Officer; and C. McCallum, Committee Services Assistant.

1. Welcome and Declarations of Interest

The Chair welcomed everyone to the meeting and confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Clark advised that, although he was the Portfolio Holder relating to the matter being considered, he would not declare an interest.

2. Public Access Exemption Order: Prestwick Golf Course 150th Open Event 2022.

There was submitted a report ([issued](#)) of 3 October 2022 by the Place Directorate seeking authority to agree a Council response to the public consultation representations; and to proceed to make a temporary public access exemption order for an area of land affected by the Prestwick Golf Course 150th Open Event 2022.

Councillor Cavana, seconded by Councillor Kilpatrick, moved to approve the making of a temporary public access exemption order, as detailed within the report.

By way of Amendment, Councillor Bell, seconded by Councillor Dixon, moved to refuse the making of a temporary public access exemption order on the grounds that the alternative route proposed was unsuitable on the grounds of safety and the proposed length of closure was excessive.

On a vote being taken by electronic means, two Members voted for the Amendment and five for the Motion which was accordingly declared carried.

The Panel

Decided:

- (1) to note the outcome of the public consultation on the proposed public access exemption for land at Prestwick Golf Course; and to agree the proposed Council responses to the representations received, as detailed in Appendix 1 of the report; and
- (2) to agree to make a temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Prestwick Golf Course and the right of way (SKC 35), as set out in Appendix 2 of the report.

The meeting ended at 3.10 p.m.

DRAFT

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 12 October 2022 at 10.00 a.m.

Present
In County
Buildings:

Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Martin Kilbride and Duncan Townson.

Present
Remotely:

Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.

Attending
In County
Buildings:

K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); D. Clark, Supervisory Planner; E. McKie, Planner; D. Lewis, Planner; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer; and E. Moore, Committee Services Assistant.

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

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

2. **Applications for Planning Permission**

There were submitted reports ([issued](#)) of October 2022 by the Director - Place on planning applications for determination.

The Panel considered the following applications:-

- (1) [21/000157/APP](#) – **CORTON – A77 from Bankfield Roundabout – B7034 Junction, Ayr** – Erection of an overbridge suitable for use by pedestrians and cyclists spanning the A77 trunk road and associated works.

The Panel heard from the applicant's agent.

The time being 9.45 am, the Panel adjourned to allow a Panel Member to discuss the wording of a possible Motion.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed and seconded that, given the Active Travel requirements for connecting the SEA development to Ayr together with the Active Travel status of equestrian users, as confirmed by the ARA representative, and given that the Corton development would result in increased traffic generation on the A77 within the vicinity of the site where horse riders cross the A77, the application should be refused on the grounds that the current bridge design does not accommodate for equestrian use and this was required in the interests of road safety and active travel.

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

Decided: to refuse the application on the grounds detailed above.

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

Councillor Townson left the meeting at this point.

- (2) [22/00360/APP](#) – **MAYBOLE – Castlehill Farm, KA19 8JT** – Change of use of agricultural land to form 9 holiday accommodation units.

The Panel heard from the applicants and an interested party.

The time being 11.55 am, the Panel adjourned to allow a Panel Member to discuss the wording of a possible Motion.

Upon reconvening and contrary to the recommendation in the report, a Motion was proposed and seconded to approve the application and to delegate to officers power to include the wording for relevant conditions which would need to accompany an approval of planning permission; on the grounds that, in this case, more significant weight should be afforded to other material considerations such as the diversification opportunity for the applicant together with opportunities for this development to contribute to the local rural economy; and the development can be absorbed in the landscape without such a significant impact that would warrant refusal in this case and without adversely impacting the integrity of the relevant policies as set out within LDP2.

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

Decided: to approve the application, as detailed above.

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 Statement;
 Drawing - Reference No (or Description): 30-012 – Proposed Sections; and
 Drawing - Reference No (or Description): 30-013 – Proposed Site Access.

- (3) [22/00478/APP](#) – PRESTWICK – 10 Sandfield Road, KA9 1NB – Erection of dwellinghouse.

The Panel heard from the Applicant.

Decided: to refuse the application on the following grounds:-

- (a) 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;

- (b) 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;
- (c) 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;
- (d) 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; and
- (e) 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; and

Drawing - Reference No (or Description): 2

- (4) [22/00601/APP](#) – AYR – 2 Belston Holdings, KA6 5JD – 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.

The Panel heard from the Applicant's Agent and various interested parties.

Decided: to refuse the application on the following grounds:-

- (a) 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; and
- (b) 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; and
 Other - Reference No (or Description): Photo montage 2

The meeting ended at 1. 20 p.m.

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 17th November 2022

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	21/00998/APP Mr David Clark (Objections) Application Summary	Recreation Ground Winehouse Yett Dundonald South Ayrshire	Landscaping works (including changing site levels) and installation of drainage system	DCSRHA	Approval, Subject to Conditions
2.	22/00779/MSCM Mr Ross Lee (Objections) Application Summary	Land At Manse Road Coylton South Ayrshire	Approval of matters specified in conditions for erection of 53 residential dwellings with associated access road, open space landscaping and infrastructure	Milestone Developments	Approval, Subject to Conditions
3.	22/00701/APP Ms Emma McKie (Objections) Application Summary	Land At C8 From A719 Junction At Adamhill To Council Boundary Craigie South Ayrshire	Proposed erection of 4 glamping pods, siting of static caravan, extension of hardstanding and formation of access	Mr William Kennedy	Approval, Subject to Conditions
4.	22/00619/APP Ms Susannah Groves (Objections) Application Summary	Knockendale Farm Symington South Ayrshire KA1 5PN	Erection of a dwellinghouse	Mr Sam Hunter	Approval, Subject to Conditions

REGULATORY PANEL: 17 NOVEMBER 2022

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

21/00998/APP

RECREATION GROUND WINEHOUSE YETT DUNDONALD SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for landscaping works (including changing site levels) and installation of a drainage system at the existing recreational ground, Winehouse Yett, Dundonald. The purpose of the works is so that the recreational ground can accommodate a formal football pitch. The application submission intimates that the rise in site levels equates to less than 600mm; however, the submitted drawings indicate that the levels have increased (in some areas) by approximately 900 mm. The use of the site as open space does not change as a consequence of the development proposals.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, Scottish Planning Policy, PAN79, PAN65, consultations, representations received, and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the local development plan. The consultation responses do not raise any issues of over-riding concern. The matters raised in the representations have been considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. It is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality; nor will the application proposals increase the risk of flooding within the locale. The application has been considered in this context. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 17 NOVEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	21/00998/APP
SITE ADDRESS:	RECREATION GROUND WINEHOUSE YETT DUNDONALD SOUTH AYRSHIRE
DESCRIPTION:	LANDSCAPING WORKS (INCLUDING CHANGING SITE LEVELS) AND INSTALLATION OF DRAINAGE SYSTEM
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.

1. Proposal:

Planning permission is sought for landscaping works (including changing site levels) and installation of drainage system at the recreational ground, Winehouse Yett, Dundonald.

The site is bound to the north by residential properties located on Kilnford Drive and Drybridge Road and to the west by the residential properties located at Parkthorn View. To the south the application site is bound by a car park and visitor centre building associated with Dundonald Castle and to the east by Dundonald Bowling Club, a derelict commercial building and a residential property located on Drybridge Road. The Dundonald Burn, which is located approximately 200 metres to the south-west of the site, is the closest watercourse to the application site. The application site comprises recreational ground; and is identified in the South Ayrshire Local Development Plan 2 as an area of open space. In total, the application site covers an area of approximately 9012 square metres.

The works subject to the planning application assessment entail the installation of a drainage system and the changing of site levels. The purpose of the works is so that the recreational ground can accommodate a formal football pitch. The application submission intimates that the rise in site levels equates to less than 600mm; however, the submitted drawings indicate that the levels have increased (in some areas) by approximately 900 mm.

The proposals involve the installation of new filter trench systems to accommodate the proposed formation of the football pitch. Furthermore, the submission notes that surface water run off discharge from the development proposal will be picked up through filter trench systems with 160mm perforated pipes at the base located on the outside perimeter of the proposed football pitch which will free flow into an existing inspection chamber in the north west of the application site. An inspection chamber and 160mm diameter outfall pipe are located at the north west of the site which appear to be a flooding overflow system for any excess greenfield run off in heavy rain event. The submission identifies that the water discharge from this development is to the existing outfall which runs between properties on the west side of the application site, continues under Parkthorn View into the open space to the west of Parkthorn View, turns north west towards Coats Place and thereafter runs under Coats Place, Kilnford Crescent to a discharge into the Dundonald Burn at the pedestrian bridge on the footpath between the wetlands and Kilnford Crescent.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objection has been received. Also, the Dundonald Community Council has expressed a contrary view to the recommendation that this planning application be approved.

Background

The application has been made in retrospect in so far that the majority of the works, subject of the planning application submission, have been undertaken on site.

The application site is within the ownership of South Ayrshire Council; however, the site is subject of a 25 year lease to the Dundonald Community, Sports, Recreation and Heritage Association (DCSRHA) which was approved by the Council's Leadership Panel on 13 February 2018.

It is understood that the works pertaining to this planning application commenced in June 2021, however, it is important to note that the planning application was not submitted and registered until February 2022. The delay in progressing the application thereafter was due to lack of information however the planning service is now in receipt of all relevant information that is required to enable a full assessment and recommendation.

A number of objections have been received with respect to the application and relate to flooding issues caused as a consequence of the works that have been carried out. It is noted that the Ayrshire Roads Alliance, acting as local flood prevention authority, were required to deploy sandbags around the perimeter of the application site in order to minimise water runoff into the gardens of properties which bound the application site.

Programme of works

As part of the application assessment, clarification was sought regarding the programme of works relating to the application proposals. Consequently, the applicant confirmed the following: -

The first activity was to remove the sward from the surface of the playing field, this was stacked on site to be reused for reshaping of some banking areas at a later stage. The next activity was to strip the top soil from the surface and suitably stack on site for use after installation of drainage.

Following on from removal of the top soil, the sub soil was then regraded and moved about the playing field area to acquire the desirable gradients and evenness for the activity surface. The applicants have confirmed that the gradient across the surface for the west to east aspect ideally should be 1:80 and the gradient the south to north aspect should 1:100.

In this instance this required the movement of approximately 2,000 tons of material. No excess soil was removed from site during any operations. The top soil was reapplied onto the sub soil.

At this point the piped primary drainage system was installed at 5 metre centres over the entire surface of the field with the run of the pipes going from east to west and were connected into the existing exit pipe located within the application site.

The secondary drainage system was installed immediately thereafter at right angles to the primary system. This consists of a series of mini trenches called 'slit drains' cut out at right angles to the primary drainage pipes. These must be deep enough to connect with the permeable clean gravel back filling in the primary pipe drain trenches. This method is also called 'gravel banding' and is a back up to the primary installation.

There is an additional primary pipe installed which runs along the east edge of the field which catches the run off from the Castle area. This has still to be properly connected into the system. In addition to the drainage two additional chambers/silt traps have been installed to help with the flow of the water from the field. These have still to have some minor works to be carried out on them.

A final addition of 670 tons of imported root zone material (a mixture of sand and a small amount of compost) was spread over the surface of the field. This is to act as an ameliorate on the surface to help improve the surface over time. Reference was made to SportsScotland data sheets for best practice pitch construction.

Works which are outstanding

While the majority of works relating to this planning application have been completed, there are outstanding works which require to be undertaken as part of the site's drainage strategy. Specifically, there are several pipe runs to be finished to bring additional gravel up to the surface and there are pipe chambers which require additional repair work. The applicant has also confirmed that some areas require levelling to complete groundworks and that additional cultivation works require to be undertaken on the surface verti-draining, feeding & reseeding.

2. Consultations:

Historic Environment Scotland - offer no comment or objection to the application proposals but advise that the comment should be sought from archaeological and conservation services.

Scottish Water - offer no objection.

Ayrshire Roads Alliance (ARA) – The Ayrshire Roads Alliance acting as the Flood Risk Management authority on behalf of South Ayrshire Council initially recommended refusal of the application on the basis of flood risk. Subsequently, the applicant submitted a Drainage Strategy Report for the consideration of the ARA who confirmed that they offered no objection to the application, provided the drainage system is installed as agreed and submitted. However, following the submission of Civil Engineers Reports from the Dundonald Residents Playing Field Network, the ARA has reinstated their objection to the application until such time that applicant can demonstrate that the outfall pipe (located at the north west of the site) is in a suitable condition which is capable of accommodating the calculated greenfield run off rates.

West Of Scotland Archaeology Service (WoSAS) - indicate that the application site lies within an area of some sensitivity associated with the nearby Dundonald Castle where large scale earthworks are of concern. WoSAS recognise that the application is in most part retrospective and advise that the works did raise potential archaeological concerns. However, since the current application involves no further ground disturbance on the site it does not raise substantive archaeological issues.

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.

Drainage Strategy Report – A Drainage Strategy Report has been submitted which assesses the risk of flooding associated with the application site which concludes the following:-

- The development is not at risk from costal, river or watercourse flooding;
- Detailed levels and drainage designs should remove all low points subject to surface water ponding where possible and provide adequate surface drainage to remove any potential risk of surface water ponding;
- The new pitch drainage system reduces the risk of flooding to surrounding properties and micro drainage calculations confirm no flooding occurs for up to a max. 1 in 200 year + 30 climate change + 10% additional flow for urban creep rainfall event within the proposed system for max greenfield surface water discharge run off ever entering the new system; and
- a 450mm deep ditch on western and northern boundaries will future proof any run off ever entering privately owned land out with pitch boundary extents.

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:

70 representations have been received, 66 of which object to the proposed development, including an objection from the Dundonald Community Council. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows.

- The development proposals have created flooding issues which have damaged neighbouring properties
- The development proposals do not meet with the Scottish Government's Guidance on Sustainable Urban Drainage Systems
- Health & safety concerns and access concerns as a consequence of the development proposals, particularly raised embankments created as a consequence of the development proposals
- Privacy concerns due to change in site levels
- Parking concerns
- The Ayrshire Roads Alliance has had to take direct action to address flooding issues by placing sandbags around the perimeter of the application site
- Inaccuracies and omissions within the planning application submission
- The DCSRHA's original proposals for the site have change significantly since their initial proposals to upgrade drains and make general improvements to the field
- Archaeological concerns as a consequence of the development proposals
- Burying of non-biodegradable waste
- The formation of a formal football pitch limits the open space to be used for alternative leisure/ sporting activities
- Loss of public open space
- Loss of trees as a consequence of the development proposals
- Adverse impact on the setting of the Dundonald Conservation Area and Dundonald Castle
- Works were undertaken without the benefit of planning permission
- Noise concerns
- Lack of changing/ toilet facilities to serve the football pitch
- Development proposals may impact on the ability of the site to host the Dundonald Highland Games
- Funding and Indemnity concerns
- The application proposals breach the UN Convention on the Rights of the Child

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

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

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Community Facilities;
- Archaeology;
- Historic Environment;
- Flooding and Development; and
- Land Use and Transport.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

In this instance the proposal seeks the installation of a drainage system and the changing of site levels so as the recreational ground can be utilised as a formal football pitch. In principle, it is considered that proposals to improve the recreational ground to create a formal football pitch has the potential to make positive contribution to local amenities, in terms of the provision of improved and additional community facilities.

Further consideration of the impact of the works associated with the application proposals on the residential amenity of properties in the vicinity, is set out below. Consultation responses received have not raised any objections to the scheme. Planning conditions and advisory notes can be attached to any permission to control matters arising as a consequence of the development.

It is considered that the proposals to improve the recreational ground to accommodate a formal football pitch has the potential to make positive contribution to local amenities, in terms of the provision of improved and additional community facilities.

The LDP policy in relation to community facilities seeks to support community facilities. In this regard, the proposals to improve the recreational ground are considered to be consistent with this policy objective of the LDP.

In terms of archaeological issues, the site lies within an area of archaeological sensitivity and potential based on the presence of recorded sites of prehistoric, medieval, and later date in the surrounding landscape. WoSAS indicate that the application site lies within an area of some sensitivity associated with the nearby Dundonald Castle where large scale earthworks are of concern. WoSAS recognise that the application is in most part retrospective and advise that the works did raise potential archaeological concerns. However, since the current application involves no further ground disturbance on the site it does not raise substantive archaeological issues.

The LDP policy in relation to the historic environment seeks to protect listed buildings and their settings, especially from inappropriate development. Historic Environment Scotland has been consulted on this application and offer no objection comment on the proposed works. The Council's Lead Conservation Officer has also reviewed the application proposals and notes that the ground works are not considered to have an adverse impact on the character or setting of Dundonald Conservation Area or Dundonald Castle.

In terms of the flooding, and as set out above, the Ayrshire Roads Alliance acting as the Flood Risk Management authority on behalf of South Ayrshire Council initially recommended refusal of the application on the basis of flood risk. Subsequently, the applicant submitted a Drainage Strategy Report for the consideration of the ARA who confirmed that they offered no objection to the application, provided the drainage system is installed as agreed and submitted. However, following the submission of Civil Engineers Reports from the Dundonald Residents Playing Field Network, the ARA has reinstated their objection to the application until such time that applicant can demonstrate that the outfall pipe (located at the north west of the site) is in a suitable condition which is capable of accommodating the calculated greenfield run off rates. SEPA has not been consulted on this application as it falls outwith the range of applications that they require to be consulted on as per their Triage Framework dated January 2022. The ARA has provide site specific advice on matters relating to flooding and this is considered in more detail, below.

With regard to traffic/ parking road safety implications associated with the development proposals, the Ayrshire Roads Alliance has been consulted on the application and offer no objection.

Given the above policy context, the principle of the development proposal is considered to be in accordance with the aforementioned policy provisions of the local development plan.

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.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy

Scottish Planning Policy states that planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

Planning Advice Note 79: Water and Drainage

Planning Advice Note 79: Water and Drainage states that infrastructure provision must meet existing demands, be of a high enough standard to ensure that the supply of water and discharge of waste water comply with water quality regulations, sufficient to allow proposed development to proceed without unreasonable delay, and should not increase the risk of flooding. The arrangements proposed for water supply and drainage can be a material planning consideration.

An assessment of the flood risk impact is set out elsewhere in the report.

Planning Advice Note 65 – Planning and Open Space

Planning Advice Note - PAN65 - Planning and Open Space recognises that "open spaces are important for our quality of life. They provide the setting for a wide range of social interactions and pursuits that support personal and community well-being. They allow individuals to interact with the natural environment and provide habitats for wildlife. They can also be important in defining the character and identity of settlements". PAN 65 considers sports areas to be open space where they are described as "large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable". Given that PAN65 defines sports areas as being open space, it is considered that the principle of the proposal is consistent with this government advice note.

South Ayrshire Open Space Strategy 2012;

The Council has produced an Open Space Strategy. The Strategy, which is based on a quantitative and qualitative audit of open space in South Ayrshire, sets out a vision for the provision, management, and maintenance of open spaces within the Council's area. Whilst generally seeking to protect and improve open spaces, the Strategy does not preclude them from being developed - particularly when the development improves the facilities associated with the open space. However, development proposals also require to be considered based on the provisions of the development plan, merits of the proposal and any individual site-specific circumstances arising, and also the planning history of the site. The application has been considered in this context.

(iii) Objector Concerns

The representations received in relation to the proposal are noted, and the following response is offered in respect of the objections received:

- The development proposals have created flooding issues which have damaged neighbouring properties;

As set out above, it is noted that the Ayrshire Roads Alliance, acting as local flood prevention authority, were required to deploy sandbags around the perimeter of the application site in order to prevent water runoff into the gardens of properties which bound the application site. The planning application assessment needs to consider whether the proposed development, when completed, would increase the risk of flooding within the locale. An assessment of the proposed development's flooding impact is set out elsewhere in this report.

- The development proposals do not meet with the Scottish Government's Guidance on Sustainable Urban Drainage Systems;

The Ayrshire Roads Alliance has confirmed the following in response to suggestion that the proposed development does not meet the Scottish Government's Guidance on Sustainable Urban Drainage Systems: -

"Based on the surface water information supplied and the installation of the proposed drainage system then the development complies with Scottish Planning Policy in that the proposed development is not at significant risk of being affected by flooding or would increase the risk of flooding to others.

No new impermeable surfaces are being introduced which would result in increased surface water flooding requiring specific mitigation by Sustainable Urban Drainage Systems which are generally aimed at integrating surface water management into the design and development of towns and cities. Having a greenspace like this playing field should be a positive for surface water management for the Dundonald Community.

According to the information ARA have received the playing field has historically drained through the proposed outfall route to the Dundonald Burn with the connection into the system being through the historic manhole already in the Playing field. This would suggest historic permissions are in place for drainage of the playing field to the Dundonald Burn although ARA have no evidence of this."

