

**\*\*PLEASE NOTE TIME OF MEETING\*\***

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



2 December 2022

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

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (PLANNING)**

You are requested to participate in the above Panel to be held on **Wednesday, 14 December 2022 at 10.30 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 Prestwick 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**

*A lunch break will be taken at an appropriate time during the meeting.*

1. Declarations of Interest.
2. Minutes of previous meeting of 17 November 2022 (copy herewith).
3. Application Continued from the Regulatory Panel (Site Visit) of 13 December 2022 – 21/00998/APP – Recreation Ground, Winehouse Yett, Dundonald - Submit report issued for the Regulatory Panel on 17 November 2022 (copy herewith).

[Application Summary](#)

4. 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](mailto:andrew.gibson@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 17 November 2022 at 10.00 a.m.

Present  
In County  
Buildings:

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

Present  
Remotely:

Councillor 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; R. Lee, Supervisory Planner; E. McKie, Planner; S. Groves, Planner; D. Manson, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer, and C. McCallum, Committee Services Assistant.

**1. Welcome and Declarations of Interest**

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

**2. Minutes of Previous Meeting**

The minutes of [22 September](#), [4 October](#) (Special) and [12 October 2022](#) (issued) were submitted and approved.

### 3. Applications for Planning Permission

There were submitted reports ([issued](#)) of November 2022 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) **21/00998/APP – DUNDONALD – Recreation Ground, Winehouse Yett –** Landscaping works (including changing site levels) and installation of drainage system.

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

The Panel heard from Councillor Dettbarn, Local Member. After she addressed the Panel, she left the meeting.

**Decided:** to agree that the application be continued to allow the Panel to undertake a site visit.

- (2) **22/00779/MSCM – COYLTON – Land at Manse Road –** Approval of matters specified in conditions for erection of 53 residential dwellings with associated access road, open space landscaping and infrastructure.

The Panel heard from the applicants agents and various interested parties.

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

- (a) 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;
- (b) 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;

- (c) that 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;
- (d) 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);
- (e) that 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;
- (f) that 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;

- (g) that 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);
- (h) that 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;
- (i) that 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;
- (j) that 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 23<sup>rd</sup> February 2022). These measures and recommendations shall remain in effect until all construction work associated with the development is complete on site;

- (k) that 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 23<sup>rd</sup> 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;
- (l) that prior to the occupation of the 25<sup>th</sup> 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)';
- (m) that notwithstanding approved drawing 'Site Phasing Plan (Drawing No. AL(00)04 Rev 2)' hereby approved, prior to the completion of the construction of the 8<sup>th</sup> 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;
- (n) that 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;

- (o) that 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;
- (p) that 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;
- (q) that 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;
- (r) that 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; and
- (s) that 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 15<sup>th</sup> September 2022)' and 'Statement in Response to Condition 28 - Affordable Housing Provision and Details (Milestone Developments, dated 28<sup>th</sup> October 2022)', unless otherwise agreed in writing by the Planning Authority.



Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to encourage sustainable means of travel;
- (d) 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;
- (e) 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;
- (f) in the interest of road safety;
- (g) 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;
- (h) to ensure all unencountered contamination within the site is dealt with appropriately;
- (i) in order to ensure no damage is caused to trees within or adjacent to the site during development operations;
- (j) in the interests of protecting local wildlife and minimising impact on ecology;
- (k) 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;
- (l) 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;
- (m) to ensure that the play area scheme is installed and completed in a timely manner to serve future residents of the development;
- (n) to ensure that the soft landscaping scheme is implemented in a timely manner, in the interests of visual amenity of the site;
- (o) to ensure that the formal open spaces provide meaningful and usable areas which align with the requirements of the relevant planning guidance;
- (p) to ensure all areas of open space approved as part of the development are accessible and usable to future occupants of the development;
- (q) to ensure that any areas of retention are appropriately designed and treated so that they are commensurate to the development site;
- (r) in the interests of residential amenity; and
- (s) 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 serviced 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](mailto:sw@sisplan.co.uk)).
- 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](mailto: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 15<sup>th</sup> September 2022);  
Statement in Response to Condition 28 - Affordable Housing Provision and Details (Author: Milestone Developments, dated 28<sup>th</sup> October 2022);  
Site Sections A and B; and  
Site Sections C and D.

**The time being 12. 40 p.m., the Panel agreed to adjourn for ten minutes. The Panel resumed at 12.50 p.m.**

- (3) [22/00701/APP](#) – CRAIGIE – Land at C8 From A719 Junction at Adamhill to Council Boundary – Proposed erection of 4 glamping pods, extension of hardstanding and formation of access.

The Panel heard from various interested parties.

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 three Members voted against the Motion and the Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;

- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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; and
- (i) 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.

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only;
- (d) in the interest of proper planning.
- (e) to clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only;

- (f) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (g) to clarify the terms of the permission and the interests of visual amenity;
- (h) to clarify the terms of the permission and the interests of visual amenity; and
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

**Advisory Notes:**

- 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.
- 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](http://www.sepa.org.uk)
- Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obstrusive Light".
- The premises require to fully comply with the Health and Safety at Work etc Act 1974 and any Regulations and requirements therein and thereto.
- 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.
- With regard to waste collection arrangements, as a commercial business, a separate commercial waste collection will be required.

**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; and  
Other - Reference No (or Description): Glamping Brochure.

**In terms of Council Standing Order No 6.2 and in view that the meeting would take more than four hours to complete, the Panel agreed to continue this meeting today until all the agenda items had been considered.**

- (4) [22/00619/APP](#) – SYMINGTON – Knockendale Farm, C93 from B730 Junction north-west of Bogend, south-west to Brewlands Road, KA1 5PN – Erection of a dwellinghouse.

The Panel heard from various objectors.

Councillor Kilbride, seconded by Councillor Connolly, moved that the application be approved, subject to the conditions contained within the report.

By way of an Amendment, Councillor Townson, seconded by Councillor Cavana, moved that the Panel undertake a site visit, prior to determination of the application.

On a vote being taken by electronic means, three Members voted for the Amendment and six for the Motion which was accordingly declared to be carried.

The Panel

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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; and

- (i) 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:**

- (a) 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;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure the site is drained in an acceptable and sustainable manner;
- (d) in the interest of the residential character and amenity of the area;
- (e) in the interest of road safety and to ensure adequate off-street parking provision;
- (f) to ensure an appropriate boundary treatment for the rural development;
- (g) in the interests of visual amenity and to ensure an appropriate boundary treatment at the junction;
- (h) in the interests of road safety; and
- (i) 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 out 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; and

Drawing- Reference No (or Description): Site Levels.

**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.

The meeting ended at 2.08 p.m.

DRAFT



## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 17 NOVEMBER 2022

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

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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,

## **Regulatory Panel (Planning): 17 November 2022**

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

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 be 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 & reseeded.

**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](http://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>

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

**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

## South Ayrshire Council

### List of Planning Applications for Regulatory Panel (Planning) Consideration on 14th December 2022

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/00820/APP Mr David Hearton <a href="#">Application Summary</a>	Multi User Games Area Linden Avenue Girvan South Ayrshire	Installation of 2 No. 8m high floodlight columns at existing MUGA	South Ayrshire Council	Approval with Condition(s)
2.	22/00698/APP Ms Dianne Lewis <a href="#">Application Summary</a>	2 Burns Wicket Ayr South Ayrshire KA7 4NH	Alterations and extension to existing sports club and upgrade works to existing grounds and car park	Cambusdoon Sports Club	Approval with Condition(s)
3.	22/00395/APP Mr Del Delury <a href="#">Application Summary</a>	Site To Rear Of 1-10 Mure Place Minishant South Ayrshire	Part change of use of agricultural land to form commercial dog walking field	Mrs Sarah Tyson	Approval with Condition(s)
4.	22/00783/APP Mr David Hearton <a href="#">Application Summary</a>	Land Adjacent To 130 Bentinck Drive Troon South Ayrshire KA10 6JB	Erection of boundary wall and formation of vehicular access	Helco Developments Limited	Refusal
5.	22/00692/APP Ms Fiona Sharp <a href="#">Application Summary</a>	Land Adjacent To 19 Roman Road Ayr South Ayrshire	Erection of dwellinghouse	Invincible Security Ltd	Refusal



List No.	Reference Number	Location	Development	Applicant	Recommendation
6.	22/00747/APP Ms Susannah Groves <a href="#">Application Summary</a>	111 Craigie Way Ayr South Ayrshire KA8 0HH	Change of use of garden ground and erection of a dog grooming unit	Miss Carly Crawford	Approval with Condition(s)
7.	22/00391/FURM Mr Alastair McGibbon <a href="#">Application Summary</a>	Scottish Agricultural College Mossblown Ayr South Ayrshire KA6 5HW	Further planning permission to alter the wording in the Planning Condition 19 relating to the timing of infrastructure (roundabout provision)	Allanvale Land	Approval with Condition(s)

## REGULATORY PANEL: 14 DECEMBER 2022

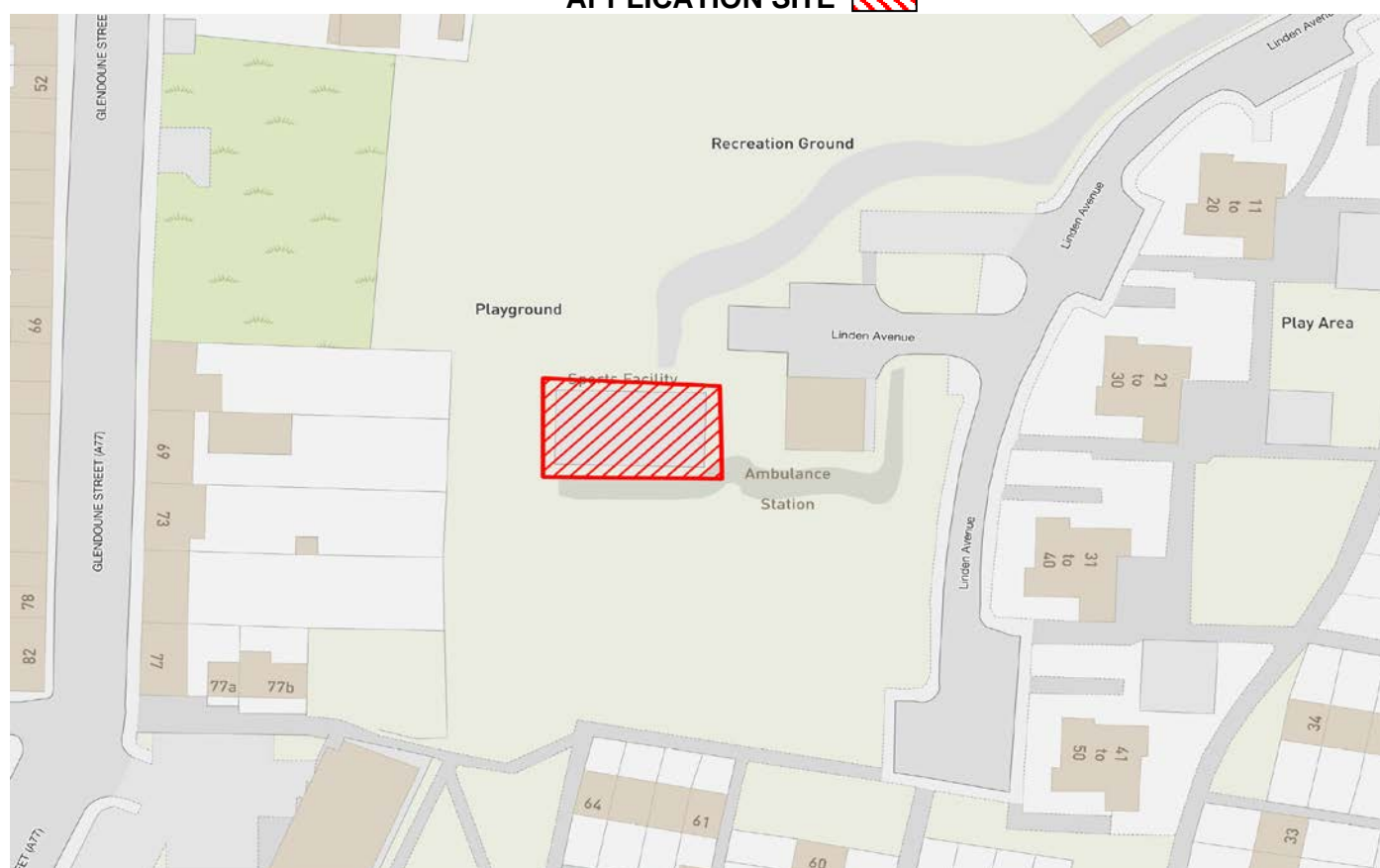
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00820/APP

### MULTI USER GAMES AREA LINDEN AVENUE GIRVAN SOUTH AYRSHIRE

#### Location Plan

APPLICATION SITE 



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#### Summary

Planning permission is sought for the erection of two 8-metre-high floodlighting columns, one to each end of the existing multi use games area (MUGA) at Linden Avenue, Girvan. The MUGA is located in an area of long-established open space, and the floodlighting is intended to facilitate the continued use of the MUGA.

The application has generated 1 objection. Consultation responses have been received from the Council's Environmental Health Service and the West of Scotland Archaeology Service, neither of whom object to the proposed development. The proposed development has been assessed against the relevant policies of the Adopted South Ayrshire Local Development Plan 2, and other applicable material considerations. The proposals are not considered to adversely affect residential amenity in the locale.

Accordingly, it is recommended that the application is approved for the reasons specified in the report.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00820/APP</b>
<b>SITE ADDRESS:</b>	<b>Multi User Games Area Linden Avenue Girvan South Ayrshire</b>
<b>DESCRIPTION:</b>	<b>Installation of 2 No. 8m high floodlight columns at existing MUGA</b>
<b>RECOMMENDATION:</b>	<b>Approval with Condition(s)</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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 site of the proposed development is an existing multi-use games area (MUGA) located in an area of open space at Linden Avenue, Girvan. Surrounding the open space are residential properties.

Planning permission is sought for the erection of two 8-metre-high floodlighting columns, one to each end of the MUGA. Full details are set out in the submitted plans.

There is no planning history at the application site other than the application for the MUGA itself (reference 08/00790/COU), which was approved at Regulatory Panel on 9th January 2009.

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

#### 2. Consultations:

**Environmental Health** offer no objections to this application subject to an advisory note requiring compliance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

**West Of Scotland Archaeology Service** offer no objections to this application.

#### 3. Submitted Assessments/Reports:

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

A lighting assessment has been submitted with this application. This considers the impact of the floodlighting on the immediate locale.

**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:**

1 objection has been received. This can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The objector suggests that floodlighting proposals have been considered at this site before, and were refused on the basis that the MUGA occupies an elevated site and, even with cowling, the floodlights would still lead to light shining into their window. The objector also suggests that assurances were given that floodlighting would never be erected at the MUGA. Reference is made within the objection to the approval of the 3G pitch at Victory Park, Girvan (which will have floodlighting) and indicates that the MUGA at the application site is barely used.

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 this representation 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 policies are relevant in the assessment of the application and can be viewed in full online at

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites; and
- LDP Policy: Open Space.

It is considered that the installation of two 8 metre high floodlighting columns to the MUGA (one to either end) will not have an adverse impact on the character or amenity of the locale. Whilst it is acknowledged that the MUGA occupies an elevated site in comparison to surrounding development, the floodlights are associated with the existing use of the MUGA, and it is considered that the proposals will not have an adverse impact on residential amenity in the locale. The closest floodlighting column is some 11 metres away from the rear boundaries of the nearest residential properties to the west (and pointing away from those properties), and the spillage of light from the floodlights would be limited to the immediate environs of the MUGA. In order to further protect residential amenity in the locale, it is considered appropriate to attach a condition to any planning permission granted that requires the floodlights to be turned on no earlier than 9:00am and turned off no later than 9:00pm. The applicant is agreeable to such a condition being attached in the event of the application being approved. Considering the above, the proposal is considered to accord with the relevant policies of Local Development Plan 2.

The provisions of the Adopted South Ayrshire Local Development 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)

None.

(iii) Objector Concerns

The concerns of the objection are summarised and considered in turn as follows:

- Floodlighting proposals have been considered at this site before, and were refused.

A pre-application submission relating to floodlighting at the MUGA was considered in 2012. No formal application was ever received for the erection of floodlighting at the MUGA until now. The objector's property sits some 59 metres to the south of the closest floodlighting column and even taking into account the elevated position of the MUGA in relation to the objector's property, it is not considered that light would shine in the windows to the front of their property. The lighting columns would require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" (as recommended by the Council's Environmental Health Service) which would ensure that the surrounding neighbouring properties will not be adversely affected.

- Assurances were given that floodlighting would never be erected at the MUGA.

The Planning Service cannot give assurances as to whether something may or may not be applied for through the planning application process, nor can it give assurances in respect of a potential planning decision.

- The recently approved pitch at Victory Park will have floodlighting.

The approval of a new pitch with floodlighting at Victory Park is not considered to be material to the assessment of this application. The Planning Authority must determine applications on their own merits, and it is not for the Planning Authority to question the need for a development.

- The MUGA is barely used.

The perceived level of usage of the MUGA is not considered to be material to the assessment of this planning application.

(iv) Impact on the Locality

It is considered that the proposed floodlighting to the MUGA will not have an unacceptable impact on residential amenity in the locale. It is acknowledged that the MUGA occupies an elevated site in comparison to surrounding development, however given the siting and orientation of the floodlighting columns, the distance between the floodlighting and residential properties and that the floodlighting will require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light", it is considered that the proposal will not give rise to light nuisance. In order to further protect residential amenity, it is considered appropriate to attach a condition to any planning permission granted that requires the floodlighting to be turned on no earlier than 9:00am and turned off at 9:00pm, and written agreement by the applicant to such a condition has been received.

**8. Conclusion:**

The application has been assessed against the various material considerations, including the provisions of the Adopted South Ayrshire Local Development Plan 2, consultations undertaken, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed floodlighting will facilitate the continued use of the MUGA, and that the proposed floodlighting, by reason of siting, orientation, design, and the distance between floodlighting and residential properties, will not have an adverse impact on residential amenity in the locale by way of light pollution.

## **Regulatory Panel (Planning): 14 December 2022**

Report by Housing, Operations and Development Directorate (Ref: 22/00820/APP)

Given the above assessment and having balanced the rights of the applicant against the general interest, it is recommended that the application be approved subject to the conditions listed below.

### **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 proposed floodlights shall not be switched on or be in use before 9:00am and after 9:00pm, to the satisfaction of the Council as Planning Authority.

### **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 define the terms of this planning permission.

### **10 Advisory Notes:**

- (1) Please ensure the advice on light pollution contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" is followed. [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)

### **11 List of Determined Plans:**

- Drawing - Reference No (or Description): SAC/GLEND/MUGA/101
- Drawing - Reference No (or Description): SAC/GLEND/MUGA/102
- Drawing - Reference No (or Description): SAC/GLEND/MUGA/103
- Other - Reference No (or Description): LIGHTING ASSESSMENT

### **Background Papers:**

1. Planning application form, plans and supporting information (available online)
2. South Ayrshire Local Development Plan 2 (available online)
3. Representations (available online)

### **Equalities Impact Assessment:**

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

### **Person to Contact:**

Mr David Hearton, Lead Conservation Planner - Planning Strategy - Telephone 01292 616352

# REGULATORY PANEL: 14 DECEMBER 2022

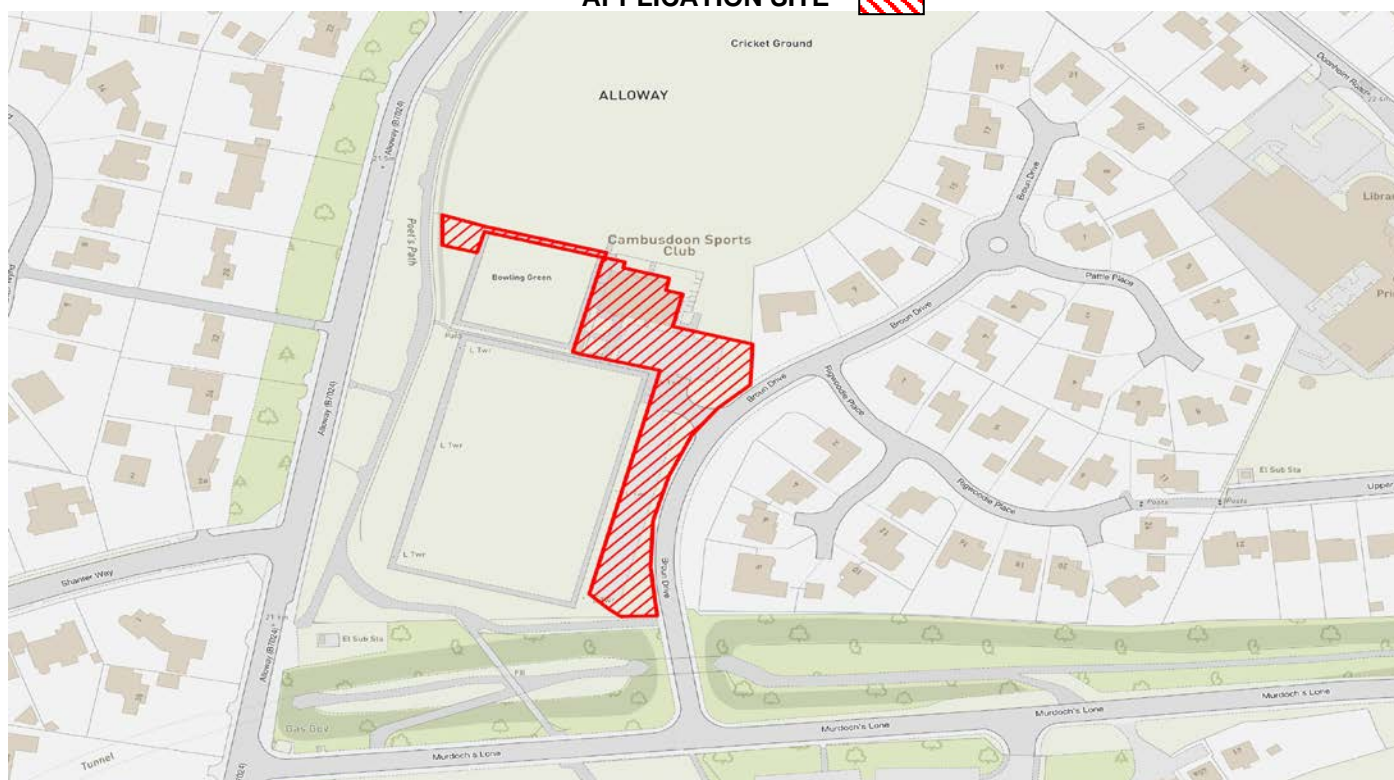
## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00698/APP

2 BURNS WICKET AYR SOUTH AYRSHIRE KA7 4NH

### Location Plan

APPLICATION SITE 



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### Summary

Cambusdoon Sports Club are seeking planning permission to alter and extend the existing clubhouse building to its principal elevation by erecting a two-storey extension with a 'wrap-around' exterior upper floor external viewing balcony. The proposals include alterations to the carpark layout to increase parking provision and alterations to the vehicular entrance and exit; the erection of a fence along the boundary with Broun Drive; and the erection of a groundworkers compound to the northwest of the bowling green.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, government guidance, consultations, representations received 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 do not raise any issues of over-riding concerns that cannot be satisfactorily addressed by way of condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that 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. Accordingly, the application is recommended for approval.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as five, or more, competent written objections have been received from separate households.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00698/APP</b>
<b>SITE ADDRESS:</b>	<b>2 Burns Wicket Ayr South Ayrshire KA7 4NH</b>
<b>DESCRIPTION:</b>	<b>Alterations and extension to existing sports club and upgrade works to existing grounds and car park</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

#### APPLICATION REPORT

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

#### 1. Proposal:

The application site is approximately 3.6ha comprising a detached modern sports clubhouse finished in red facing brick, situated within the grounds of the multifunctional Cambusdoon Sports Ground located at 2 Burns Wicket, Alloway. The building is centrally located within grounds, sandwiched between the car park to which its southern principal elevation affords level access, and the football pitch further southwest, the bowling green to the west and the cricket ground to the immediate north - towards which the clubhouse's rear elevation projects a veranda at ground level and panoramic fenestration from its upper floor. The eastern boundary of the site meets a row of detached dwellings whose rear boundaries wrap around the eastern extremity of the cricket field. The area is designated as open space, as defined by the South Ayrshire Local Development Plan 2 (LDP2) and sited within a predominately residential area.

Cambusdoon Sports Club is seeking planning permission to alter and extend the existing clubhouse to its principal elevation by erecting a two-storey extension with associated 'wrap-around' exterior upper floor external viewing balcony. The proposals also include alterations to the car park layout, formation of a new vehicular entrance so as to create a 'one way' system for vehicles, and additional parking provision. It is also proposed to erect a 1.5m high fence along the eastern boundary with Broun Drive; and the erection of a groundworkers compound to the north-west of the bowling green.

The proposed two storey extension, which is to be sited to the principal elevation of the building, provides a 'multi let fitness suite', changing areas with showers and WCs (including an accessible changing area, shower and WC); an accessible lift leading to the upper floor of the building; and an entrance foyer on the ground floor. An enclosed viewing lounge/ café area is proposed on the upper floor of the extension.



The proposed two storey extension reaches the height of the existing building (approximately 9.7m) and projects approximately 14m beyond the original front building line of the building, on the ground floor, at its furthest depth. The extension has a footprint of approximately 50sqm and the proposed materials comprise metal standing seam roof, zinc and timber effect clad walls and grey polyester powder coated aluminium windows and doors. The proposed upper floor external viewing balcony wraps around the proposed new extension to its principal elevation, extending along the full width of the western elevation of the building, and wraps around the to its rear elevation to the north. Stairs to access the viewing balcony are to be located to the rear elevation of the building. The proposed balcony, which comprises galvanised steel with a grey polyester powder coated finish and glazed balustrade, is proposed at first floor level and projects 8.3m in depth (at its maximum depth) in front of the proposed extension on the principal elevation of the building. The proposed upper floor platform height shall be approximately 3.2m above ground level and the associated glazed panel balustrades are to be approximately one metre in height from the platform. It is intimated in the submission that the external viewing balcony shall facilitate spectators for the football field to the south of the building, the bowling green to the west of the building and the cricket ground to the rear (north) of the building.

It is also proposed to revise the existing layout of the associated clubhouse car park so as to create an additional vehicular entrance along Broun Drive. This will result in the introduction of a 'one way' system for vehicles utilising the car park. In addition to the alterations to the entrance of the car park, an additional 20 car parking spaces are proposed to be introduced into the curtilage of the club. This increases the current car parking provision from 52 spaces to 72 spaces.

It is also proposed to erect a 1.5m high perimeter fence along the eastern boundary of the site with Broun Drive, however, no details of the proposed fence have been submitted with the application. Additional lighting is also proposed to be erected on the existing flood lighting columns, so as to provide additional lighting for the carpark; however, there are also no details of the proposed lighting submitted with the application. Furthermore, both aspects can be 'conditioned out' of the permission, as explained further, below.

Finally, a groundworkers compound is proposed to be sited to the north-western boundary of the bowling green area which comprises an area of approximately 132.25 sqm (11.5m in length by 11.5m in width) and proposes a 1.8m high close boarded timber fencing and double gates.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as five, or more, competent written objections have been received from separate households.

## **2. Consultations:**

**The Ayrshire Roads Alliance (ARA)** offer no objection, subject to conditions, to the development proposals from a traffic and transportation perspective. The ARA in their response, has advised that they have undertaken a review of all information submitted in support of the application, and within this review they have also taken cognisance of the various objections lodged, in particular those which raise concerns in relation to parking. With respect to the parking requirements associated with the application proposals, the proposed Multi-Let Fitness Studio with a Gross Floor Area (GFA) of circa 50m<sup>2</sup> would, in accordance with Council's adopted standards, require a provision of an additional 3 spaces within the curtilage of the site. As the proposals include for an increase of 20 spaces, from an in-curtilage parking provision perspective, the proposals are considered by the ARA to be acceptable.

Concerns have been raised within objections around parking pressures on adjacent public roads including Broun Drive. The ARA acknowledge that there can be a high competition for on street parking on public roads adjacent to the application site. However, they are of the view that this is more likely to be a result of cumulative activities in the area, including Ayr Rugby Club, Burns Museum, Alloway Parish Church and Brig o' Doon House Hotel, as opposed to an issue created by the Cambusdoon Sports Club in isolation. As this occasional spike in parking demand is not as an exclusive result of the application site, the ARA has advised that it would not be appropriate to lay the responsibility in resolving these existing parking challenges at the door of this planning application, particularly considering the modest scale of the development proposal. The site is required to manage and mitigate its own trip generation and parking requirements. As summarised above, the proposals incorporate sufficient additional parking to meet the land uses associated with the application/ development proposal. The ARA would, however, be minded to support the conditioning of an Event Management Plan – this plan would be required to demonstrate how traffic would be managed when larger "one-off" style events are to be hosted within the Cambusdoon Sports Club.

With respect to cumulative parking pressures in the general area of the application site, this is a matter that the ARA can investigate separate to the planning process in order to establish what steps may be possible to help mitigate the issue.

The ARA would offer no objections to the proposed secondary site access junction to create an “in and out” traffic management arrangement, on the condition that the junction be designed and constructed to fully comply with the standards as set out in the SCOTS National Roads Development Guide, as adopted by Council. The ARA are however of the opinion that a Traffic Regulation Order (TRO) for junction clearances (double yellow no waiting, no loading restrictions) at both the entry and exit junction bellmouths would be beneficial in helping to ensure the smooth operation of vehicle access and egress to and from the site. The ARA have therefore included an advisory note that the full costs of promoting an associated TRO shall require to be met by the applicant. In summary, following the ARA review of all supporting information, they are minded to offer a recommendation of no objection, subject to advisory notes and conditions as set out in Section 9 of the report.

**Environmental Health** offer no objections. An advisory note is attached to section 9 of this report with regards the management of noise levels associated with the operation of the facility. The Environmental Health Service have powers to investigate, monitor and action noise complaints should any arise in the future. A further advisory note is recommended and requires any floodlighting associated with the proposal to be designed in accordance with the Institute of Lighting Professionals “Guidance Note for the Reduction of Obtrusive Light.”

**3. Submitted Assessments/Reports:**

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

A design and access statement accompanies the application submission. The statements sets out the location and context of the proposals, the club’s aspirations for the building, the proposed design concept and alternative designs considered. The statement intimates that the club building was built in late 1990s, primarily as a cricket club, and was built as a community facility for the adjacent ‘Robertson’s Field’ residential estate. The statement intimates that the Club has grown in popularity and now offers football, bowling and other classes, in addition to its primary function as a cricket club.

**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:**

51 representations have been received, 15 of which object to the proposed development and 36 support the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning) and are summarised, below;

Points of objection;

- Concerns with additional noise nuisance and overlooking of properties from upper floor viewing balcony;
- Concerns with parking provision/ road safety/ congestion/ emergency vehicle access/ inconsiderate parking on Broun Drive and surrounding area;
- Concerns with potential light pollution from additional lighting proposed;
- The proposed fence to the boundary along Broun Drive would be detrimental to the open space/ visual amenity of the area;
- The proposed extension is not in keeping with the area;
- The existing club could facilitate alterations without extending;
- The Club has outgrown its site and has a detrimental impact on the historic character of the area and amenity of residents;
- Concerns with further anti-social behaviour from patrons of the Club and litter.

Points of support;

- The proposals improve and update the existing facilities for members and visitors (particularly for females);
- The Club requires to adapt to meet the needs of its members;
- The facility encourages physical and mental wellbeing of children and members of the Club;
- Additional parking, bike racks and improved traffic plan will assist with current congestion/ road safety;
- The Club is a valuable community asset for the area;
- The proposed viewing area will provide a safe space for spectators;

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:

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Community Facilities;
- Open Space; and
- Land use and Transport.

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 development proposals seek to alter and extend an established sports club within the settlement of Alloway, Ayr. The alterations and extension of the clubhouse and associated works are of a contemporary nature and are considered acceptable in terms of the proposed siting, scale, massing, design and finishing materials which are considered to complement the original clubhouse. The proposed alterations to the current parking provision and layout of the car park are also considered appropriate for the local area in terms of road safety and effect on the transport network. On this basis, the proposals are not considered to adversely impact the setting, character or appearance of the locale. Furthermore, the proposals are considered to improve and make a positive contribution to existing amenities which enhance the existing sport and leisure facilities at the locale and ensures the continued use of the clubhouse and associated grounds for the benefit of the wider community. It is recognised that, although the application site is designated as open space, it is situated within a predominately residential area. Therefore, careful consideration of the impact of the application proposals on residential amenity in the vicinity, is set out further below. However, the principle of the development proposal is considered to accord with the strategic policies of the development plan.

Consultation responses received have not raised any objections to the proposals. 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 development proposals to upgrade and improve the sport and leisure facilities at an existing sports club has the potential to make a positive contribution to local amenities, in terms of the provision of improved and additional community facilities at the locale. This aligns with this policy objective of the LDP in relation to community facilities which seeks to support community facilities.

The open space policy of the LDP requires consideration of the value of open spaces, in order that locally significant green spaces which are valued and valuable to the wider environment are afforded appropriate safeguarding. As such, consideration is required of the individual site-specific factors relating to this site, and the area in which it is set. Development proposals also require to be considered based on the merits of the proposal and any individual site-specific circumstances arising. The application site is an established sports club within an area designated as open space, as defined by the LDP2. The proposed development ensures that an existing facility is retained, upgraded and fit for purpose for the continued use of the community. Furthermore, it is not considered that there would be any adverse effect on the amenity or recreational value of the site or surrounding locality, as set out further below.

LDP Land Use and Transport policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. The ARA position is captured within Section 2 of the report above. They have no objection to the development proposal from a traffic and transportation perspective subject to conditions and advisory notes, as set out in section 9 of the report. On this basis, it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

Given the above policy context, the development proposal, as conditioned, 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 (SPP) sets out that planning policies and decisions should support sustainable development. With regard to open space and recreation facilities, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.

SPP also emphasises the need to make efficient use of existing buildings, land and infrastructure. The protection and enhancement of landscapes and the environment, and linkages to infrastructure are also key considerations.

It is considered that the proposals align with SPP as the proposals will enhance the existing sporting facilities associated with Cambusdoon Sports Club and for the reasons captured in part (i) above.

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".

It is considered that the proposals align with PAN 65 as the proposals will enhance the existing facilities associated with the open space provision at Cambusdoon Sports Club and for the reasons captured in part (i) above.

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 development proposal seeks to enhance the facilities within the area, ensures the continued leisure and recreational use of the site by the wider community; is within the settlement of Ayr where various modes of transport (bus, cycling and walking) are available. Accordingly, and considering part (i) above, the development proposal, as conditioned, is considered to be in accordance with the aims of the Open Space Strategy.

(iii) Objector Concerns

- *Concerns with additional noise nuisance and overlooking of properties from upper floor viewing balcony;*

Although it is recognised that the proposed facility shall enhance and encourage the use of the existing facilities at the sports club, it is not considered that it will become a 'destination' and attract significant crowds to that currently experienced or which would adversely impact or change the character of the area. It is also considered that the proposals to alter and extend the building will not significantly change the character or nature of the existing sports club or adversely impact the immediate area, that would be so injurious to merit a refusal of planning permission in this instance.

The introduction of an upper external viewing balcony at the club (which is to be used to accommodate spectators attending the club), is not considered to increase the level of noise currently experienced from the facility. It is also recognised that the majority of the balcony is to be sited to the western elevation of the club adjacent to the Poet's Path. However, it is recognised that objectors are concerned that the external balcony will be used for private social functions/events which can be late into the evenings. On this basis, further clarification has been sought by the Planning Service on the use of the external viewing balcony, as it is recognised that private social functions are held at the Club. The applicant's agent has confirmed that the intended use for the balcony is for sports viewing only with a proposed curfew of 9pm in the Summer and 6pm in the Winter, beyond which access to the balcony will be closed. Furthermore, the application proposal has been the subject of formal consultation with the Council's Environmental Health Service (EH) who does not object to the proposals. The potential for noise issues arising from the proposal is a matter for the operator of the facility, and the written confirmation from the applicant's agent is considered to be the club's recognition of the responsible management and use of the external balcony area and its intended use. Notwithstanding, noise nuisance, should it occur, is a matter for the Council's Environmental Health Service or Police Scotland.

Furthermore, it is considered that the alterations and extension retain a sufficient separation distance from the closest residential properties sited in Broun Drive and Rigwoodie Place which sit to the northeast and south east of the site. The closest residential property is 5 Broun Drive which is sited approximately 41m from the closest part of the upper floor balcony on the rear elevation of the building. It has also been agreed by the applicant's agent, that the depth of the rear upper floor balcony will not project beyond the furthest most rear elevation of the building. This ensures that the existing building largely absorbs and mitigates potential for overlooking of neighbouring properties private garden grounds. Notwithstanding, the separation distances from the rear boundaries of the neighbouring properties in Broun Drive, coupled with the reduced depth of the proposed balcony, will ensure that the properties are not adversely impacted in terms of overlooking. This element of the proposal can be attached as a condition to the planning permission and ensures that the precise details of the depth of the proposed upper floor balcony is agreed by the Planning Service prior to commencement of development on site. Notwithstanding, it is recognised that the clubhouse has an existing and enclosed upper floor viewing area sited on its rear elevation which is closer to the rear boundaries on the neighbouring properties along Broun Drive. Therefore, it is not considered that the upper floor balcony area will exacerbate any further overlooking to properties.

Furthermore, the proposed upper floor balcony to the principal elevation of the building is sited approximately 40m (at its closest point) from the side boundary of the closest neighbouring property's side boundary at 5 Broun Drive; and shall be located over 58m from the rear boundaries of the adjacent neighbouring properties sited to the southeast of the site within Rigwoodie Place. It is also noted that an intervening landscape strip of mature planting sits between the rear boundaries of the properties on Rigwoodie Place which back onto Broun Drive.

- *Concerns with parking provision/ road safety/ congestion/ emergency vehicle access/ inconsiderate parking on Broun Drive and surrounding area;*

It is recognised that the main access to the sportsclub shares its access with the adjacent residential estate (Broun Drive, Rigwoodie Place and Pattle Place) where there is one road to facilitate access and exit. The application submission proposes to increase parking provision by creating an additional 20 parking spaces within the curtilage of the sportclub and creating a 'one way' traffic management system for vehicles utilising the clubhouse. A new vehicular access is proposed to facilitate this. The ARA has been formally consulted on the proposals and has offered no objections to the proposals subject to conditions and advisory notes, as set out elsewhere within the report. Therefore, the proposals are not considered to have an adverse impact on the local road network. It is recognised that inconsiderate parking within the local area is not solely from the sportsclub, however, this is not a material planning consideration which can be considered as part of this planning application assessment. This is a matter that the ARA can investigate separate to the planning process in order to establish what steps may be possible to help mitigate the issue.

- *Concerns with potential light pollution from additional lighting proposed;*

As set out above, EH has offered no objections to the proposals. Their recommended advisory note indicates that flood lighting requires to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to ensure neighbouring properties are appropriately safeguarded. However, the applicant's agent has advised that they no longer wish to install additional lighting for the carpark area, as it is no longer considered necessary. It is therefore recommended that this element of the proposal is 'conditioned out' of the permission (see section 9 below);

- *The proposed fence to the boundary along Broun Drive would be detrimental to the open space/ visual amenity of the area;*

It is indicated on the plans that a fence measuring 1.5 m in height is proposed alongside the eastern boundary with Broun Drive. It is considered that this would have a detrimental visual impact on the open plan character and attractiveness of the entrance to the sports club and the area. Therefore, a condition is recommended to 'condition out' the proposed fence (see section 9 below). The applicant has also confirmed that, notwithstanding the proposal, they now agree that it is not necessary to enclose the carpark at the facility.

- *The proposed extension is not in keeping with the area; and the Club has outgrown its site and has a detrimental impact on the historic character of the area;*

The sports club is not a listed building and the application site is not sited within a conservation area. However, it is recognised that the site is in close proximity to tourist attractions associated with Robert Burns (Burns Museum, Burns Cottage, Alloway Old Kirk, the Brig o'Doon, Poet's Path). However, the sports club is a relatively modern building sited within an area of associated open space. The design, siting, scale and finishing materials are not considered to adversely impact the setting, character or appearance of the locale. The impact of the development proposals on the surrounding locality is considered further within the report.

- *The existing club could facilitate alterations without extending;*

The Council is obliged to consider the application proposal as submitted.

- *Concerns with further anti-social behaviour and litter from patrons of the Club;*

Antisocial behaviour/ behaviour of patrons of the club is not a material planning consideration which can be considered as part of this planning application assessment. It is for the operators of the club to manage it responsibly. Should matters such as antisocial behaviour arise, this would be a matter for the operators and the police.

It is understood that there are existing waste collection arrangements in place for the club.

The supporting comments as set out in section 6 of this report are noted.

(iv) Impact on the Locality

Whilst the proposed alterations and extension to the clubhouse is undoubtedly a contrast to the original building in terms of its modern use of materials and design, any alterations or extension do not necessarily need to replicate its surroundings, with the challenge being to ensure that all new development respects, enhances and has a positive impact on an area. The proposals are considered to be subsidiary in scale and massing to the existing building and offer a design solution which does not compete with the original building and shall be visually absorbed against the backdrop/massing of the original building. The proposals are considered to have a positive impact on the character, appearance and setting of the area at this locale. The use of high quality modern materials (metal standing seam roof, zinc and timber effect clad walls and grey polyester powder coated aluminium windows and doors) breaks up of the main elevation of the building by introducing different materials and varying fenestration heights and adds interest to the streetscape whilst ensuring that the design integrates well with surrounding development. On this basis, it is considered that the proposed alterations and extension can be successfully integrated without an adverse impact on the setting, character or appearance of the area.

It is also proposed to erect a groundworkers compound which is to be sited to the north-western boundary of the bowling green area which comprises an area of approximately 132.25 sqm (11.5m in length by 11.5m in width) and proposes a 1.8m high close boarded timber fencing and double gates. This aspect of the proposal is considered acceptable in terms of its siting and design and shall not be visually prominent. The siting of the groundworkers compound ensures that there is no adverse impact on amenity or locality of the area.

In regard to the proposed fence and additional lighting within the carpark, no details of the fence or lighting were submitted with the application. Notwithstanding, it has been confirmed by the applicant's agent, that the Club no longer wish to erect a boundary fence or additional lighting at the site. Therefore, this aspect of the development can be 'conditioned out' of the permission, so as to define the terms of the permission granted.

In respect of amenity impact, it is recognised that the area of open space is within a predominately residential area. The closest residential properties being sited within Broun Drive, Rigwoodie Place, and Pattle Place. Therefore, it is important to consider any potential impact on residential amenity of adjacent neighbouring properties. This is set out and considered elsewhere in the report. On this basis, it is concluded that the development proposals will not adversely impact the residential amenity of the nearest residential properties which would be so injurious to merit a refusal of planning permission in this instance. Furthermore, the use of the site does not change in land use planning terms (i.e., the application site has and will continue to function as a sports club) and the modest nature and scale of the development proposals will not attract significant crowds to that currently experienced or which would adversely impact or change the character of the area. In addition, the development proposals are considered to improve and ensure the continued use of an existing recreational and leisure facility, which will benefit the wider community. It is not considered that the proposals will adversely impact on the amenity of the surrounding locale or have a detrimental impact on its setting.

Furthermore, it is acknowledged that provision is made for 20 additional parking within the curtilage of the Club. The proposals increase the off-road parking spaces from 52 to 72 spaces. It is also recognised that the club has made provision for bicycle racks and is sited within in close proximity of cycle paths and accessible by walking, wheeling and public transport. The Ayrshire Roads Alliance has offered no objections to the proposals subject to conditions and advisory notes, as set out elsewhere within this report. It is also considered that the proposed alterations to the layout of the carpark will not detract from the character, appearance or setting of the locality or adversely impact residential amenity of adjacent neighbouring properties. Therefore, on this basis, it is considered that the applicant recognises their responsibility to positively address the matter off road parking and have made provision within the proposals to alleviate the congestion experienced at the locale.

Given the nature, scale and location of the proposed works at the locale, it is regarded that the development proposals will enhance the existing facilities at the location for the continued use and benefit of the wider community. 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.

The proposed development complies with the development plan for the reasons as outlined above. The proposal is considered to have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by suitable conditions. Equally, the points raised in the objections have been fully considered, but do not raise any issues that would 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 complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposals will not have a significant adverse impact on 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 approval with conditions;

- (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) Travel Plan: 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. Thereafter the Travel Plan shall be implemented in accordance with the details approved under the terms of this condition.
- (4) Event Management Plan: The applicant/ developer shall, prior to the completion of the works, submit an Event Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the arrangements for the management of trip generation associated with events to the development of varying sizes and frequencies, including any proposed traffic management measures, parking management, coach pick-up and drop-off arrangements, etc. Thereafter, the Event Management Plan shall be implemented as approved.
- (5) Access Construction: That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide. The access shall be constructed, as approved, prior to completion of the development.
- (6) Private Access Surfacing: That the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (7) Discharge of Water: That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site and shall thereafter be implemented as approved.
- (8) That notwithstanding the plans hereby approved, precise details of the proposed depth of the upper floor balcony area to be sited on the rear (northern) elevation of the existing building shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site. Thereafter, the agreed details of the balcony area shall be implemented to the satisfaction of the Planning Authority.
- (9) That notwithstanding the plans hereby approved, no permission is granted for a fence to be erected along the south and eastern boundary of the application site.
- (10) That notwithstanding the plans hereby approved, no permission is granted for additional lighting within the car park of the application site.

**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 encourage sustainable means of travel.
- (4) In the interest of road safety.
- (5) In the interest of road safety and to ensure an acceptable standard of construction.
- (6) In the interest of road safety and to ensure an acceptable standard of construction.
- (7) In the interest of road safety and to avoid the discharge of water onto the public road.
- (8) In the interests of residential amenity.
- (9) In the interests of visual amenity and as per the agreement of the applicant's agent in correspondence with South Ayrshire Council Planning Service dated 16<sup>th</sup> November 2022.
- (10) In the interests of residential amenity and as per the agreement of the applicant's agent in correspondence with South Ayrshire's Planning Service dated 16<sup>th</sup> November 2022.

**Advisory Notes:**

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

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

New Roads and Street Works Act 1991: In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads' authority and the relevant utility companies.

Costs of Street Furniture: The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

Costs of TROs: The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings. In this instance the ARA will require that the applicant meets the costs for the promotion of no waiting, no loading at any time “junction clearance” restrictions at both the existing and proposed site access and egress junctions.

Signage to TSRGD 2016: The Council as Roads Authority advises that only signs complying with the requirements of ‘The Traffic Signs Regulations and General Directions 2016’ are permitted within public road limits.