- Health & safety concerns and access concerns as a consequence of the development proposals, particularly raised embankments created as a consequence of the development proposals and the impact this has on the existing children's playpark;

Issues covered by other legislation, e.g. health and safety regulations, are not material planning considerations which can be considered as part of this planning application assessment. It is however noted that the level changes do not significantly alter the profile of the ground at the area of the play park to such a degree that it impacts access and egress to the play area.

- Privacy concerns due to change in site levels;

Matters pertaining to privacy and amenity impact are set out elsewhere in this report.

- Parking concerns;

The Ayrshire Roads Alliance (ARA) offer no objection to the application proposals and therefore the proposals are considered acceptable from a traffic/ parking/ road safety perspective.

- The Ayrshire Roads Alliance has had to take direct action to address flooding issues by placing sandbags around the perimeter of the application site;

Noted. This matter is acknowledged elsewhere within the report.

- Inaccuracies and omissions within the planning application submission.

The onus is on the applicant to provide accurate information to allow the planning authority to appropriately assess the application proposals. In this case, further information and clarity was sought by the planning service in their assessment of the application.

- The DCSRHA's original proposals for the site have change significantly since their initial proposals to upgrade drains and make general improvements to the field;

The application assessment requires to consider the proposals which form the basis of the planning application submission.

- Archaeological concerns as a consequence of the development proposals;

Matters relating to archaeology are considered elsewhere in this report.

- Burying of non-biodegradable waste;

Issues covered by other legislation, e.g. environmental regulations, are not material planning considerations which can be considered as part of this planning application assessment.

- The formation of a formal football pitch limits the open space to be used for alternative leisure/ sporting activities;

The works subject to the planning application assessment entail the installation of a drainage system and the changing of site levels, only. The use of the application site does not change as a consequence of the development proposals in land use planning terms; it remains an area of recreational open space. How a facility in South Ayrshire is used, issues arising from its use and alternative options for the provision of alternative leisure/ sporting activities are not material considerations that should be given weight in the consideration of this application proposal.

- Loss of public open space;

The works subject to the planning application assessment entail the installation of a drainage system and the changing of site levels, only. The use of the application site as recreational open space does not change as a consequence of the development proposals in land use planning terms. PAN65 defines sports areas (including football pitches) as being open space. The proposals are therefore not considered to result in the loss of open space.

- Loss of trees as a consequence of the development proposals;

It is understood that works to trees, outwith but adjoining the application site, have been undertaken. These trees are not afforded protection by way of a tree preservation order and works to these trees could be undertaken without the prior written approval of the Planning Authority.

- Adverse impact on the setting of the Dundonald Conservation Area and Dundonald Castle;

Matters pertaining to the impact on the setting of the Dundonald Conservation Area and Dundonald Castle are set out elsewhere in this report.

- Works were undertaken without the benefit of planning permission;

It is noted that planning permission is sought in retrospect for the majority of the works which are the subject of this application assessment. The planning system does not preclude applications being made in retrospect.

- Noise concerns;

The works subject to the planning application assessment entail the installation of a drainage system and the changing of site levels, only. The use of the application site as an area of recreational open space does not change as a consequence of the development proposals in land use planning terms. Statutory noise nuisance, should it occur, is a matter for the Council's Environmental Health Service.

- Lack of changing/ toilet facilities to serve the football pitch;

There are no changing/toilet facilities proposed by the application proposals. It should however be noted that how a facility in South Ayrshire is used, issues arising from its use and alternative options for the provision of sports facilities are not material considerations that should be given weight in the consideration of this application proposal. The purpose of this assessment is to consider the planning merits of the development being presented under this application.

- Development proposals may impact on the ability of the site to host the Dundonald Highland Games;

While the ability or otherwise to host the Dundonald Highland games is not a material planning consideration, it is understood that the games were held earlier this year on the application site.

- Funding and indemnity concerns;

Matters relating to funding and indemnity associated with the site are not material planning considerations that should be given weight in the consideration of this application proposal. Concerns relating to ownership of the outfall system are noted, however, this is not considered to be a material planning consideration that should be given weight in the consideration of this application proposal.

- The application proposals breach the UN Convention on the Rights of the Child;

Issues covered by other legislation are not material planning considerations which can be considered as part of this planning application assessment. The planning system requires to focus on whether a development itself is acceptable in planning terms.

(iv) Impact on the Locality

Planning permission is sought for landscaping works (including changing site levels) and installation of drainage system at the recreational ground, Winehouse Yett, Dundonald.

The application is required to be determined in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this application are whether the development project would (a) seriously harm the residential amenity of the area and/or (b) result in increased flood risk to neighbouring properties.

- Residential amenity impact

The application site is located within an area of designated open space; however, it is noted that the site is bound to the north by residential properties location on Kilnford Drive and Drybridge Road and to the west by the residential properties located at Parkthorn View. The application submission intimates that the purpose of the works is so that the recreational ground can accommodate a formal football pitch, albeit the actual use of the application site does not change in land-use planning terms as sport areas are designated as being open spaces. The application assessment does, however, need to consider the residential amenity impact created by the increase in site levels, particularly matters pertaining to privacy and overlooking impact. The application submission intimates that the rise in site levels equates to less than 600mm; however, the submitted drawings indicate that the levels have increased (in some areas) by approximately 900 mm. A number of the objectors have raised concerns that, as a consequence of the increased site levels, existing rear boundary fencing no longer provides adequate screening from the application site and that their private garden grounds are now overlooked. Strategic Policy 2: Development Management requires, inter alia, that development proposals do not have an unacceptable impact on the amenity of nearby land uses.

Generally, the levels of the site have increased towards the north and north-western parts of the application site and the 'levels layout and cross sections' plan, which accompanies the application submission, delineates the change in ground levels. The north-western portion of the application site has experienced the greatest increase in site levels and there can be no doubt that existing rear boundary treatments, particularly the properties located at 9 and 9A Parkthorn View, no longer provide the same level of screening to/from the application site that existed prior to the undertaking of the works. While some of the existing rear boundary treatments no longer provides the same level of screening to/from the application site, it does not automatically follow that the development proposals would have an unacceptable impact on the residential amenity of neighbouring residential properties. The fact that the use of the site does not change in land use planning terms (i.e. remains as open space) is considered to be of significance to the assessment of the application. Also, the development proposals, when fully completed, are considered to improve an existing recreational/ leisure facility within Dundonald, to the benefit of the wider community. The application site has and will continue to function as open space whereby users of this community facility will do so on an ad-hoc basis. Generally, the site will tend to accommodate leisure and recreational activities whereby users of the open space are unlikely to congregate in specific areas of the open space for prolonged periods of time. As set out above, the purpose of the proposed development is so that the recreational ground can accommodate a formal football pitch. The application submission shows the location of the proposed pitch which is to be sited, at its closest point, approximately 8.9 metres from the rear boundary of 9 Parkthorn View, approximately 8.6 metres from the rear boundary of 9A Parkthorn View and approximately 14 metres from the rear boundary of 11 Kilnford Drive. It is considered that due to the separation distance of the proposed pitch to rear mutual boundaries, along with the sporadic use of the pitch, that the residential amenity of the neighbouring properties would not be significantly adversely compromised as a consequence of the development proposals. It is also noted from the application submission that the 'portable Ballstops' are to be installed intermittently around the field to help alleviate, at least to some extent, balls entering residents' gardens when matches are being played. While there may be certain vantage points within the site which have the potential to overlook areas of neighbouring garden grounds, it is considered that the improved community facility outweighs the potential overlooking/ amenity concerns that may be created as a consequence of the development proposals. Overall, it is considered that the application proposals are not so injurious to the residential amenity of the neighbouring properties which would merit refusal of the application in this instance.

- Flood risk to neighbouring properties

In terms of the flooding, and as set out above, the Ayrshire Roads Alliance acting as the Flood Risk Management authority on behalf of South Ayrshire Council initially recommended refusal of the application on the basis of flood risk. Subsequently, the applicant submitted a Drainage Strategy Report for the consideration of the ARA who confirmed that they offered no objection to the application, provided the drainage system is installed as agreed and submitted. However, following the submission of Civil Engineers Reports from the Dundonald Residents Playing Field Network, the ARA has reinstated their objection to the application until such time that applicant can demonstrate that the outfall pipe (located at the north west of the site) is in a suitable condition which is capable of accommodating the calculated greenfield run off rates. Ordinarily, the Planning Authority would request that the applicant undertake a survey of the outfall pipe to the Dundonald Burn, prior to the determination of the application, so as to demonstrate that its condition is capable of accommodating the proposed greenfield run off rates from the application site. Without this information it would be reasonable for the Planning Authority to refuse the application on the grounds that the applicant had not demonstrated that the existing outfall pipe is of a suitable condition to accommodate the drainage proposals set out in the Drainage Strategy Report. However, given that the large majority of works undertaken on site are retrospective and that the planning application was submitted in February of this year, it is considered prudent to address matters which remain outstanding in terms of drainage and flooding via planning condition. The refusal of the planning application would not address the flooding concerns which appear to be ongoing in close proximity to the application site. In this instance, it is considered appropriate to attach a condition which requires for the applicant to demonstrate that the existing outfall pipe is in a suitable condition so as to ensure the successful operation of the drainage system installed at the application site. The condition will also require the applicant to present alternative proposals for surface water run off collection should the outfall pipe be deemed to be in an unsuitable condition.

It is important to note that SPP specifically indicates that "authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk". While the approval of the planning permission would not guarantee the absence of flood risk, it is considered that the submitted Drainage Strategy Report, along with the suggested planning conditions relating to the completion of drainage works and condition survey of the outfall pipe, adequately address matters pertaining to flood risk.

The proposed works, when fully completed, are considered to ensure the continued open space use of the site. While the concerns of the ARA are noted, it is considered that the suggested planning conditions adequately address matters pertaining to flood risk. Accordingly, there are no policy objections to the development proposal, which will facilitate the compatibility of sport and recreational uses in the wider area of open space. Overall, the principle of the proposed development complies with the development plan. The consultation responses of Scottish Water, WoSAS and Historic Environment Scotland do not raise any issues of over-riding concern that would merit refusal of application. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that are considered to merit a recommendation of refusal of the application.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development generally complies with the development plan. The concerns raised by the ARA can be addressed by way of suggested planning condition, whereas the consultation responses of Scottish Water, WoSAS and Historic Environment Scotland do not raise any issues of over-riding concern that would merit refusal of application. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that are considered to merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

9. Recommendation:

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

- (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 notwithstanding the terms of condition 1 above, the applicant shall undertake a conditional survey of the existing outflow pipe located at the north-west perimeter of the application site, within 1 month of the date of this decision, so as to demonstrate that the existing outflow pipe is capable of accommodating the calculated greenfield run off rates set out in the Drainage Strategy Report dated July 2022. Should the conditional survey determine that the outflow pipe is in an unsuitable condition to accommodate the calculated greenfield run off rates set out in the Drainage Strategy Report dated July 2022, then an alternative proposal(s) for surface water run-off collection shall be submitted within 2 months of the date of this decision for the prior written approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance. Thereafter, the agreed alternative proposal for surface water run-off collection shall be implemented within 3 months of the date of this decision, to the satisfaction of the Planning Authority.
- (3) That notwithstanding the terms of condition 2 above, the requirements and recommendations set out in the Drainage Strategy Report, dated July 2022, shall be fully incorporated into the final design solution of the development hereby approved and shall be fully undertaken and completed within 2 months of the date of this decision, to the satisfaction of the Planning Authority.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To ensure the site is drained in an acceptable manner and the drainage infrastructure is properly maintained.
- (3) To ensure the site is drained in an acceptable manner and the drainage infrastructure is properly maintained.

Advisory Notes:

N/A.

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 21/00998/APP)

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Pitch Details

Drawing - Reference No (or Description): 2022-001-100

Drawing - Reference No (or Description): 2022-001-200

Other – Drainage Strategy Report dated July 2022

Reason for Decision (where approved):

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

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

Background Papers:

1. Application form, plans and submitted documentation
2. Representations
3. Adopted South Ayrshire Local Development Plan 2
4. South Ayrshire Open Space Strategy 2012
5. SPP
6. PAN 79
7. PAN 65
8. Report by Head of Property and Risk to Leadership Panel of 13 February 2018

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: 17 NOVEMBER 2022

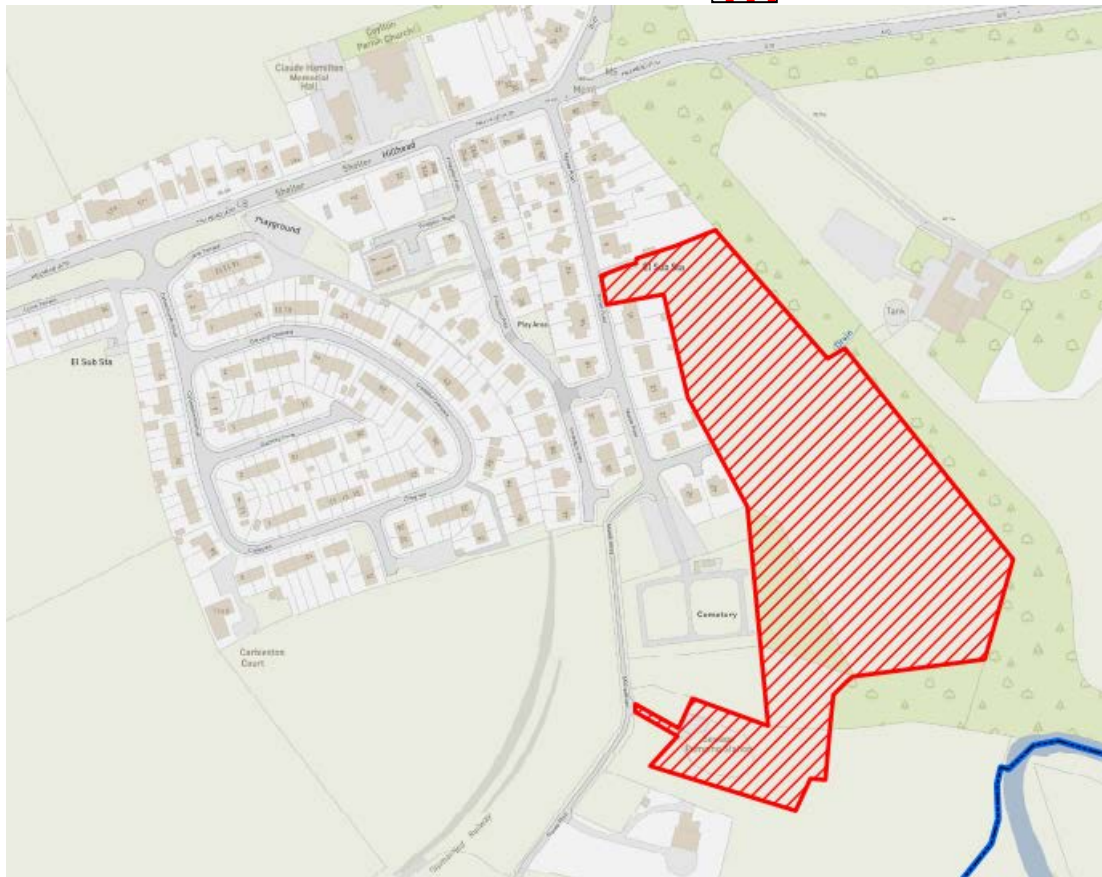
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00779/MSCM

LAND AT MANSE ROAD, COYLTON, SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

The application site was identified for residential development (as an allocated housing opportunity site) through the provisions of the South Ayrshire Local Development Plans and the granting of planning permission in principle application 18/00585/PPPM at the Council's Regulatory Panel on the 25th June 2019. The application site covers approximately 2.75 hectares, and the proposed development comprises of the erection of 53 units which are a mix of housing types and sizes comprising of 40 private homes and 13 affordable homes. Approval is also sought for the associated infrastructure and development features subject to the conditions attached to the related planning permission in principle application 18/00585/PPPM, and this includes open space, landscaping, footpaths, roads and a play area which are all covered through the conditions of the earlier application.

It is considered that the characteristics of building design, the overall layout of the development and the disposition of the amenity open space will deliver a sustainable and attractive environment which does not have a significant adverse impact on the amenity of the neighbouring residential areas. 6 representations have been received (comprising of 5 objections and 1 neutral representation); however, the points raised do not merit refusal of the current approval of matters specified in conditions application. Consultation responses have been received from a range of consultees as set out with no objections or issued being raised that would warrant a recommendation other than approval.

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00779/MSCM)

The proposed development subject to this approval of matters specified in conditions of planning permission in principle application 18/00585/PPPM has been assessed against the relevant policies of the South Ayrshire Local Development Plan and associated guidance and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of both.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 17 NOVEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00779/MSCM
SITE ADDRESS:	LAND AT MANSE ROAD COYLTON SOUTH AYRSHIRE
DESCRIPTION:	APPROVAL OF MATTERS SPECIFIED IN CONDITIONS (OF PLANNING PERMISSION IN PRINCIPLE APPLICATION 18/00585/PPPM) FOR ERECTION OF 53 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS ROAD, OPEN SPACE LANDSCAPING AND INFRASTRUCTURE.
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.

1. Proposal:

This is an application for approval of matters specified in conditions of planning permission in principle application 18/00585/PPPM which was granted at the Council's Regulatory Panel on the 25th June 2019. It is relevant to note that this specific application is a revised/re-submitted application and supersedes application 22/00255/MSCM which was an approval of matters specified in conditions application which was withdrawn on the grounds of a requirement to provide further supporting information to satisfy consultee requirements. The proposed development subject to this current approval of matters specified in conditions application has not changed from the earlier application (including in terms of development layout, open space, play provision, road networks, number and type of houses) with the exception of the additional supporting information which now accompanies the current application.

The application site covers approximately 2.75 hectares with the site located on the eastern edge of Coylton and is bound to the east and south by an existing, established and mature tree belt most of which is designated as part of an Ancient Woodland Inventory (Reference: 27148). Part of this same woodland along the southern boundary edge of the site also forms part of a provisional wildlife site (Reference: 88, Name: Water of Coyle Bridgend to Mill of Shield). Beyond the existing tree belt closest to the southwest corner of the application site is Coylton Cemetery and Crematorium. The remaining part of the northern and western boundary of the site is neighboured by existing residential properties which face onto Manse Road. This includes a residential development that was constructed within the last 10 years which sits at the closest point on the western side.

The site itself was most recently used for agricultural grazing purposes and in terms of its topography and it slopes relatively consistently from east to west, which on average accounts for approximately between a 4 to 6 metre level difference. The site is found to fall from its highest point in the northeast to its lowest point in the southwest corner.

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00779/MSCM)

The development comprises of the erection of 53 units which are a mix of housing types and sizes comprising of 40 private homes and 13 affordable homes with associated open space, landscaping, footpaths, roads and a play area. As previously set out, the acceptability of a maximum 53-unit residential development on the site has already been established in principle through this earlier consented application which as previously set out was granted by the Council's Regulatory Panel 15th November 2018.

Vehicular access would be taken from Manse Road via an entrance and junction and a further pedestrian access and connection point is also proposed directly from Manse Road on the northwest corner of the development site. The Sustainable Urban Drainage System (SUDS) and waste treatment facility for the site intend to make use of existing infrastructure situated to the southwest of the main development site, with proposals in place to upgrade, modify and extend both the existing SUDS basin and the existing pumping station, to ensure they can accommodate and serve the proposed residential development.

This application is recommended for approval subject to conditions and 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, due to the application proposal constituting a 'Major' development.

2. Consultations:

- **West of Scotland Archaeological Service (WoSAS):** No objections.
- **The Coal Authority:** No objections.
- **Transport Scotland:** No objections.
- **NatureScot:** No objections.
- **Scottish Environmental Protection Agency (SEPA):** No objections.
- **Scottish Water:** No objections subject to advisory notes.
- **Scottish Wildlife Trust (SWT):** No response at the time of writing this report.
- **South Ayrshire Biodiversity and Ranger Services:** No objections subject to conditions.
- **South Ayrshire Landscape and Design Officer:** No objections subject to conditions.
- **South Ayrshire Parks and Open Space Officer:** No objections subject to conditions.
- **South Ayrshire Environmental Health Service:** No objections subject to conditions.
- **South Ayrshire Housing Service:** No response at the time of writing this report.
- **South Ayrshire Educational Support Services:** No objections.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions.

In addition to the above and in order to comply with Section 23 of the Planning (Scotland) Act 2019 all ward Councillors, MSPs and MPs have been notified about the application and proposed development.

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: a suite of plans and drawings (which cover drainage arrangements, swept path analysis and site geometry, cross sections of the development on site, house designs and types, open space, landscaping and play equipment, site layout and phasing programme), a Design and Access Statement, a Site Investigation Report, an Extended Phase One Habitat Survey, an Archaeology Report, A Drainage Statement, a Affordable Housing Provision Statement and a Conditions Matrix.