**List of Determined Plans:**

- Drawing - Reference No (or Description): (00)000
- Drawing - Reference No (or Description): (01)006
- Drawing - Reference No (or Description): 2337\_00\_002 P3
- Drawing - Reference No (or Description): 2337\_00\_004 P5
- Drawing - Reference No (or Description): 2337\_01\_001
- Drawing - Reference No (or Description): 2337\_01\_002
- Drawing - Reference No (or Description): 82337\_01\_003
- Drawing - Reference No (or Description): 2337\_01\_004 P4
- Drawing - Reference No (or Description): 2337\_01\_005 P4
- Drawing - Reference No (or Description): 2337\_02\_001
- Drawing - Reference No (or Description): 2337\_02\_002 P3
- Drawing - Reference No (or Description): 2337\_03\_001
- Drawing - Reference No (or Description): 2337\_03\_002
- Drawing - Reference No (or Description): 2337\_04\_001 P1
- Drawing - Reference No (or Description): (90) 001
- Other - Reference No (or Description): Design and Access Statement

**Regulatory Panel (Planning): 14 December 2022**

Report by Housing, Operations and Development Directorate (Ref: 22/00820/APP)

**Background Papers:**

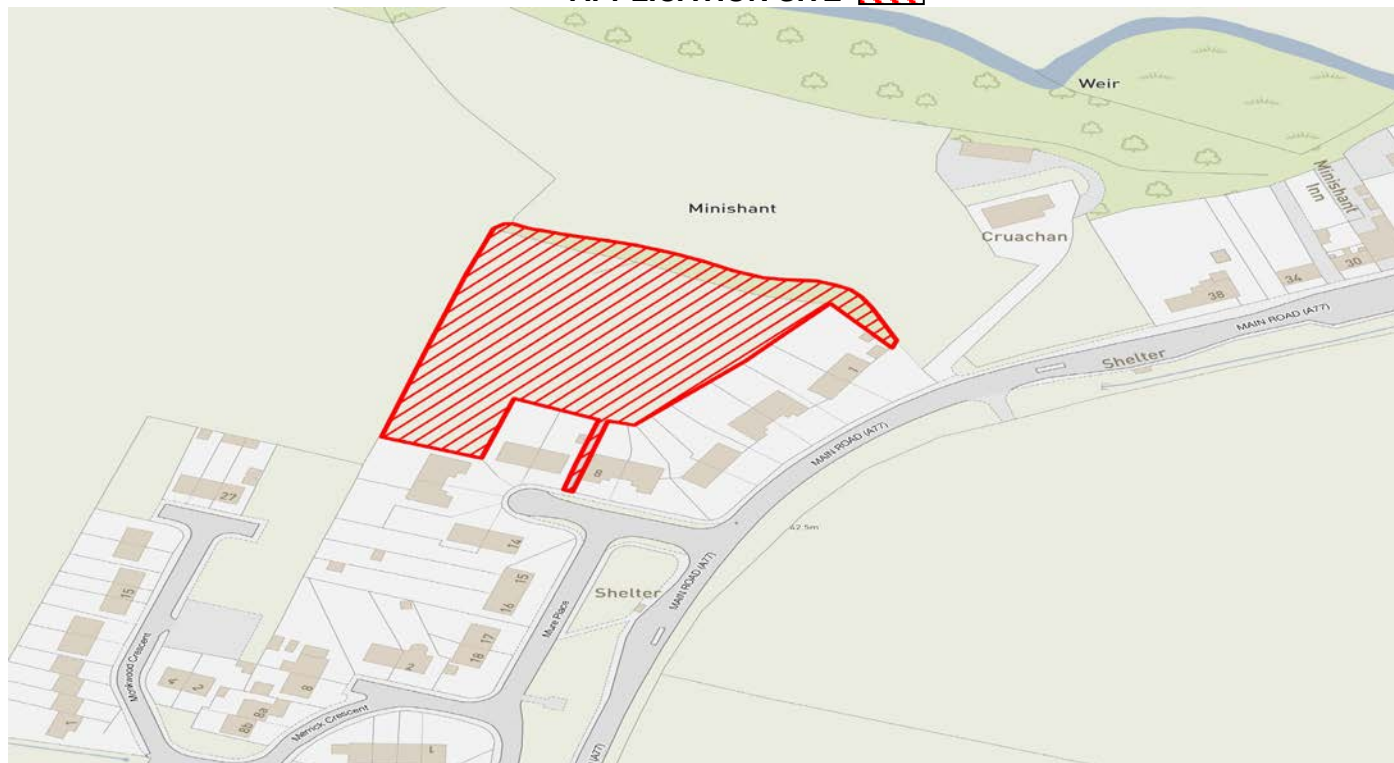
1. Application form, plans and submitted documentation
2. Representations
3. Adopted Local Development Plan 2 (LDP2)
4. Scottish Planning Policy (SPP)
5. South Ayrshire Open Space Strategy 2012
6. Planning Advice Note 65

**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 Dianne Lewis, Planner - Place Planning - Telephone 01292 616 175

**REGULATORY PANEL: 14 DECEMBER 2022****REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE****22/00395/APP****SITE TO REAR OF 1-10 MURE PLACE MINISHANT SOUTH AYRSHIRE****Location Plan****APPLICATION SITE** 

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**Summary**

Planning permission is sought for the use of land which is designated as 'open space' within the Local Development Plan, to form a dog exercise area facility to the rear of 1-10 Mure Place, Minishant. The application site is bound to the north and west by open pasture and to the east and south by the residential properties of Mure Place.

There is no vehicular access to the site; pedestrian access is taken from Mure Place via an existing gated access. The proposal is intended to support the applicant's existing dog-walking business, additionally, the site will be available for customer hire by prior appointment over 60-minute sessions in order that dogs may be exercised. It is understood the site is currently informally used as a dog walking area by nearby residents. It is proposed that new perimeter fencing, and gates will be erected and a shelter, picnic benches and litter/waste bins will be sited to facilitate the use.

The application has generated 8 objections. Consultation responses have been received from the Council's Environmental Health Service and Ayrshire Roads Alliance. Environmental Health have no objection to the proposal. The Ayrshire Roads Alliance do object to the proposal on the grounds that there is no designated off-street parking to serve the proposal. Notwithstanding, the proposed development has been assessed against the relevant policies of the adopted South Ayrshire Local Development Plan and other applicable material considerations. The proposals are considered acceptable from a planning perspective as they encourage business growth and promote rural business and activity that is considered appropriate at this location. The small-scale nature of the proposal together with the proposed operational arrangements will ensure that there will not be a significant increase in on street parking to the detriment of the amenity of the locale. The site was previously an area of unrestricted public open space that generated activity to and from the site. The site, while now privately owned, will still operate as an area of open space, albeit managed and controlled for the purposes of the proposed dog exercise area.

Accordingly, it is recommended that the application is approved for the reasons specified in the report.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00395/APP</b>
<b>SITE ADDRESS:</b>	<b>Site To Rear Of 1-10 Mure Place Minishant South Ayrshire</b>
<b>DESCRIPTION:</b>	<b>Part change of use of agricultural land to form commercial dog walking field</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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 an area of undeveloped land extending to approximately 0.65ha located to the rear of Mure Place, Minishant. The site generally slopes from north to south, with a steep gradient to the south-southeast near the access to the site. There is no vehicular access to the site; pedestrian access is taken from Mure place via an existing gated access.

The application site is bound on all sides by wire mesh fencing in various states of repair. There are also mature trees to the north and west boundaries of the site with agricultural land beyond. The residential properties of Mure Place are to the south and east.

The application site is designated as 'open space' in Local Development Plan 2. It was also designated as open space in the previous local development plan. The site was however sold by the Council in September 2016 and was described at that time as being 'grazing land.' It is understood that the site has been used as grazing land and general, informal open space since this time. Considering the site has been sold, it does not have the status of 'public' open space by virtue of it being privately owned.

Planning permission is sought by the applicant for the change of use of the land to form a secure dog exercise area facility. It is also proposed that a new 1.7-metre-high wire mesh perimeter fence and a 1.5 metre access gate will be erected together with a shelter, picnic benches and litter/waste bins to facilitate the use.

Operationally, the submission proposes the following:

- that the site, which is unlit, will operate during daylight hours only. Operational hours are indicated as 8am – 8pm in the summer and 8am to 4pm in the winter.
- access to the site will be gained through prior booking via an online booking system
- that a secure gated access from Mure Place will be controlled by a keypad and access code. The access code is provided through the online booking system only
- The access code will change regularly to avoid abuse of the system
- 1 hour access slot per booking (only single bookings permitted within any given hour)
- A maximum of 6 dogs will be allowed at any one time with their owner(s)
- The applicant anticipates that the majority of customers will arrive on foot but if arriving by car then the intention would be for on street parking in the area. There is likely to be a maximum of 2 cars at any one time (one arriving as one is leaving).
- Separate bins provided for general waste and dog waste
- Regular maintenance of the site and emptying of bins

A previous application for the same was withdrawn following advice from the Planning service as further information was sought at that time:

21/00845/APP - Part change of use of agricultural land to form commercial dog walking field - Withdrawn - December 2021

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

**2. Consultations:**

**Ayrshire Roads Alliance** - recommend refusal due to lack of adequate parking and servicing arrangements.  
**Environmental Health** - offer no objection and suggest that a condition regarding noise be imposed.

**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.

An Operations Statement was submitted by the applicant in conjunction with their proposal. The details are summarised in section 1 of the report.

**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:**

10 representations have been received, 8 of which object to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

Two representations were submitted which neither object nor support the proposal but raised concerns around land ownership, services (more specifically, telephone lines) and livestock worrying.

The objections and concerns received are summarised as follows:

- Issuing of neighbour notification
- Increased traffic and inadequate parking arrangements
- The volume of visitors using the park
- Worrying of livestock and pets
- Impact on amenity (Noise, light and overlooking)
- Impact on wildlife
- Loss of facility for the community
- Availability of sites elsewhere
- Inadequate waste disposal arrangements and attracting pests
- Lack of services (more specifically, running water to support picnicking)
- Concerns around management of style and gate in north corner
- Concerns regarding the application submission and land ownership
- Concerns regarding underground telephone lines.

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>

Core Principle B7

Core Principle B8

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Management

LDP Policy: Open Space

LDP Policy: Air, Noise and Light Pollution

LDP Policy: Land Use & Transport

The proposal has been assessed against LDP Core Principles B7 and B8 and is found to be in accordance with those principles in that, it aims to encourage business and growth in the Carrick investment area. The business is of a small, local scale and will likely present no adverse environmental impacts due to the nature of the development.

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 to use the site as a safe and enclosed area to exercise dogs. The physical works associated with the application proposals (new perimeter fencing, gate, a shelter, picnic benches and litter/waste bins) are minor and will have a minimal impact when viewed outwith the application site. The physical works allow for the enclosure of the site to help ensure the safety of users, neighbouring residents and also livestock in adjacent fields. Further consideration of the impact of the proposals on the residential amenity of properties in the vicinity, is set out below.

The LDP policy on open space states development on land designated as open space may be acceptable if the proposals offer a replacement facility of a similar type, should the development result in a loss of such a facility. The council states that it will make every effort to protect public open space and the measures put in place from development should strive to protect open space from the potential negative impacts of a development which may affect the public's access to open space.

As noted above, the site was sold by South Ayrshire Council in September 2016 and therefore, notwithstanding the designation of open space within the Local Development Plan, it no longer has the status as 'public' open space. However, the proposed use of the site would remain as open space, albeit privately owned, controlled open space. The applicant has stated their intention to improve and maintain the site which would not only provide a secure dog exercise facility for the local community, but also improve the amenity value of the site for the benefit of residents who have properties that have rear gardens that border the site and the wider community. Furthermore, the site would be available to the local community for their use via a booking system. There remain alternative areas of unrestricted, publicly accessible open space within proximity to the site which the community still has access to including the open space and swing park at Monkwood Crescent, directly to the south-west of the application site.

With regards to noise and light pollution, the council will not support applications which add unacceptable amounts of pollution as a result of the development. In this case, no lighting is proposed as the site is only intended to be accessible during day light hours as per the Operational Statement. Furthermore, it is noted in the applicant's operational statement that access to the site will be limited, in terms of both the time of the day and the number of users. It is considered that the limit of 6 dogs per booking is unlikely to cause undue noise pollution within the area, and with the access to the park not being permitted beyond 8pm in the summer and 4pm in the winter months, there is unlikely to be noise from the use in the evening. The site was previously used as unrestricted, publicly accessible open space, so the proposal is not considered to introduce a use or activity that is incongruous or out of character with the site and area. While the Environmental Health Service has recommended a condition with regards the assessment of noise, this is a matter that is more appropriately dealt with by the Environmental Health service itself as the Council's regulatory body for noise related matters. Should noise nuisance occur, it would be for that service to investigate and action as appropriate under their regulatory powers. As noted above, the small scale and controlled nature of the proposal is not expected to give rise to significant noise issues.

Regarding traffic/parking and road safety implications associated with the development proposals, the Ayrshire Roads Alliance has been consulted on the application and recommend refusal as there is no designated parking proposed. However, it is considered from a planning perspective that the comments of the Ayrshire Roads Alliance can be addressed by way of appropriate planning conditions ensuring the site is managed in accordance with the Operating Statement submitted; specifically, that the development will limit the number of users per hour (this is to be monitored) therefore the 'worst-case scenario' would likely be one car leaving as one is arriving. It is considered that this level of on street parking can be reasonably absorbed within the local road network. Furthermore, it is considered that the site and secure dog exercise area is of a sufficiently small, local scale that is unlikely to generate a significant demand for on street parking in any case.



Given the above policy context and subsequent considerations, the principle of the development proposal is considered to be in accordance with the afore-mentioned policy provisions of the local development plan. The provisions of the Adopted South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

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)

o Scottish Planning Policy

Scottish Planning Policy Scottish Planning Policy seeks to protect, enhance, and promote green infrastructure, including open space, as an integral component of successful placemaking; improving access to open space seen as helping build stronger, healthier communities, an essential part of long-term environmental performance and climate resilience and improving places and spaces. It also aims to promote rural business activity.

o Planning Advice Note 65 - Planning and Open Space

Planning Advice Note (PAN 65) 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".

o 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 proposal would be located within the settlement boundary for Minishant where there is a general presumption in favour of development. Though access to the field will be restricted through the current proposal, it will remain as 'open space' as defined in PAN 65; furthermore, the site will remain largely undeveloped, and the proposed structures/furniture could be removed (by condition) should the owner cease operations at the site. It is also worth noting that the access to and topography of the site means it is not readily accessible for those with mobility issues and does not lend itself to intense usage. As such, it is considered that the proposal is acceptable in terms of the above provisions of SPP, PAN 65 and the Council's Open Space Strategy.

o South Ayrshire Council Rural Business Procedure Note

As the proposals are located on a designated greenfield site, they should be subject to the Council's Rural Business Procedure Note (RBPB). Whilst only a note and not policy, this can be used to assess the appropriateness of the application. According to the RBPB, the council will have an overarching general presumption against developments outwith settlement boundaries unless there is a specific justification. The council will support rural diversification where appropriate in order to provide rural areas with a stronger local economy, assuming the proposed development does not: Cause a significant increase in car trips. Is otherwise sustainable in its operation.

The proposal is considered to meet the requirements set out within the Rural Business Procedure Note in that it is within the Minishant settlement and is unlikely to significantly increase car trips to the area if operated in accordance with the applicant's operational statement, particularly that the development will limit the number of users per hour. Also, in terms of the RBPB, the development is likely to be considered sustainable in its operation due to its accessible location within the settlement of Minishant and usage as a dog-walking facility, encouraging users to partake in active outdoor exercise. The business is likely to fall into the category of a 'micro business,' as it is unlikely there will be more than 10 full time employed members of staff required, further meeting the guidance of the RBPB.

(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:

o Neighbour notification was not timeously issued:

Neighbour Notification was issued to 15 addresses on 13 May 2022 and allowed a period of at least 21 days for responses. The Council's Planning Service apply flexibility and accept representations until the recommendation is being prepared.

o Traffic/Parking:

The applicant has stated that customers will be requested to use the facility with consideration of the neighbours and has identified areas of on street parking within Minishant. While the position of the Ayrshire Roads Alliance is one of objection as no designated off-street parking is proposed for the use, it is the view of the planning service in this case that the use of the site as a secure dog exercise area will not generate a significant increase in road traffic or demand for on-street parking in the area. This view is formed on the basis of the operational statement and the small-scale nature of the site and the proposals.

o The volume of visitors using the site:

In order to manage the site appropriately the applicant has stated that its use will be controlled by an online booking system whereby users book a 60-minute slot and access the site via a secure access gate with a keypad. The keypad code will be changed regularly to avoid users abusing the system. Bookings would be restricted to daylight hours (Summer: 0800-2000 Winter: 0800-1600). These arrangements allow greater control over the current situation whereby any number of people/vehicles could arrive to use the field.

o Worrying of livestock and pets:

The proposals include the erection of a 1.7-metre-high metal mesh perimeter fence to ensure that the site is secure and dogs do not access surrounding fields.

It should be noted however that under the Control of Dogs (Scotland) Act 2010 dog owners are responsible for the actions of their dog. It is understood that Livestock worrying is a crime under The Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 and should it occur, it should be reported to Police Scotland.

o Impact of the proposed development on the residential amenity (noise, light pollution and overlooking/loss of privacy) of neighbouring properties at Mure Place:

These points are responded to as follows:

Noise -

This is considered in section (i) above.

Light -

There are no lighting proposals as part of this application. The proposed operational hours mean there will likely be no need for lighting to be added, as it will only be in use for daylight hours, ensuring no light pollution as a result of development. Notwithstanding, a condition can be added to any permission to ensure the use only operates during the times as set out in the operational statement.

Overlooking/loss of privacy -

The field is currently enclosed by a wire mesh fence approximately 1 metre in height. Considering this and the topography of the site (which sits at a higher level than the surrounding properties, there are unrestricted views into the gardens of neighbouring properties. Accordingly the field is open to views from the same. The installation of a wire mesh fence to a height of 1.7 metres would not introduce or exacerbate any overlooking issues or loss of privacy.

The proposed shelter is to be located toward the northwest corner of the field approximately 60 metres from the boundary with the nearest dwellinghouse. The picnic tables are to be placed toward the north-eastern and western boundaries of the field approximately 45 metres and 37 metres respectively from the boundary with nearest dwellinghouse. These separation distances are considered to be acceptable in safeguarding neighbouring amenity.

- Impact on wildlife:

The site is a former grazing field and is not a designated wildlife site, there is one tree within the site itself and some shrubbery; there are trees on the boundary of the site however the application does not propose any tree felling or works to trees. There are no trees afforded protection through the planning system located within the application site. Therefore, planning permission would not be required to prune or fell trees. It would be the responsibility of the applicant to establish if trees have bat roosting potential prior to any works, including management of trees in the future. There is a Provisional Wildlife Site approximately 70 metres north of the site including an area of semi-natural and ancient woodland; given the nature of the application proposal and the separation distance involved, the proposal is not considered to have an adverse impact on this site..

- Loss of public open space:

This is considered in sections (i) and (ii) above.

- Availability of sites elsewhere:

Each application is considered individually on its own merits, and therefore the purpose is to consider the planning merits of the development being presented under this application.

- Inadequate waste disposal arrangements and attracting pests:

This is an operational matter for the operator to control appropriately, in order to ensure that customer behaviour safeguards the local environment and amenity. The applicant has stated that signage will be posted to remind users of their responsibilities and that bins will be emptied daily or as required. Any complaints with regard to littering and dog fouling fall to be regulated by the Council's Environmental Health Service.

- Lack of services (more specifically, running water to support picnicking):

This is an operational matter and not a material consideration 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.

- Concerns around management of a stile and gate in north corner:

Issues regarding the usage and functionality of the gate and stile are a private matter between the parties involved.

- Concerns regarding the application submission and land ownership

The onus is on the applicant to provide accurate information to allow the planning authority to appropriately assess the application proposals. In this case, it was considered that there was sufficient and relevant information provided to allow Planning service to undertake their assessment of the application. The applicant has stated within their application form that they are the sole owner of the land to which the development relates.

- Concerns regarding underground telephone lines:

The purpose of the planning application is to consider the resultant development, rather than the construction process. Details of the implementation of the proposal have not been included in the application submission. Any damage to property which may occur is a private matter more appropriately dealt with by the respective parties involved to resolve, rather than a matter for the Council, as planning authority.

(iv) Impact on the Locality

Planning permission is sought for the use of the land as a secure dog exercise area with associated fencing, shelter, and picnic tables. The proposal is considered to be in accordance with Local Development Plan Core Principles B7 and B8 in that it aims to encourage business and growth in the Carrick investment area, the business is of a small scale and will likely present no adverse environmental impacts due to the nature of the development.

The site will remain an area of open space available for community use, albeit privately managed. It will introduce an element of control and natural surveillance that does not currently exist with the unrestricted use of the site.

The application site is bound to the east and south by garden ground associated with neighbouring residential properties located at Mure Place. The site was previously used as unrestricted, publicly accessible open space, so the proposal is not considered to introduce a use or activity that is incongruous or out of character with the site and area. It is considered that proper management of the facility through the implementation of the Operational Statement will ensure that the residential amenity of neighbouring properties will not be adversely compromised. Noise issues, should they occur, would be managed by the Council's Environmental Health Service.

The Ayrshire Roads Alliance has recommended refusal as no off-road parking is proposed. Though, it is considered from a planning perspective that the management of the site can be upheld by appropriate conditions attached to any permission to ensure it operates as per the submitted operating statement. The small-scale, local nature of the proposals is such that it is not anticipated to generate such a significant demand for on-street parking that would warrant refusal of this application.

Overall, the principle of the proposed development complies with the relevant policies of the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

## **8. Conclusion:**

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received 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 do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit 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 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.

Given the above assessment, it is recommended that the application is approved, subject to conditions.

## **9. Recommendation:**

It is recommended that the application is approved, subject to 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 the development hereby permitted must be begun within three years of the date of this permission.
- (3) Unless, as may otherwise be agreed in writing by the Planning Authority, the site and dog exercise facility area shall operate and be managed in accordance with the Operating Statement dated 4 May 2022 and only between the hours of 0800-2000 (BST) and 0800-1600 (GMT).
- (4) That, notwithstanding the plans hereby approved, details of the proposed location and design of the shelter are submitted for the prior written approval of the Council as Planning authority. Thereafter, the shelter shall be implemented as approved.
- (5) In the event that the site as a dog exercise facility area becomes redundant or obsolete, all structures and furniture including the shelter, picnic tables and waste bins shall be removed, and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the use of the site becoming redundant or obsolete.

### **9.1 Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) 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.
- (3) In the interests of residential amenity.
- (4) The shelter is of a temporary nature and is only acceptable as a temporary expedient.
- (5) To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

**Regulatory Panel (Planning): 14 December 2022**

Report by Housing, Operations and Development Directorate (Ref: 22/00395/APP)

**9.2 Advisory Notes:**

N/A

**9.3 List of Determined Plans and documents:**

Drawing - Reference No (or Description): 22-0584-LOC-01 Rev. A

Drawing - Reference No (or Description): 22-0584-SITE-02 Rev. A

Operating Statement dated 4 May 2022

**Background Papers:**

- (1) Planning application form, plans and supporting information
- (2) Representations
- (3) Adopted South Ayrshire Local Development Plan 2
- (4) Scottish Planning Policy (SPP)
- (5) Planning Advice Note 65 (PAN 65)
- (6) South Ayrshire Council Rural Business Procedure Note

**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 Del Delury, Planning Assistant - Place Planning - Telephone 01292 616 189

## REGULATORY PANEL: 14 DECEMBER 2022

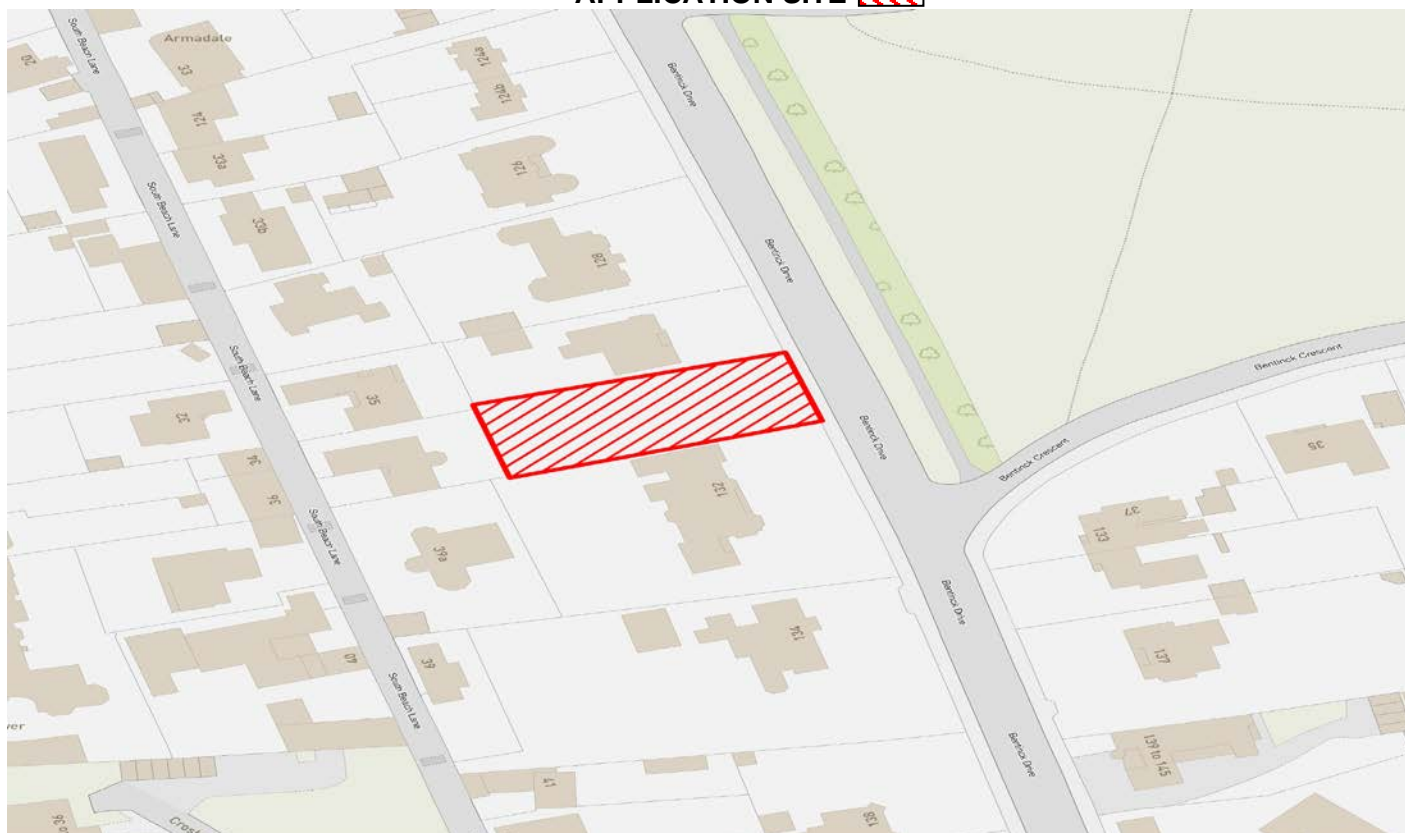
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00783/APP

LAND ADJACENT TO 130 BENTINCK DRIVE TROON SOUTH AYRSHIRE KA10 6JB

### Location Plan

APPLICATION SITE 



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### Summary

Planning permission is sought for the erection of a boundary wall to the northern edge of the application site and the formation of a vehicular access into the front boundary wall at land adjacent to 130 / 130A Bentinck Drive Troon.

The application is being reported to the Regulatory Panel as more than 5 written objections have been received. The points of objection are principally on the grounds of concern that a dwellinghouse will be proposed at the site at a later date, that the proposed boundary wall will have an adverse impact on residential amenity, that the proposed vehicular access is not required, that the proposed vehicular access would have an adverse impact on road safety, and that the proposals are not consistent with the provisions of the Development Plan or planning history for the site.

Having considered the merits of the case, it is considered that the proposals do not accord with the provisions of the South Ayrshire Local Development Plan 2, Scottish Planning Policy (SPP), or Historic Environment Policy for Scotland (HEPS) on the basis that the proposals result in the physical sub-division of the existing planning unit which would have an adverse effect on the established character of the streetscape and the wall to the northern boundary would adversely affect the outlook of the property at 130 Bentinck Drive. There is also a cumulative visual impact with regards the vehicular access proposal which would create a third opening along the frontage of 130 and 130A Bentinck Drive which is out of character with the streetscape and locale.

Accordingly, it is recommended that the application be refused.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00783/APP</b>
<b>SITE ADDRESS:</b>	<b>Land Adjacent To 130 Bentinck Drive Troon South Ayrshire KA10 6JB</b>
<b>DESCRIPTION:</b>	<b>Erection of boundary wall and formation of vehicular access</b>
<b>RECOMMENDATION:</b>	<b>Refusal</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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 relates to a flat rectangular and elongated area of land extending to an area of approximately 1107 square metres located to the south of 130 Bentinck Drive, Troon. The application site, which is located within Troon Conservation Area, previously served as garden ground for 130 Bentinck Drive, which is category C listed and has been split horizontally into two properties - 130 and 130A Bentinck Drive. The flatted dwelling at 130 Bentinck Drive occupies the ground floor of the building, with 130A occupying the first floor.

The site is located within an established residential area characterised by large, detached villas set within generous plots, with generally wide frontages onto Bentinck Drive. The site overlooks a central area of open space, which has consequently created a low density, spacious area with a high residential amenity which in part defines a significant characteristic of Troon Conservation Area at this locale. The planned and spacious layout of this part of Bentinck Drive and Bentinck Crescent dates back to the early 20th century, and typically, the existing villas have large areas of garden ground so as to provide a setting for the dwellinghouses. This pattern of development has resulted in a very orderly and balanced pattern of building and streetscene and contributes to and defines the character of the area. In terms of neighbouring land uses, the site is bound by residential properties to the north, south and west and by a carriageway with an area of public open space beyond to the east.

Planning permission is sought for the erection of a 1.8 metre high boundary wall to the northern boundary of the application site, approximately 1.7 metres away from the southern wall of 130 and 130A Bentinck Drive, and the formation of a vehicular access into the front boundary wall onto Bentinck Drive. It is understood from the applicant that the access is required to allow for maintenance of the ground forming the basis of this application site. There is a concurrent application for listed building consent (reference 22/00782/LBC).

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

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Report by Housing, Operations and Development Directorate (Ref: 22/00783/APP)

**2. Consultations:**

**Ayrshire Roads Alliance** offer no objections to this application.

**3. Submitted Assessments/Reports:**

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

None.

**4. S75 Obligations:**

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

None.

**5. Scottish Ministers Directions:**

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

None.

**6. Representations:**

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

In summary, the objections refer to the formation of a vehicular access being unnecessary for the intended purpose to maintain the ground - rather that the access is required to facilitate a future dwellinghouse at the site, that access to the ground has already been granted by the owner of 130 Bentinck Drive for maintenance purposes, that the formation of a vehicular access will not have the required visibility sight lines and therefore have an adverse impact on road safety, that the proposed gates are very elaborately designed given the intention of the applicant to maintain the ground, that the front boundary wall has been allowed to fall into disrepair, that the erection of the proposed boundary wall will adversely affect the amenity of the ground floor flatted dwelling by way of overshadowing, that the line of the proposed boundary wall will not extend the full depth of the site - rather it would meet with an existing timber fence within the rear third of the application site, and that the proposals are not consistent with the provisions of either the Development Plan or recent planning history at the site, to the detriment of the character and amenity of the listed building and Troon Conservation Area.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report 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 policies are relevant in the assessment of the application and can be viewed in full online at <https://archive.south-ayrshire.gov.uk/planning/local-development-plans/>

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites; and
- LDP Policy: Historic Environment.

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

It is considered that the proposals to erect a boundary wall to the northern edge of the application site (between 130 / 130A Bentinck Drive and the former garden ground of same), and the formation of a vehicular access into the site from Bentinck Drive, are not consistent with the provisions of the Development Plan.

The proposed boundary wall is to be erected 1.7 metres from the side elevation of 130 / 130A Bentinck Drive, and measures 1.8 metres in height. With regard to the potential for overshadowing of windows at the neighbouring ground-floor flatted dwelling at 130 Bentinck Drive, it is considered that the siting, orientation, and height of the proposed boundary wall is such that significant overshadowing is unlikely to occur. However, whilst it is considered that the proposed boundary wall is unlikely to give rise to significant overshadowing, it is considered that the proposed boundary wall, by virtue of its siting, height, and length, will create an unacceptable sense of enclosure to 130 Bentinck Drive, and this will have an adverse impact on the residential amenity of that property.

Whilst it is noted that the garden ground forming the current application site was previously associated with 130 / 130A Bentinck Drive, and was sold off separately from 130 / 130A Bentinck Drive in the past, there is presently no physical separation between the building and the formerly associated garden ground forming the current application site. The proposed boundary wall will however physically sub-divide the planning unit, and it is considered that the resultant sub-division of the planning unit through the enclosure of a substantial area of formerly associated garden ground is not characteristic of the locale, to the detriment of Troon Conservation Area.

With regard to the proposed vehicular access into the front boundary wall, it is noted from the submitted plans that the width of the opening and the design of the gate piers will replicate that of the openings currently providing vehicular access to 130 and 130A Bentinck Drive (both flatted dwellings are served by separate openings). Additionally, it is noted that the height of the existing boundary wall at either side of the proposed vehicular access is to be maintained to ensure consistency with the remainder of the front boundary wall. Gates have been proposed to the new opening, it is considered that the design and construction of these would generally be acceptable at the locale.

Notwithstanding the above, the proposed access would represent the third such intervention into the category C listed front boundary wall onto Bentinck Drive. The formation of a third vehicular access into the front boundary wall, by reason of serving an enclosed area of garden ground with no associated residential property, is considered to introduce a discordant and incongruous feature to the streetscene that is inconsistent with and uncharacteristic of access arrangements present elsewhere along Bentinck Drive, to the detriment of the character and setting of Troon Conservation Area.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy (SPP) states that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

In terms of managing change within conservation areas, Planning Advice Note 71 - Conservation Area Management - indicates that physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area.

The principles outlined in the SPP and PAN71 are emphasised by policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland (HEPS). Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change documents on Setting and Boundaries are of particular relevance to this application.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary, and scenic associations of places or landscapes.

The Managing Change document on Boundaries states that alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape. All alteration proposals must take into account the design and material characteristics of the historic boundary. The design, materials and execution of alterations should have regard to the original. The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost, and the opening should normally be detailed to match the existing openings. In some cases, it might be appropriate to introduce high quality contemporary design to new fixtures like gates.

Supplementary Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings. Supplementary Guidance Policy 3 refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

It is considered that the erection of the proposed boundary wall along the northern edge of the application site and the formation of a vehicular access into the category C listed front boundary wall onto Bentinck Drive would have an adverse impact on the character and setting of Troon Conservation Area at this locale. The proposal seeks to physically sub-divide the planning unit at 130 Bentinck Drive through the enclosure of an area of formerly associated garden ground, and it is considered that this is significantly harmful to the character and setting of the category C listed building at 130 / 130A Bentinck Drive and Troon Conservation Area at the locale through the creation of an uncharacteristic layout. Additionally, it is considered that the formation of what would represent a third vehicular access into the category C listed front boundary wall onto Bentinck Drive, whilst potentially acceptable in isolation, introduces a discordant and incongruous feature to the locale through the provision of a dedicated access for an area of garden ground with no associated residential property, to the detriment of the character and setting of Troon Conservation Area.

(iii) Objector Concerns

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

- The formation of a vehicular access is unnecessary for the intended purpose to maintain the ground as access is already available from 130 Bentinck Drive

It is acknowledged that access is presently available from 130 Bentinck Drive, something that is confirmed by both the applicant (via their appointed agent) and the owner of 130 Bentinck Drive (within their objection). However, it is understood that the present access arrangements have no legal basis. The applicant contends that the access granted can be withdrawn at any time, that the owner of 130 Bentinck Drive could sell their property and any new owner would not be obliged to honour any access agreement, and that the access presently granted is not adequate for the machinery required to maintain the garden ground. It is not for the Planning Authority to question the need for the vehicular access. Whilst the intended use of the access is understood, it is considered that the formation of a third vehicular access into the listed boundary wall to serve an area of garden ground with no associated residential property is not characteristic of development in the locale, to the detriment of Troon Conservation Area.

- The access is required to facilitate a future dwellinghouse at the site

The applicant has not applied for planning permission to erect a dwellinghouse. The Planning Authority has a duty to assess the application before it, and cannot speculate as to the potential future use of the application site. Notwithstanding, the planning history is a material consideration in the assessment of this planning application and any future planning applications.

- The formation of a vehicular access will not have the required visibility sight lines and therefore have an adverse impact on road safety

The Ayrshire Roads Alliance were consulted on this application, and have offered no objections to the formation of the proposed access.

- The front boundary wall has been allowed to fall into disrepair

It is noted that the render to the front boundary wall is cracked in places. However, the wall is not considered to be in such a poor condition to require the service of a Listed Building Repairs Notice on the applicant at this juncture.

- That the proposed gates are very elaborately designed given the intention of the applicant to maintain the ground

The design of the gates and the use of the site as garden ground are not linked. Notwithstanding, it is noted that there is a variety of gates of different designs and materials in the locale.

- That the erection of the proposed boundary wall will adversely affect the amenity of the ground-floor flatted dwelling at 130 Bentinck Drive by way of overshadowing.

For reasons set out elsewhere in this report, it is considered that the proposed boundary wall, by reason of its siting, orientation, and height, will not give rise to significant overshadowing concerns towards the windows of the ground-floor flatted dwelling at 130 Bentinck Drive. However, it is considered that the proposed boundary wall will have an adverse impact on residential amenity at 130 Bentinck Drive through the creation of a sense of enclosure. This is considered elsewhere within this report.

- That the line of the proposed boundary wall will not extend the full depth of the site - rather it would meet with an existing timber fence within the rear third of the application site.

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The submitted site plan shows the proposed boundary wall along the northern edge of the garden ground to extend the full depth of the application site. The objectors garden fence will remain unaltered by the proposals.

- That the proposals are not consistent with the provisions of either the Development Plan or recent planning history at the site, to the detriment of the character and amenity of the listed building and Troon Conservation Area.

This planning application seeks permission to erect a boundary wall along the northern edge of the application site and form a vehicular access into the front boundary wall onto Bentinck Drive. The application has been assessed on its own merits against the provisions of the Development Plan and appropriate local and national policies and guidance, taking into account the planning history of the site, responses from statutory consultees and objector concerns. As set out elsewhere within this report, it is considered that the proposed boundary wall and vehicular access do not accord with the provisions of the Development Plan and associated local and national planning guidance, and that the proposals have an adverse impact on the character, appearance and setting of the listed building and wider Troon Conservation Area. The planning history, although a material planning consideration in the assessment of this application, relates primarily to the erection of a dwellinghouse within the application site, and not specifically to the erection of a boundary wall or the formation of a vehicular access.

### (iv) Planning History

The considered relevant recent planning history of the site is as follows:

- P/363/82 - Subdivision of existing dwellinghouse to form 2 no. dwellingflats - Approved 1982.
- P/95/01086 - Outline planning permission for erection of dwellinghouse - Refused February 1996. The application was refused for the following reasons:
  - 1) That the proposal is contrary to National Planning Policy Guideline (NPPG3) in that the proposal represents infill development which is out of character with the amenity of the surrounding area of Bentinck Drive, which is characterised by substantial dwellings standing in extensive gardens.
  - 2) That the proposed development would be detrimental to the amenity and privacy of the proposed house due to overlooking from the existing house to the south and flats to the north of the site; and
  - 3) That the proposal is detrimental to the amenity of the dwelling to the south and flats to the north by reason of loss of light and the proximity of the proposed house to existing windows.

It is noted that this decision was appealed (reference PPA-370-8) and in deciding the appeal the Reporter found that any dwelling within the width of ground available would not be sympathetic to the established low-density character of Bentinck Drive. The Reporter also found that any form of residential development within the site would reduce the standard of privacy and light at adjoining properties to unacceptable levels. The Reporter dismissed the appeal. What has changed since the appeal decision is the listing of 130/130A Bentinck Drive at category C, and the site being included within Troon Conservation Area.

- 19/00172/PPP - Planning permission in principle for erection of dwellinghouse - Refused June 2019. The application was refused for the following reasons:
  - 1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements by reason that the; sub-division of the application site creates a plot which is not sympathetic or characteristic of the locality, which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, a loss of garden ground for the donor property at 130 Bentinck Drive, and the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area.

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- 2) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to the Historic Environment, and Historic Environment Scotland's Policy Statement, in terms of having an adverse impact on the setting of Troon conservation area and setting of the adjacent listed building by virtue of; the locality not being characterised infill developments, and the sub-division of the application site creating a plot which is not sympathetic or characteristic of the locality which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the character, setting and visual amenity of the locality, resulting in over-development and suburbanisation of the site, a loss of garden ground for the donor property at 130 Bentinck Drive, the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area.
  - 3) That the sub-division of the application site is contrary to Scottish Planning Policy objectives in relation to Sustainability and Place making in so far as the proposal will erode the distinctiveness of the site and its townscape setting, creates a plot which is not sympathetic or characteristic of the locality which is characterised by sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open nature and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, and a loss of garden ground for the donor property at 130 Bentinck Drive, and the donor and new dwelling being sited in significantly smaller plots, than that which is typical of the immediate area.
  - 4) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements by reason that the proposed development would be detrimental to the amenity of the flats to the north by reason of loss of light and the proximity of the proposed dwelling to existing windows, thereby creating a sense of enclosure.
  - 5) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements and Council Guidance in relation to Open Space provision by reason that the lower conversion at 130 Bentinck Drive (donor property) would not be served by any private rear garden, to the significant detriment of the amenity of this property.
  - 6) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development, Residential Development within Settlements and Historic Environment by reason that insufficient information has been submitted to allow an assessment to be carried out in relation to the scale of the dwelling relative to the surrounding environment and whether it preserves or enhances the character of the conservation area.
- 21/00756/APP – erection of a dwellinghouse – Refused October 2021. The application was refused for the following reasons:
    - 1) That the development proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, by reason that the application site is not sympathetic or characteristic of the locale, which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, and the new dwellinghouse and the properties at 130 and 130A Bentinck Drive being sited in significantly smaller plots than that which is typical of the immediate area.

- 2) That the development proposal is contrary to the provisions of South Ayrshire Local Development Plan, specifically LDP Policy: Historic Environment, and the provisions of the Historic Environment Policy for Scotland, in that the proposed development will have an adverse impact on the character and setting of the category C listed building at 130/130A Bentinck Drive and Troon Conservation Area by virtue of the locale not being characterised by infill developments, and the proposals result in a plot which is not sympathetic or characteristic of the locale, which is characterised by a sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location, to the detriment of the character, setting and visual amenity of the locale, resulting in over-development and suburbanisation of the site, and the proposed dwellinghouse and 130/130A Bentinck Drive being sited in significantly smaller plots than that which is typical of the immediate area.
- 3) That development of the application site is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the distinctiveness of the site and its townscape setting, creates a plot which is not sympathetic or characteristic of the locality which is characterised by sense of spaciousness derived from the pattern of development, the generously proportioned plots and the low density of development. Consequently, the development of the site is considered to introduce a discordant feature which would disrupt the existing spacious relationship between buildings and open space, and interrupt and unbalance the open nature and balanced rhythm of the streetscene at this location, to the detriment of the visual amenity of the locality, resulting in over-development and suburbanisation of the site, and the proposed dwellinghouse and 130/130A Bentinck Drive being sited in significantly smaller plots than that which is typical of the immediate area.
- 4) That the development proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, by reason that the proposed dwellinghouse would be detrimental to the amenity of 130 and 130A Bentinck Drive to the north by reason of loss of light and the proximity of the proposed dwellinghouse to existing windows, thereby creating an unacceptable sense of enclosure.

It is noted that this decision was appealed (reference PPA-370-2094) and, in deciding the appeal, the Reporter concurred with the Reporter of the previously dismissed appeal (reference PPA-370-8) in that any dwelling on the site would create a plot width that would be incongruous to the street frontage, and would harm the amenity of the area. As such, the appeal was dismissed. The Reporter, in dismissing appeal PPA-370-2094, also concluded that the erection of a dwellinghouse would have a harmful impact on the residential amenity of 130 / 130A Bentinck Drive. This decision is considered material to the assessment of this application.

With the exception of application P/363/82, which relates to the conversion of the dwellinghouse at 130 Bentinck Drive into two flatted dwellings (now known as 130 and 130A Bentinck Drive), the planning history, although a material planning consideration, relates exclusively to the erection of a dwellinghouse on the formerly associated side garden ground forming the current application site, and not specifically to the erection of a boundary wall or the formation of a vehicular access as proposed in the current application. Notwithstanding this, it is clear from the Reporters decisions that the subdivision of the site to create an independent planning unit would be harmful to the character of the area.

(v) Impact on the Locality

For reasons set out elsewhere in this report, it is considered that the proposed boundary wall to the northern edge of the application site, between 130 / 130A Bentinck Drive and the former garden ground of same, will have an adverse impact on the residential amenity of the ground-floor flatted dwelling at 130 Bentinck Drive through the creation of a sense of enclosure, and have an adverse impact on the character and setting of both 130 / 130A Bentinck Drive and Troon Conservation Area at this locale through the physical sub-division of the planning unit and the enclosure of an area of garden ground with no associated residential property. Additionally, it is considered that the proposed vehicular access to the front boundary wall, although potentially acceptable if considered in isolation, is uncharacteristic of Troon Conservation Area at this locale insofar as it represents a third intervention into the category C listed front boundary wall for a vehicular access which is intended to serve an area of garden ground with no associated residential property, something which is not replicated elsewhere along Bentinck Drive.

**8. Conclusion:**

The application has been assessed against the various material considerations, including the provisions of the Adopted South Ayrshire Local Development Plan 2, consultations undertaken, representations received, planning history, and the impact of the proposed boundary wall and vehicular access on the locality. The assessment concludes that the proposed boundary wall, by reason of its siting, height, and length, will have an adverse impact on the residential amenity of 130 Bentinck Drive through the creation of a sense of enclosure, and will physically sub-divide the planning unit in a manner that is not characteristic of layout or density in the locale, to the detriment of the character and setting of Troon Conservation Area. Additionally, whilst the intended purpose of the proposed vehicular access and the requirement for it is understood, it is considered uncharacteristic to have a dedicated access serving an area of garden ground with no associated residential property, and it is noted that this is not replicated elsewhere along Bentinck Drive.

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application is refused for the reasons set out below.

**9. Recommendation:**

It is recommended that the application is refused.

**9.1 Reasons:**

- (1) That the proposed boundary wall is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, by reason that the boundary wall, due to its height and proximity to the ground-floor flatted dwelling at 130 Bentinck Drive, will have a significant adverse impact on the residential amenity of 130 Bentinck Drive by way of creating an unacceptable sense of enclosure.
- (2) That the proposed boundary wall is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, and LDP Policy: Historic Environment, and the provisions of South Ayrshire Council's Guidance on Historic Environment, by reason that the boundary wall will result in the physical sub-division of the planning unit at 130 / 130A Bentinck Drive, and enclose an area of side garden ground in a manner that is not characteristic of the layout in the locale of the application site, to the detriment of the character and setting of Troon Conservation Area at this locale.
- (3) That the proposed boundary wall is contrary to the provisions of Scottish Planning Policy (SPP) and the Historic Environment Policy for Scotland (HEPS) by reason that the boundary wall will result in the physical sub-division of the planning unit at 130 / 130A Bentinck Drive, and enclose an area of side garden ground in a manner that is not characteristic of the layout in the locale of the application site, to the detriment of the character and setting of Troon Conservation Area at this locale.
- (4) That the proposed vehicular access to the front boundary wall is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, and LDP Policy: Historic Environment, and the provisions of South Ayrshire Council's Guidance on Historic Environment, by reason that the formation of an access to serve an enclosed area of garden ground with no associated residential property is considered to introduce a discordant and incongruous feature to the streetscene that is inconsistent with and uncharacteristic of access arrangements present elsewhere along Bentinck Drive, to the detriment of the character and setting of Troon Conservation Area.

**9.2 Advisory Notes:**

Not applicable.