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.

It is relevant to note that the earlier related planning permission in principle application 18/00585/PPPM was originally approved at Regulatory Panel on the 15th November 2018 subject to both conditions and a legal agreement to secure affordable housing provision. After it was granted, a period of time passed where a S75 legal agreement was not concluded and given the timelapse with no progress being made, the same application was taken back up to Regulatory Panel on the 25th June 2019 with the proposal for an additional suspensive planning condition (Condition 28) which would address the requirements and detail for affordable housing provision.

The current approval of matters specified in conditions application responds to this condition and provides details of the affordable housing provision proposed as part of this development. Beyond this, there are no developer contributions identified and as such there is no specific need for another S75 legal agreement as part of this application.

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 by local parties, comprising of 5 objections and 1 neutral representation. Whilst one party has submitted two representations, from review these are identical, and it is relevant to note that this would still only constitute 1 representation as a result. All representations can be viewed in full online at www.south-ayrshire.gov.uk/planning. The grounds of objection as submitted are summarised and responses to each are set out in detail in Section 7 v) below.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. As set out above, 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 the planning history of the site (requirements of 18/00585/PPPM), other policy considerations and guidance (including government guidance), representations received, consultation responses received and the potential impact of the proposal on the amenity of the locality.

- Provisions of the Development Plan and Planning History

The planning history for the site is important, given the application is specifically related to the granting of planning permission in principle application 18/00585/PPPM which was approved at Regulatory Panel on the 25th June 2019. The consideration of that application determined that the principle of a 53-unit residential development on the site is in accordance with overarching policies and strategy land designations of the South Ayrshire Local Development Plan framework, particularly noting the sites allocation as an established housing site.

The current approval of matters specified in conditions application has been submitted to essentially purify and discharge the conditions attached to the planning permission 18/00585/PPPM, with a particular focus on the conditions which are termed as suspensive and 'pre-commencement' at this stage. The assessment of the current application in relation to the conditions of permission 18/00585/PPPM is set out below (responses in bold), with it following the same chronological order as the conditions attached to the decision notice for 18/00585/PPPM. Where conditions (or elements of conditions) are particularly detailed or extensive, an extracted/summarised version of the condition has been provided. It is important to note that the full and complete terms of each of the conditions can be found on the Council's planning portal.

Condition 1 - That full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority.

Response – **This application provides a detailed housing layout highlighting the location within each plot of the proposed dwelling, its design and appearance, its curtilage (including internal parking arrangements), roads hierarchy, paths and linkages, open space and play and landscape areas to enable a detailed planning assessment against the applicable plan policies and the approved planning permission in principle application.**

Consideration of all of these features is considered further below in response to Condition 5 c) and d).

Condition 2 - That this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below. For the avoidance of doubt, the requirements of the conditions of this permission will necessitate an amendment to the plans listed below including the indicative masterplan/design statement.

Response – **This was noted by the applicant/agent. Amendments have been made to the original indicative masterplan and design and access statement to reflect the requirements of other conditions associated with 18/00585/PPPM. These are set and considered in detail below.**

Condition 3 - That the proposed development shall be carried out strictly in accordance with the species protection plan as provided in the submitted in the Extended Phase 1 Habitat Survey dated 23rd March 2017.

Response – **This condition was for adherence purposes at the time, but the requirements set out have been superseded by Condition 24. The survey referenced in the condition above would no longer be valid or reliable noting it was undertaken and submitted in 2017.**

The applicant/agent has submitted a new and updated Phase 1 Habitat Survey in support of the current development proposals, and this is considered in response to Condition 24 below.

Condition 4 - That the development hereby permitted shall not exceed 53 units.

Response – **The development subject to this application adheres to the requirements of this condition with a total of 53 units proposed.**

Condition 5 - That at the first application for Approval of Matters Specified in Conditions (AMSC), the applicant shall submit the following information:

- a) A phasing plan which sets out the programme of works detailing the proposed phasing for the provision of the roads, housing, structural landscaping, provision of play equipment and other associated works for each phase of the development.
- b) A Design and Access Statement demonstrating compliance with the requirements of the Local Development Plan and government policy and shall include details of the pedestrian linkages which will be provided throughout the site and how these will link with the wider core path network.
- c) Suitably scaled block layout plans showing existing ground levels, proposed ground levels and finished floor levels of each proposed dwellinghouse together with cross sectional plans indicating the extent of the development site, the proposed finished floor levels, and the ridge level of the proposed development, the levels of all adjacent land and buildings and their relationship to the proposed development and any existing or proposed screening measures (e.g. wall or fencing).
- d) A detailed landscaping scheme for soft and hard landscaping within the application site. The landscaping scheme shall ensure:

- i) that any native hedgerows are retained or replaced with native species hedgerow enhancements consisting of hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
 - ii) the use of native nectar rich species and fruiting species such as blackthorn (*prunus spinose*), crab apple (*malus sylvestris*), elder (*sambucus nigra*), hawthorn (*crataegus monogyna*), hazel (*corylus avellana*), holly (*Ilex aquifolium*), rowan (*sorbus aucuparia*) and silver birch (*betula pendula*).
 - iii) the inclusion of bird and bat boxes within the development.
- e) A staged programme and plan showing the location of the points of access and connections with the existing public road network.

Response – Given Condition 5 is broken down to include a series of sub-requirements, responses to each of these are provided below in the same sequence order:

- a) The 'Site Phasing Plan' provided as part of the application depicts that the development is to be delivered over a number of Phases; Phase 1-4 inclusive. Page 13 of the Design and Access Statement also provides narrative that explains what will be delivered as part of Phase 1, Phase 2, Phase 3 and Phase 4 respectively and why the site is to be delivered in the manner proposed (predominantly informed by gradients and site levels). From review, it is considered that all features proposed as part of the development are accounted for and these have included in the phasing programme. The phasing schedule is acceptable, and this is considered sufficient in response to the requirements of the condition above.
- b) A Design and Access Statement has been provided in response to this and details and commentary are included as part of it which seek to demonstrate how the proposed development layout conforms to the requirements of the Local Development Plan and government policy including 'Creating Places' and 'Designing Streets' together 'Open Space and Designing New Residential Development' and 'New Housing Developments and Affordable Housing' and planning guidance on 'Housing Site Design Briefs' (COY5). Having reviewed these details in conjunction with the site layout and detailed design plans provided, it is considered that the development does generally respond to the policy and guidance framework positively and also that the proposed layout for the development broadly takes into account the requirements of the existing planning permission in principle.

The primary access points will be directly from Manse Road with one dedicated for vehicles and the other designated for pedestrians and Ayrshire Roads Alliance as a consultee have no objections to either. The dwellings proposed are a mix of single storey and two-storey detached, semi-detached and cottage flat properties ranging from 2, 3, 4 and 5 bedrooms. The majority of the housing within this site is predominantly set out within a loop road which is central to the design and provides visibility to all of the housing. The affordable housing provision is to be located on the northern portion of the site and is accessed from a tributary road feeding off of the primary loop road. The layout of housing is such that they are in almost all cases road facing with the properties situated on the northwest and the southwest portion of the site looking directly onto the main areas of amenity open space in these locations.

On the specific matter of new path linkages and networks which is a requirement of the Council's design brief for the site, the residential plot which was previously indicatively located on the north-west corner of the development site has been omitted at the request of the Planning Service in order to provide a new, strong and meaningful pedestrian link into the site from the north-western corner of Manse Road. This will tie in with the open space areas on the northern side of the development and create an attractive pedestrian gateway feature into the development on this side. Whilst COY5 design brief for the site recommends path connections to be formed on the south-western corner of the application site to link to the cemetery, this has not been provided as part of the layout. Notwithstanding this, the closest feature of the development site to the cemetery is an area of amenity open space which will accommodate the play area and it is not considered appropriate that this particular area be opened up via a direct path to connect directly to the cemetery and SUDS drainage basin itself. Therefore, the approach proposed by the applicant/agent to introduce further areas of tree planting on the boundary edge to combine and extend the existing self-seeded woodland on this side is considered to be acceptable as this will act as a buffer and help to maintain a degree of separation from the SUDS drainage basin and the cemetery itself.

All properties fully meet the minimum garden ground provision requirements terms contained within planning guidance and the dwellings are also positioned to meet with the 4-metre gable to gable minimum distance standard throughout the site. A minimum 18-metre 'window to window' standard is maintained between almost all properties, in terms of distances between plots within the development site and most of the existing neighbouring properties situated to the north and west of the site on Manse Road. In the first instance, this will ensure compliance with the Council's planning guidance which sets this standard in order to protect residential amenity of existing and future residents with regards to both overlooking and overshadowing. Following review at pre-application stage, a number of dwelling plots closest to the western side of the development site have also been reconfigured and repositioned at the Council's request so that they are not orientated directly back-to-back to existing properties on Manse Road but are now either running parallel or offset but side on to each other. The change in orientation combined with the removal of most fenestration on the side gables of the proposed plots to essentially form 'blank gables' will further reduce any potential for direct overlooking or the perception of overlooking to occur. This is considered favourably and will ensure that for the few plots associated with the development which fall below an 18-metre distance from one another (including the relationship between Plot 6 and No. 27 Manse Road), an acceptable degree of separation and privacy is maintained. Further consideration of this is set out in response to Condition 5, part C) below.

The public open space provision proposed comfortably exceeds the minimum requirements of the planning guidance and annotations has been provided by the agent to demonstrate how each of the areas of open space will be categorised. To build on from this, a condition is proposed below which requires the applicant to provide specific details of the make-up and features proposed for each area of open space to ensure that each will function in line with the open space standards and category types. Whilst there is no centralised area of open space proposed as part of the layout, it is recognised that this would be a challenge noting both the level changes on the site combined with the density and volume of properties endorsed and allowed for through the earlier planning permission in principle. Positioning the two primary and sizeable areas of open space along the south-western and north-western side of the application site specifically is acceptable in this context and it does bring with it some benefits noting the surrounding environment. In this case, directing the open space areas to these locations not only allows for meaningful connections to Manse Road but also ensures that open space is distributed throughout the site, injecting a degree of greenery in some of the more built up and dense areas whilst at the same time offering opportunity to further enhance and balance the woodland areas which perimeter the site on all other sides of the site. As previously set out, as the quantity of open space exceeds the requirements of the supplementary guidance and the proposed development has provided an over-provision, no developer contributions with regards to open space are required in this case. A formalised play area is proposed on the southwestern corner of the site in the amenity open space area, and this is considered further below in response to Condition 5 d).

The applicant/agent has proposed materials for the residential properties which are consistent with the surrounding area (particularly the most recently constructed residential development closest to the application site) and the approach and rationale taken is well evidenced within the Design and Access Statement provided. The palette of materials includes dry dash white render for all walls, stone basecourses and accents, concrete interlocking tiles for roof, dark grey windows with vertical emphasis alongside matching lintels and rainwater goods colour coded to match the base course and structural features. The design ethos and material palette proposed is consistent between the private and affordable housing, which is considered favourably as it will ensure continuity across the site as a whole.

Generally, the layout and design of the development is considered to be broadly acceptable with further consideration of each of the above areas set in more detail as it applies to the conditions below.

- c) Both topographical plans and a series of cross and site section plans have been provided as part of this application and in response to this aspect of the condition. The topographical information presented on the location plan and the vertical geometry plan provide baseline information of the existing gradient and site levels and the proposed finished floor and site levels for the development and the cross and site section plans provide an elevational understanding of the finished site levels from its highest point to its lowest at four locations across the development site. Crucially, these cross and site section plans focus primarily on the northern and western parts of the site, and they include and encapsulate the existing properties situated on Manse Road which are closest to the development site, to understand how the difference in levels will impact upon the relationship between them. In the first instance, it is considered these plans demonstrate that the proposed development will predominantly work within the existing site levels (which slopes an average of between 4 and 5 metres from the eastern to western boundary for the northern stretch of the site), with proportionate and relatively modest increases and decreases in the existing site levels to create sufficient enough level platforms to develop the site. In addition to this, the plans show that for the majority of the plots within the development site, these are to be well set back from the existing properties on Manse Road (18 metre window to window distance) to ensure that the level differences do not result in and unduly facilitate overshadowing and overlooking. There are some cases where it has clearly not been possible for plots (particularly on the extreme western boundary edge of the development site) to achieve this distance and offset from mutual boundaries with the existing properties on Manse Road and other design and layout changes have been made to minimise impact as a result, with these set out in the paragraphs below.

As previously set out, at pre-application stage, the Planning Service requested that a number of the proposed dwellings closest to the western side on Manse Road were repositioned and reconfigured to ensure that they did not unduly impose upon existing neighbouring residential properties by virtue of their orientation, their position and as a result of the sloping gradient of the site. Following review, it is clear that these changes have been made and this has seen a number of these dwellings (including the affordable housing units) change orientation from facing 'back to back' with the existing properties on Manse Road on the northern side to instead either running parallel in line with them in a 'side by side' arrangement or being marginally offset/staggered to them to avoid a direct relationship.

In addition to all of the requested revisions at pre-application stage being made and presented through the current proposals, it is also noted that the applicant has made further changes to the two plots (plot 1 and plot 6) which will sit either side of the vehicular entrance to the development site. These plots would be the closest within the development to the existing properties on Manse Road and in the interests of preserving residential amenity, the applicant has changed the house type of plot 1 (which is the closest to 23 and 25 Manse Road) to a 'Belvedere' which is a single storey bungalow. For plot 6, whilst this remains a 'Balmoral' house type (which is a 2-storey property), the upper level of the side elevation has been shown as a 'blank gable' to prevent any direct overlooking from this side. Following review, it is considered that the updated layout and design of the development as proposed and alongside the additional measures for the plots closest to the existing properties on Manse Road will ensure that despite the level differences on site, the proposed dwellings on the western and northern side can be accommodated for without adversely impacting upon existing properties by way of overshadowing and/or overlooking.

In terms of hard boundary treatments, a mixture of hedging and timber fencing is proposed for the front and rear gardens, and this includes fencing at 0.9m and 1.8m in height to provide a degree of privacy. Given the orientation of properties within the development site, the choice and type of boundary treatment as proposed is considered to be generally appropriate to provide a degree of privacy within plots. Beyond this, the areas of woodland around the south and east of the site define the site boundary, with additional tree planting proposed on the southwestern corner to provide definition between the site boundary and the nearby cemetery curtilage. The remaining northern and western boundary perimeter are already surrounded by boundary treatments which define the rear curtilages of existing residential properties which abut the application site, and this combined with the new fencing proposed as part of the development will ensure a degree of separation in the interests of residential amenity. No fencing or other form of boundary treatments are proposed around the areas of open space within the development (including the play area) and a condition will be attached which precludes this in the interests of accessibility and maximising usage across the site.

- d) A suite of landscaping plans has been provided as part of this application and this includes both a detailed planting schedule and maintenance programme. Following review of the earlier (now withdrawn) application, both the Planning Service and the Council's Design and Advice Officer considered that the overall volume of planting was disproportionate for a development of this scale and density and a request was made for revised plans which increased both the volume and diversity of planting originally proposed. Revised landscaping plans have been provided by the landscape consultant as part of this resubmitted application and it is noted that a mixture of trees (15 total), hedging (comprising 100m of Grisellinia and 300m of Laurel), meadow grass, wild flower and fine turfed grass areas are proposed as part of the landscape scheme. Following review, it is considered that they offer a significant increase in the volume and variety of planting within the site from what was originally proposed and in particular the introduction of more trees and plants in the primary areas of open space and the reinforcement and addition of planting for the tree belt which intersects between the site and the neighbouring SUDS drainage area and cemetery are viewed as positive additions. Whilst modest sections of hedging and small areas of woodland (particularly on the southwestern side) will need to be removed to accommodate aspects of the development, the proposed landscaping is now considered to be acceptable and meets with the specific criteria of d) by providing sufficient and proportionate greenery which will compliment the residential development. A condition is proposed which will ensure the implementation of the landscaping to be undertaken in a phased basis and completed during the construction phase in line with each of the 4 phases.

Noting the specific requirements of d) iii), the updated Phase 1 Habitat Survey undertaken sets out that Wild Surveys Ltd were instructed by the applicant to erect 3 purpose-built bat boxes (Schwegler 2FN) within the woodland adjacent to the site. The survey confirms that these were installed on 11th March 2022, and it is considered that this satisfies the requirements of this condition.

In terms of the play area and play equipment, the development proposes an on-site provision of a sufficient size which in the first instance negates the need for any developer contributions in this regard. As previously set out, the play area is to be located on the south-western corner of the application site, within the largest area of amenity open space. The location of the play area is considered favourably with this well set back from the road network, overlooked by properties and also in close proximity to areas of the established woodland which perimeter this site with this providing a nice setting and encouraging opportunities for more natural and informal play. The Council's Parks and Open Space Officer has confirmed that they have no objections to the play area and equipment proposed. A condition is proposed which safeguards the implementation of the play equipment within a set timescale during the construction phase.

- e) Both the site layout and the technical engineer plans show details of the roads layout and its connection points to existing roads networks. As part of this revised application, Ayrshire Roads Alliance have offered no objections to the road's layout proposed.

Condition 6 - That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development.

Response – The applicant/agent has not submitted a Residential Travel Pack as part of this application. Instead, they have chosen to utilise the flexibility of this condition (which does not require these details until before the occupation of the first dwelling) and defer seeking to discharge it at this time. Given this, this condition will be adapted and re-attached below, and this will require to be discharged before the agreed timescale.

Condition 7 - That all new roads infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified by the Council's National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of any dwellings within an associated construction phase.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the design, make up and details proposed for the roads infrastructure. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 8 - That at the Approval of Matters Specified in Conditions stage, plans detailing junction layouts shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The junction layouts shall require to accord with the Council's National Roads Development Guide, and with Designing Streets as National Policy.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the current application and have offered no objections to the design, make up and details proposed for the junction layouts. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 9 - That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

Response – As previously set out, the applicant intends to utilise an existing SUDS basin which is situated on the southwest corner of the development site as the baseline facility and build on from this to thereafter manage drainage for the development. As part of this revised application submitted, at the request of Ayrshire Roads Alliance the red site boundary for the application site has been modestly reconfigured to include this existing SUDS basin that will serve the future development. In the first instance, this will now ensure that it forms a direct part of the development proposals and that the ancillary works required to upgrade it can be managed and undertaken within the consented area of development.

In addition to this, further details (including a Drainage Report and supporting technical drawings and plans which explain the design and calculations for the drainage scheme) have been provided which explain how the site will be drained and more specifically what upgrades and changes will require to be made to the existing SUDs basin. These demonstrate that the SUDS basin will be upgraded to provide sufficient attenuation in order to discharge an outflow rate no greater than the 1:2 year greenfield rate, up to and including the design storm for the 1:200yr/0.5%AEP event + appropriate climate change allowance on flows. This will ensure that the SUDS basin is of sufficient capacity and design to meet regulatory and legislative requirements and more importantly that it is upgraded to ensure that it can support the proposed residential development.

Ayrshire Roads Alliance (as the Council's Flood Authority) in their consultation response confirm that they have no objections to the drainage scheme for the site. The above is considered in more detail in relation to Condition 20 below.

Condition 10 - That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the design, make up and details proposed for parking bays throughout the development site. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 11 - That off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the design, make up and details proposed for the off-road parking spaces throughout the development site. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 12 - That integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle.

Response – From review, it is noted that there are no integrated garages proposed on the development layout. Detached garages have been shown in the site layout plan with a specific elevation and floor plan also included that provides details of the single garage design proposed. Crucially, the positions of the single garages do not compromise the standard provision and are not factored in to achieving the requisite parking numbers.

Given the layout does not include any integrated garages and that this layout will be tied to a condition that requires to be implemented, this condition is no longer necessary and will not be reattached to the schedule of conditions set out in Section 9 below.

Condition 13 - That at the Approval of Matters Specified in Conditions stage, plans shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The turning areas shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the design, make up and details proposed for the turning areas. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 14 - That the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the details for the swept path analysis and the findings as a result. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 15 - That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

Response – Ayrshire Roads Alliance have considered all of the plans and drawings submitted as part of the application and have offered no objections to the design, location and details proposed for refuse collection. Ayrshire Roads Alliance position on this confirms compliance with the requirements of the condition.

Condition 16 - That the existing public footway on both sides of Manse Road shall be resurfaced from the proposed site access to the A70 to the satisfaction of the Council as Planning Authority (in consultation with the Council as Roads Authority).

Response – The applicant/agent has not submitted details of the resurfacing works as part of this application. Instead, they have chosen to utilise the flexibility of this condition (which does not specify a timescale) and defer seeking to discharge it at this time.