**9.3 List of Determined Plans:**

Drawing - Reference No (or Description): 22.15.01

Drawing - Reference No (or Description): 22.15.02

Drawing - Reference No (or Description): 22.15.03

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Report by Housing, Operations and Development Directorate (Ref: 22/00783/APP)

**Background Papers:**

1. Planning application form, plans and supporting information (available online)
2. Adopted South Ayrshire Local Development Plan 2 (available online)
3. South Ayrshire Council Guidance - Historic Environment (available online)
4. Scottish Planning Policy (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. Historic Environment Scotland Managing Change in the Historic Environment - Boundaries (available online)
8. Representations (available online)

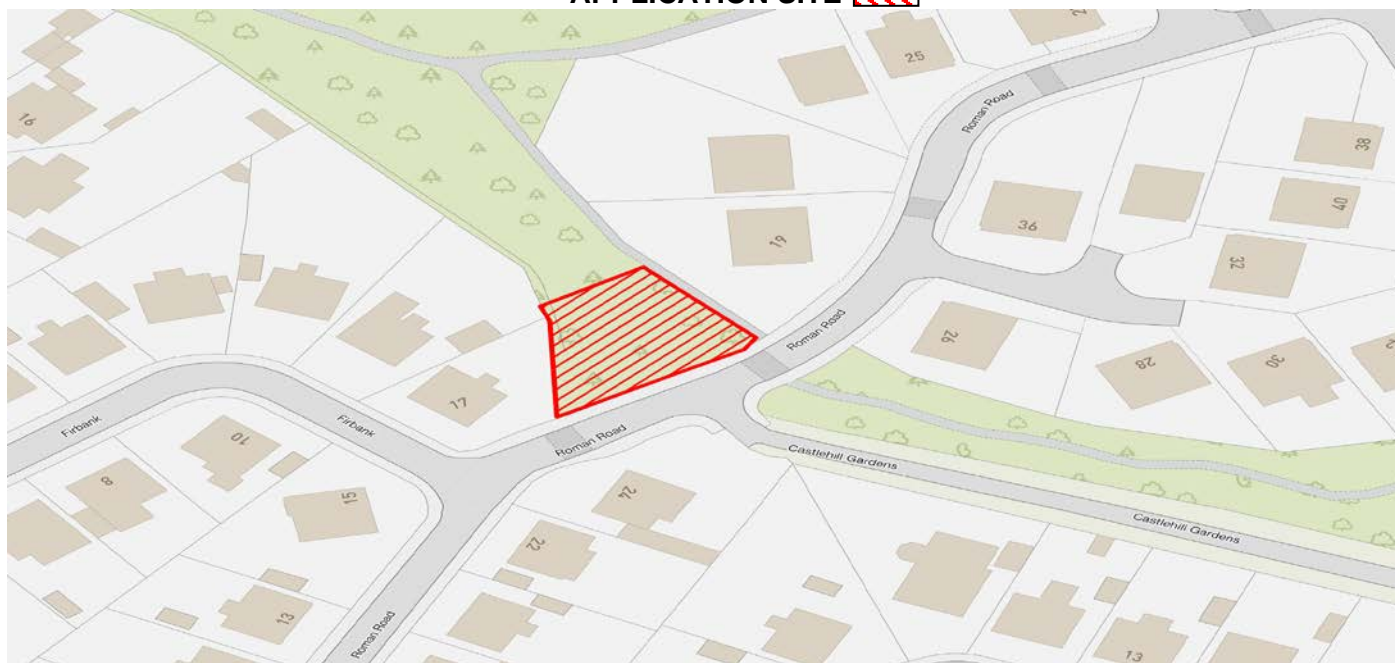
**Equalities Impact Assessment:**

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

**Person to Contact:**

Mr David Hearton, Lead Conservation Planner - Planning Strategy - Telephone 01292 616352



**REGULATORY PANEL: 14 DECEMBER 2022****REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE****22/00692/APP****LAND ADJACENT TO 19 ROMAN ROAD AYR SOUTH AYRSIRE****Location Plan****APPLICATION SITE** 

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**Summary**

Planning permission is sought for the erection of a detached dwellinghouse on an area of woodland land adjacent to 19 Roman Road, Ayr. The site is visually prominent and forms part of a tree belt extending around the perimeter of the adjacent residential areas, and linking with the larger area of woodland, known as Castlehill Woods. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, other relevant policy considerations, including Scottish Planning Policy, the planning history of the site, representations received (17 in total), the impact on Tree Preservation Order (TPO) and Ancient Woodland, and the impact on amenity. The additional information from the applicant has also been considered. The assessment considers that proposed development does not align with the provisions of Scottish Planning Policy, and the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites. In particular, the local development plan safeguards valuable open spaces from development, and additionally recognises the importance and value of trees and woodland areas. The proposals will result in the loss of protected trees from the site, which would substantially alter the current open and natural appearance of the site, and also potentially affect any protected species which inhabit the site. It is also possible that the development could undermine and threaten the adjacent protected trees, and any potential protected species adjacent to the site. The assessment concludes that there are no material planning considerations that would out-weigh and set aside the provisions of the development plan. 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 refused.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)



## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00692/APP</b>
<b>SITE ADDRESS:</b>	<b>Land Adjacent To 19 Roman Road Ayr South Ayrshire</b>
<b>DESCRIPTION:</b>	<b>Erection of dwellinghouse</b>
<b>RECOMMENDATION:</b>	<b>Refusal</b>

#### APPLICATION REPORT

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

**1. Proposal:**

Planning permission is sought for the erection of a detached dwellinghouse on an area of woodland adjacent to 19 Roman Road, Ayr. The submitted drawings show a two storey dwellinghouse, with off road parking and garden ground positioned to the side and rear of the dwellinghouse. The site extends to approximately 3,600 sq metres (0.3 ha), and is visually prominent as it presents a frontage onto Roman Road to the south-east, and partially abuts a public footpath to the north-east. A low boundary wall extends along the frontage of the site. Two existing residential properties lie on either side of the application site to the north-east, and south-west respectively. The site slopes from the north-east to the south-west and is noted to contain a number of trees, and to form part of a tree belt extending around the perimeter of the adjacent residential areas, and linking with the larger area of woodland, known as Castlehill Woods, which was historically associated with the former Castlehill House and former estate.

The area of the woodland around the site of the application is locally distinctive by virtue of its elevated position relative to adjacent land, and in particular Dalmellington Road, which is one of the principal arterial routes to, and from Ayr. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the aforementioned arterial route. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation.

The proposed dwellinghouse is shown to have a broadly square plan form, with a footprint of approximately 120 sq metres, and to be positioned approximately 2 metres from the north-eastern boundary of the public footpath, and approximately 7 metres from the road frontage. Off-road parking is proposed via a new vehicular access, and the remainder of the proposed plot is shown as forming garden ground for the proposed dwellinghouse. No details of the proposed external materials for the proposed dwellinghouse have been submitted.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

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.

### **2. Consultations:**

**Ayrshire Roads Alliance** - no objection.

**Scottish Water** - no objection.

**Sustainable Development (Landscape And Parks)** - has noted the prominent location of the site and the significant positive contribution of Castlehill woodland to the wider landscape character and visual setting of the area, and also the amenity benefits of the woodland. More specifically, it is confirmed that the TPO area and ancient woodland are typically characterised by substantial and mature mixed broad-leaved trees. It is also noted that any tree felling could lead to soil erosion, and a loss of biodiversity and possibly wildlife.

**Sustainable Development (Biodiversity)** - has confirmed that the habitat at the site is suitable for birds and small mammals, and therefore, an ecological survey would be required so as to consider the suitability of the trees for bat roosts, nesting birds and any potential mitigation measures to safeguard wildlife.

### **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:**

17 representation(s) have been received, 14 of which object to the proposed development (including one duplicate representation), three supporting representations have also been submitted. The supporting comment from the applicant has not been considered as a representation, as it has not been received from a member of the public, but the applicant. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning). The issues raised by representees can be summarised as follows, as principally relating to;

- Policy provisions of Scottish Planning Policy and the Adopted South Ayrshire Local Development Plan (2022);
- Impact on residential, visual, historic amenity and local access;
- Impact on protected trees within the site ancient woodland and Tree Preservation Order 30 (Castlehill Woods);
- Road safety issues;
- Other concerns, including; the lack of detail of surface water drainage and external finishes;

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

Supporting representations have been submitted which consider, in summary, that the proposal will not have a negative impact, will provide needed residential accommodation on an unused site, and will retain existing local access routes.

The representations in relation to the development proposal are considered further in section 7 (iv.) of this report.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for representees to make further submissions upon the issue of this Panel Report 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 relevant policy considerations, the planning history of the site, representations received, the impact on Tree Preservation Order and Ancient Woodland, the impact on amenity, and additional information from the applicant.

#### **(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>

- Sustainable Development;
- Development Management;
- Open Space;
- Preserving Trees;
- Woodland and Forestry;
- Natural Heritage;
- Residential Policy within settlements, release sites and windfall sites;

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 development proposals have been considered in this context.

The Sustainable Development and Development Management policies are Strategic Policies which apply in the assessment of all applications, with some criteria being more, or less relevant depending on the proposals. In this instance, the Sustainable Development Policy highlights the need for proposals to; respect, protect and where possible enhance the natural, built and cultural heritage, respect the character of the landscape and the setting of settlements, embrace the principle of 'place-making' and the '6 qualities of Place'. The Development Management policy seeks to ensure (among other criteria) that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings, that the proposals do not adversely impact on the amenity of nearby land uses, and that there is no loss of an area of maintained amenity or open space, unless allocated for development in the LDP. Where a site is suitable for development, proposals for residential development require to satisfy the LDP policy 'Residential Policy within Settlements, Release Sites, and Windfall Sites'.

The general policy approach of the LDP seeks to direct development, including residential development, to the most environmentally suitable places with the best infrastructure. While the site is noted to be located within the built-up area of Ayr, it does not automatically follow that the site is suitable for residential development, and there may be particular site-specific issues which would make a site unsuitable for development. In this instance, the LDP designates the site as being open space. Further consideration of the proposals against the LDP policy in relation to residential development within settlements and windfall sites, and other applicable policies of the LDP is set out below.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

The Open Space policy of the LDP states that; The Council will protect all open spaces which are valued, and which are used, or could be used for a particular open space, amenity or recreational purpose. As well as being of local importance, the open spaces identified on the proposals maps make a valuable contribution to the wider environment.

Notwithstanding the above, the Open Space policy states that we may accept development that provides facilities on recreational open space, and which is related to that space, if it meets the following conditions.

- a. Where its scale, use and design is appropriate to the existing character of the open space and there is no individual or cumulative effect on the amenity or recreational value of that site.
- b. If development would result in the loss of a facility associated with the open space, the developer must replace it with a facility or facilities of a suitable type, quantity and quality, which is accessible and in a suitable location.
- c. Any replacement facility must be within the same catchment area as the existing open space.

The development proposal is for residential development which does not align with any of the above criteria a. - c., and therefore the proposals are not considered to align with the Open Space Policy of the LDP. In terms of the value of the application site as part of a larger area of woodland, it is considered that the area of Castlehill woods around the site of the application is locally distinctive by virtue of its elevated position relative to the adjacent land. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the Dalmellington Road arterial route. The woodland area is considered to be important and distinctive to the landscape setting and entrance to the town, when approached from the south-east. It is also recognised that the woodland area constitutes an area of ancient woodland. In addition to being important to the setting, distinctiveness and sense of place of the immediate locale, it is considered that the open space designation of the site, reflects the value of and significance of the site to the wider locale. The positive landscape value of Castlehill woods was likely reflected in the designation of a Tree Preservation Order covering the woodland in 1988. The area covered by the TPO includes the site of the current application.

While the site is not large in terms of area, it does not mean that it is not important, in terms of its function, or visual appearance. As noted above, the site comprises of an area of woodland, and contains a number of trees. While not providing a formal recreational area, such as a football pitch or the like, the value of the site is no less significant to the amenity of the area. The site and adjacent woodland is not enclosed, and therefore is accessible and open to the public which is considered to afford an opportunity for more informal amenity and recreational activities, such as a woodland walk through trees rather than on a formal pathway, or other designate route. It is considered that, the proposals, if approved, would result in the loss of this natural space, and would irreversibly and detrimentally change the appearance of the site, undermine and erode the character, appearance and value of the wider area, and have an adverse impact on the local visual amenity and the recreational and amenity potential and value of the site.

The Preserving Trees, and Woodland and Forestry policies acknowledge the woodland and forestry make an important contribution towards the rural and urban environment and are an essential part of the landscape, a significant economic resource and provide considerable opportunities for recreation. Specifically, the Preserving Trees policy sets out that in assessing development proposals involving loss of, or works to, trees the Council will consider the extent of any adverse impact on the locality, and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order (TPO).

As noted above, the application site forms part of an area of woodland which is the subject of a confirmed Tree Preservation Order No.30, 1988 (Castlehill Estate, Ayr), and therefore the proposals have the potential to threaten and undermine the woodland setting of the site. The trees covered by the TPO designation and ancient woodland designation are typically characterised as substantial and mature mixed broad-leaved trees. The above policy requires the impact of development proposals on trees to be carefully considered, however, the application submission is not accompanied by a tree survey, so as to more fully understand the impact of the proposals on the trees within the site. Notwithstanding, the absence of a tree survey, given the nature of the proposals, it is inevitable the trees will be removed to facilitate the proposals, which will if approved, substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that the development could undermine and threaten the wider woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. It is therefore prudent to adopt a precautionary approach in terms of safeguarding the woodland setting of the site from development. The application has been considered in this context.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

The Woodland and Forestry policy seeks to protect and enhance ancient and semi-natural woodland as an important and irreplaceable natural resource. As noted above, the application site is noted to form part of a wider area of woodland which is designated as ancient woodland by the former Scottish Natural Heritage (now NatureScot). Ancient woodland is defined as land which is currently wooded and has been continually wooded, since at least 1750. More specifically, in this instance, the site is characterised as long-established woodland of plantation origin, and likely dating from 1860.

The Scottish Government Policy on the Control of Woodland Removal states that there is a strong presumption against removing ancient semi-natural woodland, or plantations on ancient woodland sites, among other types of woodland, with woodland removal only being allowed where it would achieve significant and clearly defined additional public benefits, and is materially significant in the determination of planning applications. Where woodland removal is required, the LDP policy, in line with the aforementioned Scottish Government policy applies the following criteria;

- a presumption in favour of protecting all woodlands of high nature conservation, or landscape value;
- the provision of compensatory planting where woodland would be removed, and
- encouraging the creation of new areas of woodland comprising of native species;

Additionally, where development proposals would be located close to ancient semi-natural woodland, or other woodland of high nature conservation, proposals should; make provision for an appropriate buffer zone, and where possible, prevent or manage public access to woodlands.

In considering the above, the proposals are not considered to result in a public benefit. To the contrary, it is considered that the proposals would be to the disbenefit of the appearance, character, setting and amenity of the locale. As noted above, it is inevitable the trees will be removed to facilitate the proposals, which will, if approved substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that trees adjacent to the site could be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. Given the TPO and ancient woodland designations which affect the site, the site, is sensitive in landscape terms. Given the sensitivities affecting the site, it is considered necessary and prudent to adopt a precautionary approach to the proposals, and to safeguard the woodland setting of the site from development. The application has been considered in this context.

With regard to protected species, LDP Policy: Natural Heritage outlines that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The Council's Biodiversity team has advised that the habitat within site is suitable for birds and small mammals, and therefore, an ecological survey would be required to consider the suitability of the trees for bat roosts, nesting birds and any potential mitigation measures to safeguard wildlife. The application submission is not accompanied by any ecological information which considers what (if any) protected species might inhabit or use the site. In the absence of any information to demonstrate otherwise, it is considered necessary and prudent to adopt a precautionary approach to the proposals, and to safeguard the woodland setting of the site from development, and any protected species potentially contained therein. The application has been considered in this context. Notwithstanding the potential for protected species to be present within the site, for the reasons noted elsewhere in this report, there are other concerns in relation to the proposals.

The Residential Policy within settlements, release sites and windfall site policy aims to protect the character and amenity of residential areas, and sets out the following criteria which proposals for new residential development are required to meet, assuming there are no over-riding policy issues which would preclude the site being acceptable for residential development.

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

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

For the reasons noted elsewhere in this report, there are other concerns in relation to the proposals, and it is not considered that the proposed site is suitable for residential development. Notwithstanding, and for completeness, in considering the proposal against the provisions of the above policy criteria, the following is noted;

a. It is noted that the proposals include the formation of a vehicular access to, and from Roman Road. While it may be technically possible to form a new access for the proposed property, there are other planning reasons which render the development, including the formation of a new access to be undesirable. For the reasons noted elsewhere in this report, there are other concerns in relation to the proposed residential development of this site.

b. For the reasons noted elsewhere in this report, it is considered that the residential development of this site would detract from the character and amenity of the local area, particularly in terms of the potential to adversely affect the landscape setting of the site, to the detriment of the larger TPO and ancient woodland areas. The site is noted to be positioned adjacent to two residential estates, the aforementioned estates are noted to contain multiple dwellings laid out as a planned estate, rather than to consist of sporadic and/or incremental development of individual units; in this context, the proposed development is not considered to be typical of the area. In addition, the visual and physical buffer which the site provides between the two adjacent residential areas would be eroded. The representations from nearby residents note the site to be popular, and well used, and to also contribute to the amenity of the locality in terms of its purpose as amenity space, and in terms of the setting of the locality. It is considered that the application site makes a valuable contribution to the character, setting and amenity of the locality, the development of which would not accord with criterion b. above.

c. and d. The proposed development is considered to detract from the visual and residential amenity of nearby properties by virtue of the loss of amenity open space, which affords informal recreational opportunities, and the landscape setting of the site, to the detriment of the larger TPO and ancient woodland areas within which the site lies.

e. The site is not considered to provide an acceptable residential environment, for the reasons noted in this report.

f. While the site may be capable of providing private residential garden ground which meets with the Council's policy guidance, this would be at the expense of, and to the disbenefit of the amenity of other residents in the locality due to the loss of protected woodland and open space. The application has been considered in this context.

Given the above, there are concerns in relation to the proposals, which are not considered to accord with the policy provisions of the Adopted South Ayrshire Local Development Plan (2022).

### (ii.) Other Relevant Policy Considerations, including Government Guidance:

- Scottish Planning Policy

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The SPP which must be read as a whole, is based on two principal policies, namely; Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost (para. 28). This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality (para. 29).

With regards to 'Placemaking', the SPP states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. There are concerns in relation to the proposal, which is not considered to embrace these characteristics. The proposal is considered to be contrary to the principal policies of the SPP by virtue of the erosion of the distinctiveness of the area which is characterised by the site forming part of a larger area of protected woodland, which has historic associations to the former Castlehill House, and not only, forms part of the setting of the adjacent residential areas, but also provides informal amenity space and recreational opportunities for the benefit of the public. Given the afore-mentioned, the proposals are not considered to align with the principals of Scottish Planning Policy.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

The SPP also recognises the importance of the natural environment, and specifically woodland para 216 states that "ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest." As noted above, the application site is covered by both a TPO and also as ancient woodland, and there are concerns that the proposals would also be detrimental to the protected trees.

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

While the site may be capable of providing private residential garden ground which meets with the Council's policy guidance, this would be at the expense of, and to the disbenefit of the amenity of other residents in the locality due to the loss of amenity woodland and open space. The application has been considered in this context.

### (iii.) Planning History of the Site:

The site lies adjacent to a more recent housing development, which has been developed partially in the grounds of the former walled garden to the north-east. The site was developed for multiple houses as part of a planned release site through the development plan, and not as a series of individual or sporadic developments. The relevant aspects of the planning history of the adjacent residential development relative to the site of the current application are considered as follows;

P/89/352 - Planning permission was granted, subject to conditions, for the erection 89 houses at Castlehill Estate (specifically sites B and C). The proposed site was for a large area of land encompassing two sites (Castlehill B the site for the former walled garden and adjacent land), subsequently developed under a later permission noted below, and also (Castlehill C the site now developed and known as Maple Drive and Aspen Road). The layout approved under application P/88/352 did not show the site of the current application as being developed, and more specifically being retained as part of the larger area of woodland and tree belt around the perimeter of the residential estate.

P/90/288 - Planning permission was granted, subject to conditions, at appeal by the then Scottish Office for the erection of 29 houses on land at Castlehill 'B', following the Council's earlier refusal of planning permission. The layout approved under application P/90/288 did not show the site of the current application as being developed, and more specifically being retained as part of the larger area of woodland and tree belt around the perimeter of the residential estate. As part of the consideration of the appeal, the Reporter concluded that Castlehill Woods, including all of the perimeter tree belts, to be a significant landscape feature of south-east Ayr, which were worthy of retention as a significant future landscape feature. Specifically, one of the planning conditions attached to the permission sought the submission of a woodland management scheme for the adjacent woodland area, which included the site of the current application. The woodland management plan sought details of the; maintenance, felling or other tree works, means of protection, replanting, ground preparation and drainage and footpath maintenance for agreement with the Council. The permission granted under application P/90/288 was not implemented, and subsequently lapsed.

S/97/0338 - Planning permission was sought for the erection of 29 dwellinghouses on site B at Castlehill, Ayr. While application S/97/0338 was withdrawn, the submitted layout showed the site of the current application to remain as an undeveloped area of woodland.

98/00580/FUL - Planning permission was granted, subject to conditions for the erection of 33 dwellinghouses and associated works. In line with the previously applications at the site, the layout approved under application 98/00580/FUL showed the site of the current application to remain as an undeveloped area of woodland. As per the earlier application, a planning condition was attached which required the submission of a woodland management plan, for areas which were not to be developed for residential purposes, and which included the site of the current application.



## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

From reviewing the planning history of the site, it is clear that the landscape value of the Castlehill woods has been consistently recognised as an important feature to the setting and amenity of the locale, and one which is it desirable to retain, in part by ensuring that the application site (amongst the larger area adjacent) remain free from development. The landscape value of the woodland is also recognised by the protection of the trees under the TPO and ancient woodland designations. The proposals, if granted, would result in the natural appearance of the site being replaced with urban development, which is considered would undermine the natural and landscaped setting of the site, which would erode the landscape buffer, distinctiveness and sense of place which the site provides. Additionally, the proposals would affect not only the TPO and ancient woodland area which covers the area of the site to be developed, but also, potentially, the area of the TPO and ancient woodland adjacent to the site which forma part of the larger woodland area. The application has been considered in this context.

### (iv.) Representations Received:

It is noted that those objecting or expressing concern in relation to the development proposal are primarily from parties occupying nearby or neighbouring properties. The representations received in relation to the proposal are summarised, and responded to below.

- Contrary to Adopted South Ayrshire Local Plan policies, specifically: Preserving Trees, and Residential development.

The assessment of the proposals against the relevant policies of the Adopted South Ayrshire Local Plan (2022) is set out above.

- Contrary to Scottish Planning Policy on ancient woodland which seeks to protect woodland from adverse impacts resulting from development.

The assessment of the proposals against the relevant policy provisions of Scottish Planning policy is set out above.

- Adverse impact on residential amenity - site is part of a green space which is well used walking and recreational area, which should be retained and enhanced. Possible over-shadowing and over-looking.

The site forms part of a wider area of open space, and landscaped woodland tree belt which have deliberately left free from development to provide a landscaped setting and buffer between the two residential areas, and to provide opportunities for informal recreation. For the reasons noted within this report, there are concerns in relation to the proposals. In terms of its positioning, the proposed dwellinghouse has been sited off the mutual boundaries, and not to incorporate any side facing windows, and therefore, it is not considered that the proposed house would result in any adverse overlooking or overshadowing; notwithstanding, for the reasons noted within the report, there are concerns in relation to the development proposals.

- Adverse impact on visual and historic amenity - boundary wall constructed of remnants of walled garden of Castlehill Estate would be disturbed or removed. Visual buffer between older and newer properties on Roman Road will be removed. Proposals would undermine the existing woodland area.

The proposals presented would necessitate at least a partial removal of the boundary wall so as to facilitate a new access. While the boundary wall is not a listed building, it is part of the character of the area, which provides a sense of place and distinctiveness in terms of understanding of the historic development of the area. It is agreed that the proposals would alter the visual appearance of the site, and result in the removal of the existing landscape buffer between the two residential areas.

- Adverse impact on Tree Preservation Order 30 (Castlehill Woods) and ancient woodland - proposals will require tree felling, and potentially result in the loss of several mature specimen, and would undermine the TPO purpose of preserving trees. Importance of ancient woodland would be undermined in terms of wildlife, biodiversity, importance to local community, a finite resource.

It is considered that the proposals, if approved, would undermine the TPO and ancient woodland area, through necessitating the loss of trees within the site. It is also possible that development could undermine and threaten the wider and adjacent woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application.

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- Potential impact on public right of way - no details of how the proposal will affect the adjacent public path during or after construction.

It is noted that the site excludes the area of the adjacent footpath, and therefore it is not anticipated that the development would impact on access along this route, however, the site itself is open to the public and affords an opportunity for public access through the site and links onto the adjacent and larger area of woodland to the rear.

- Potential roads safety issues - due to site being located on a bend and opposite another junction.

The ARA has been consulted and has raised no issues of road safety in relation to the proposals; notwithstanding, for the reasons noted within the report, there are concerns in relation to the development proposals.

- Lack of detail of surface water drainage and external finishes - potential for surface water run-off to adjacent properties.

It is noted that the submission does not provide details of any surface water drainage, or external materials.

Representations supporting the development proposals have also been received, and which are summarised as follows;

- There is no negative impact;
- The proposals will provide residential accommodation which is needed;
- Site is disused, access routes will be retained.

The terms of the supporting comments are noted. However, for the reasons noted elsewhere in this report, there are no considerations which would out-weigh the policy provisions of the Adopted South Ayrshire Local Plan, and material considerations arising. The development proposals have been considered in this context.

### (v.) Impact on Tree Preservation Order and Ancient Woodland;

The area of the woodland around the site of the application is locally distinctive by virtue of its elevated position relative to adjacent land, and in particular Dalmellington Road, which is one of the principal arterial routes to, and from Ayr. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the aforementioned arterial route. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation. While the application site is small in area, it is important and prominent in the local surroundings, and contributes, in part, to the overall physical and functional landscape setting and character of the locale.

The trees covered by the TPO designation and ancient woodland designation are typically characterised as substantial and mature mixed broad-leaved trees. The application submission is not accompanied by a tree survey, so as to more fully understand the impact of the proposals on the trees within the site. Notwithstanding, the absence of a tree survey, given the nature of the proposals, it is inevitable the trees will be removed to facilitate the proposals, which will, if approved substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that the development could undermine and threaten the wider ancient woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. It is therefore prudent to adopt a precautionary approach in terms of safeguarding the woodland setting of the site from development. The application has been considered in this context.