Given this, the condition above will be adapted and supplemented to require details of the proposed resurfacing works to first be submitted to and approved in writing by the Planning Authority before it is undertaken. In addition to this, the revised condition will also require the applicant/developer to agree a timescale for undertaking and completing these resurfacing works.

Condition 17 - No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed.

Response – **The applicant/agent has not submitted wheel washing facility details as part of this application. Instead, they have chosen to utilise the flexibility of this condition (which does not require these details until before construction work commences) and defer seeking to discharge it at this time. Given this, this condition has been re-attached below and this will require to be discharged before the agreed timescale.**

Condition 18 - The applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority.

Response – **The applicant/agent has not submitted a Construction Traffic Management Plan as part of this application. Instead, they have chosen to utilise the flexibility of this condition (which does not require these details until before construction work commences) and defer seeking to discharge it at this time. Given this, this condition has been re-attached below and this will require to be discharged before the agreed timescale.**

Condition 19 - Prior to the occupation of the first dwellinghouse two bus stops located on A70 (Naptan reference numbers: 6190472 and 6190473) shall be upgraded to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system.

Response – **The applicant/agent has not submitted details of the Real Time Passenger Information screens as part of this application. Instead, they have chosen to utilise the flexibility of this condition (which does not require these details until before the occupation of the first dwelling) and defer seeking to discharge it at this time. Given this, this condition has been re-attached below and this will require to be discharged before the agreed timescale.**

Condition 20 - A 'Surface Water Management Plan' shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.

Response – **As previously set out, the applicant intends to utilise an existing SUDS basin which is situated on the southwest corner of the development site as the baseline facility and build on from this to thereafter manage drainage for the development. As part of this revised application submitted, at the request of Ayrshire Roads Alliance, the red site boundary for the application site has been modestly reconfigured to include this existing SUDS basin that will serve the future development. In the first instance, this will now ensure that it forms a direct part of the development proposals and that the ancillary works required to upgrade it can be managed and undertaken within the consented area of development.**

In addition to this, further details (including a Drainage Report and supporting technical drawings and plans which explain the design and calculations for the drainage scheme) have been provided which explain how the site will be drained and more specifically what upgrades and changes will require to be made to the existing SUDs basin. These demonstrate that the SUDS basin will be upgraded to ensure that the SUDS basin is of sufficient capacity and design to meet regulatory and legislative requirements and that it can support the proposed residential development. Ayrshire Roads Alliance in their consultation response confirm that subject to conditions, they have no objections to the SUDs scheme and arrangements proposed.

Whilst the condition above references SEPA, they have confirmed in their consultation response to the planning process that they have no remit or locus to consider this SUDS scheme proposed. This is due to the fact that the application is below their threshold for providing a consultation response (e.g. no known established flood risk) combined with the fact that they did not request a condition for SUDS as part of the earlier planning permission in principle application. Notwithstanding this Ayrshire Roads Alliance (acting as the Council's Flood Authority for these purposes), have accepted the arrangements proposed with regards to SUDS and on this basis, the information provided is considered to be sufficient to address the condition.

Condition 21 - That prior to the commencement of any works on site, a comprehensive contaminated land investigation shall be submitted for the formal prior written approval of the Council as Planning Authority.

Response – A ‘Ground Investigation Report’ (Dated August 2021) undertaken by a professional consultant (Johnson, Poole and Bloomer Consultants) has been submitted as part of this application and in response to this condition. South Ayrshire Council Environmental Health Service have raised no objections to the content, findings and conclusions of this report in their consultation response.

The Planning condition which was attached to the earlier planning permission in principle application which cover the requirements for potential unencountered contamination (condition 23), is to be reattached to this particular application, noting their relevancy to the construction stage for the development.

Condition 22 - Remediation of the site shall be carried out in accordance with the approved remediation plan, prior to the commencement of development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

Response – This condition is ongoing and for adherence purposes and therefore it cannot be discharged at this stage. Notwithstanding this, noting the position set out by South Ayrshire Council Environmental Health Service in their consultation response, this confirms that no remediation works are required on site based on the findings and conclusions of the site investigation report provided. On this basis, it is not considered necessary to reattach this condition to this application.

Condition 23 - That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week.

Response – This condition is ongoing and for adherence purposes and therefore it cannot be discharged at this stage. Given this, this condition has been re-attached below and this will require to be adhered to for the duration of the construction and development phase.

Condition 24 - Prior the commencement of any works on site an updated and valid habitat survey shall be submitted for the written approval of the Council as Planning Authority.

Response – As previously set out above, the applicant/agent have submitted a new and updated Extended Phase 1 Habitat Survey (dated February 2022) which has been undertaken by a professional ecology consultancy firm (Wild Surveys Ltd). This seeks to assess the ecological features present, or potentially present within the site, the ecological implications of the development and provides recommendations as to how any potential impacts could be mitigated. From review, it is noted that the findings of the survey were informed by both a desktop study and a site walkover with consideration given to the potential presence of protected species (bats, badgers, red squirrel in particular), birds, invasive non-native species and any other notable species or habitats.

The assessment concludes that the development is unlikely to directly affect any designated site as all proposed works are to be undertaken within the site which does not accommodate any designations within it. The survey recognises that there is a provisional wildlife site (Reference: 88. Name: Water of Coyle Bridgend to Mill of Shield) which is located adjacent to the southern boundary of the site and forming part of its woodland, and given its proximity, it acknowledges that it could potentially be affected indirectly by noise, light, dust and potential runoff. The Water of Coyle is located approximately 50m to the south of the site, which is unlikely to be impacted directly by the proposed works but could be affected indirectly from pollution and siltation from runoff. To ensure any potential indirect impacts are not significant or adverse, the survey in Section 5 ‘Discussions and Recommendations’ sets out various forms of mitigation for consideration and this is sub-divided to fall under the brackets of ‘Avoidance/Retention’, ‘Further Survey’ and ‘Enhancement Measures’. Such mitigation measures include but are not exclusive to; adherence to SEPA pollution prevention measures to avoid run off or contamination of the ‘Water of Coyle’, the employment of methods and features during construction to avoid injury, obstruction or disturbance to mammal species using the site (temporary ramps in trenches, capping of pipes, routine checking of excavations and pipe systems), sensitive lighting designs to avoid light spill at night to minimise impact on any potential foraging or commuting bats, limitations with regards to vegetation clearance on the site and the circumstances for when further survey work will be required.

The assessment, findings and conclusions of this survey have been reviewed and based on this, it is not considered that the development would raise any significant issues which would either warrant refusal of the application or warrant further survey work or assessments to be undertaken. NatureScot in their consultation response have advised that the application falls below their remit to provide a response noting that there are no significant ecological designations within the site. The Council's Biodiversity and Rangers Services have provided a consultation response and have advised that they have no objections subject to the proposed mitigation set out in the survey being implemented. More specifically, they have confirmed that they are satisfied with the mitigation in section 5.2 of the habitat survey submitted to avoid disturbance to mammals and if possible, avoidance of bird nesting season for works.

Suitably worded planning conditions which ensure that the mitigation and best practice measures set out within Section 5.2 of the Extended Phase 1 Habitat Survey are both implemented in a timely manner and adhered and maintained for the duration of the construction period of the development have been included below.

Condition 25 - No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority.

Response – **An Archaeological Report (Dated March 2022), undertaken by a professional archaeologist has been supplied in support of this application. WoSAS in their consultation response have responded to advise that they have reviewed this report and note that the findings which have revealed no remains of significance surviving. In turn, WoSAS confirm that there are no requirements for any further archaeological works on the site and state that from their perspective the above planning condition can be satisfactorily discharged.**

Condition 26 - Prior to the commencement of any works on site, protective fencing should be erected along the east and southeast boundaries of the site and maintained for the duration of the works. The fenced area will protect the Ancient Woodland Inventory and should not be used for the storage of materials, fuels, machinery or plant equipment.

Response – **This condition is for adherence purposes and therefore it cannot be discharged at this stage. Given this, a condition covering the requirement for protective fencing will re-attached below.**

Given specific comments from the Council's Landscape and Design Officer, this condition above will be adapted and supplemented to require details of tree protection measures (including the design of proposed fencing) to first be submitted to and approved in writing by the Planning Authority before they are implemented on site. In addition to this, the condition will also cover the requirement that the areas of woodland will need to be protected in accordance with British Standard; 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

Condition 27 - That should any vegetation require to be removed that this is undertaken outwith the breeding bird season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.

Response – **This condition is ongoing and for adherence purposes and therefore it cannot be discharged at this stage. Given this, this condition has been re-attached below and this will require to be adhered whilst undertaking all vegetation clearance at construction stage.**

Condition 28 - No development shall take place on the site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Planning Authority and shall include:

- a) Affordable housing shall comprise not less than 25 per cent of the total number of homes (market value homes plus affordable homes) built on the site and which affordable housing will be provided within each phase or identified sub-phase of the development on the site or an agreed alternative (such as payment of contributions towards the provision of affordable housing).
- b) The types of home (such as house, maisonette or flat) and the size of the proposed affordable homes for rent; the density of the affordable homes; the design code (such as 'Housing for Varying Needs - A Design Guide' Parts 1 (Houses and Flats) and 2 (Housing with Integral Support))(if any) for the proposed homes; the types of tenure for the affordable homes (namely, 'social rented', 'low cost housing for sale' (both subsidised and unsubsidised) and 'mid-market or intermediate rent' as those terms are defined in the Scottish Government's Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits or any future Scottish Government document that replicates that advice) and the location of the affordable housing provision to be made on site;
- c) The timing of the occupation of the market homes within each phase or sub-phase of the site and the delivery of the affordable homes in the relevant phase or sub-phase of the site;
- d) The arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
- e) The factoring and/or common maintenance regime (including charges) for affordable homes;
- f) The arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
- g) The occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

Response – Given Condition 28 is broken down to include a series of sub-requirements, comments in response to each of these are provided below in the same sequence order. In response to Condition 28, the applicant (Milestone Developments) has provided a statement on the affordable housing and a separate letter response provided by the Director of Ayrshire Housing (the appointed Registered Social Landlord (RSL) for the affordable housing in this case) which specifically provides an answer to each of the above has also been submitted.

- a) **The response from Ayrshire Housing confirms that Milestone Developments (applicant for this application) have entered into an agreement with Ayrshire Housing for the delivery of the affordable housing as one phase. The Site Phasing Plan and the Design and Access Statement provided in support of the application indicate that the affordable housing will be delivered before or as part of 'Phase 3' of the overall phasing programme, with 4 phases proposed overall.**

13 affordable units in total are proposed as part of the development and this satisfies the requirements of the planning guidance which stipulates a minimum of 25% of the total number of homes. The provision will all be for social affordable properties (likely for rent/let) and it is confirmed that the mix and type of affordable housing has been specifically informed by the Council's Housing Services who were engaged prior to the submission of the application. Correspondence between the applicant and the Council's Housing Services from July 2021 has been provided to evidence this and from review the house types proposed are considered to be generally consistent with their requirements.

- b) **The application has been supported with plans and drawings which provide details of the layout and house types for each of the affordable houses proposed. The house types include 4 x House Type A (3 bed), 1 x House Type B (4 bed) and 8 x House Type Cottage Flat (2 bed)). The cottage flats include 4 ground floor and 4 upper-level apartments, with the 4 ground floor properties being fully wheelchair accessible. The response provided by Ayrshire Housing confirms that the layout and house types proposed as part of the application meets the requirements of Ayrshire Housing's Design Guide (including the Housing for Varying Needs).
As previously set out, Ayrshire Housing have confirmed as part of their response that the mix proposed has been informed by the requirements and expectations of the Council's Housing Services who were engaged before this application was submitted.**
- c) **The responses provided by Ayrshire Housing and Milestone Developments confirm that the affordable housing units as part of the wider development will be delivered in a single phase. As previously set out, the Site Phasing Plan and the Design and Access Statement provided in support of the application indicate that the affordable housing will be delivered as part of 'Phase 3' of the overall phasing programme, with 4 phases proposed in total. Both the Site Phasing Plan and the Design and Access Statement will form part of the approved plans and the applicant will require to adhere to the phasing programme set out including the timing for the erection and implementation of the affordable housing units.**
- d) **The response provided by Ayrshire Housing confirms that this has been covered by an agreement between Milestone Developments (applicant for this application) and Ayrshire Housing for a land and construction arrangement.**
- e) **The response provided by Ayrshire Housing alongside details in the statement provided by Milestone Developments confirms that within the deeds of conditions provision will be provided to Ayrshire Housing to allow them to appoint/make their own factoring arrangements for the affordable units. As part of this, Ayrshire Housing confirm that they will manage the areas within the affordable housing units to a high standard and this be kept separate from the arrangements for the rest of the development.**
- f) **The response provided by Ayrshire Housing outlines that this will be ensured on the basis that the affordable houses will be socially let/rented under the Scottish Secure Tenancies and subject to the regulation of the Scottish Housing Regulator. Both of these govern the requirements of part f) above.**
- g) **Same as the response to part f) above, the response provided by Ayrshire Housing confirms that this will be ensured on the basis that the affordable houses will be let/rented under the Scottish Secure Tenancies and subject to the regulation of the Scottish Housing Regulator. Both of these govern the requirements of part g) above.**
- ii) 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 current application has been submitted to discharge the conditions attached to planning permission in principle 18/00585/PPPM. The requirements of the development plan are expressed in this case through the terms of the planning conditions in the permission in principle application which are outlined above. Consequently, it is considered that compliance with the planning conditions in this case demonstrates compliance with the Adopted Local Development Plan 2022.

iii) Other Policy Considerations

The principle of residential development at the site was considered firstly through the South Ayrshire Local Development Plan 2022 and subsequently through the consideration of planning permission in principle 18/00585/PPPM which was granted by the Regulatory Panel.

Looking at the detail subject to this approval of matters specified in conditions which follows the earlier planning permission in principle 18/00585/PPPM, it is considered that the overarching requirements of Scottish Planning Policy, Designing Streets and Creating Places have been adequately addressed. As part of the assessment, the design and proposed layout of the residential has also been considered against the Council's planning guidance for Open Space and Designing New Residential Development alongside the site-specific Design Brief for the application site with consideration of this being set out in detail in response to conditions in section i).

Looking more closely at the requirements of the Design Brief for the site (COY5), the proposed development is considered to comply with the aspirations and expectations of the brief. The principal requirements of the brief are set out below (scheduled in bullet point format), with responses set out beneath each (in bold) of them explaining how they comply.

- All allocated sites within Coylton the Council will encourage design solutions that maximise accessibility and linkages throughout the sites in question and with the adjacent areas, so that the development integrates with the existing settlement.

As set out in section i) above, the development proposes two primary forms of linkages onto Manse Road; with one forming a pedestrian access to the site and the other for vehicular access and egress. Beyond this, the site is considered to be relatively open in areas with boundary treatments predominantly only utilised to define and delineate private curtilages for dwelling plots. The lack of boundary treatments along the remaining areas on the eastern and southern sides are considered favourably, with this linking areas of public open space and connecting these to the neighbouring areas of woodland perimetering the site and fields and land beyond it.

- Affordable housing provided on site should physically and visually integrate with private housing.

Whilst the affordable housing proposed as part of this development are intact as one cohesive unit towards the northern part of the site, it is still considered to be well integrated to the development for the following reasons.

In the first instance, the affordable housing units are served and accessed from the main vehicular and pedestrian accesses and entrances to the development site. The affordable housing units are the closest properties to the primary pedestrian link for the site on the north-western side which has been specifically created by omitting a residential plot at pre-application stage. The fact that these properties are adjacent to both of these meaningful connections through the development will ensure integration and provide ease of access.

In addition to this, at pre-application stage, the Planning Authority also recommended a series of changes be made to the orientation and positioning of affordable housing units in the northern part of the site so that they better reflected the remainder of the development. From review of this current application, these recommendations have been undertaken and the changes mean that these properties now follow a more unified streetscape, essentially acting as a continuation to the layout of the remaining properties. These changes have, in turn, also allowed the affordable housing units to look onto and more effectively interact with the northern section of public open space which is also much improved from previous iterations.

Finally, weight is also given to the fact that the applicant (as set out in their Design and Access Statement) has committed to the affordable housing component being consistent with the overall design ethos for the remainder of the site in terms of materials and appearance. This is considered positively and will ensure visual continuity and integration between affordable and private tenure housing across the site.

- Large, functional areas of open space should be included within the proposed development, while open space should be provided in the southwest of the site adjacent to the cemetery in order to link existing and new public spaces.

As previously set out, the proposed development provides a comfortable overprovision of public open space for the development site, with sizeable areas of open space evenly dispersed throughout the layout.

Whilst a large area of open space (which includes the play area) has been provided on the southwest corner of the site adjacent to the cemetery, no formal path linkage between the two is actually proposed as promoted by the design brief. Notwithstanding this, the absence of such footpath is considered acceptable in this instance and the reasons for this are set out in detail in response to condition 5b) of sub-section i) above.

- Areas of open space should benefit from natural surveillance, through the design process, by being overlooked by dwellings fronting onto any open space.

In all instances, the areas of public open space are considered to be well overlooked with the proposed properties and plots have been positioned so that they orientate to face onto them and provide a form of natural surveillance as a result.

- Any development on the site in question should maintain the existing boundaries to the east and south, which are defined by mature woodland.

The existing trees which make up the woodland areas on the eastern and southern side are not included within the application site and therefore the proposed development does not include any plans to remove them. As previously set out, appropriately worded planning conditions are recommended in Section 9 which will ensure measures are in place to protect trees and areas of woodland during the construction phase of development.

iv) Consultation Response Received

As previously set out, some consultees had requested additional information as part of the previous approval of matters specified in conditions application (Reference: 22/00255/MSCM), particularly with regards to drainage, waste treatment management and landscaping. Following discussion and review, the applicant and agent withdrew the previous application and have now provided the additional information as part of this current revised approval of matters specified in conditions application. All consultees who requested additional information as part of the earlier application have now confirmed that the previous outstanding matters raised in the earlier application, have been appropriately satisfied through the information presented as part of this current application.

As part of this current application, no objections were received from consultees, and this included statutory consultees to the process. Some consultees have requested mitigation or further details and in all cases it is considered that these can be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations below.

v) Representations Received

The grounds of objections and neutral points raised in the representations received in relation to the proposal are summarised in the following headed sub-sections below. Responses to these are provided in bold below each sub-section.

Planning Policy and Land Designation Matters

- The application site is designated greenbelt land and was used for cattle grazing, it is not appropriate for housing.
- The justification underpinning the granting of the initial planning permission in principle application was due to the fact that the development would deliver affordable housing. This should not take precedence when it is to the detriment of greenbelt land.
- The development of this site for housing goes against South Ayrshire Council's environmental policies.
- The Local Development Plan describes the site as a Scenic Area and this development would detrimentally impact this designation.
- The development would adversely impact upon the surrounding countryside and landscape and the policies which seek to protect this.
- This development will comprise yet another green space. This reduces the availability of spaces for young people to play and will impact mental health and wellbeing as a result.
- There are many other areas within the village which are more suitable for house building, if required.

As previously set out, the principle of a 53-unit residential development on the site has already been both established and accepted by the approval of the parent and related planning permission in principle application 18/00585/PPPM at the Council's Regulatory Panel in 2019. At the time of consideration of this initial application, Local Development Plan 1 (2014) was in place and in this plan, the site was allocated as a 'housing opportunity site' with an indicative capacity for 53 residential units.

Now, given the approval of planning permission in principle, the application site is designated as an 'allocated housing site' within the Local Development Plan 2 (2022) which is the current plan in place at the time of considering this approval of matters specified in conditions application. Within the current Local Development Plan, it is noted that the site now forms part of the 'settlement' for Coylton and is subject to protection and safeguarding through the plan noting its presumed contribution towards an effective housing land supply within South Ayrshire.

Contrary to the points raised above, it is not designated as greenbelt land or subject to any sensitive landscape designations. As part of this, it is also relevant to note that the current application for approval of matters specified in conditions of the earlier application 18/00585/PPPM cannot revisit the principle of residential development.

Beyond this, the proposed development with regards to its layout, design and appearance comply with the settlement policy requirements of the Local Development Plan and the associated planning guidance and it is not considered that any of these proposed details would lead to visual, landscape or environmental impacts which would warrant refusal of the application.

Roads and Pedestrian Safety Matters

- The information provided in support of the application fails to include any assessment of the capability of the existing road infrastructure on Manse Road and Finlayson Way to accommodate the proposed development and the vehicle traffic associated with it.
- Concerns with additional excessive parking of vehicles on Manse Road with this already an ongoing issue and making it difficult to navigate the road network.
- Entrance and exit off of Manse Road onto the A70 is narrow due to parked vehicles and this combined with speed of traffic entering and exiting the village means the access to the application site is not fit for purpose.
- The existing road which would be used to enter the new dwellings is currently not suitable for the existing traffic coming into Manse Road from the A70 especially at the top of manse road where, during busy periods with cars parked on the street it makes it very tight to drive down the street.

- The existing junction going from Manse Road on to the A70 is currently very dangerous to exit due to poor visibility, tight sight lines and the blind corner looking right as you try to exit Manse Road. An increase in volume of traffic will make this very risky especially in the spring/summer months when vegetation is higher on trees that over hand the A70.
- There is an existing issue of drivers coming into the village at a higher speed than the 30MPH limit and the increase of traffic using Manse Road will increase the risk of accidents.
- The additional vehicles associated with the development will contribute further to the congestion and road safety concerns onto the A70 which is a busy main road from traffic coming from the Drongan/Cumnock end direction into Coylton.
- This summer many children were playing on their bicycles from Finlayson way into Manse Road to the car park around the cemetery and being children, they were cycling on the wrong side of the road and not heeding or being aware of traffic. With the increase in vehicle movements as part of this development, this is an accident waiting to happen. The danger will further increase as electric vehicle numbers rise and children are not aware of the approach of cars as the engine is very quiet.
- The combination of other planning applications ongoing for housing sites in Coylton and an incinerator which will open 24/7 and receive materials for treatment via the A70 alongside this development will significantly increase car trips. As a result, this will detrimentally impact on pedestrian safety, child safety, the environment and the potential for traffic dangers and collisions.
- The increase in traffic will detrimentally impact upon visitors to the cemetery at the end of the road and will also potentially compromise funeral processions going to and from the cemetery.
- The surface of the road into the application site is not to a standard whereby it could accommodate construction traffic including larger vehicles or other vehicles such as delivery trucks and bin lorries. If the application is successful, the road should be upgraded to be completely tarmacadamed and this should happen before building works on the site takes place.
- The proposed site plan provided as part of this application differs from previous plans where there would have been two roads in and out. The other road being where the pedestrian path in to the new dwellings is proposed to be on the north western side. This as stated will mean all traffic in and out will be coming in in front of my property.
- The fact that there is only one road in and out of the proposed dwellings would be of concern if emergency services needed access due to any serious incidents that may occur.
- The new development requires two access points, the proposed development only has once access. It would be safer to have two access roads into the development, there is no reason why this would not be proposed.

A detailed Transport Assessment was submitted in support of the earlier planning permission in principle application 18/00585/PPPM and this assessed the suitability of the surrounding road network to accommodate a residential development on the site. In response to this at the time, Ayrshire Roads Alliance as Roads Authority advised that they had no objections to the assessment undertaken subject to this planning permission in principle application including conditions which ensure and manage specific requirements and improvements relating to roads and traffic.

Ayrshire Roads Alliance (ARA) have subsequently been consulted as part of this approval of matters specified in conditions application and have reviewed the information, details and assessments which have been provided in response to the conditions attached to 18/00585/PPPM. In response and following the submission of further information as part of this current application, Ayrshire Roads Alliance have offered no objections to the development on road or pedestrian safety grounds. Transport Scotland have also responded and confirmed that they have no objections to the proposed development.

As set out above in response to specific conditions in section i), all road and pedestrian related conditions which were attached to the earlier planning permission in principle application 18/00585/PPPM and which cannot be discharged through this application (e.g. are purely for implementation and adherence purposes), will be reattached with these set out in Section 9 below. This will ensure that the actions, upgrades and improvements which need to be undertaken as part of the construction and completion of the overall residential development, are delivered and adhered to.

On the specific point regarding concerns of the development being accessible for emergency vehicles such as ambulances and fire trucks, it is relevant to note that applicant has included specific swept path analysis plan to demonstrate how and where such vehicles would turn in these situations within the development site. Ayrshire Roads Alliance have considered this and have not raised any objections to the arrangements proposed for such scenarios.

Education and Existing Amenities/Services Matters

- Local school has not got the facilities or capacity to accommodate further pupils as a result of the development.
- The local school now has a full-time nursery within it which has taken accommodation and rooms away from the main school. The extra pupils as a result of this development who would require to use this school will not be accommodated.
- Coylton currently only has 2 shops (which are approximately 1 mile away) and the increase in population would affect the shops capacity to cater for the community.
- Concerns that the village doctor's surgery may not have capacity to handle the increase in population as a result of the development.

In terms of concerns of the impact of the 53-unit residential development on the availability of school provision, the Council's Education Services have provided a consultation response to this application, offering no objections. More specifically, they have advised that any pupils arising from the proposed development of 53 houses on the Manse Road site in Coylton can be accommodated within the catchment primary schools, Coylton PS and St John's PS and the catchment secondary schools, Ayr Academy and Queen Margaret Academy.

In terms of the other matters raised regarding the doctor's surgery and local shops not being of a sufficient capacity to support the increase in population as a result of the development, it is not considered that this in itself would be sufficient enough reason to warrant refusal of the application noting that the principle of development has already been established.

Residential Amenity Matters

- Reduction in daylight and increase in overshadowing from the dwellings proposed as part of the development to the existing properties on Manse Road.
- Comprise privacy due to the proximity of the proposed dwellings to the existing properties on Manse Road.
- Plots 06, 09, 10 and 11 will have line of sight to the private garden and rear elevation of existing properties on Manse Road and would potentially affect and result in a loss of privacy.
- The amenity properties, including the block of 4 cottage flats have been changed from earlier proposals. The applicant had assured residents that all properties neighbouring existing properties on Manse Road would be single storey and this has not been fulfilled. The two storey properties will adversely impact upon the privacy and amenity of existing properties on Manse Road both in terms of overlooking and overshadowing.
- Previous plans submitted by the previous developer (Hope Homes) showed single level housing adjacent to properties situated at the entrance to the site. The plans submitted by the current developer (Milestone Developments) show two storey housing. This will impact on both privacy and light.
- The applicant at the pre-planning public consultation meeting stated that they would try to accommodate the existing houses on Manse Road by trying to place bungalows behind them to maintain some privacy. This has not been fulfilled.
- The loss of the open and empty field will impact in terms of both tranquillity and privacy.
- Light pollution will increase with both streetlights and lighting associated with the properties. This will affect the existing properties on Manse Road with no significant lighting to the rear.
- Light pollution from the increase in traffic coming in and out of Manse Road to the estate will directly affect existing properties.
- Noise pollution from all of the activity associated with the development will significantly increase to the detriment of the residential amenity of existing properties on Manse Road. At present there is no noise generated from the site.
- The fact that there is one road in and out will concentrate a substantial amount of traffic in one area. This will have a detrimental impact on the existing properties that sit either side of the proposed entrance on Manse Road by way of both noise and pollution.
- The increased activity on Manse Road including pedestrian activity and footfall would require existing properties on Manse Road to erect fencing and walls around their front curtilage to maintain a degree of privacy and amenity.

A minimum 18-metre 'window to window' standard is maintained in almost all properties, and this includes both between plots within the development site but also in terms of distances between plots within the development site and existing neighbouring properties situated to the north and west of the site on Manse Road. In the first instance this will ensure compliance with the Council's planning guidance which sets this standard in order to protect residential amenity of existing and future residents with regards to both overlooking and overshadowing. There are some cases where it is clearly not been possible for plots (particularly in the north-western portion of the development site) to achieve this distance between mutual boundaries with the existing properties on Manse Road and other design and layout changes have been made to minimise impact as a result, with these set out in the paragraphs below.

As previously set out, at pre-application stage, the Planning Service requested that a number of the proposed dwellings closest to the western side on Manse Road were repositioned and reconfigured to ensure that they did not unduly impose upon existing neighbouring residential properties by virtue of their orientation, their position and as a result of the sloping gradient of the site. Following review, it is clear that these changes have been made and this has seen a number of these dwellings (including the affordable housing units) to have an increased separation distance from existing properties on Manse Road (where possible) and change orientation from facing 'back to back' with the existing properties on Manse Road on the northern side to instead either running parallel in line with them in a 'side by side' arrangement or being marginally offset/staggered to them to further reduce any potential for direct overlooking or the perception of overlooking to occur.

In addition to all of the requested revisions at pre-application stage being made and presented through the current proposals, it is also noted that the applicant has made further changes to the two plots (plot 1 and plot 6) which will sit either side of the vehicular entrance to the development site. These plots would be the closest within the development to the existing properties on Manse Road and in the interests of preserving residential amenity, the applicant has changed the house type of plot 1 (which is the closest to 23 and 25 Manse Road) to a 'Belvedere' which is a single storey bungalow. For plot 6, whilst this remains a 'Balmoral' house type (which is a 2-storey property), the upper level of the side elevation has been shown as a 'blank gable' with no fenestration above the ground floor, to prevent any direct overlooking from this side. The approach taken here is considered favourably and will ensure that for the few isolated plots associated with the development which fall below an 18-metre building line distance from one another (including the relationship between Plot 6 and No. 27 Manse Road which are approximately 12 metres apart between side gable to side gable), a degree of separation and privacy is still afforded which would maintain residential amenity in terms of both overlooking and overshadowing.

More broadly, it is considered that the updated layout and design of the development as proposed alongside the additional measures for the plots closest to the existing properties on Manse Road will ensure that despite the level differences on site, the proposed dwellings on the western and northern side can be accommodated for without adversely impacting upon existing properties by way of overshadowing and/or overlooking.

In terms of the other matters relating to the noise and light pollution concerns arising from the development a construction stage, the Council's Environmental Health Service have raised no objections in their consultation response and have advised that subject to construction activity being undertaken in line with the required industry standards and protocols, they are satisfied that there would be no significant amenity issues in this regard. They have requested specific advisory notes to be attached should permission be granted relating to these standards and the relevant act and have also included specific guidance for lighting design to avoid light pollution issues from becoming an issue.

Beyond this, the Council's Environmental Health Service have advised that any issue which does arise which could potentially exceed those levels ordinarily accepted for a development of this scale and nature and the standards applicable (at either construction or built out stage), could be reviewed and investigated by them under their own statutory nuisance and legislative framework if it is merited.

Waste and Foul Infrastructure Matters

- The current sewage system and pumping station that this development will connect to does not have capacity to accommodate further properties with it not fit for purpose at this current time.
- There has been historical issues of seepage of sewage on several occasions and this had required tankers to come in and empty/drain excess sewage from the soak away which had encroached into the site.
- The current sewage infrastructure does not cope with the current usage and constantly has issues. The current pumping station that sits between the cemetery and low Coyllon house currently cannot cope with the existing properties and it has not been maintained well since the additional houses were built in Finlayson way. With more houses being added, will the upgrades proposed to the pumping station make any difference and will it be maintained properly.
- Scottish Water have said that the pumping station is not up to standard and that as a result they have no plans to adopt the site.
- The Council has a responsibility to ensure that the foul connections are sufficient and that all residents are protected from sewage overflow.
- The Council cannot approve the development knowing the existing station has years of fault and noting that Scottish Water consider it substandard.
- The Council should insist on all potential buyers being warned of this 'adoption' and 'capacity' issues.
- Needs to be some guarantees for residents that waste treatment facility will be upgraded so that Scottish Water accept the system prior to any planning permission being granted.

The points raised above with regards to the potential implications of the proposed development not having a suitable waste treatment facility to support it have been carefully considered by the Council. Following further review and consideration as part of the previous approval of matters specified in conditions application that was withdrawn, it was established by the Council's Environmental Health Service that further information would require to be submitted in relation to the existing foul treatment and pumping station which is to be used, particularly given historic issues of mechanical failure in the past. This was one of the primary reasons by which the previous application (Council Reference: 22/00255/MSCM) was withdrawn.

This revised/resubmitted application now includes a 'Drainage Report' (prepared by Milestone Developments and Dougal Baillie Associates), a 'Waste Water Pumping Station Report' (prepared by appointed consultants; AECOM) alongside a bespoke letter of confirmation and commitment from the current landowner of the pumping station facility (prepared by Hope Homes). Between these submissions, these acknowledge and document the historic mechanical failure issues of the pumping station facility, evidence why these issues occurred, explain the necessary steps that require to be undertaken to rectify them and the works needed to ensure the pumping station can sufficiently manage waste from the development. The letter from the current landowner of the pumping station provides specific confirmation that the necessary steps identified in the other reports have already been undertaken and that the pumping station facility has been both modified and upgraded in line with these steps. The letter goes on to state that a formal request has been made to Scottish Water to vest and adopt the pumping station and that they await their on-site inspection of the facility.

In discussions with Scottish Water who are a consultee to this application, they have confirmed that dialogue relating to the above has taken place between them and the owner of the pumping station and that if the necessary steps identified are carried out, they can consider vesting and adopting the pumping station facility through the separate application process with them. It is relevant to note that in their consultation response, Scottish Water confirm that they have no objections to this application, confirming that at the highest level there is sufficient capacity in the locality for the proposed development. South Ayrshire Council Environmental Health Service have also confirmed that subject to conditions, they have no objections to the proposed development in this regard, advising that the proposed modifications and upgrades for the foul treatment and pumping station facility will allow it to effectively serve the proposed housing development.

Whilst the processes of applying for and obtaining the adoption of the waste treatment facility are out with the control of the Planning Authority and would primarily be a separate matter for the applicant to address with relevant authorities to enable the development to progress (e.g. Scottish Water), given the issues raised, an appropriately worded planning condition is proposed as part of this application which includes a requirement for the applicant to provide confirmation and evidence to the Planning Service that the waste treatment facilities has been adopted by Scottish Water prior to the occupation of the 25th dwellinghouse within the application site. This condition also sets a requirement for the pumping station to be maintained in line with the approved arrangements in the interim period until it is formally adopted by Scottish Water.

Flooding and Drainage Matters

- The development in this field would increase the amount of hard standing and therefore increase the risk of flooding to existing houses on Manse Road.
- Current and historic issues regarding the excess run off water that naturally runs down middle of field towards neighbouring back gardens on Manse Road.
- Drainage is currently a real issue in the locality, with it running from the proposed site and at times flooding properties and garage whenever there is heavy rain. This has led properties on Manse Road previously having to use sandbags in front of their garages and properties in certain occasions.
- Given the elevation drop across the site, failure to adequate drain the site will result in the rear gardens of existing properties on Manse Road becoming flooded following periods of heavy rainfall.
- The existing SUDS basin proposed to be used is not fit for purpose to manage drainage for the proposed development and at present it cannot cope with moderate to heavy rainfall. In fact, it is not uncommon for the water to rise up from the drains.
- The area, including the application site, continually floods and its release point is on Manse Road. During winter months this ices over and becomes a hazard.
- The drawings and plans provided make no reference to the existing field drain that runs behind properties on Manse Road. This drain needs to be maintained and incorporated into the proposed surface water run off design.

The points raised above with regards to the potential implications for flooding and the suitability of the existing SUDS drainage basin to support the proposed development as a drainage scheme have been carefully considered by the Council. Following further review and consideration as part of the previous approval of matters specified in conditions application, it was established by Ayrshire Roads Alliance (as the Council's Flooding Authority), that further information would require to be submitted for the drainage of the site and the existing SUDS scheme to be used. This was one of the primary reasons by which the previous application (Council Reference: 22/00255/MSCM) was withdrawn.

As part of this revised application submitted, at the request of Ayrshire Roads Alliance the red site boundary for the application site has been modestly reconfigured to include this existing SUDS basin that will serve the future development. In the first instance, this will now ensure that it forms a direct part of the development proposals and that the ancillary works required to upgrade it can be managed and undertaken within the consented area of development.

In addition to this, further details (including a Drainage Report and supporting technical drawings and plans which explain the design and calculations for the drainage scheme) have been provided which explain how the site will be drained and more specifically what upgrades and changes will require to be made to the existing SUDs basin. The upgrades and changes will ensure that the SUDS basin is of sufficient capacity and design to meet regulatory and legislative requirements and more importantly to ensure that it can support the proposed residential development. Ayrshire Roads Alliance in their consultation response confirm that they have no objections to the SUDS scheme and arrangements proposed. ARA also confirm that the technical detail of the SUDS and drainage scheme will be subject to a Roads Construction Consent (RCC) that the applicant will require to obtain.

SEPA in their consultation response advised that as the proposed development did not meet any of the criteria within their framework for them to be consulted on this matter. Ayrshire Roads Alliance (as the Council's Flood Authority) have confirmed that they have no objections to the proposed development in terms of flooding, advising that the drainage arrangements and details now proposed are sufficient to ensure it can effectively serve the development.

Wildlife and Ecology Matters

- The proposed development would have a detrimental effect on the abundant wildlife in the surrounding area.
- Generally, there will be a negative impact on local wildlife and natural habitats from the development and in particular, during the construction stage.
- There is currently a bat population within the treeline on the application site and during dark periods bats fly around the area. Approving this application will mean their habitat will be both disturbed and destroyed.
- Concern that a bat survey has not been completed.
- The application site is a wildlife corridor for hedgehogs, deer, foxes, owls, badgers, pheasants and squirrels and the residential development will displace all of them.
- The application site borders Duchray Woods which hosts a number of badger sets.
- Wildlife including hedgehogs, bats and variety of birds such as woodpeckers and nuthatches visit the gardens areas of the existing properties on Manse Road. This will be affected and compromised by the development.
- It is noted that the Council's Ranger Services have no objections to the application site. Concerns here that they have not visited the field to see pheasants, deer, bat and the selection of small bird species.

As previously set out, the application has been accompanied by a comprehensive 'Extended Phase 1 Habitat Survey' which assesses the ecological features present, or potentially present within the site, the ecological implications of the development and provides recommendations as to how any potential impacts could be mitigated. The findings of the survey were informed by both a desktop study and a site walk over with consideration given to the potential presence of protected species (bats, badgers, red squirrel in particular), birds, invasive non-native species and any other notable species or habitats. The outcome of the assessment was that there would be no designated ecological designations or sites affected and that given the limited presence of identified sensitive ecological habitats, no ecological licenses or further survey would be required at this stage. The report closes by providing a series of recommendations and mitigation measures under the brackets of 'Avoidance/Retention', 'Further Survey' and 'Enhancement Measures' and a consideration of these are set out in detail in response to Condition 24 above.

In response to the specific comments about the presence of wildlife protected species within the application site, the 'Extended Phase 1 Habitat Survey' does consider the sites suitability. For bats, the 'Extended Phase 1 Habitat Survey' undertaken has identified that the application site itself has a negligible suitability for use by foraging and commuting bats with no opportunities for use by roosting bats. As previously set out, as part of the biodiversity enhancements measures set out in the ecological survey undertaken (and to align with the requirements of the earlier planning permission in principle application), 3 purpose-built bat boxes have been installed within the woodland adjacent to the site to enhance bat roosting potential. In terms of badgers, the assessment concludes that the site does provide opportunities for foraging and commuting badgers but there are no locations for set creation identified within the site, with no field signs of badgers identified in the survey. For red squirrel, the assessment concludes that there is no habitat within the site which would be suitable for use by red squirrel, with no field signs of red squirrel identified in the survey. Finally, the site does record a number of species of birds during the site walkover however it outlines that these will not be adversely affected subject to standard mitigation relating to the construction stage.

Nature Scot have advised that as the site has no formal ecological designations, it is below their threshold to provide any comments in response to the application. The Council's Biodiversity and Ranger Services have offered no objections, highlighting that the survey work undertaken is acceptable, and the mitigation and biodiversity enhancements proposed as part of the survey also satisfactory. Following review, subject to the mitigation outlined and recommendation being implemented on site during construction and operational stage of development, it is not considered that the proposals would unduly impact in ecology terms to a point which would warrant refusal of the approval of matters specified in conditions application. The mitigation as proposed through Section 5 of the 'Extended Phase 1 Habitat Survey' will be secured through an appropriately worded planning condition.

Finally, on the points raised above regarding the presence of wildlife and the wildlife habitat available in the surrounding woodland areas neighbouring the development site on the eastern and southern side, it should be noted that there are no proposals to remove or directly affect any of the trees and woodlands in these areas as part of this application. As previously set out earlier in the report, conditions are proposed which require the applicant to submit suitable tree protection measures (in line with industry standards) for the Planning Service to review and agree before any works can commence on site. Once agreed, these measures will require to be implemented on the site and be maintained in place for the full construction stage of the development to ensure the trees and woodland are not compromised.