### (vi.) Impact on amenity;

For the reasons noted elsewhere in this report there are concerns in relation to the proposals. It is considered that the proposals, if approved would result in the loss of open space, erosion of and adverse impact on landscape character and setting of site, loss of natural visual and physical buffer, an incongruous development in an area characterised by planned residential estates, the loss of protected trees, potential harm to trees adjacent to the site and in the wider woodland area, to the detriment of the visual and residential amenity of the locale. There would also be harm to the natural environment should protected species be found to be present within the site.

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(vii.) Additional information submitted by applicant:

The applicant has been advised of the policy issues arising from the proposals, and has been afforded the opportunity to withdraw the application. As the application has not been withdrawn, it requires to be determined as submitted. For completeness, the additional points raised by the applicant (email dated 11<sup>th</sup> November 2022) are summarised and responded to as follows;

- There is no TPO in place, and therefore this is not a consideration:

The application site has formed part of the confirmed Tree Preservation Order (TPO) 30 (Castlehill Woods) since it was confirmed in 1990. The area covered by the TPO is the area identified by the Council as part of the designation of the TPO.

- Other accesses have been formed opposite the site:

The purpose of the current application is to consider if planning permission should be granted for the proposed erection of a dwellinghouse on the application site.

- The pathway would not be affected by the proposals:

It is noted that the development is not shown, on the submitted drawings, to encroach onto the adjacent pathway.

- The site is a vacant overgrown plot and the proposals align with LDP Core Principle B3 in terms of prioritising development of existing development site.

The proposals require to be considered as a whole against the policy provisions of the Adopted South Ayrshire Local Development Plan, and not considered in isolation against selective policies. For the reasons noted within this report, there are concerns in relation to the proposals which are not considered to align with the policy provisions of the aforementioned LDP.

- The environmental impact will be minimal – the house will meet building standards requirements, the site is in close proximity to services, and close to existing properties, the design is in-keeping with the nearby properties:

The potential positive benefits of the proposals in terms of being located in close proximity to existing development and services does not out-weigh the negative and potential harm which could result if the proposals were to be approved.

- The proposals will improve the visual appearance of the site:

It is considered that the proposals will irreversibly alter the appearance of the site, to the detriment of the locale. The existing landscaped buffer comprising of a tree belt will be altered and reduced, which will erode the landscape character and distinctive setting of the site, to the detriment of the wider locale.

- The objections are predominantly in the form of a standard letter:

It is noted that there are several standard letters which have been submitted, however, they are no less valid, and the planning considerations therein require to be given due weight in the consideration and assessment of this application.

## 8. Conclusion:

For the reasons noted above, there are policy concerns in relation to the proposal, and the principle of the erection of residential development in this location, is not considered to meet with the above noted provisions of Scottish Planning Policy, and the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites. An assessment of the development proposal is set out in this report, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Adopted South Ayrshire Local Development Plan, and that there are no material planning considerations that would out-weigh these provisions. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019) is to manage the development and use of land in the long-term public interest, however, the proposed development is not considered to be in the long-term public interest. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

**9. Recommendation:**

It is recommended that the application is refused for the following reasons;

- (1) That the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the landscape buffer and natural appearance, and landscape setting of the site to the detriment of the visual and residential amenity, character, setting, distinctiveness of the site the overall sense of place in the locale, and no justification has been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan (2022) policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites by virtue of the loss of open space, erosion of and adverse impact on landscape character and setting of site, loss of natural visual and physical buffer, being an incongruous development in an area characterised by planned residential estates, the loss of protected trees, potential harm to trees adjacent to the site and in the wider woodland area, to the detriment of the visual and residential amenity of the locale, and potential harm to the natural environment should protected species be found to be present within the site, and no justification has been provided for a departure from this policy.
- (3) That the development proposal would result in the loss of protected trees within the site which are protected under Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) and recognised as being ancient long-established woodland of plantation origin, and also could potentially undermine and threaten further protected trees adjacent to the site, and no justification has been provided for a departure from this policy.

**9.1 Reasons:**

N/A

**9.2 Advisory Notes:**

N/A

**9.3 List of Determined Plans:**

Drawing - Reference No (or Description): L01

Drawing - Reference No (or Description): L02

Drawing - Reference No (or Description): P01

Drawing - Reference No (or Description): P02

Drawing - Reference No (or Description): P03

Drawing - Reference No (or Description): P04

Drawing - Reference No (or Description): P05

Drawing - Reference No (or Description): P06

Drawing - Reference No (or Description): P07

**Regulatory Panel (Planning):**

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**Background Papers:**

1. Planning application form, plans and supporting information (available online)
2. Adopted South Ayrshire Local Development Plan (available online)
3. South Ayrshire Council Supplementary Planning Guidance - Open Space and Designing New Residential Developments (available online)
4. Representations (available online)
5. Scottish Planning Policy (available online)
6. Planning application history
7. Tree Preservation Order No.30, 1988 (Castlehill Estate, Ayr)

**Equalities Impact Assessment:**

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

**Person to Contact:**

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

## REGULATORY PANEL: 14 DECEMBER 2022

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00747/APP

111 CRAIGIE WAY AYR SOUTH AYRSHIRE KA8 0HH

#### Location Plan

#### APPLICATION SITE



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#### Summary

Planning permission is sought for the erection of an outbuilding at the above address to support a dog grooming business. The application site is located within a residential area of Ayr as identified in the South Ayrshire Local Development Plan. The outbuilding will be situated within the side garden (to the west) of the host residential dwelling. The outbuilding would be accessed via the existing access gate, situated between the existing dwelling and boundary wall to the west. It is understood the dog grooming business is to be solely operated by the applicant on an individual appointment only basis over a 09:00-17:00 working day, Monday - Saturday. Three in curtilage parking spaces are proposed that will serve both the host dwelling and the dog grooming business. The Ayrshire Roads Alliance has no objection subject to at least 2 parking spaces being provided to the required dimensions, which can be achieved on site.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, government guidance, consultations, representations received 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 do not raise any issues of over-riding concern that cannot be satisfactorily addressed by way of condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the assessment, it is considered that the proposal by reason of its small scale and design would not have a significant impact on the amenity of the area. The proposals will support a small-scale business which can be operated ancillary to the primary function of the site as a residential plot and dwellinghouse. 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. Accordingly, the application is recommended for approval.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as five, or more, competent written objections have been received from separate households.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00747/APP</b>
<b>SITE ADDRESS:</b>	<b>111 Craigie Way Ayr South Ayrshire KA8 0HH</b>
<b>DESCRIPTION:</b>	<b>Change of use of garden ground and erection of a dog grooming unit</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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 at 111 Craigie Way, Ayr comprises a semi-detached two storey dwellinghouse which is located within an established residential area of Ayr and surrounded by properties of a similar design and garden layout. The application site is a corner plot and fronts Craigie Way to the south, with the gable facing the side garden of the application site and front garden ground of No.10. Beech Grove beyond. There is a grassed area and driveway to the front of the property which is accessed from Craigie Way. A timber garden shed is currently located within the side garden area behind a brick wall (approximately 1.1 metres in height) which delineates and separates the driveway and side and rear garden area. Along the northern boundary between the application site and No. 10 Beech Grove there is a brick wall, approximately 1.1 metres in height. The boundary treatment along the rear of the application site which bounds the side and rear of no 10 Beech Grove is a wicker fence and vegetation.

#### Proposal:

Planning permission is sought for the erection of an outbuilding (in horizontally-lined timber boarding) to operate as a dog grooming unit for the applicant to run their business from. The structure is proposed to be sited within the side curtilage, set back from the principal building line. The structure will be 4.5 metres in length and a width of 2.4 metres with a monopitched roof to a maximum height of 2.7 metres. It should be noted that the outbuilding itself would have benefitted from permitted development rights should it have been proposed for domestic purposes only. However, as it is proposed to operate as a dog grooming business, planning permission is required.

A supporting statement has been submitted along with the application and it is understood that this operation of the dog grooming business is to be solely operated by the applicant and it is for dog grooming services on an individual appointment basis which is anticipated to be 2-3 appointments between the hours of 09:00-17:00, Monday to Saturday.

## **Regulatory Panel (Planning):**

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### **2. Consultations:**

**Ayrshire Roads Alliance** - No objection subject to conditions ensuring that at least 2 off road parking spaces are provided.

**Environmental Health** - . offer no objections subject to proposed conditions and advisory notes with regards noise.

### **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:**

13 representation(s) have been received from 7 separate households. 10 object to the application while 3 support the application. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The objectors' concerns may be summarised as follows.

- Consider a business operating from domestic curtilage is an inappropriate precedent and does not accord with the residential surroundings
- Concerns of increased noise pollution from dog barking and dog grooming dryers which would be to detriment of residential amenity.
- Increase in traffic and concerns over where they will park Increased amount of dog fouling and drains clogging up with dog hair.
- The proposed structures proximity to the neighbouring property and impact on privacy
- Concerns over operating hours and number of animals involved

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

The points of support include:

- That the dog grooming business will be a useful locally provided service
- Dog grooming business operate on a 1 in 1 out basis so the use will not generate significant traffic
- Local business should be supported, especially during the cost-of-living crisis

In accordance with the Councils 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 the report.



## **7. Assessment:**

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

### **(i) Development Plan**

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

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

- Strategic Policy 1: Sustainable Development.
- Strategic Policy 2: Development Management.
- LDP Policy: town centre first principle
- LDP Policy: residential policy within settlements, release site and windfall sites

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

- **Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management.**

The above strategic policies seek to ensure that development proposals are appropriate to the local area in terms of layout, scale, massing, design and materials in relation to its surroundings and surrounding land uses, and importantly, make the most of sustainable economic growth that is supported by sound social and environmental objectives.

The determining issues in consideration of this application are its compliance with local plan policy and in particular its relevance to the surroundings and surrounding land uses. The site is within an established residential area of Ayr. This proposal relates to the erection of an outbuilding which is of a domestic scale which is considered appropriate for the location in terms of scale and massing. The proposal is for the applicant, who is also the homeowner, to use the outbuilding to operate a dog grooming business. The applicant will be the sole employee who will run the business on an appointment basis only and the dwellinghouse will continue to be used as a private residence. Given the ancillary nature of the outbuilding and dog grooming business, the proposal is considered to accord with the strategic policies of the development plan. However, careful consideration of the impact of a commercial development at this location and the impact on residential amenity in the vicinity, is set out further below.

- **LDP policy: town centre first principle**

This policy puts the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes in directing investment and influencing de-investment decisions, alignment of policies, and targeting of available resources to priority town centres sites, and encouraging vibrancy, equality and diversity. The policy encourages public and private sector development proposals and investment to town centres. Directing development proposals, to appropriate locations, by use of the sequential approach through a network of centres so as to ensure that all appropriate uses are directed to town centres, before the consideration of other locations.

By virtue of its small, domestic scale, both in terms of the size of the outbuilding and the business being solely operated by the homeowner on an appointment basis, with no more than 1 dog at any time, it is reasonable to anticipate that the operation and location of the development may primarily appeal to a generally local clientele and as such provide a commercial amenity/ service catering to local neighbourhood needs. It is therefore not considered that the proposal will compromise the town centre first approach, the corresponding policies of the Local Development Plan or the vitality and viability of the town centre of Ayr.

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- **LDP policy: residential policy within settlements, release site and windfall sites**

This policy aims to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effect on the local amenity.

The proposed outbuilding is of a single storey design, to be finished in grey timber lining board white UPVC windows on the west elevation with a door proposed on the south (front) elevation. The structure resembles a typical domestic sized outbuilding which is a common sight within a residential area. Due to its siting, scale and design the proposed outbuilding can be well accommodated in the side garden. It is not considered it would have a harmful impact on the character of the area and would not be overly prominent within the street scene.

The proposed outbuilding will be located approximately 2.5 metres from the 1.1-metre-high mutual boundary wall with the closest neighbouring property at No.10 Beech Grove to the north and approximately 6 metres from the neighbouring property itself. As such, there are no overshadowing or overbearing concerns. There are no windows proposed on the north elevation of the outbuilding so there are no overlooking concerns with respect to the neighbouring property or its side or rear garden ground. Notwithstanding this, it is recommended that a 1.8 metre fence is erected on the northern boundary with No.10 Beech Grove to create and strengthen the screening and separation between the outbuilding and dog grooming use and the neighbouring residential property.

The west elevation of the outbuilding would be approximately 2 metres from the mutual western boundary with No. 10 Beech Grove. The windows proposed on this elevation would face towards the front garden of No.10; the unconventional arrangement is such that the front garden of No.10 extends from the front of that property and to the south, alongside the side garden of the application site. Overlooking from the outbuilding towards the front garden of No.10 does not however give rise to amenity concerns as the front garden is not a private area and is visible from Beech Grove. No.10 Beech Grove benefits from a more private rear garden space which is not affected by the proposals and will be further protected by the erection of the fence required by condition.

The remaining private garden ground at the application property is considered commensurate with the immediate neighbouring property and it is considered adequate to ensure that an appropriate level of amenity is retained.

The Council's Environmental Health Service offer no objection to the proposal however they suggest a noise condition is imposed. Noise issues should they occur can be investigated and actioned as appropriate by Environmental Health as the relevant regulatory service for noise matters. It is therefore not considered necessary to impose a condition. It should however be noted that the small-scale nature of the proposal including no more than 1 dog at a time is unlikely to create a noise nuisance so significant as to impact neighbouring amenity.

The Ayrshire Roads Alliance has no objection to the proposal and their requirement for two parking spaces can be accommodated within the site.

On balance the proposal is considered to be compliant with the residential policy within settlements, release site and windfall sites.

(ii) **Other Policy Considerations (including Government Guidance)**

### **Scottish Planning Policy SPP**

Scottish planning policy is a statement of Scottish Government policy on how nationally important land use matters should be addressed across the country and reflect Scottish minister's priorities for the operation of the planning system in Scotland. SPP contains principal Policy on sustainable development but reinforces the statutory status of the development plan as the starting point for decision- making. Its policy principles include making efficient use of existing capacities of land, buildings and infrastructure including support town centre and regeneration priorities and supporting delivery of accessible development including retailing. SPP'S other principal policy is on placemaking, and its policy principles include directing the right development to the right place, similarly entailing (inter alia) optimising the use of existing resource capacities and using land within settlements for a mix of uses to promote places that are adaptable, resource efficient and easy to move around.

## Regulatory Panel (Planning):

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SPP subject policy; supporting business and employment considers that planning can support sustainable economic growth by providing a positive policy context for development. It contains principles (para 93) whereby the planning system should (inter alia) promote business development that increases economic activity and given due weight to the net economic benefit of the proposed development. Whilst in this case the economic benefit realised is likely to principally comprise the personal financial gain of the applicant, the policy nevertheless considers (para.95) that plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs. It is considered clear that the use configuration, scale and operating nature of the proposal (noting e.g 1-1 consecutive appointments only) variously aligns to several of the latter categories and the proposal warrants some material support on this basis.

Scottish Planning Policy- Promoting Town Centres- SPP explains 'the town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision making that considers the health and vibrancy of town centres'. Its principles (para. 60) set out inter alia that planning for town centres should be flexible and proactive' and the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people (para 69 further states that planning authorities should be flexible and realistic in applying the sequential approach). The latter sets a pragmatic context which takes account of development scale and the activity it generates as a precursor for directing development to town centres first, and necessarily so in order that a town centre first approach can remain practically compatible with support for home-based enterprise set out above. By the same reasoning that the proposal at hand is found to align with a micro-business operating on a life work format, it is appropriate to conclude such a proposal does not by its nature attract significant numbers of people for the purpose of invoking the precedence of a town centre first approach( and in turn is not realistically likely to compete directly for town centre business to an extent that it would demonstrably bear significant negative effect on the vitality and viability of existing centres), and the material balance thus falls to policy provision favouring economic development.

### (ii) Objector Concerns

- Consider a business operating from domestic curtilage is an inappropriate precedent and does not accord with the residential surroundings.

The outbuilding and associated use as a dog grooming business is sufficiently small scale to be ancillary to the main residential use of the site and so as not to undermine the established residential character of the area. The confined usage characteristics, within an appointment- only operation by a sole operator, are of a low intensity and likely to be unobtrusive in nature. 1 dog and any one time will ensure that the operation is of a scale appropriate to the residential area and is not expected to create significant amenity concerns with regards noise and activity.

- Concerns of increased noise pollution from dog barking and dog grooming dryers, increased amount of dog fouling and drains clogging up with dog hair

As captured elsewhere within this report, the Council's Environmental Health Service offer no objection however they suggest a noise condition is imposed. Noise issues should they occur can however be investigated and actioned as appropriate by Environmental Health as the relevant regulatory service for noise matters. It is therefore not considered necessary to impose a condition. It should however be noted that the small-scale nature of the proposal including no more than 1 dog at any time is unlikely to create a nuisance so significant as to impact neighbouring amenity. With regards to waste management and drainage, this would be an operational management issue incumbent upon the applicant to control with and appropriately dispose of and waste in a responsible fashion.

- Increase in traffic and concerns over where they will park

It is noted that the property has sufficient space for off-street parking that meets with the requirements of the Ayrshire Roads Alliance (ARA) as captured in section 2 of the report. A condition is recommended to ensure the parking requirements are achieved.

- The proximity of the outbuilding to the neighbouring property at No.10 Beech Grove and impact on privacy which would be to detriment of residential amenity.

Please refer to section (i) above.

- Concerns over operating hours and number of animals involved

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00747/APP)

The presence of one dog on site at one time for the days and timescales specified is not expected to create significant adverse amenity issues.

### **(iii) Impact on the Locality**

The main issues for consideration pertaining to this application are as follows:

#### **Principle of Development**

The business would be operated by the resident of 111 Craigie Way as a small business venture. There would be no other employees and only one dog would be groomed at a time. The proposed business, as listed in the supporting statement, would primarily include grooming of dogs operated on an appointment system. Parking for visitors would be available within the front curtilage of the dwellinghouse. The principle of the proposal is considered to be acceptable given its small-scale nature which is unlikely to be detrimental to the amenity or character of the residential area.

#### **Design, scale and massing**

The application site is set within a largely residential area, which is characterised by residential properties of a similar type. The proposed outbuilding is found to be generally acceptable in its physical characteristic; it resembles a typical domestic outbuilding which is of single storey construction. Noting its domestic scale, set back from the established building line and enclosure behind a 1 metre wall which partially screens the structure from approaches along the street elevation, the proposal is considered acceptable. Adequate garden ground would remain for the host property.

#### **Residential Amenity**

As captured in section (i) above, the proposals are not expected to have significant adverse amenity impacts. The small-scale dog grooming business will be ancillary to the main use of the site as a dwellinghouse. The nature of the business is likely to serve local customers and the applicant has confirmed that services would only be provided via an appointment system for up to three dogs each day with no more than 1 dog at any one time. Any noise generated from the modest use is unlikely to be significant or for such longevity to cause significant harm. However, any statutory noise nuisance, should it occur, can be addressed through the Council's Environmental Health Service.

The outbuilding is to be sited and designed so as not to create any overshadowing, overbearing or overlooking impacts. Notwithstanding this, a condition is recommended to strengthen the boundary treatment to the north of the site to enhance the physical separation between No.10 Beech Grove to the north and the application site/ dog grooming outbuilding.

It is considered that the imposition of relevant conditions relating to the operational aspects of the proposal will ensure that the amenity of occupiers of neighbouring residential properties will not be significantly affected.

#### **Roads and traffic**

Access to the property is via a private driveway serving the site which is located off the main section of road serving Craigie Way. Directly to the front of the property there is a driveway. There is space to accommodate the two off road spaces (including required dimensions) as requested by the Ayrshire Roads Alliance. Given the low-key nature of the business and the fact that the applicant only envisages up to three dogs per day, it is not considered the proposed business will lead to a significant increase in comings and goings or parking issues within the locality. The Ayrshire Roads Alliance offer no objections to the proposal.

## **8. Conclusion:**

Overall, the proposed development complies with the development plan for the reasons as outlined in this report. The principle of the proposal is considered acceptable, and it is not anticipated that the proposals will have a significant adverse impact on the amenity of the area. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by suitable conditions. Equally, the points raised in the objections have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/00747/APP)

### 9. Recommendation:

It is recommended that the application is approved, subject to 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) The outbuilding and associated dog grooming business hereby approved shall operate in strict accordance with the operational statement dated 13 September 2022. Specifically, the dog grooming business shall:
  - Be operated solely from the outbuilding hereby approved
  - Be operated by the applicant that resides at 111 Craigie Way, Ayr and without any employees
  - only operate between the hours of 9am-5pm Monday-Saturday
  - Not exceed one dog at any one time or appointment
- (4) That prior to the dog grooming business operating from the outbuilding hereby approved, a minimum of 2 off-road parking spaces shall be provided within the existing application site curtilage to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall first be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) and thereafter implemented as approved.
- (5) That parking within the existing application site curtilage shall have dimensions of a minimum of 6m x 3m, per vehicle space.
- (6) That no permission is granted for the display of any advertisement, either within the curtilage of the property at 111 Craigie Way or on or attached to the outbuilding hereby approved or the residential dwellinghouse at 111 Craigie Way.
- (7) That prior to the dog grooming business operating from the outbuilding hereby approved, a screen fence measuring 1.8 metres in height when measured from ground level shall be erected along the northern boundary of the application site with No.10 Beech Grove (parallel with the gable of No.10. Beech Road).