Legal and Land Ownership Matters

- The application site is a commonly used area for countryside walkers with pedestrian access gates at different points. The proposed development will prevent such activities on the land.
- The land forming part of the planned entrance and exit of this development is currently registered against existing residential properties on Manse Road.
- The area in front of some of the properties on Manse Road is currently adopted by some of the properties and these properties pay 1/3 each for the maintenance and upkeep of the land as per title deeds. The plans show a new pavement in front of the front curtilage of these properties, and it is unclear how this will affect the maintenance and ownership position.
- The access to the proposed site is via a mono-blocked road in front of No. 27 and 29 Manse Road. It should be noted that this is actually part of the title deeds of No. 23, 25, 27 and 29 Manse Road which sets a requirement for the owners of these houses to maintain it. This would require to be removed, at no cost to the householders, from said deeds before any work commenced.
- At present the mutual boundary between No. 27 Manse Road and the proposed site is bordered by a stock fence and hedge and this currently maintained by the property owner from the field side. This will not be possible if the planned development goes ahead and therefore a double brick wall of stonework matching current properties would require to be erected along the boundary line at the expense of the developer.
- Duchray Estate sits adjacent to the proposed development at high level and it should be noted that they have various drainage systems running from their wood through the proposed site to Manse Road and do not want any blockages or flooding caused by these drains being restricted.

Issues with regard to the ownership of land and all of the other inter-related and consequential matters are not material planning considerations that can be considered or afforded due weight as part of the assessment of this application. The issue of legal ownership and right to enter land for maintenance purposes expressed above would require to be addressed through the relevant landowner parties as a private legal/civil matter between themselves.

On the specific points about the presence of existing drainage systems and infrastructure which run through the site and the concerns about the impact the development may have in terms of causing blockages and flooding for the neighbouring Duchray Estate, it would fundamentally be the applicant/agents responsibility to ensure that the proposed development can be implemented and constructed without comprising these existing drainage features. Similar to the above, any issues which did arise would require to be addressed through the relevant landowner parties as a private legal/civil matter between themselves.

Other Matters

- The previous developer who constructed the existing houses on Manse Road to the west of the application site has ceased trading. As a result, there is no assurance that there will be a continuity in development and that the standard of design for the proposed development will be consistent with existing housing built in the locality.
- The Planning Authority should satisfy themselves over the suitability and long-term continued existence of the developer and utilise contractual and collateralised financial guarantees to safeguard against a risk that the development may be built poorly.
- A number of sections of the Design and Access Statement supplied are factually incorrect and there are areas of contention throughout this document.
- Page 7 on drainage fails to include the existing field drain that runs parallel to the western site boundary.
- Page 8 on design principles states that the site is neighboured on the west boundary by an existing housing development which was carried out by the applicant. The previous applicant is no longer trading so this is not accurate.
- Page 11 on open green space ignores the impact of the development on the views to open green space currently experienced by existing properties on Manse Road.

The points raised in the representation regarding the operation and role of both the previous and current applicant/agent for this site and neighbouring developments are not material to the consideration and assessment of this application. As previously expressed, each application requires to be considered on their own individual merits and this includes the parties submitting the application.

A number of claims have also been made that element of the supporting submissions which accompany this application are inaccurate, misleading and unreliable, including aspects of the commentary within the Design and Access Statement. The majority of these points are not substantiated and in instances where information has been supplied to explain the basis for the claims, it is not considered that the information identified as being absent is fundamental to the assessment and determination of this application. Crucially, there is no objection by statutory consultees to any of these documents and supporting reports and the content and recommendations of each (including the Design and Access Statement) are considered to be both reliable and acceptable from a planning perspective.

Finally, and with regards to the specific concerns raised about the applications lack consideration of the loss of the views of open green space and fields for existing properties on Manse Road. It should be noted that the 'loss of a view' is not a material planning consideration.

vi) Impact on Locality

The planning permission in principle 18/00585/PPPM, to which this application relates, and this application have been subject to various assessments. It is considered that there are no additional matters of significance arising from the submission of these detailed proposals which cannot be addressed through conditions. The assessment undertaken has found that the characteristics of the building design, the overall layout of the development and the disposition of the amenity open space, landscaping, roads, path linkages and networks and the play provision will deliver a sustainable and attractive environment and that there will not be a significant adverse impact on the amenity of nearby residential properties.

8. Conclusion:

The application site was identified for residential development through the provisions of the South Ayrshire Local Development Plan framework (including both the current LDP and the previous LDP now superseded). Planning permission in principle 18/00585/PPPM provides the planning context for consideration of the present application. As set out in detail in Section 7 above, it is considered that the development as proposed is in accordance with the requirements and expectations of that permission as set out through the conditions attached to it. In addition to the above, the characteristics of building design, the overall layout of the development, and the disposition of amenity open space will deliver a sustainable and attractive residential environment and it is considered that there will not be a significant adverse impact on the amenity of nearby residential areas.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application is approved subject to the conditions and advisory notes set out below.

9. Recommendation:

Approval subject to the condition(s) set out below:

Conditions:

1. That the proposed development shall commence within five years (unless otherwise agreed in writing by the Planning Service) from the approval of this 'Matters Specified in Conditions' application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained.
2. That the development hereby granted shall be implemented in accordance with the approved plans(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.
3. Prior to the occupation of the first dwellinghouse within the development site, a Residential Travel Pack/Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Residential Travel Pack/Plan shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites (including journey times by sustainable modes of transport to key local destinations) as well as including details which promote feasible sustainable travel to and from the site alongside appropriate measures and actions to reduce car dependence for the development. In addition to this, the Residential Travel Pack/Plan shall include details of the contents of an information pack which will be provided to future occupants of the development to ensure that they are aware of their public transport and active travel options available within the area. Thereafter, the approved Residential Travel Pack/Plan and all associated measures and actions shall be in place and implemented in full prior to the occupation of the first dwellinghouse within the site and as part of this, the approved information pack associated with the Residential Travel Pack/Plan shall be distributed to all new residents within the development.
4. That the existing public footway on both sides of Manse Road shall be resurfaced from the proposed site access to the A70. Details of the resurfacing works shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority) prior to the commencement of development on site. Thereafter, the approved resurfacing details shall be implemented as approved in a timescale to be agreed in writing by the Planning Authority (in consultation with the Council as Roads Authority).
5. Prior to the commencement of development on site, details for an effective vehicle wheel washing facility shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The details provided shall demonstrate that the facility will be sufficient enough to prevent or limit the occurrence of vehicles leaving the site carrying earth and mud in their wheels in such a quantity which could cause a hazard to the road system in the locality. The approved wheel washing facility shall be installed immediately before any other construction works commence on site. Thereafter, the wheel washing facility shall be retained in effective working order for the duration of construction (including all phases), until all construction activity associated with the full development is completed on site unless otherwise agreed in writing by the Planning Authority.

6. Prior to the commencement of development on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The CTMP shall describe the methodology for the movement of construction traffic to and from the site and shall provide confirmation that all construction vehicles associated with the development when statutory shall be parked within the site and not on any adjacent streets or road networks. The approved CTMP shall thereafter be implemented on site and will be adhered to for the duration of construction (including all phases), until all construction activity associated with the full development is completed on site.
7. Prior to the occupation of the first dwellinghouse within the development site, the two bus stops located on A70 (Naptan reference numbers: 6190472 and 6190473) shall be upgraded to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system. This shall include supply and installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket compatible with a Trueform Elite pole, a Trueform Elite pole, and a 6 line bann display or equivalent, the cost of which will be met by the applicant/developer. The applicant/developer shall also be responsible for providing 5 years maintenance cover for the screens. Prior to the commencement of development on site, details of the designs, locations and specifications of the RTPI screens associated with the bus stop(s) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority).
8. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to the re-commencement of works in the affected area. The approved details shall be implemented as approved.
9. Prior to the commencement of development on site, details of measures to protect trees and hedgerows located within and adjacent to the site (including those forming part of the Ancient Woodland Inventory Designation to the northern, eastern and southern site boundary) shall be submitted for the written approval of the Planning Authority. The trees and hedgerows shall be protected during the course of development by the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction', or by such other means of protection deemed necessary and shall be agreed in advance in writing with the Planning Authority. No changing of levels, movement or parking of vehicles, storage of building materials, machinery, plant equipment or soil/aggregate shall take place within the protected areas established pursuant to this condition. The development shall be undertaken in accordance with the approved tree protection details and shall be implemented before any other construction works commence on site. Thereafter, the measures agreed shall be maintained as such for the duration of the construction works until the development is complete on site.
10. All construction work and activity on site relevant to the development shall be carried out in strict accordance with the recommendations and mitigation measures outlined within Section 5.2 of the approved 'Extended Phase 1 Habitat Survey' (Wild Surveys Ltd, Dated 23rd February 2022). These measures and recommendations shall remain in effect until all construction work associated with the development is complete on site.
11. Further to condition 10 above and the mitigation measures and recommendations outlined within Section 5.2 of the approved 'Extended Phase 1 Habitat Survey' (Wild Surveys Ltd, Dated 23rd February 2022), all ground and vegetation clearance works shall take place out with the main breeding bird season (specifically March to August, inclusive). If this is not possible, and works are due to take place between March and August, then a suitably qualified ornithologist/ecologist shall be engaged and appointed to undertake surveys and scrub vegetation and nesting bird checks and advise of any actions required to protect birds immediately prior to any scrub or vegetation removal works commencing on site.
12. Prior to the occupation of the 25th dwellinghouse within the development site, evidence that the upgraded and modified pumping station has been formally vested and adopted by Scottish Water shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council's Environmental Health Service). Until such time as this has been received and in the interim period until formal adoption by Scottish Water has been achieved, the upgraded and modified pumping station shall be maintained in efficient working order in line with the approved 'Drainage and Waste Report and Strategy (Milestone Developments, Dated 09/09/22)' and 'Hope Homes Letter Regarding Pumping Station (Hope Homes, Dated 21/09/22)'.

13. Notwithstanding approved drawing 'Site Phasing Plan (Drawing No. AL(00)04 Rev 2)' hereby approved, prior to the completion of the construction of the 8th dwelling unit within phase 2 of the development site, the approved play area scheme including all associated play equipment shall be installed and completed in its entirety in line with approved plan 'Play Park Layout (Drawing No. AL(00)09 Rev 1)'. All matters relating to the proposed play area facility including; the design and manufacture of the equipment, the installation of the equipment, the installation of the safer-surfacing, and the maintenance and repair programme following completion shall all be in compliance in accordance to the British and European Play Standards BS EN 1176 and BS EN 1177. No alterations or deviations to the approved and installed play area scheme shall be made without the further written consent of the Planning Authority.
14. Unless otherwise agreed in writing by the Planning Authority, the soft landscaping scheme for the site approved as shown on approved drawings 'Landscape Proposals' (Drawing Nos. Sheet 1, 2, 3, 4 and 5)' shall be implemented as approved prior to the completion of the construction of the last dwellinghouse within each respective phase of development in accordance with approved drawing 'Site Phasing Plan (Drawing No. AL(00)04 Rev 2)'. Once implemented, the soft landscaping scheme shall be maintained as such in line with the approved maintenance arrangements. Any trees, shrubs, plants or grass forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced (at no cost to the Council) in line with good horticultural practice with others of similar sizes and species unless the Planning Authority gives written approval to any variation.
15. Prior to the commencement of development on site, details and plans demonstrating how the identified areas of public open space as shown on approved plan 'Site Plan Proposed (Drawing No. AL(00)03 Rev 4)' shall function and operate shall be submitted to and approved in writing by the Planning Authority. As part of this, this shall include any details and specifications of park/street furniture, cycle storage/parking, walkways and path connections, lighting, art or any other features to be installed in the public open space areas. Thereafter, the public open space areas shall be implemented in accordance with the approved details and within the timescales set out in Condition 14 above. No alterations or deviations from the approved public open space arrangements shall be undertaken without the further written consent of the Planning Authority.
16. Further to condition 15 above, other than where they share mutual boundaries with existing and proposed dwelling plots, no fencing or other means of enclosure shall be erected around the any of the areas of open space within the development site as shown on approved 'Site Plan Proposed (Drawing No. AL (00)03 Rev 04)' unless otherwise agreed in writing by the Planning Authority. This includes the area of public open space situated on the northwest corner of the application site nearest the pedestrian linkage to Manse Road and the area of open space which surrounds the play area on the southwestern corner of the development site.
17. Prior to the commencement of development on site, full details of the design and location of any retaining walls and other retention features required as part of the development shall be submitted to and approved in writing by the Planning Authority. Thereafter, the agreed retention details shall be implemented prior to the occupation of any associated houses or completion of associated open space area. No alterations or deviations from the approved retention arrangements shall be undertaken without the further written consent of the Planning Authority.
18. The development hereby approved shall be constructed strictly in accordance with the finished site levels and finished floor levels as shown on approved plan 'Vertical Geometry (Drawing No. 21228-100-101)'. Any alterations or deviations to these finished site and floor levels shall first be agreed in writing with the Planning Authority.
19. The 13 affordable housing units associated with the development hereby approved shall be constructed and delivered on site in strict accordance with the approved 'Site Plan Proposed (Drawing No. AL (00)03 Rev 04)' and shall be completed as part of Phase 3 of the development in line with the approved 'Site Phasing Plan (Drawing No. AL(00)04 Rev 2)'. Thereafter and once construction of the affordable housing units is complete, the affordable housing units shall function and be let/rented, occupied and maintained in strict accordance with the approved 'Letter Regarding Affordable Housing Provision (Ayrshire Housing, dated 15th September 2022)' and 'Statement in Response to Condition 28 - Affordable Housing Provision and Details (Milestone Developments, dated 28th October 2022)', unless otherwise agreed in writing by the Planning Authority.

Reasons:

1. *To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.*
2. *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
3. *To encourage sustainable means of travel.*
4. *To ensure that the surrounding public footpaths are of an appropriate standard to serve the footfall associated with the development and encourage and facilitate sustainable means of travel.*
5. *In the interest of road safety and to ensure that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.*
6. *In the interest of road safety.*
7. *To enhance and improve existing accessible public transport facilities to ensure they are sufficient to support additional demand as a result of the proposed development.*
8. *To ensure all unencountered contamination within the site is dealt with appropriately.*
9. *In order to ensure no damage is caused to trees within or adjacent to the site during development operations.*
10. *In the interests of protecting local wildlife and minimising impact on ecology.*
11. *In the interest of protecting local wildlife and to advise the applicant/contractor/developer of any bird nesting activity and any actions required to protect birds.*
12. *To ensure that the existing pumping station is appropriately maintained and serviced and to ensure that it is accepted as being of sufficient capacity to support the proposed development.*
13. *To ensure that the play area scheme is installed and completed in a timely manner to serve future residents of the development.*
14. *To ensure that the soft landscaping scheme is implemented in a timely manner, in the interests of visual amenity of the site.*
15. *To ensure that the formal open spaces provide meaningful and usable areas which align with the requirements of the relevant planning guidance.*
16. *To ensure all areas of open space approved as part of the development are accessible and usable to future occupants of the development.*
17. *To ensure that any areas of retention are appropriately designed and treated so that they are commensurate to the development site.*
18. *In the interests of residential amenity.*
19. *To ensure that the affordable housing units are delivered on site in a timely manner and that the affordable housing functions in line with the satisfactory arrangements proposed.*

Advisory Notes:

South Ayrshire Council Environmental Health Service

- Site Contamination - The contaminated land report and site investigation reports have been assessed and no remedial measures have been identified. Environmental health are satisfied with the contents of the investigations.
- Pumping Station - Environmental Health expects that during interim period between the pumping stations starting operation and its proposed formal adoption by Scottish water, the pumping station and ancillary equipment required for its operation, are properly maintained as per manufacturers guidelines. Should the pumping station fail, without immediate remedial action an Abatement Notice may be served under the Environmental Protection Act 1990 against those responsible for its immediate repair. Should investigations reveal that any failure was caused by a lack of maintenance, consideration will be given to preparing report to the Procurator Fiscal under the same legislation.
- Construction Noise and Dust - In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- Lighting - Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light". This should be adhered to: [http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)
- During the period of construction, it is strongly recommended that all external works including piling and ancillary operations are carried out between the following hours; Mondays to Fridays – 0800 to 1800 and Saturdays 0800 to 1300. Furthermore, there should be no working on Sundays or public holidays.

Scottish Water

- Water Capacity Assessment – There is currently sufficient capacity in the Bradan Water Treatment Works to service the development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Waste Water Capacity Assessment – There proposed development will be serviced by Coylton Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a 'Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via the Customer Portal or contact Development Operations.
- Please Note – The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- Asset Impact Assessment – Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. This includes a 90mm MDPE water main, a 225mm surface water sewer and a 225mm foul sewer. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of these notes.
- Surface Water – For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfields site only, however this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges. In order to avoid costs and delays where surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.
- General Notes – Scottish Water asset plans can be obtained from our appointed asset plan providers (Site Investigation Services (UK) Ltd. Telephone: 0333 123 1223. Email: sw@sisplan.co.uk).

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00779/MSCM)

- *Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*
- *If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*
- *Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*
- *The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*
- *Next Steps - All proposed developments require to submit a Pre-Development Enquiry (PDE) to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer which Scottish Water can contribute towards through Reasonable Cost Contribution regulations. As network upgrades will be required to support this development, it is recommended that a PDE is submitted at your earliest convenience. Any further information regarding these notes can be obtained either via telephone on 08003890379 or via email at planningconsultations@scottishwater.co.uk.*

List of Determined Plans:

- *Landscape Proposal Sheet 1 of 5 (Drawing No. 468.06.01f)*
- *Landscape Proposal Sheet 2 of 5 (Drawing No. 468.06.02f)*
- *Landscape Proposal Sheet 3 of 5 (Drawing No. 468.06.03f)*
- *Landscape Proposal Sheet 4 of 5 (Drawing No. 468.06.04f)*
- *Landscape Proposal Sheet 5 of 5 (Drawing No. 468.06.05f)*
- *Vertical Geometry (Drawing No. 21228-100-101)*
- *Drainage Layout (Drawing No. 21228-500-100)*
- *Swept Path Analysis Fire Appliance (Drawing No. 21228-SK-11)*
- *Swept Path Analysis Refuse Vehicle (Drawing No. 21228-SK-11)*
- *Location Plan (Drawing No. AL(00)01 Rev 2)*
- *Site Plan Proposed (Drawing No. AL(00)03 Rev 4)*
- *Site Plan Proposed with Open Space Annotated (Drawing No. AL(00)03 Rev 4)*
- *Site Phasing Plan (Drawing No. AL(00)04 Rev 4)*
- *Typical Plot Parking Layout (Drawing No. AL(00)05 Rev 1)*
- *Play Park Layout (Drawing No. AL(00)09 Rev 1)*
- *House Type – Carrick (Drawing No. AL(00)10 Rev 2)*
- *House Type – Bothwell (Drawing No. AL(00)12 Rev 2)*
- *House Type – Balmoral (Drawing No. AL(00)14 Rev 2)*
- *House Type – Belvedere (Drawing No. AL(00)15 Rev 2)*
- *House Type – Inverary (Drawing No. AL(00)16 Rev 2)*
- *House Type - A (Drawing No. AL(00)20 Rev 2)*
- *House Type - B (Drawing No. AL (00)22 Rev 2)*
- *House Type - Cottage Flat (Drawing No. AL (00)24 Rev 2)*
- *Single Garage Detail Plan (Drawing No. AL(00)26 Rev 2)*
- *Archaeology/Data Structure Report (Author: David Swan Ayrshire Archaeology, dated 03/03/22)*
- *Design and Access Statement (Author: Denham Youd & Milestone Developments, dated 09/09/22)*
- *Drainage and Waste Report and Strategy (Author: Milestone Developments & Dougal Baillie Associates, dated 09/09/22)*
- *Extended Phase 1 Habitat Survey (Author: Wild Surveys Ltd, dated 23/02/22)*
- *Foul Water Calculations and Modelling (Author: Dougal Baillie Associates, dated 16/09/22)*
- *Ground Investigation Report (Author: Johnson Poole & Bloomer Consultants, dated August 2021)*
- *Surface Water Calculations and Modelling (Author: Dougal Baillie Associates, dated 16/09/22)*
- *Hope Homes Letter Regarding Pumping Station (Author: Hope Homes, dated 21/09/22)*
- *Letter Regarding Affordable Housing Provision (Author: Ayrshire Housing, dated 15th September 2022)*

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00779/MSCM)

- *Statement in Response to Condition 28 - Affordable Housing Provision and Details (Author: Milestone Developments, dated 28th October 2022)*
- *Site Sections A and B*
- *Site Sections C and D*

Background Papers:

- Application form, plans and submitted documentations, reports and assessments.
- Consultation Responses
- Representations
- Adopted South Ayrshire Local Development Plan 2
- Council's planning guidance

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 Ross Lee, Supervisory Planner - Place Planning - Telephone 01292 616 383 – Email ross.lee@south-ayrshire.gov.uk