### 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) In the interest of residential amenity
- (4) In the interest of road safety and to ensure adequate off-street parking provision.
- (5) In the interest of road safety and to ensure adequate off-street parking provision.
- (6) In the interests of the residential amenity and character of the area
- (7) in the interests of neighbouring amenity

### 9. Advisory Notes

#### (1) Road Opening Permit:

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

#### (2) Roads (Scotland) Act:

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

#### (3) New Roads and Street Works Act 1991:

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

#### (4) Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00747/APP)

**9. List of Determined Plans/ documents:**

Drawing - Reference No (or Description): 2022/70/1

Drawing - Reference No (or Description): 2022-70-3

Drawing - Reference No (or Description): 2022-70-3

Drawing - Reference No (or Description): 2022-7-2(REV.A)

Drawing - Reference No (or Description): 2022-70-5

operational statement dated 13 September 2022

**Background Papers:**

1. Application form, plans and submitted documentation
2. Representations
3. Adopted Local Development Plan 2
4. Scottish Planning Policy

**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 Susannah Groves, Planner - Place Planning - Telephone 01292616107

## REGULATORY PANEL: 14 DECEMBER 2022

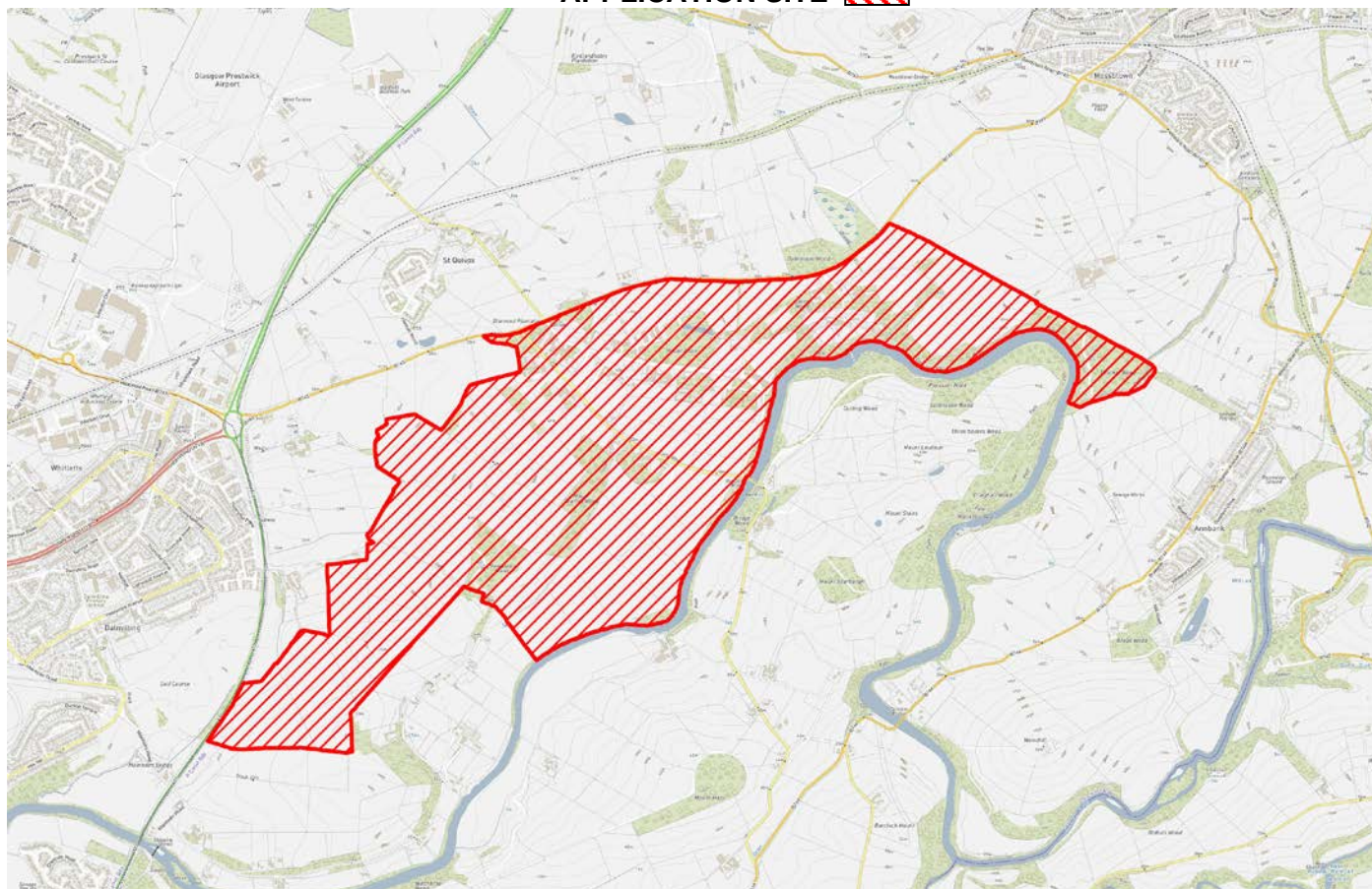
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00391/FURM

SCOTTISH AGRICULTURAL COLLEGE B743 FROM A77T AT WHITLETTS ROUNDABOUT TO MAUCHLINE ROAD MOSSBLOWN AYR SOUTH AYRSHIRE KA6 5HW

### Location Plan

APPLICATION SITE 



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### Summary

This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 for planning permission to vary condition 19 of approved planning permission 09/01416/PPPM. The application seeks to vary condition 19 by altering the timing of the roundabout provision from prior to the construction of any residential unit to prior to the construction of the 201<sup>st</sup> residential unit. Consultation responses have been received from Transport Scotland and the Ayrshire Roads Alliance with no objection being offered. A Section 75 obligation/agreement is attached to application 09/01416/PPPM. Should Members be minded to approve this application with conditions, in accordance with the recommendation, then the obligation/agreement will require to be updated by all landowners before the decision notice can be issued.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00391/FURM</b>
<b>SITE ADDRESS:</b>	<b>SCOTTISH AGRICULTURAL COLLEGE B743 FROM A77T AT WHITLETTS ROUNDABOUT TO MAUCHLINE ROAD MOSSBLOWN AYR SOUTH AYRSHIRE KA6 5HW</b>
<b>DESCRIPTION:</b>	<b>FURTHER PLANNING PERMISSION TO ALTER THE WORDING IN PLANNING CONDITION 19 RELATING TO THE TIMING OF INFRASTRUCTURE (ROUNDABOUT PROVISION)</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. 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 application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 for planning permission to vary condition 19 of approved planning permission 09/01416/PPPM.

Condition 19 of planning permission 09/01416/PPPM states:

*That the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of the required new roundabout at the junction between the B743 and the C37. The roundabout (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the approved plans prior to the occupation of any proposed new residential unit. For the avoidance of doubt the new roundabout and junction shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and the bus stop opposite the B7035. The applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations.*

This application seeks to vary condition 19 by altering the timing of the roundabout provision from prior to the construction of any residential unit to prior to the construction of the 201<sup>st</sup> residential unit.



### Planning Process

As this is a Section 42 application, there is no requirement to present the application to Regulatory Panel, as per the scheme of delegation. However, as the original application to which this section 42 relates was a 'Major' development and also due to the scale of the original proposal, it is considered appropriate to refer the current application to the Regulatory Panel in this instance. The assessment section of this report concludes that the proposal complies with the South Ayrshire Local Development Plan and consequently there is no requirement for referral of the application to Full Council.

The effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different conditions attached. In this case, it is recommended that the application is approved with same conditions as those within 09/01416/PPPM, together with the change to condition 19, condition 1 (length of time of consent) and the addition of a further condition in respect of junction upgrade (condition 78). The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel no later than 14th December 2022.

### Planning History

There is an extensive planning history at the site; however, the most relevant applications are listed as follows:

09/01416/PPPM - Planning Permission in Principle for proposed mixed use development comprising business and research floorspace, residential development, hotel/wedding centre, holiday accommodation unit, public house and restaurant, children's nursery, office, village shop, retention/conversion of existing buildings; an 18 - hole golf course and club house an equestrian centre/stabling facilities; landscaping and associated access and infrastructural works – Approved July 2012. This consent gave a time period of 8 years in which to submit Approval of Matters Specified in Conditions applications; however, the Coronavirus (Scotland) Act 2020 and the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 extended this until March 2023.

13/01332/FURM - Further application to vary conditions 3, 4, 6, 7, 8, 9, 10, 11, 20, 37, 38, 39, 40, 41, 42 and 57 and demonstrate compliance with condition 13 of planning permission in principle 09/01416/PPPM – Approved December 2014. This consent has now expired.

14/00519/MDO - Modification of minute of agreement (Section 75) June 2012 (Planning Permission 09/01416/PPPM) – Approved July 2014. This application resulted from changes approved under application 13/01332/FURM (now expired).

## **2. Consultations:**

**Ayrshire Roads Alliance** – No objection subject to additional condition in respect of priority-controlled junction.

**Transport Scotland (Trunk Roads)** – 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.

**Section 42 Planning Statement:** This document outlines a planning overview and states that a road safety audit has been undertaken which found that 200 homes could be accommodated by the existing junction without creating any road safety issue. The document concludes by stating that the applicant is committed to implementing the infrastructure and that delaying the construction of the roundabout to prior to construction of the 201<sup>st</sup> residential unit would help to kick start the redevelopment in a pragmatic and phased manner.

**Road Safety Audit Report (May 2021):** This document outlines the objective of a Road Safety Audit as being to identify any aspects of a road design or construction scheme that could give rise to safety concerns and, where possible, to suggest modifications that would improve the road safety of the resultant scheme. The report is in reference to Phase 1 of the proposed development. The report details 4 recorded collisions that have occurred at the junction of the B743 and C37 in the last 5 years and a further collision which occurred west of the junction of the B743 and C37. It is stated that the audit was carried out following the general principles of the Design Manual for Roads and Bridges (DMRB), with adaptations to meet the requirements of the local road authority. Five problems are identified and recommendations are made for each of these, including: ghost right turn lane constructed on the B743 at the junction with the C37, temporary barrier erected along the length of the exit taper to prevent vehicles from parking in this area until works are carried out, set back the existing bus stop on the B743 east of the junction with the C37, cycle friendly routes between Auchincruive and Ayr are identified and signposted from within the site and where necessary proposed footways should be widened to 3m to accommodate shared use and provide additional crossing points within the site.

**Transport Planning Ltd response document to the Ayrshire Roads Alliance (October 2020):** This letter sets out justification for altering the timing of the roundabout provision from prior to the occupation of any proposed new residential unit. It reasons that condition 19 of planning consent 09/01416/PPPM could be modified so that a limited number of new homes could be occupied using the existing priority junction, with the roundabout provided at a later point in the development programme. Traffic survey details are outlined, with the analysis outlining that the junction, largely on its current format, would operate within capacity to allow the development of up to 200 homes to be implemented. The letter also includes a plan illustrating a roundabout.

#### **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/agreement 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.

A Section 75 obligation/agreement is attached to application 09/01416/PPPM. Should Members be minded to approve this application, then the obligation/agreement will require to be updated by all landowners before the decision notice can be issued. The obligation/agreement, as outlined in application 09/01416/PPPM, covers the following matters:

- a) Evidence of funding the College relocation to Craigie Campus in Ayr.
- b) Development contribution towards trunk road network upgrades identified in the Ayr Corridor Study or, if necessary, alternative transport mitigation measures.
- c) Development contribution for local sustainable transport upgrades (including multi-use path upgrade to Mossblown and multi-use path to A77 via the base of the eastern embankment).
- d) Provision of a bus service into the site (taking into consideration phasing of the development).
- e) Development contribution for addressing shortfall in education provision.
- f) Erection of affordable housing on site and transfer to the Council.
- g) Provision and temporary reservation of a unit in the proposed village square for use as a shop unit.
- h) Reservation of building(s) for provision of public house, restaurant, office and crèche.

#### **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:**

1 representation has been received which supports the proposed development in principle. However, the representation also raises an issue of concern. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issue raised by Representees can be summarised as follows.

- Concern in respect of Waterman Drawing number 0910 contained within the Transport Planning Ltd response document to the Ayrshire Roads Alliance that the proposed roundabout geometry does not allow for a 16.5m articulated lorry to enter or leave the estate from either direction without causing over-run onto the outer grass verges.
- Trust that construction of central mono-block overrun area will be subject to the appropriate Roads Construction Consents.

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 this representation 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 policy context of the wider development proposal was considered in the determination of the planning permission in principle application (09/01416/PPPM). This application is solely to amend the content of condition number 19 in respect of the timing of the roundabout provision, with this alteration considered to be acceptable as no objection has been received from either Transport Scotland or the Ayrshire Roads Alliance in this regard.

### **(ii) Other Policy Considerations (including Government Guidance)**

There are a wide range of policies and guidance that were taken into account in the consideration and determination of the application which has been granted for Auchincruive mixed use development (09/01416/PPPM). It is considered that these policies and guidance notes do not have over-riding significance to the application under consideration.

### **(iii) Objector Concerns**

- Concern in respect of Waterman Drawing number 0910 contained within the Transport Planning Ltd response document to the Ayrshire Roads Alliance that the proposed roundabout geometry does not allow for a 16.5m articulated lorry to enter or leave the estate from either direction without causing over-run onto the outer grass verges

Condition number 19 requires details of the proposed roundabout to be submitted with the first Application for Matters Specified in Conditions and an assessment of the roundabout would be made at this time.

- Trust that construction of central mono-block overrun area will be subject to the appropriate Roads Construction Consents (RCC).

It can be confirmed that RCC would be required for these works.

### **(iv) Impact on the Locality**

As aforementioned, Transport Scotland and the Ayrshire Roads Alliance offer no objection to the application and the development proposal is therefore not considered to introduce any adverse road safety issues, subject to additional conditions as included in section 9 below.

**8. Conclusion:**

Given the above assessment of the proposal and having balanced the applicant's right against the general interest, it is recommended that the application is approved with same conditions as those within 09/01416/PPPM, together with the change to condition 19, condition 1 (length of time of consent) and the addition of a further condition in respect of junction upgrade (condition 78).

**9. Recommendation:**

It is recommended that the application is approved with condition(s). A Section 75 obligation/agreement is attached to application 09/01416/PPPM. Therefore, should Members be minded to approve this application, then the obligation/agreement will require to be updated by all landowners before the decision notice can be issued.

**9.1 Conditions:**

**Duration of permission**

Timescale for submission of AMSC

1. That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained.

Matters to be included in AMSC applications

2. That Applications for Approval of Matters Specified in Conditions shall include full details of the proposed development, including the siting, design and external appearance of all buildings, means of access, landscaping measures, and any other matters specified in conditions below.

**Extent of approval**

Approved plans

3. That the development hereby approved shall be implemented in accordance with the plan(s) stamped approved as follows: - Site Plan, Masterplan (August 2010), Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, Conservation Plan, Sustainability Statement, Transport Assessment (Rev C, 30/07/2010) and Travel Plan Framework dated 20 July 2010; as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

Scale of development

4. Approval is given in principle for the Masterplan for Auchincruive. The scale of development approved in this Planning Permission in Principle is as follows:
  - a. Residential: The total number of residential units to be developed throughout the entire site shall not exceed 495 residential units and shall be contained within the development footprint as defined in figure 22 of the masterplan.
  - b. Business and Research floorspace: up to 5574sqm of business and research floorspace within the 3.5 hectare East Campus area.
  - c. Hotel, conference and wedding centre within Oswald Hall.
  - d. Holiday accommodation unit associated with Oswald Hall Hotel to be formed within Oswald's Temple.
  - e. Public House, restaurant, crèche, office and residential use within Gibbs Yard.

- f. Residential units within Wilson Hall.
  - g. Holiday accommodation units within the Bothy block adjacent to the walled garden and glasshouses.
  - h. Residential use of the West Lodge.
  - i. 18 hole golf course and associated club house.
  - j. Retail unit as defined by Class 1 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 but not exceeding 200m<sup>2</sup> gross within the buildings around the village square.
  - k. Equestrian centre and stables.
- i. Allotment gardens within area 10 to the north of the walled gardens as defined in figure 19 of the Masterplan.

Scale and design of leisure buildings

5. That the buildings to accommodate the proposed equestrian centre and golf club house shall be designed to minimise the landscape and visual impact through careful siting, scale, height, sensitive use of materials and landscaping. For the avoidance of doubt the golf club house building shall not exceed single storey construction. A green roof construction shall be considered for incorporation on the golf clubhouse building.

Scale and design of Phase E

6. That the buildings in phase E of the Indicative Phasing Plan (Revision C, December 2010) shall primarily be single storey but shall not exceed one and a half storeys in height.

**Programme of development**

Residential phasing

7. That the residential development component of the development shall be implemented in accordance with the Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, which for the avoidance of doubt states that the development commences with Phase A and progresses sequentially through phases B1, B2, C1, C2, C3, D and E.

Overall phasing plan

8. A detailed phasing plan, based on the Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, shall be submitted with the first Application for Approval of Matters Specified in Conditions and within each phase, programming will be determined by a detailed Phasing Plan which shall be submitted at the first formal application for each phase, or as otherwise agreed by the Council. The Phasing Plan shall detail the exact sequences of development for each proposed land use, the provision of infrastructure, landscaping, open space, footpaths, cycleways and the scale and distribution of affordable housing within each phase of the development to be agreed with South Ayrshire Council as Planning Authority.

Phase E and East Campus

9. That Phase E shall be cleared and work shall commence on the East Campus in accordance with the approved Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10 and approved plans unless otherwise approved by the Council as Planning Authority.

Village Square

10. That the proposed village square shall be completed in accordance with an approved planning permission before work commences on phases D or E.

Policy Parkland

11. That the proposed policy parkland to the south west of Oswald's Hall as delineated in figure 33 of the Masterplan shall be implemented in accordance with an approved landscape scheme before work commences on phase C, D or E.

**Design**

Design Review

12. That prior to the submission of the first Application for Matters Specified in Conditions, the developer shall enter into a Design review process with the Planning Authority and Architecture and Design Scotland. The outcome from this process shall inform the Development Brief / Design Code required by this Planning Permission in Principle.

Development Brief / Design Code

13. That prior to the submission of the first Application for Matters Specified in Conditions, a Development Brief / Design Code for the entire development site (including residential, business, research, commercial, leisure and recreational uses) shall have been submitted to, and approved by, the Planning Authority. The required Development Brief / Design Code shall set out clearly the design standards and criteria to which all subsequent applications shall adhere and shall;
  - a. Include a clear **vision** for the feel and character of the development which fully achieves the 6 qualities of successful places as defined in 'Designing Places' taking into account the approved masterplan and the requirements outlined below.
  - b. Be well illustrated and seek to convey most of the required information graphically in the form of plans, drawings, sketches, perspectives (including 3 dimensional drawings) and photomontages in preference to text.
  - c. demonstrate how the development complies with relevant national **policy and guidance**, the development plan and supplementary planning guidelines with a particular emphasis on 'Designing Streets', 'Designing Places', PAN67 'Housing Quality' and PAN78 'Inclusive Design'.
  - d. Demonstrate how the proposed development shall achieve the applicant's stated intention to create an **exemplar development** in terms of design quality and sustainability.
  - e. The **Urban design code** shall demonstrate root morphology including patterns of ownership, connectivity, urban space and massing rather than focussing solely on superficial aesthetic considerations.
  - f. Include a thorough **appraisal of the site**, the character of the historic designed landscape and the site context and demonstrate how the proposed development responds to the identified characteristics. To ensure that the scale and massing of the higher elements of the village do not adversely affect the setting of Oswald's Temple an assessment of the setting should encompass views both to and from it and include appropriate visualisations such as photomontage views of the development in relation to this asset, illustrating views both towards and from the proposed development.
  - g. Include a thorough **appraisal of similar sized villages** in South Ayrshire in terms of the following characteristics; built form, scale and mix, details and materials, density, movement and landscape and demonstrate how the proposed development reflects the best local examples of successful places.
  - h. Include a **mixed use strategy** which demonstrates how the development will incorporate a proven mix of residential, commercial, and leisure community uses within the village.

- i. Include a **built form strategy** for the proposed development including; legibility, key buildings and frontages, views and vistas, layout, density, public and private space, scale and mix (including building and storey heights), all architectural details and palette of materials (including fenestration style and proportions), boundary treatments, parking, development fringe, above ground infrastructure and utility structures, allotment structures and maintenance arrangements. This strategy shall set out the arrangements for home zones, the provision of affordable housing and set out a range of 'Auchincruive' building styles which responds to the character of the listed and vernacular buildings on the site in a distinctive and contemporary manner fit for the 21st century. For the avoidance of doubt key buildings within the development shall be externally finished with natural slate or a natural slate substitute, natural stone and / or wet render.
- j. Include a **movement strategy** with an emphasis on walking, cycling, public transport and inclusive design which seeks to maximise the permeability of the area by maintaining and enhancing and extending the existing walking and cycling network both within the site and extending out to surrounding towns and villages. This shall include bus routes (preferably with separate access and egress arrangements), bus stops, arrangements for covered cycle rack provision and signage within the site and shall set out clearly how movement within and through the site will be maintained during the construction phase. The movement strategy shall facilitate the forward movement of service vehicles, including service vehicles, through the site and minimise the use of turning areas.
- k. Include a soft and hard **landscaping strategy** identifying structural planting (including areas for advance planting), tree, hedge, shrub and grass planting, tree protection measures (during construction), hard landscaping, passive and active areas of open space and play facilities.
- l. Include an analysis of buildings, movement and spaces in the form of the **Bavarian B-plan** tool (i.e. a layered plan outlining 'movement' in yellow, 'buildings' in red and 'open space' in green) and demonstrate how these elements are integrated to make a successful place.
- m. Include a **Public realm strategy** which sets out the design approach to all public space within the development, including (but not exclusively) the Main Street (i.e. the C37), the proposed village square and the proposed village green. This shall explain the methodology for delivering these places within the overall development strategy. For the avoidance of doubt the Main Street (C37) shall be designed with the objective of ensuring that it becomes a 'place' as expressed in 'Designing Streets'. This should give particular consideration to pedestrian movement and crossing, cycling, public transport and bus stops, vehicular accesses, visibility, on and off street parking, building form and landscaping.
- n. Include a detailed **sustainable development strategy** which takes forward the submitted sustainability statement and sets out the precise details of how the sustainability objectives will be achieved under the headings identified by BREEAM. This strategy shall demonstrate how the development will achieve a reduction in CO<sup>2</sup> emissions in accordance with Scottish Planning Policy and establish the framework for compliance with the BREEAM excellent rating for the East Campus, the Ecohome Good rating for the proposed houses and the independent assessment method.
- o. Include a **waste and recycling strategy** which addresses the arrangements for waste and recycling (including home composting) and identifies the broad location of a community recycling centre. Refer to movement strategy regarding service vehicles.
- p. Include a **lighting strategy** taking account of energy efficiency, nature conservation issues and minimising light pollution.
- q. Include an **earthwork strategy** demonstrating how the development will address site topography and levels to ensure minimal earthworks and visual impact.
- r. Include a **public art strategy** which sets out how public art will be commissioned and incorporated within the development including the proposed hilltop feature to the north of Newbarns Wood and the sculpture on the new roundabout.

- s. Include a detailed **phasing brief** which reflects the phasing requirements of this decision notice
- t. Include a **planning, procurement and contingency strategy** which sets out the precise arrangements to ensure delivery of the development in accordance with the planning permission in principle and the Development Brief / Design Code. This shall address how future developers of individual phases will engage with the Development Brief / Design Code and with the relevant Regulatory authorities, including the Roads Construction Consent process and the pre-application stage.
- u. Include details of the long term **management and maintenance** arrangements for the new development and the existing Auchincruive estate (including each listed building) in perpetuity.

#### Accord with Development Brief / Design Code

14. All formal applications shall be in accordance with the approved Development Brief / Design Code required by this Planning Permission in Principle unless otherwise agreed by the Planning Authority, and shall set out the means of access, Sustainable Urban Drainage Systems (SUDS), associated greenspace and any cut/fill within the site and other principles outlined in the Development Brief / Design Code. Unless otherwise approved by the Planning Authority, all development shall generally follow the topography of the site and shall work within existing ground levels not exceeding +/- 1.5 metres to the satisfaction of the Planning Authority.

#### **Roads, Transportation and Access**

##### Construction traffic

15. That the first formal application for each phase of the development, shall include a detailed construction traffic management plan and this shall be approved by the planning authority prior to the commencement of development of each phase.

##### Travel Plan Framework

16. That a Travel Plan Framework aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be prepared in consultation with the Council as Roads and Planning Authority and approved prior to submission of the first Application for Approval of Matters Specified in Conditions.

##### Travel Plan

17. That within 6 months of occupation of any commercial, retail or leisure facility a Travel Plan, in accordance with the approved travel plan framework, shall have been submitted to, and approved by, the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.

##### Parking for public walks

18. That details of parking provision (location, details and specifications) for public access to the walks at Auchincruive shall be submitted with the first Application for Matters Specified in Conditions. The approved parking area shall be provided prior to the occupation of any general market housing units and thereafter be permanently retained for public use.

##### Roundabout

19. That the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of the required new roundabout at the junction between the B743 and the C37. The roundabout (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the approved plans prior to the occupation of the 201<sup>st</sup> new residential unit. For the avoidance of doubt the new roundabout and junction shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and the bus stop opposite the B7035. The applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations.



Bus stops on B743

20. That the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of upgrades to the three bus stops on the B743 (including provision for Real Time Passenger Information, cycle racks and bus boarding facilities) and the provision of a new bus stop as follows;
- a. The upgrade of the existing bus stop westbound on the B743 opposite the B7035, and
  - b. The upgrade of the existing bus stop eastbound on the B743 east of the junction with the B7035, and
  - c. The relocation and upgrade of the existing bus stop westbound on the B743 at Nellie's gate as detailed in drawing number 120. This work shall include a footpath along the B743 to Nellie's Gate junction and a connecting footpath into the application site as indicated in the masterplan, and
  - d. The provision of an eastbound bus stop on the B743 close to Nellie's Gate.

The required bus stop provision and upgrading work shall be implemented in accordance with the approved plans prior to the occupation of any proposed new residential unit unless alternative measures are approved in writing by the planning authority.

Nellie's Gate Junction

21. That the first Application for Approval of Matters Specified in Conditions for the East Campus development shall include full details and specifications of upgrading works to the Nellie's Gate junction with the B743. The junction upgrade shall be implemented in accordance with the approved plans prior to the occupation of any part of the East Campus development. For the avoidance of doubt the applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations.

General path upgrades

22. That path upgrades as per figures 27, 28, 29 and 30 in the Transport Assessment shall be implemented in accordance with a timescale and specification to be submitted for the prior written approval of the Council before the occupation of any proposed dwellinghouse. For the avoidance of doubt this shall include the new tarmac multi-use path, through the Arboretum, between the new east campus access road and the north eastern corner of the site together with the pedestrian and cyclist access point in the existing estate boundary.

Path to Hilltop structure

23. That a hard surfaced path shall be provided from the proposed hilltop focal point northwards to the multi-use path between the C37 and Newbarns Wood in accordance with a timescale for implementation and specification to be submitted for the prior written approval of the Planning Authority before the occupation of any proposed dwellinghouse unless other approved in writing by the Planning Authority.

Oswald's Bridge

24. That a traffic management scheme at Oswald's Bridge (including priority system / signalisation) shall be provided in accordance with a timescale for implementation and specification to be submitted for the prior written approval of the Planning Authority before the occupation of any proposed dwellinghouse unless other approved in writing by the Planning Authority.