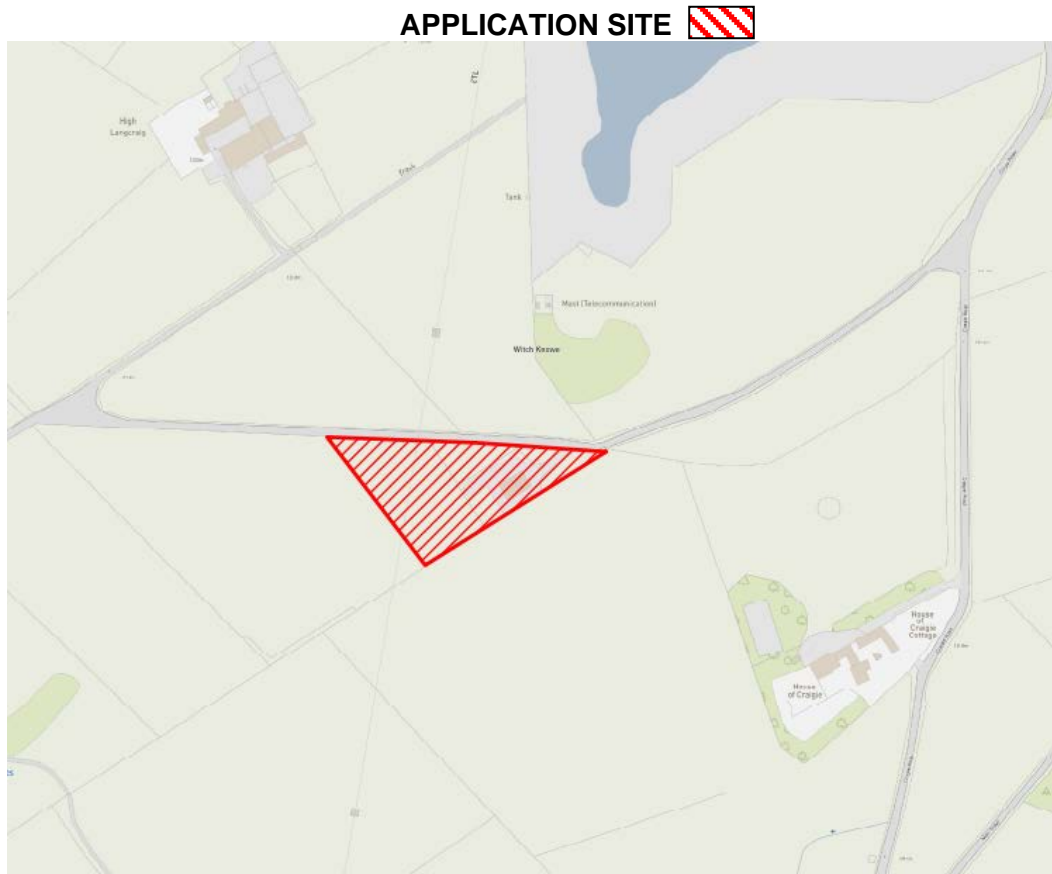
REGULATORY PANEL: 17 NOVEMBER 2022

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00701/APP

LAND AT C8 FROM A719 JUNCTION AT ADAMHILL TO COUNCIL BOUNDARY CRAIGIE SOUTH AYRSHIRE

Location Plan



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Summary

Planning permission is sought for the erection of 4 glamping pods, the extension of an existing area of hardstanding and the formation of an additional vehicular access at the application site. The application site comprises of an agricultural field of approximately 884 sqm, located within the countryside approximately 525 metres north west of the village of Craigie and approximately 3.3 km (2 miles) north east of Symington. The proposed holiday accommodation is to be owned and operated by the applicant. The proposed pods are of a contemporary single storey design with a flat roof and a timber clad exterior. New planting is proposed in addition to new pathways, dedicated parking, and drainage facilities.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan, Scottish Planning Policy, consultations, representations received (6 in total), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the local development plan which consider that the provision of tourist facilities, including holiday accommodation is acceptable in rural areas. The assessment concludes that the proposed development complies with the development plan, subject to conditions. The consultation responses do not raise any issues of over-riding concern which cannot be addressed by appropriate conditions/advisory notes. Equally, the matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. It is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 17 NOVEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00701/APP
SITE ADDRESS:	Land At C8 From A719 Junction At Adamhill To Council Boundary Craigie South Ayrshire
DESCRIPTION:	Proposed erection of 4 glamping pods, extension of hardstanding and formation of access
RECOMMENDATION:	Approval with condition(s)

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 comprises of an agricultural field of approximately 884 sqm, located within the countryside approximately 525 metres north west of the village of Craigie and 3.3 km north east of Symington. The site shall be accessed via a new vehicular access to be formed to/from the westward continuation of a private road which joins the unclassified Craigie Road to the east.

Planning permission is sought for the erection of 4 glamping pods, the extension of an existing area of hardstanding and the formation of an additional vehicular access to the site. There is an existing agricultural shed situated within the application site which has an existing, separate vehicular access and shall be retained as part of the development proposals.

The 4 holiday accommodation units shall comprise of single storey, flat roofed, timber clad pods. Each pod shall have a footprint of approximately 22.5 sqm and measure approximately 2.5 metres in height. Each pod shall have the same internal layout comprising of an open plan living space and separate shower room.

The development proposals shall be served by the proposed vehicular access to/from the private road and 5 parking spaces are to be provided within the application site. Pedestrian access to the pods shall be provided via new gravel paths. A new post and wire fence and entrance gates are proposed together with a new septic tank and soakaway system, located to the south of the site, which will serve the development.

The siting of a static caravan as manager accommodation was originally included within the application submission. However, this element has subsequently been removed from the development proposals following discussions with the applicant/agent.

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, more than five representations have been received objecting to the proposal.

2. Consultations:

Ayrshire Roads Alliance - Offer no objections.

Environmental Health - Offer no objections, subject to advisory notes.

Scottish Water - Offer no objections.

Waste Management - Offer no objections, subject to advisory notes.

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 have submitted a Planning Statement in support of the development proposals, which is summarised as follows:

- The proposals accord with the relevant policies of the Adopted South Ayrshire Local Development Plan.
- The design of the development and the proposed appearance of the accommodation is sympathetic to the rural setting of the site.
- The proposed development shall not have a detrimental impact on the landscape quality of the application site and additional planting is proposed both for screening and to create additional natural habitat for existing wildlife.
- Details of the applicant's business plan are provided and their intention for the business to support economic growth within the local community.

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, 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 the representations can be summarised as principally relating to the following matters:

- Provisions of planning policy and advice
- Landscape impact and visual appearance of development
- Road infrastructure, traffic and safety concerns
- Noise nuisance, air pollution and other environmental concerns
- Fly tipping, damage to property and antisocial behaviour/disruption to farming/rural area
- Adverse impact on residential amenity
- Litter, servicing and waste collection arrangements
- Planning history of the site
- Need for, nature of and appropriateness of 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 by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

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

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

- LDP Policy: Core Principle B8
- LDP Policy: Strategic Policy 1: Sustainable Development
- LDP Policy: Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Rural Housing
- LDP Policy: Landscape Quality
- LDP Policy: 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.

Principle of development (Core Principle B8, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Tourism and Rural Housing)

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 policies.”*

The LDP defines rural diversification as, “the use of rural land and/or buildings for non-agricultural or forestry purposes.” This can include existing businesses entering into new areas of activity or the creation of entirely new enterprises. As per the submitted Planning Statement, the applicant currently has a smallholding at the application site (including an agricultural shed to be retained) and the adjacent field, which is used for grazing animals. A business plan has been included within this statement which outlines the anticipated outgoings to establish the business and that the applicant anticipates 50% occupancy of the proposed holiday accommodation per year. On the basis of the information provided, the proposed development is considered in principle to comply with Core Policy B8, as the proposal is an entrepreneurial small-scale business within a rural locale, which supports the South Ayrshire tourism sector (a key objective of the LDP) and provides holiday accommodation which has access to the locale road network.

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 [...]’*.

In terms of the location of the development, it is noted that it can only be accessed by car or bike. There are no public footpaths along the immediate road network or area to encourage walking. Notwithstanding this, it is recognised in this case that the development is directly accessed from a private country road that serves only the application site and neighbouring properties therefore it does not experience high volumes of traffic. Furthermore, the proposal is sufficiently small scale that it will not result in a ‘destination’ scale development that will generate significant car trips. On this basis and on balance, the location of the development is considered to be acceptable.

Any planning permission granted would require conditions to be attached to ensure that the accommodation is used for holiday use only and on a limited basis. The siting and modest scale, massing and design of the proposals are considered to be acceptable given the rural setting of the site, and limited visibility of the proposals due to the topography of the landscape. The landscape impact of the proposals is further addressed below. It is also noted that the proposed structures are temporary structures, with a limited lifespan and which can be removed from the site if they become obsolete, rather than being permanent buildings.

With regard to the tourist accommodation proposed, LDP Policy Tourism 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 4 glamping pods proposed clearly comprise of holiday accommodation, in accordance with criterion (a). Appropriate conditions could be attached to any permission so as to ensure that the development is utilised for holiday purposes only. For the reasons noted elsewhere in this report, the siting, design and appearance of the development relative to the rural setting of the site is considered to be acceptable. The application has been considered in this context.

Landscape and visual impact (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.*

It is noted that the application site is not located within a scenic area, as defined by the LDP, or within one of the 11 Local Landscape Areas of South Ayrshire. The application site is well screened by Witch Knowe Hill to the north. The topography of the landscape and existing treeline provides some screening to the east and south of the site. The existing agricultural shed shall also provides screening to the east, as well as providing a backdrop for the development, when viewed from the west. Given the existing landscape setting and the small-scale nature of the accommodation proposed, it is not considered the development shall result in an adverse impact on the landscape character of the locale.

In addition, the applicant proposes additional planting within the application site both for the purposes of privacy/screening and to create additional natural habitat for existing wildlife. Notwithstanding the existing landscape setting, the addition of new landscape planting is considered to offer the opportunity for the proposals to further integrate within their surroundings, and an appropriate planning condition can be attached to ensure that details of the provision of the new landscaping and planting are provided, and this is retained to the approved standard.

Roads (LDP 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 development proposals include the formation of an access to/from the existing private road to service the holiday accommodation and the provision of 5 parking spaces within the application site. The Ayrshire Roads Alliance have advised that they have no objections to the proposed development. As such, the proposal is not considered to raise any issues relating to road infrastructure, traffic or safety.

Conclusion

To conclude, it is considered that the development proposals broadly align with the provisions the Adopted South Ayrshire Local Development Plan and the proposals are not considered to adversely impact on the rural setting of the locality in this instance.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy

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. The above SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this 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.

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 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. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments.

For the reasons noted within this report, the proposals are considered to be broadly in accordance with the provisions of Scottish Planning Policy.

(iii) Objector Concerns

- *Provisions of planning policy and advice*

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

Additionally, it is noted that one representee commented that the application site is situated within an area designated as green belt. In response, it is advised that the application is not situated within an area designated as green belt by the local development plan.

- *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.

- *Noise nuisance, air pollution and other environmental concerns*

It is noted that the site lies adjacent to, and in close proximity of farmland and farm buildings which also use the same private shared access. Should any statutory noise nuisance arise, or any other matter related to air quality, 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 were therefore consulted regarding the development proposals under consideration. In their response, they offered no objections to the development subject to the attachment of appropriate advisory notes (captured below) to any planning permission granted.

With regard to the proposed drainage arrangements, an appropriate planning condition/ advisory note can be attached to ensure that the septic tank and soakaway meets with the relevant British Standards, as required by SEPA's standing advice and the Council's Environmental Health Service. As the site is not shown to be at risk of flooding on SEPA's flood risk maps, no consultation on this matter is necessary.

- *Fly tipping, damage to property and antisocial behaviour/disruption to farming/countryside*

The comments raised regarding increased fly tipping, potential damage to property and the potential for anti-social behaviour as a result of the development proposals are primarily matters for the police. In addition, given the nature and scale of the development proposals, it is not considered that they shall exacerbate any existing issues or introduce any substantial issues in this regard. Notwithstanding, it is noted from the supporting statement that the applicant and operator of the proposed business resides in close proximity to the application site and therefore will be able to supervise and manage the operation of the holiday accommodation and to mitigate against any potential adverse impacts where required.

For the reasons noted elsewhere in this report, the proposals are not considered to represent over-development, and there are no over-riding land-use planning reasons why an appropriately managed, small-scale facility at the site would be considered inappropriate for residential tourist accommodation or would adversely impact on the rural area.

- *Adverse impact on residential amenity*

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

- *Litter and servicing and waste collection arrangements*

With regard to the potential for litter, it is noted that the submission indicates waste storage shall be provided within the site. Additionally, the Council's Waste Management Service have recommended an advisory note be attached outlining the requirements in respect of waste collection for commercial business. For these reasons, any increased litter arising from the proposal is not expected to be so significant so as to warrant a recommendation to refuse the development proposal.

- *Planning history of the site*

The shed was erected on-site following the submission of a Prior Notification application for agricultural development – re.16/00971/PNF The development was considered to be compliant with the relevant legislation at the time the application was received. As this is an existing structure, which shall not be altered as part of the proposed development, it does not form part of the consideration of this current planning application.

- *Need for, nature of and appropriateness of development*

The applicant is not required to demonstrate a need for the development proposals, or to consider the availability or adequacy of other holiday accommodation.

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) Impact on the Locality

As noted above, the use of the site to provide holiday accommodation is considered to accord with Scottish Planning Policy and the Adopted Local Development Plan.

In terms of the location of the development, it is noted that it can only be accessed by car or bike. There are no public footpaths along the immediate road network to encourage walking. Notwithstanding this, it is recognised in this case that the development is directly accessed from a private country road that serves only the application site and neighbouring properties therefore it does not experience high volumes of traffic. Furthermore, the proposal is sufficiently small scale that it will not result in a 'destination' scale development that will generate significant car trips. Also, in terms of locational considerations, the proposal can be well absorbed in the landscape setting and its small scale safeguards the rural character of the area. On this basis, the proposals are considered acceptable.

In terms of the amenity impact of the proposed accommodation on neighbouring residential properties, it is noted that the proposed site is approximately 200 metres from High Langcraig to the north, 310 metres from both 1 and 2 Laigh Langcraig, 350 metres from Langcraig Farm and 420 metres from Laigh Langcraig to the west. The distance of the proposed holiday accommodation from these neighbouring residential properties will ensure that their residential amenity is not adversely impacted by way of overlooking or overshadowing. Additionally, it is noted that the application site is located in closest proximity to Craigie Road, to which the private access road serving the site and neighbouring properties adjoins. As such, any visitors to/from the site will not require to pass any neighbouring residential properties, which shall further reduce any impact of the proposed development on neighbouring dwellings.

In addition, given that the proposal is for holiday accommodation, rather than for use as permanent residential accommodation, any disruption, should it occur, will be on a temporary and limited basis during the holiday occupation of the units. As noted above, an appropriate condition is proposed so as to limit the use of the accommodation to holiday use only. Lastly, given that the proposed structures are temporary rather than permanent buildings, and will therefore have a limited lifetime, an appropriate planning condition will be required to reflect the temporary nature of the structures proposed. This condition shall ensure that should the holiday accommodation become obsolete, the units shall be removed from site.

Ancillary to the accommodation proposed, a new vehicular access is to be formed, as well as additional areas of hardstanding within the application site, and the erection of entrance gates and fencing. Whilst it is not considered that these elements of the development proposals shall have an adverse impact on the locality, it is noted that full details have not been provided regarding their appearance, including materials and the heights of the proposed gates and fencing. As such, it is deemed prudent to attach relevant conditions to the permission hereby granted requesting these details are provided.

Additionally, with regard to the formation of vehicular access to the site, the Ayrshire Roads Alliance have no objections to the proposed development on road safety grounds.

For the reasons noted above, it is considered that the development proposal broadly aligns with the provisions of Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan. The proposals are not considered to adversely impact on the rural setting of the locality given the small scale nature of the development in question. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application is approved, subject to the following conditions.

8. Conclusion:

Overall, subject to the aforementioned conditions, the proposed development complies with the development plan. On balance, the small scale nature of the proposals can be accommodated at the location and is considered to have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The application has been assessed against the various material planning considerations which include the provisions of the development plan, Scottish Planning Policy, consultations, representations received, the planning history of the site and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses recommend appropriate conditions be attached to any permission. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections. It is considered that the proposal will not have an adverse impact on the amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions.

9. Recommendation:

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

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) That the holiday accommodation unit shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation, and that the occupancy of the holiday accommodation by the same person, whether or not along with other persons, shall be strictly limited to a total of one month, in any year from 1st January in that year.
- (4) That should the holiday accommodation become obsolete, the units shall be removed from the site, and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of the accommodation becoming obsolete.
- (5) That, prior to the operation and occupation of the holiday accommodation, details shall be submitted for the prior written approval of the planning authority of the months of operation of the holiday accommodation, which shall not exceed eleven months in any calendar year. Thereafter, the accommodation shall be operated in accordance with the submitted details, to the satisfaction of the planning authority.
- (6) That, prior to the operation of the holiday accommodation details shall be submitted of a portable supply of water serving the holiday accommodation. Thereafter, the development shall be implemented and connected to the agreed supply, for the lifetime of the development, to the satisfaction of the Planning Authority, in conjunction with the relevant authorities.
- (7) That prior to the commencement of development, full details of the proposed areas of hardstanding shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (8) That prior to the commencement of development, full details of the proposed gates and fence shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (9) That before any works start on site a scheme of landscaping of appropriate native species only shall be submitted for the prior written approval of the Planning Authority. The scheme shall indicate the siting, numbers, species, and heights (at time of planting) of all trees, shrubs, and hedges to be planted, and the extent and profile of any areas of earth mounding. The scheme as approved shall be implemented within first planting season following the completion or occupation of the first holiday accommodation unit, whichever is the sooner, and shall be retained to this approved standard.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only.
- (4) In the interest of proper planning.
- (5) To clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only.
- (6) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (7) To clarify the terms of the permission and the interests of visual amenity.
- (8) To clarify the terms of the permission and the interests of visual amenity.
- (9) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

9.2 Advisory Notes:

- (1) That the operation of this facility shall not result in an increase of more than 5Db(A) between the existing background noise level (LA90 (1 hour) and the rating level (LArTr) where Tr=1 hour daytime and 30 minutes night time as applicable (Measured as per the current version of the British Standard 4142). For the avoidance of doubt BS4142 defines the rating level (Lar Tr) as being the specific noise level LAeq, Tr plus any adjustments for the characteristic features of the sound.
- (2) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- (3) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obstrusive Light".
- (4) The premises require to fully comply with the Health and Safety at Work etc Act 1974 and any Regulations and requirements therein and thereto.
- (5) Each glamping pod unit and static caravan unit must have suitable and sufficient toilet and shower facilities, and drainage connection to a suitable septic tank, or similar. Alternatively, provision of a toilet and shower block and drainage connection to a suitable septic tank, or similar.
- (6) With regard to waste collection arrangements, as a commercial business, a separate commercial waste collection will be required.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): EX(00) 001
Drawing - Reference No (or Description): EX(00) 002
Drawing - Reference No (or Description): EX(00) 003 Rev. A
Drawing - Reference No (or Description): EX(00) 004
Drawing - Reference No (or Description): EX(00) 005
Other - Reference No (or Description): Glamping Brochure

9.4 Reason for Decision (where approved):

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

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

Background Papers:

1. Planning application form, plans and supporting documents
2. South Ayrshire Local Development Plan 2 (available online)
3. Scottish Planning Policy (available online)
4. Representations (available online)
5. Consultations

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: 17 NOVEMBER 2022

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00619/APP

KNOCKENDALE FARM C93 FROM B730 JUNCTION NORTH WEST OF BOGEND SOUTH WEST TO BREWLANDS ROAD SYMINGTON SOUTH AYRSHIRE KA1 5PN

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for the erection of a dwellinghouse and associated garage on existing agricultural land at Knockendale Farm, north - east of Symington. The site is located in a rural area as prescribed by the adopted Local Development Plan whereby Core Principles and Strategic Policies apply. The application site currently comprises an area of agricultural land and is located adjacent in an existing cluster of dwellinghouses in an area known locally as 'High Knockendale'. Planning permission in principle was granted under application Reference. 21/00614/PPP, by the Council's Regulatory Panel, for the erection of 2 x dwellinghouses on land at High Knockendale. It was approved on the basis that the development represented the opportunity for a limited expansion to consolidate and enhance an existing cluster of dwellinghouses, without adverse impact on the amenity of the locality.

The application has been assessed against the various material planning considerations which include the provisions of the Local Development Plan, the Council's Rural Housing Supplementary Planning guidance, Scottish Planning Policy, PAN72, consultation responses, representations received (including an objection from Symington Community Council), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the Local Development Plan. The consultation responses do not raise any issues of over-riding concern. The matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. It is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 17 NOVEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00619/APP
SITE ADDRESS:	KNOCKENDALE FARM C93 FROM B730 JUNCTION NORTH WEST OF BOGEND SOUTH WEST TO BREWLANDS ROAD SYMINGTON SYMINGTON SOUTH AYRSHIRE KA1 5PN
DESCRIPTION:	ERECTION OF A DWELLINGHOUSE
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.

1. Site Description

The application site is set within a rural area and comprises part of an agricultural field at Knockendale Farm which is located to the south of an area known locally as 'High Knockendale'. High Knockendale comprises a cluster of 6 dwellings, located approximately 500m from the northern edge of the village of Symington.

The site gently slopes from northwest to southeast and sits at a higher level than the neighbouring Knockendale cottages to the north. The site is a similar level to the neighbouring detached property to the north west. There is a substantial hedgerow along the northwest corner of the perimeter of the site and along the boundary with the private road. A tree exists within the application site, to the south of the junction with the B751 public road.

Proposal

Planning permission is sought for the erection of a dwellinghouse on land at Knockendale Farm, to the south of the existing 'High Knockendale' cluster of dwellinghouses. The application site area is approximately 1076 square metres. The proposed 1 ½ storey dwellinghouse is to be centrally positioned within the site and occupies a footprint of approximately 234.44 sq. m. The proposals also include the erection of a detached 1 ½ storey, triple garage with a footprint of approximately 61.5 sq. m which includes office accommodation in its upper floor level /roof space. The proposed finishing materials include slate roofs, zinc clad dormers, white rendered walls and areas of cedar cladding to break up the massing. In contrast, the garage walls are to be finished in a stone cladding. The depth of the triple garage does not meet the dimensions required for Council parking standards therefore the 3 in curtilage parking spaces required for this development are proposed to be accommodated within the driveway to the front of the garage. Garden ground is proposed to the south and west of the dwelling where a septic tank for waste - water is also proposed. A new access to the proposed dwellinghouse is to be formed from the private road which bounds the site to the north; this same private access serves the cluster of dwellings at 'High Knockendale' and the agricultural land to the west.

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00619/APP)

Proposals for this application also include alterations and widening of the junction where the private road to the application site meets the B751 public road. A single tree requires to be felled to accommodate the works to the junction however consent is not required for its removal as it not protected by a Tree Preservation Order or a condition of any planning permission.

Planning History

Planning permission in principle application 21/00614/PPP was approved by the Council's Regulatory Panel on 6th October 2021 for the erection of two dwellinghouses on land at High Knockendale. Subsequently, a planning application 22/00198/APP was approved by the Council's Regulatory Panel on 9th June 2022 for the erection of a single dwellinghouse. The current application is for the other dwelling approved as part of the planning permission in principle.

Planning in principle application (16/00839/PPP), which proposed the erection of 2 x dwellinghouses and associated access road, was refused in November 2016.

Planning in principle application (21/00037/PPP), which proposed the erection of 3 x dwellings, was withdrawn by the applicant's agent.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than five competent written objections have been received from separate households and the Symington Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Ayrshire Roads Alliance - offer no objection subject to condition.

Scottish Water - offer no objection.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

7 representation(s) have been received from 6 different households, all of which object to the application proposals. One of the objections has been submitted by the Symington Community Council. All representations can be viewed online at www.south-ayrshire.gov.uk/planning.

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

- Concerns relating to the landscape impact, layout, design and visual appearance of the development.
- Over development on the site, contrary to what was approved under the 21/00614/PPP application
- Road safety concerns as proposals do not meet statutory sightline requirements as stated in the Planning Advice Note 72 (PAN72) and are also contrary to condition attached to the 21/00614/PPP application
- No detail of Surface drainage/SUDS/septic tank provided
- Inadequate room within the site to accommodate SUDS
- No site levels information
- No hedging proposed which was a requirement of planning permission in principle application 21/00614/PPP
- The proposal does not comply with South Ayrshire Council Guidance on Rural Housing
- The proposed garage and home office above is of a substantial size.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

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 are considered relevant to the consideration of this application:

- Strategic Policy 1: Sustainable Development.
- Strategic Policy 2: Development Management.
- LDP Policy: Rural Housing

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.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use. The LDP Rural Housing policy supports proposals for new housing in the countryside that results in a limited extension to an existing and clearly defined housing cluster subject to an acceptable impact on that cluster.

The principle of the development proposal at this location has already been established through the grant of planning permission in principle under application reference. 21/00614/PPP for 2 dwellinghouses. As part of the assessment of that application, it was considered that the proposal was in compliance with the provisions of the then development plan. While the development plan has changed since the approval of application 21/00614/PPP, there have been no significant changes in policy or site - specific circumstances or surroundings. The relevant policies of adopted Local Development Plan 2 continues to allow for limited, appropriate development within rural areas. Additionally, the proposed scale, massing, design and materials for the dwellinghouse and associated garage are considered to be acceptable. Overall, the proposal accords with the policies as set out above. The grant of planning permission 22/00198/APP for a single dwelling, also within the site of the earlier permission in principle, is materially significant in the determination of this current application in that it further establishes the acceptability of the current application site for residential development; the application has been assessed in this context.

(ii) Other Policy Considerations (including Government Guidance)

- Scottish Planning Policy;

Scottish Planning Policy forms the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 75 states that "the planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- Encourage rural development that supports prosperous and sustainable communities and business whilst protecting and enhancing environmental quality.

The erection of additional residential properties located on land at Knockendale Farm, north-east from Symington has already been considered against the terms of Scottish Planning Policy as part of the assessment of the previously approved application for planning permission in principle for two dwellinghouses (Ref.21/00614/PPP), and has been considered to be acceptable. The design of the proposed dwellinghouse and garage is considered to provide an acceptable vernacular building of a suitable scale and appearance.

- Planning Advice Note 72 - Housing in the Countryside (2005);

Scottish Government Planning Advice Note 72 - Housing in the Countryside is also relevant in the assessment of this application. The advice note recognises the significance of the scale and shape of Scotland's domestic rural architecture, which is derived largely from the simplicity of the form and proportion. Page 16 advises that the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. It is considered that the proposal is consistent with the provisions of PAN72.

- South Ayrshire Council – Rural Design Guidance

This guidance seeks to ensure development is well accommodated within its landscape setting with minimal change to the site topography. Design should respect the character, pattern and form of existing buildings and should integrate well. A courtyard arrangement should be considered in dwellings with a footprint of over 200 sqm, traditional rural scale should be preserved and houses should generally not exceed 1 ½ storeys.

With exception to the courtyard arrangement, the proposal is considered to comply with the guidance. The design of the proposed 1 ½ storey dwellinghouse is considered to provide an acceptable vernacular building of a suitable scale, design and appearance that is sympathetic to the character of the existing cluster of dwellings and the local landscape. Large amounts of contemporary glazing are located within the more discrete southern elevation which aspects agricultural land. The frontage of the dwelling will however maintain a more traditional appearance and proportions. The combination of traditional and contemporary design elements is supported by the guidance and is considered to be acceptable in this location. The associated detached 1 ½ storey garage is subordinate in scale and relates well to the dwelling in terms of design and material finish.

While the application site sits at a higher level than Knockendale Cottages to the north (closest properties to the application site), cross section drawings have been submitted that illustrate an acceptable relationship between the proposed dwellinghouse and cottages. The angle and orientation of the proposed dwellinghouse relative to the cottages is such that there would be no direct overlooking issues. Any overshadowing to the cottages is likely to be limited given the 1 ½ storey scale of the development together with the 14 metre separation distance and aforementioned orientation of the proposed dwellinghouse relative to the cottages.

The proposals are considered to broadly accord with this guidance.

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

The Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments' is relevant in the consideration of this application. This policy provides guidelines on plot spacing for new residential dwellings including minimum private garden sizes. This policy guidance also recommends a minimum of 9 metre depth for rear gardens. This policy also sets out expected private open space standards within new residential developments, which for detached properties extends to a minimum of 1.5 times the ground floor area and in any case, not less than, 100 square metres.

The proposal meets, and exceeds, the minimum space requirements of the Open Space SG in terms of overall garden ground provision which is acceptable in this rural context. It is, therefore, considered that the development proposal accords with the Council's Open Space SG.

(iii) Objector Concerns

The representations received in relation to the proposal are noted, and the following response is offered:

- Concerns relating to the landscape impact, layout, design and visual appearance of the development.

The footprint of the proposed dwellinghouse and garage combined shall occupy approximately 296sq.m of the 1076sm plot, with the remainder of the plot being utilised for circulation space, driveway and garden ground provision. This is acceptable and meets/ exceeds the requirements of the Council's Open Space Guidance. The 1 ½ storey design meets with the Council's Rural Design Guidance and while it incorporates some contemporary elements such as large areas of glazing to the rear, the front elevation is much more traditional and is largely sympathetic to the character of the cluster of dwellings. This proposed dwellinghouse is also to be located next to the recently approved dwellinghouse to the east (Ref. 22/00198/APP) which also includes a mixture of traditional and contemporary design elements suitable for a rural setting. The proposed house is set off from shared common boundaries. The existing hedge to the north-west boundary of the site is to be retained and a condition is recommended that the rear boundary of the site be defined by hedge planting which is typical of and sympathetic to the rural setting. It is considered that the proposed development can be absorbed within the landscape without compromising the visual amenity of the locale.

- Road safety concerns as proposals do not meet statutory sightline requirements.

It is important to note that the original application for planning permission in principle for two dwellinghouses ref. 21/00614/PPP was approved with the condition '*That junction access visibility sightlines splays of 2.4 metres by 215 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacles greater than 1.05 metres in height within the visibility sightlines splays*'. For the avoidance of any doubt, the junction referred to in the condition is where the private road to the application site and the High Knockendale development cluster meets the B751 public road. The condition refers to existing sightlines being 'maintained' at this junction rather than 'provided'. Notwithstanding this, the current application does not propose any changes to the existing sightlines to the north side of the junction and proposes a 6 metre radius curve to the south of the junction. As part of this application the Ayrshire Roads Alliance has reviewed both the sightline condition of the planning permission in principle (PPP), as set out above, together with the proposals as set out in the current application; specifically the 6 metre radius curve alignment to the south of the junction with the B751 road. The ARA advises that the sightlines referred to in the PPP condition above would have been appropriate if both the dwellinghouses approved under the PPP permission were to be served from the private access however 1 of the two dwellings (approved under planning permission 22/00198/APP) will be served directly from a new and separate access off the B751 road rather than from the private access road. In considering this, the ARA are satisfied that the 'other' single dwelling as proposed under this application will not result in such a significant intensification on the private road in terms of traffic movements that would justify the requirement for the sightlines as set out in the condition of the PPP. The ARA is satisfied that the current proposals, namely the 6m radius improvement to the south side of the junction, is satisfactory and is an overall betterment to the current sightlines at the junction; in the interests of the existing cluster of dwellinghouses and the proposed dwellinghouse. It is therefore concluded that the proposed sightlines at the junction with the private access and the B751 road are acceptable from a road safety perspective.

It should be noted that a single tree will require to be felled to accommodate the 6 metre radius curve alignment to the south side of the junction. The tree is not protected by a Tree Preservation Order or by condition of any planning permission so consent is not required for its removal. Achieving the radius at the junction requires some of the land that formed part of the application for the dwellinghouse approved under application 22/00198/APP. However, the applicant has advised that they have control over the area of land required to achieve the radius and the planning service is satisfied that the correct 'notice to owners' has been carried out as part of the current application. The land needed to achieve the radius would not impact on the delivery of the development approved under 22/00198/APP.

- Drainage/ surface water runoff and flooding issues;

The principle of the development for the erection of 2 dwellinghouses at High Knockendale has already been granted planning permission in principle. The application site is located out with SEPA's flood risk area and ARA raise no objection to the proposal within the capacity as their role as local flood prevention authority.

- Inadequate room within the site to accommodate SUDS;

A condition has been recommended which requires for full details of SUDS drainage arrangements within the plot to be submitted for the written approval of the Planning Authority, prior to the commencement of works on site. This is a standard requirement and there is no reason why this cannot reasonably be accommodated.

- No hedging proposed which was a requirement of planning permission in principle application 21/00614/PPP;

Noted. A condition has been recommended which requires for the rear (southern) boundary of the application site to be delineated by way of hedging.

- Overlooking and overshadowing concerns;

In terms of residential amenity, the closest existing residential property is 1 High Knockendale Cottage which is the end property of a row of cottages at High Knockendale. While 1 High Knockendale Cottage sits at a lower level than the application site, it at an acute angle with the proposed dwellinghouse and there is an approximate 14 metre habitable room separation distance so it is not considered that there would be any significant, adverse overlooking issues. It is also considered that any overshadowing of the cottage is likely to be limited considering the scale of the proposal, the separation distances involved and angles and orientation of the proposed dwellinghouse relative to the cottage.

The relationship between the proposed development and other properties within the cluster, including the development to the east, approved under 22/00198/APP is considered to be acceptable.

- The proposal does not comply with South Ayrshire Council Guidance on Rural Housing guidance

An assessment against this guidance is provided elsewhere in this report.

The principle of residential development on land at Knockendale Farm, north-east from Symington has already been considered to be acceptable under application 21/00614/PPP. It remains the case that the application site, along with the adjacent dwellings, is considered to represent a cluster in physical and visual terms and therefore the principle of erecting a dwellinghouse in this location is acceptable in terms of the LDP2 and related guidance.

The proposed dwelling in terms of its scale, design and siting is not considered to have a significant detrimental impact upon the visual amenity, residential amenity or character of the cluster or wider landscape, with the dwelling of a size and scale that is in keeping with the existing development adjacent to the site. Sufficient garden ground and parking is proposed. Considering this, the proposal is broadly in compliance with the rural housing guidance.

- o Size of the garage and home office

While that garage is sizable, it can be reasonably accommodated within the plot without resulting in over development. The garage is subordinate in scale and has been designed to be in keeping with the style and appearance of the dwellinghouse. A condition is recommended to ensure the upper floor/ roof space accommodation, proposed as office space, is used solely for domestic purposes.

(iv) Impact on the Locality

The principle of the development of the site for a single dwelling was approved under the planning permission in principle application. The 1 ½ storey design of the proposed dwelling is considered to be in accordance with the terms for the Rural Housing Guidance and is appropriate in terms of the character, scale and form within the existing cluster of development. The garage can be reasonably accommodated within the site and a condition is recommended to restrict its use for domestic purposes only.

The relationship between the proposed dwelling and existing neighbouring properties in the cluster is acceptable to safeguard residential amenity from significant adverse overlooking or overshadowing. The relationship between the proposed dwelling and the dwelling that will be constructed to the east, approved under planning permission 22/00198/APP, is also considered to be acceptable from an amenity perspective.

The current application site will be accessed directly from the existing private road which serves High Knockendale. As discussed above, Ayrshire Roads Alliance have been consulted on the application and have no objections to the proposals at the junction with the private road and B751 and note that the proposals will result in an improvement to existing sightlines. The ARA has also confirmed that 3 parking spaces are required for the development. The depth of the triple garage does not meet the dimensions required for Council parking standards therefore the 3 in curtilage parking spaces required for this development are proposed to be accommodated within the driveway to the front of the garage. A condition is recommended by the ARA that will require the proposed driveway layout to be altered to ensure that vehicles using the 3 spaces can enter and exit the site independently, without being obstructed by other vehicles. Overall, the proposal is acceptable in road safety terms and there are no objections from the ARA.

To preserve the landscape setting of the application site, it is considered necessary to attach a condition to the planning permission which requires for the rear (southern) boundary of the application site to be defined by way of appropriate hedging. It is also proposed to attach a condition which requires for full details of the SUDS drainage system to be submitted for the prior written approval of the planning authority before the commencement of development on site. It is considered that this can be reasonably accommodated.

For the reasons noted above, and elsewhere in this report, it is considered that the proposal will not have an adverse impact on the rural character and appearance of the area, or on the residential amenity of the neighbouring properties.

8. Conclusion:

The proposal broadly accords with the framework of planning policy and guidance. The dwellinghouse and garage can be accommodated within the landscape setting and cluster of existing development without having a significant adverse impact on neighbouring properties. There are no objections from consultees and all objections have been considered. On balance, the proposals are considered to be acceptable subject to conditions as set out in section 9 below.

9. Recommendation:

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

- (1) That the development hereby permitted shall be begun within three years of the date of this permission
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority
- (3) That full details of SUDS arrangements within the approved plot shall be submitted for the written approval of the Planning Authority, prior to the commencement of works on site, and shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8. Thereafter, the SUDS arrangements shall be implemented as approved or a further grant of planning permission shall have been obtained for any SUDS arrangements out with the application site.
- (4) The garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse hereby approved and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.
- (5) That prior to the commencement of development, a revised plan shall be submitted that illustrates 3 fully accessible, unobstructed parking spaces within the site. Thereafter, the parking spaces shall be implemented as approved prior to the occupation of the dwellinghouse.
- (6) That notwithstanding the plans hereby approved, the rear boundary of the application site shall be delineated by way of hedging, the details of which shall be submitted for the prior written approval of the planning authority before the commencement of development on site. Thereafter, the hedging scheme as approved shall be implemented within the first planting season following the completion or occupation of the dwellinghouse, whichever is the sooner.
- (7) That prior to the commencement of development, details of the ground works required to achieve the radius improvements to the junction with the private road and B751 public road, as illustrated on drawing number 22.110.14A, shall be submitted for the approval in writing of the planning authority. Thereafter, the works to the junction shall be implemented and completed prior to the commencement of the dwelling house and garage hereby approved.
- (8) That the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to occupation. Precise details and specifications of the required surface shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any works commences on site,
- (9) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any works commence on site.

Reasons:

- (1) to be in compliance with section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning ETC. (Scotland) act 2006.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed
- (3) To ensure the site is drained in an acceptable and sustainable manner.
- (4) In the interest of the residential character and amenity of the area
- (5) In the interest of road safety and to ensure adequate off-street parking provision.
- (6) To ensure an appropriate boundary treatment for the rural development.
- (7) In the interests of visual amenity and to ensure an appropriate boundary treatment at the junction.
- (8) In the interests of road safety
- (9) In the interests of road safety

Advisory Notes:

Road Opening Permit

A Roads Opening Permit is required and should be applied for and obtained from the Council as Roads Authority for work within the public road limits, prior to works commencing on site.

Roads (Scotland) Act:

The Council as Roads Authority advises that all works on the carriageway is to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984

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, should be co-ordinated so as to minimise their disruptive impact. The co-ordination should be undertaken by the developer and their contractors in liaison with the local roads authority and the relevant utility companies.

Road will not be adopted

The Council as roads Authority advises that the Council will not adopt the access road with regards this development

Drainage not adopted

The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.

Scottish Water advise the following;

Water Capacity Assessment- Scottish Water has carried out a Capacity review and SW can confirm the following: There is currently sufficient capacity in BRADAN Water Treatment Works to service the applicant's development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to SW.

Waste Water Capacity Assessment- There is currently sufficient capacity for a foul only connection in the MEADOWHEAD waste Water treatment works to service the applicant's development.

Please note: The applicant should be aware that SW are unable to reserve capacity at the SW water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, SW will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water- For reasons of sustainability and to protect SW customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the SW combined sewer system. There may be limited exceptional circumstances where SW would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to the SW combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. SW will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Septic Tank

The applicant should refer to the Scottish Environment Protection Agency standing advice on septic tanks [sepa-flood-risk-standing-advice-for-planning-authorities-and-developers.pdf](#) which set outs requirements.

List of Determined Plans:

Drawing - Reference No (or Description): 22.110.01
Drawing - Reference No (or Description): 22.110.02A
Drawing - Reference No (or Description): 22.110.04
Drawing - Reference No (or Description): 22.110.05
Drawing - Reference No (or Description): 22.110.06
Drawing - Reference No (or Description): 22.110.07a
Drawing - Reference No (or Description): 22.110.08
Drawing - Reference No (or Description): 22.110.09a
Drawing - Reference No (or Description): 22.110.10
Drawing - Reference No (or Description): 22.110.11a
Drawing - Reference No (or Description): 22.110.13A
Drawing - Reference No (or Description): 22.110.14A
Drawing - Reference No (or Description): 22.110.15
Drawing - Reference No (or Description): 22.110.03C
Drawing - Reference No (or Description): 22.110.14b
Drawing- Reference No (or Description): Materials
Drawing- Reference No (or Description): Site Levels

Reason for Decision (where approved):

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

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

Background Papers:

1. Application form, plans and submitted documentation
2. Representations
3. Local Development Plan 2
4. Rural Housing Guidance
5. Guidance in relation to 'Open Space and Designing New Residential Developments'.
6. Planning Advice Note 72 - Housing in the Countryside (2005);
7. Scottish Planning Policy
8. Planning permission in principle application 21/00614/PPP
9. Consultations

Regulatory Panel (Planning): 17 November 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00619/APP)

Equalities Impact Assessment:

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

Person to Contact:

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