Cycle racks

25. That the first formal application for each phase of the development, shall include details of the number, location and specifications of covered and uncovered cycle racks to be provided throughout the area of that phase and include a timescale for implementation. The cycle rack provision shall be in accordance with the guidelines in the Travel Plan and the approved Development Brief / Design Code.

Traffic Profiler

26. That the applicant shall provide a profiler, traffic loops, counter cabinet, post, batteries, connectors & solar panel at the B743 west of the site. Precise details of the timing of installation, siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site.

Wheel washing

27. That 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. 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.

Junction sightline splays

28. That details of junction access visibility sightline splays be submitted with each phase application for Approval of Matters Specified in Conditions. Approved sightlines shall be maintained in both directions. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays.

Discharge of water

29. 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 with each application for Approval of Matters Specified in Conditions.

Movement strategy (turning)

30. That the movement strategy and road layout shall primarily accommodate the movement of vehicles (including service vehicles) through all parts of the development in a forward gear and seek to minimise the use of cul-de-sacs and turning areas. Applications for Approval of Matters Specified in Conditions shall include details of service vehicle movement routes and where necessary the design and specification of turning areas capable of allowing service vehicles to turn within site boundaries. Turning areas shall be in accordance with the Council's Roads Development Guide and shall be constructed as approved prior to the development being occupied.

Gates inwards

31. That prior to completion of the development any gates shall open inwards away from the public roadway.

Residential travel pack

32. That a residential travel pack, the details of which shall be submitted for the prior written approval of the planning authority, shall be placed in each new residential unit prior to occupation.

Public transport strategy

33. Prior to the occupation of the first property the applicant shall have agreed with the Planning Authority, in consultation with SPT, a public transport strategy for access to/from and within the site with agreed timetables for its implementation.

Bus service infrastructure

34. The applicant shall provide bus service infrastructure within the site boundaries to the satisfaction of the Council as Roads Authority.

### Signage

35. That at the first formal application for each phase of the development, details of the location, siting and design of the proposed signage on site (including street names and directional signage) shall be included. Thereafter the signage shall be implemented in accordance with the approved details. For the avoidance of doubt the signage shall accord with the signage strategy set out in the approved Development Brief / Design Code.

### Public Access

36. As part of the first formal application for each phase of development, a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the Council as Planning Authority. This shall show:
- a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from the statutory access rights under Part One of the Land Reform (Scotland) Act 2003;
  - b) any areas proposed for exclusion from the statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc,
  - d) any diversions of paths – temporary or permanent – proposed for the purposes of the development.

### **Built and cultural heritage**

#### Restoration of Oswald's Temple

37. That valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of Oswald's Temple shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase B, C, D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 150 of the new general market houses hereby approved shall be occupied and phase C shall not commence prior to the full restoration of Oswald's Temple in accordance with the approved schedule of works. For the avoidance of doubt the applicant is advised to engage in pre-application consultation with the Planning Authority and Historic Scotland regarding the intended restoration works and note that no new structures are permissible on the grassed area surrounding the Oswald's Temple building.

#### Restoration of walled garden and glasshouse

38. That valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Walled Garden and Glasshouse shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Walled Garden and Glasshouse are completed.

#### Restoration of Bothy Block

39. That valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Bothy Block shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Bothy Block are completed.

#### Removal of modern shed

40. That valid applications (including detailed plans) for all necessary statutory consents for the removal of the modern shed from the walled garden and glasshouse area and the landscape restoration arrangements for the site shall be submitted to the Planning Authority prior to any application being submitted for phase D or E in the Indicative Phasing Plan (Revision C, December 2010). No more than 250 of the new general market houses hereby approved shall be occupied before the modern shed is removed and the landscape restored in accordance with submitted and approved details.

Stabilisation and preservation of Ice House

41. That a building condition survey of the Ice House and a schedule of works for the stabilisation and preservation of the Ice House (and valid applications for all necessary statutory consents where necessary) shall be submitted to the Planning Authority prior to any Application for Approval of Matters Specified in Conditions being submitted for Phases B, C, D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 200 of the general market houses hereby approved shall be occupied before the approved stabilisation / preservation works to the Ice House are completed.

Accord with conservation plan

42. That the listed buildings on the site shall be used and maintained in accordance with the indicative proposals and timescales in the approved Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10 and the Conservation Plan unless otherwise approved in writing by the Planning Authority. For the avoidance of doubt the applicant shall consult the Council with regard to the requirement for planning permission and / or listed building consent for any proposed change of use or alterations.

Update conservation plan

43. That the conservation plan hereby approved for the land at Auchincruive shall be updated specifically to reflect timescales and refinements that have arisen through consideration of this application for planning permission in principle. The updated Conservation Plan shall be submitted with the first application for Approval of matters specified in conditions. Thereafter, all future applications for Approval of Matters Specified in Conditions or planning applications shall include an updated version of the conservation plan for the land at Auchincruive.

Conservation plan for 'A' listed buildings

44. That site specific, comprehensive and detailed conservation plans prepared in accordance with Historic Scotland's publication "A Guide to the Preparation of Conservation Plans" shall be submitted with future applications for Oswald's Hall and Oswald's Temple.

Archaeological mitigation strategy

45. The developer shall submit for the approval of the planning authority an archaeological mitigation strategy along with the first application for Approval of Matters Specified in Conditions. Thereafter the developer shall ensure that the approved strategy is fully implemented, that all significant archaeological remains are preserved in situ as may be required by the planning authority, or that any necessary recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in consultation with the West of Scotland Archaeology Service.

**Landscape and Nature Conservation**

Compliance with open space policy

46. That the housing development shall comply with the Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments'. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with this SPG shall be submitted for the approval of the Planning Authority.

Planning Permission in Principle (ground and floor levels)

47. That at the Approval of Matters Specified in Conditions stage the detailed plans shall include suitably scaled block layout plans showing;
- a. Existing ground levels
  - b. Proposed ground levels, and
  - c. Finished floor levels of each proposed dwellinghouse and building

Landscape scheme

48. That at the first formal application for each phase of the development (including the East Campus), a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. In addition, the scheme of landscaping shall be suitably secured by the provision of a financial bond, or other means as agreed with the Planning Authority, covering the cost of the works; to be lodged prior to the granting of formal permission. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the last unit for each land parcel in the relevant phase development. The open space/landscaped area shall be retained as open space and to this approved standard.

Golf Course Landscape scheme

49. That the formal application for the golf course shall include a detailed scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding and timing of works. The scheme as approved shall be implemented in full prior to operation of the golf course. For the avoidance of doubt the landscape scheme shall retain as far as possible the existing natural landform and indigenous planting.

Golf course management

50. The proposed golf course shall be developed and managed following the Royal & Ancient Course Management Best Practice Guidelines pertaining to Sustainability and the Environment. The required landscape scheme shall demonstrate how this is to be achieved.

Advance structural planting

51. That the landscape scheme required by this planning permission in principle shall, at the first Application for Approval of Matters Specified in Conditions, include details and timing of the advance structural planting specified in the approved Development Brief / Design Code.

Hanging Gardens Landscape Scheme

52. That a landscaping and planting scheme for the Hanging Gardens shall be included with the first application for Approval of Matters Specified in Conditions. Plans shall be at a recognised metric scale and be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. No more than 100 of the general market houses hereby approved shall be occupied before the approved landscaping and planting scheme is implemented.

Tree Survey

53. That before any works start on any phase within the site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees that may be affected by development both within the site as well as trees adjacent to or overhanging the site; and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of those trees affected. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Tree Protection

54. That before any works start on site, the developer shall submit a tree protection plan in accordance with BS 5837 (Trees in relation to Construction Sites) for areas near development zones, temporary site offices or any new roads or paths, giving details and specifications of the protective measures necessary to safeguard trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Auchincruive Estate Management and Maintenance arrangements

55. That at the first Application for Approval of Matters Specified in Conditions details of the landscape management and maintenance arrangements for the Auchincruive Estate (including a tree maintenance schedule and a tree management plan for the entire estate for the short, medium and long term), shall be submitted for the approval of the Planning Authority and thereafter be put in place. Thereafter the approved management and maintenance arrangements shall be adhered to at all times. For the avoidance of doubt these management and maintenance arrangements shall include the arboretum, ornamental gardens, tennis courts and playing fields.

Residential Landscape Maintenance arrangements

56. That at the first formal application for each phase of the development, a factoring arrangement and a maintenance schedule (where different from the wider Auchincruive Estate Management arrangements) shall be submitted for the approval of the Planning Authority and be put in place for all landscape works including grassed and planted areas and play facilities. Thereafter the approved management and maintenance schedule shall be adhered to at all times for the duration of the development by the nominated factor for the site, and no changes shall be undertaken without the prior written approval of the Planning Authority.

Tennis Court Refurbishment

57. That the tennis courts opposite Gibbs Yard shall be refurbished in accordance with a schedule of works approved in writing by the Planning Authority, prior to the occupation of the first house in phase B. For the avoidance of doubt the required estate management plan shall specify the precise ongoing management and maintenance arrangements for the refurbished tennis courts.

EA Mitigation measures

58. That the full range of mitigation measures identified in the applicant's Environmental Statement (including section 7.12 and with regard to agriculture) shall be adopted in full.

On site ecologist

59. That an on-site ecologist shall be appointed to oversee all phases of the development, to provide on-site training, ensure the ecological needs of the site are respected, to implement actions as outlined in the badger mitigation plan and ensure works are carried out in line with legislative requirements. Details of the proposed on-site ecologist arrangements shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Bat emergence survey

60. That, in consultation with the Council and SNH (now renamed as NatureScot), a detailed up to date bat emergence survey shall be undertaken to approved methodologies by a suitably qualified ecologist to inform the status of bats at the site and this shall be included in the first application for Approval of Matters Specified in Conditions. It shall be ensured that the emergence survey builds on the assessments stated within the current report of all potential roost sites. This includes potentially new maternity roosts within the site prior to the determination of full planning permission.

Bat transect survey

61. That, in consultation with the Council and SNH (now renamed as NatureScot), complimentary transect surveys (incorporating transect 2 and 3 – see drawing 11963/Fig 7.9) are undertaken to update the status of bats at the site and these shall be included in the first application for Approval of Matters Specified in Conditions.

Bat method statement

62. That, in consultation with the Council and SNH (now renamed as NatureScot), a prospective bat method statement shall be produced by the applicant and be included in the first application for Approval of Matters Specified in Conditions. This is required to ensure the following:
- (a) That bats are a material consideration in the construction phase of development and that a standard methodology, supported by an onsite ecologist, is produced which ensures that all buildings are checked prior to demolition or renovation to ensure that no bat roosts are inadvertently destroyed or disturbed during construction.
- (b) The inclusion of strategies which will detail mitigation and compensation measures (based on available survey information) to incorporate bat friendly measures at the site and help ensure long-term viability of bats at Auchincruive. SNH would recommend that methods outlined in Williams (2010) (i.e. Williams, Carol (2010) Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build, Bat Conservation Trust (RIBA Publishing; ISBN – 978 1 85946 353 6) would be appropriate and may be utilised within on-site building design, however, SNH would also welcome other creative means in which this can be taken forward.

Badger mitigation and management

63. That, in consultation with the Council and SNH (now renamed as NatureScot), the additional provisions detailed within the Badger Mitigation Plan (dated April 2010) and the Badger Management Plan be implemented in full by a suitably qualified on-site ecologist before and throughout the duration of the development. For the avoidance of doubt, an amended access strategy that fully accords with the Badger Mitigation and Management Plans shall be submitted with the first Application for Approval of Matters Specified in Conditions.

Bird breeding season

64. That demolition or vegetation clearance works, shall not take place during the bird breeding season (March to July inclusive). If work is essential during the breeding period an ornithological survey shall be carried out, by a suitably qualified ecologist, immediately prior to the works and measures taken to avoid any impacts on breeding birds, their nests, eggs or young, and be submitted for the prior written approval of the planning authority before any such demolition or clearance works take place.

Existing houses – garden ground

65. That the first Application for Approval of Matters Specified in Conditions submitted following this planning permission in principle shall incorporate details and specifications of the garden ground, access, parking and boundary treatments to be associated with each existing residential unit to be retained on site.

Bat and Swift bricks

66. That bricks designed to facilitate nesting and roosting of swifts and bats shall be incorporated into a number of the proposed houses. Precise details of the number of these bricks and their inclusion in the proposed dwellinghouses shall be submitted with first formal application for each phase of the development for the prior written approval of the Planning Authority.

## **Water and drainage**

### Sustainable Urban Drainage Systems

67. That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems SUDS Manual (C697) published by CIRIA in March 2007. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

### SUDS implementation

68. That none of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans.

### Foul drainage

69. That the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water.

## **Environment and sustainability**

### Environmental performance

70. That all new buildings with the proposed East Campus proportion of the development shall be designed to achieve the BREEAM "excellent" rating and all new residential properties shall be designed to achieve a "Good" rating under the BRE Ecohomes assessment scheme unless otherwise approved in writing by the Planning Authority. All Applications for Approval of Matters Specified in Conditions shall demonstrate how the development relates to this target.

### Soil Management Strategy

71. That at the first formal Application for Approval of Matters Specified in Conditions for each phase of the development, a soil management strategy shall be submitted for the prior written approval of the Planning Authority.

### Potential contamination

72. That the presence of any previously unsuspected or unencountered 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 by the Planning Authority.

### Noise assessment and mitigation

73. That the internal noise level (L<sub>aeq</sub> TdB) within the proposed properties shall not exceed 45dB(A) daytime 07.00 hours to 23.00 hours and 35dB(A) night time 23.00 hours to 07.00 hours. In order to achieve this, the measured background L<sub>aeq</sub> daytime shall not exceed 57dB(A) and 48dB(A) night time on any part of the site marked for dwellings. (Internal measurements assessed with windows sufficiently open to provide ventilation). Results of a day time / night time assessment together with any noise mitigation measures shall be submitted with all residential Applications for Approval of Matters Specified in Conditions. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person. All approved mitigation measures shall be implemented and thereafter be permanently maintained in accordance with the approved specifications.



Waste management

74. That in all domestic premises with gardens, dedicated space for three 240 litre wheeled bins for refuse shall be provided. In all domestic premises without gardens, space to accommodate two 240 litre wheeled bins shall be provided. Precise details of the arrangements for accommodating the required bins in a screened and discreet manner shall be submitted with first formal application for each phase of the development.

Recycling Centre

75. That an area of land with a suitable hardstanding base with access for LGV service refuse vehicles shall be made available to the Council for a community recycling centre together with recycling banks for glass, paper, food and drinks cans, plastics and cardboard. This recycling centre shall be located within the area to be identified in the approved Development Brief / Design Code.

Bird hazard assessment

76. That at the first formal application for Approval of Matters Specified in Conditions for each phase of the development a bird hazard control plan and risk assessment shall be submitted for the prior written approval of the planning authority before any work commences on site.

Infrastructure and Utilities

77. That precise details and specifications of all above ground infrastructure and utility structures (e.g. power, water and telecommunications) shall be submitted for the prior written approval of the planning authority before erection or installation of any structures on site.

Additional Roads and Transportation

78. That the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of a required new priority-controlled junction incorporating a ghost lane for right turning traffic at the junction between the B743 and the C37, designed to fully comply with the standards as set out in the SCOTS National Roads Development Guide, as adopted by the Council, and the Design Manual for Roads and Bridges (DMRB, as appropriate. The priority-controlled junction (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the plans to be approved by the Council as Roads Authority prior to the occupation of any proposed new residential unit. For the avoidance of doubt, the new priority-controlled junction with ghost right turn lane shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and bus stop opposite the B7035.

**9.2 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 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. In order to retain proper control over the development proposal.
3. To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
4. To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
5. In the interests of visual amenity and sustainable development.
6. To preserve the setting of the category 'A' listed Oswald's Temple.
7. To clarify the terms of the permission.
- 8-11 In the interests of the proper planning of the area and the timeous provision of different inter-related parts of the development.
12. In order to ensure a responsive and robust development and design framework is created for the site.
13. To establish a clear vision for an exemplar sustainable development in this sensitive historic and natural landscape and to ensure that vision is translated into a succinct and well illustrated Development Brief / Design Code that provides clear design parameters for all future site developers.
14. To clarify the terms of the permission.

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15. In the interests of road safety.
- 16-17 To encourage sustainable means of travel.
18. To ensure that adequate and safe parking arrangements are available.
19. In the interest of road safety and to ensure an acceptable standard of construction. To encourage sustainable means of transport.
20. In the interest of road safety and to ensure adequate provision for public transport. To ensure that the results of detailed site investigation can be taken into consideration in the interest of road safety and the proper planning of the area.
21. In the interest of road safety and to ensure an acceptable standard of construction.
22. To encourage sustainable means of travel.
23. To maximise the public use of, and access to, the focal point to strengthen its urban design value and in the interests of nature conservation.
24. In the interests of pedestrian and cyclist safety and to encourage sustainable means of travel
25. To encourage sustainable means of travel.
26. In the interest of monitoring traffic flow generated by the development as stipulated in the Transport Assessment.
27. In the interest of road safety.
28. In the interest of road safety and to ensure acceptable visibility at road junctions.
29. In the interest of road safety and avoid the discharge of water on to the public road.
30. To enable service vehicles to enter and leave the site in a forward gear in the interests of road safety
31. In the interest of road safety.
- 32-34 To encourage sustainable means of travel.
35. In the interests of visual amenity.
36. In the interests of securing public access through the site.
- 37-39 In order to ensure that the restoration of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development.
40. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for this Historic Garden and Designed Landscape. To ensure necessary landscaping works are completed at an appropriate stage in the development of the site.
41. In order to ensure that the stabilisation and preservation of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development.
- 42-43 To safeguard the character and appearance of the historic designed landscape and listed buildings.
44. To safeguard the character and appearance of these category 'A' listed buildings.
45. To ensure that there is an acceptable archaeological mitigation strategy in place for preserving archaeological remains in situ or that there is suitable recording and recovery.
46. To comply with Local Plan policies and Supplementary Planning Guidelines and in the interests of the proper planning of the area.
47. In the interests of residential and visual amenity and to ensure that there is no significant detrimental landscape impact.
- 48-51 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
52. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for this Historic Garden and Designed Landscape. To ensure necessary landscaping works are completed at an appropriate stage in the development of the site.
53. In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.
54. In order to ensure that no damage is caused to the existing trees during development operations.
55. In the interests of the proper planning of the area and to ensure that this enabling development establishes robust landscape management and maintenance arrangements for the whole Auchincruive Estate and recreational facilities in perpetuity.
56. In the interests of visual amenity; to ensure that adequate measures are put in place to protect and maintain the landscape and planting in the long term.
57. In the interest of sustainable development and to ensure that adequate measures are put in place to maintain this facility in the long term.
58. In order to reasonably mitigate environmental impacts of the development and in the interests of nature conservation.
59. In the interests of nature conservation and to ensure works are carried out in line with legislative requirements.
60. In the interests of nature conservation and to identify the likely licensing requirements, if any, for the development.
- 61-62 In the interests of nature conservation.
63. In the interests of nature conservation and to avoid significant and irreversible impacts on the local badger population.

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64. In the interests of nature conservation and to avoid any impacts on breeding birds, their nests, eggs or young.
65. In order to retain proper control over the development proposal in the interests of amenity and road safety.
66. In the interests of sustainable development and nature conservation.
67. To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
68. To ensure the site is drained in an acceptable and sustainable manner.
69. In the interests of pollution control.
70. In the interests of sustainable development and to establish a clear measure for assessing the sustainable design qualities and environmental performance of the proposed development.
71. To minimise detrimental impacts on the soil resource.
72. To ensure all contamination within the site is dealt with.
73. To avoid noise disturbance in the interests of residential amenity.
74. In the interests of residential and visual amenity.
75. In the interest of sustainability. To encourage waste recycling and retain proper control over the development proposal in the interests of residential and visual amenity.
76. In the interests of airport safety.
77. In the interests of the proper planning of the area and to ensure that this infrastructure is carefully sited and designed to minimise visual and landscape impact.
78. In the interest of road safety and to ensure an acceptable standard of construction.

### 9.3 **Advisory Notes:**

#### Requirement for listed building consent

1. The grant of planning permission in principle does not remove the requirement for Listed Building Consent for any alterations, either internal or external. It is recommended that the applicant / prospective developer(s) make early contact with Historic Scotland with regard to the potential impact of the development on the setting of the designed landscape and the setting of listed buildings.

#### Requirement for consent of owners

2. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build, or maintain, this approved development. Such consent should be obtained prior to the commencement of works on site.

#### Roads & Transportation

3. The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer
4. The Council as Roads Authority advises that 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.
5. 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.
6. That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits prior to works commencing on site.
7. 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.
8. Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall 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.

9. The Council as Roads Authority advises that a Stage 3 Road Safety Audit in compliance with GG119 version 2 of the Standard for Highways Design Manual for Roads and Bridges should be submitted for the prior written approval of the Council as Roads Authority no later than 1 month after completion of the priority junction with ghost right turn lane, unless an alternative time period is approved. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.
10. The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
11. Waste Management has advised that Refuse collection vehicles are 4.5m high, 2.54m wide, 12m long and the area required for operatives to stand clear of bin whilst being lifted is 3m length by 3.5m width. The vehicles weigh approximately 26 tonnes. This raises some concerns with the plans in terms of vehicle movement, turning, waste storage in terraced commercial and residential properties and the standard of construction for the road surface due to the weight of the vehicles. It would be expected that consideration to be given to the placement of recycling point(s) in that area. The applicant is advised to liaise with the Council's Waste Management Service in the preparation of the Development Brief / Design Code and Applications for Matters Specified in Conditions.

#### SEPA

12. Please note that work should be undertaken in compliance with legislation and guidance relating to the; Water environment, Chemical & oil storage, Pollution prevention (including construction, demolition and agricultural activities), Storage and movement of waste materials and Controlled waste. Information and guidance, including best practice, can be found at the website of the Scottish Environment Protection Agency (SEPA) as follows [www.sepa.org.uk](http://www.sepa.org.uk). As a sewage pumping station and rising main facility would be required to service the development, it is likely that the Sewerage Authority, Scottish Water, will insist on the provision of an emergency overflow arrangement. Note that the emergency discharge of sewage effluent would only occur in the event of a complete mechanical or electrical breakdown of the pumping station and will require to be authorised, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). The applicant should therefore contact the Ayrshire Environmental Protection and Improvement Team (EPIT) directly to fully discuss the potential drainage implications for this proposed development. The contact details for the local EPIT are as follows; 31 Miller Road, Ayr, KA7 2AX TEL: 01292 294000

#### Scottish Water

13. Should you require information regarding the location of Scottish Water infrastructure you should contact Scottish Water Property Searches Department, Bullion House, Dundee, DD2 5BB. Telephone 0845 601 8855. If you require any further assistance or information on the matters dealt with by Scottish Water, they suggest that you contact Stephen Kelly at the above number or alternatively additional information is available on the Scottish Water website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk).

#### NatureScot

14. Please note that should evidence of bat roosts be found, NatureScot should be informed and a licence obtained from the licensing authority (Scottish Government). Any work carried out without due consideration of bats is likely to breach European Directives.
15. Badgers: Where it is proposed to carry out development works which will disturb a badger or involve the damage or destruction of a sett within an occupied badger territory - regardless of when it may last have been used - a licence must first be obtained from NatureScot. In general, development works of any kind within 30 metres of a sett will require licensing prior to works being undertaken.
16. Birds: It is a criminal offence to deliberately or recklessly take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built or obstruct or prevent any wild bird from using its nest. Therefore, the steps specified in the above noted condition must be taken to avoid any disturbance during the bird breeding season from March to July inclusive.

Other nature conservation

17. It is recommended that the detailed application takes in to account the publication entitled, Bats & Lighting in the UK by the Bat Conservation Trust which suggests mitigation methods available in relation to lighting and bats.
18. The developer is referred to the publication "Greenspace Quality – a Guide to Assessment Planning and Strategic Development" when giving consideration to the provision of greenspace within the development.

Prestwick Airport

19. 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

**9.4 List of Determined Plans:**

Drawing - Reference No (or Description): All plans and documents approved under 09/01416/PPPM

Drawing - Reference No (or Description): L(--)-103 – Location Plan

**Background Papers:**

1. Application form, plans and submitted documentation
2. Consultation Responses
3. Adopted South Ayrshire Local Development Plan
4. Planning Application 09/01416/PPPM

**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 Alastair McGibbon, Supervisory Planner - Place Planning - Telephone 01292 616 177