

REGULATORY PANEL: 30 MARCH 2023

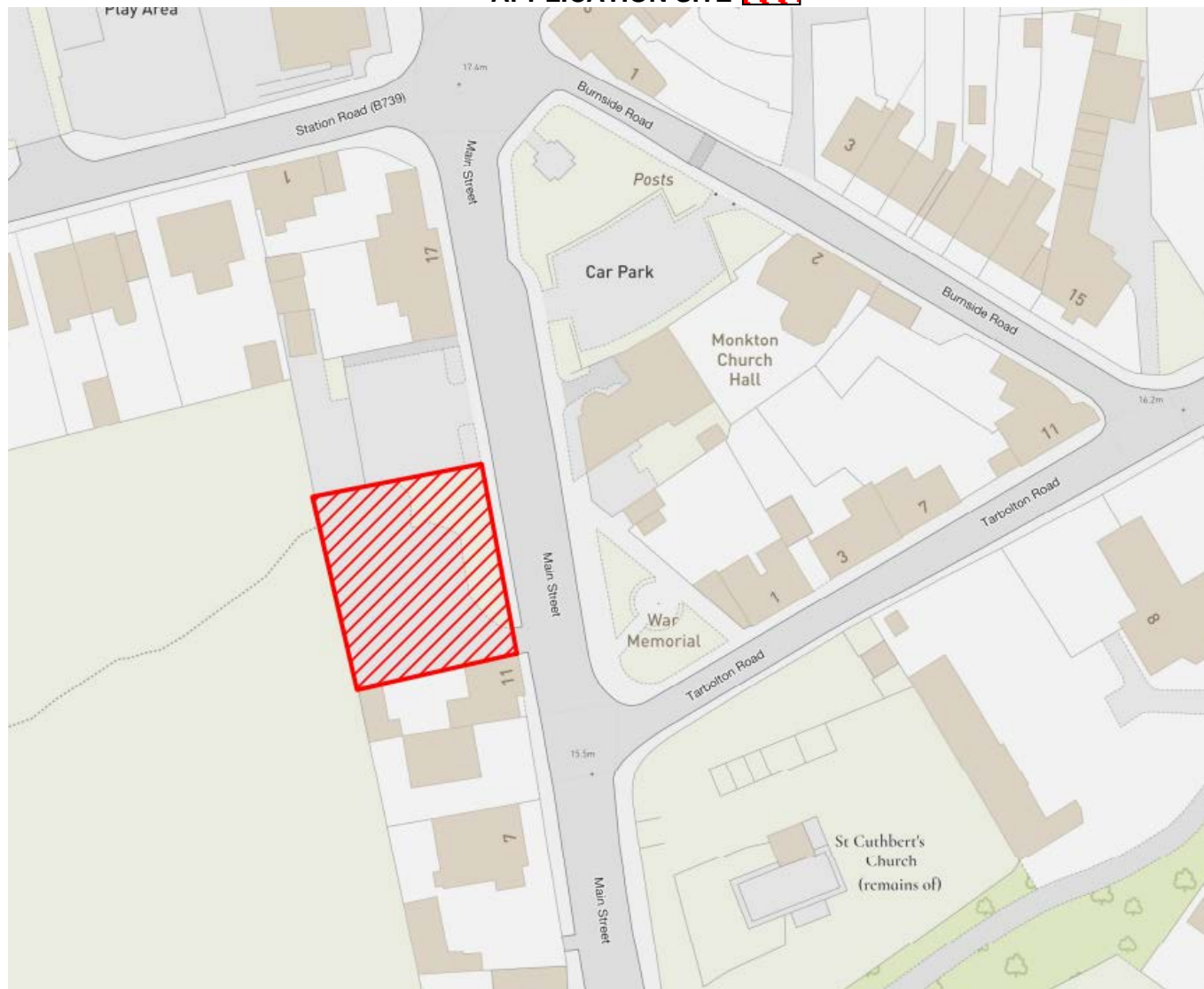
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00609/APP

LAND ADJACENT TO 11 MAIN STREET MONKTON SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for the erection of a car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works, on an area of vacant land adjacent to 11 Main Street, Monkton. The application site is a long-standing vacant and brownfield site which lies a short distance to the south of Monkton Cross, which is the locus of community facilities and services in the village. The submission confirms that the business has operated from a temporary base so as to become established, but now requires dedicated premises. The business is understood to act as a broker, providing a one-stop sourcing and concierge service for the sale and lease of vehicles across all makes and models of cars and vans, with the primary service being the procurement, organisation of funding, and direct delivery of vehicles, which do not require dedicated showroom space. An operational statement has been provided, which sets out the operational aspects of the business, including that the premises shall operate on an appointment only basis.

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A one and a half storey L-shaped building is proposed towards the northern boundary of the site, and partly fronting onto Main Street to the east. Externally, an open cantilevered car port for up to 8 vehicles is proposed along the western boundary, in addition to a 1.8 metre high screen fence, with further parking for three vehicles (2 standard, and one accessible), an additional parking bay for the charging of electric vehicles for public use is proposed. Vehicular and pedestrian access to the site is to be obtained via an existing access adjacent to the dwellinghouse at number 11 Main Street.

There are no objections from consultees, and no material planning considerations that out-weigh the provisions of development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted above, including, the planning history of the site, representations received (25 in total), and the impact of the proposed development on the locality. Following the above assessment, it is considered that the proposal represents a sustainable development involving the re-use of previously developed land, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not have an adverse impact on the amenity of the adjoining properties or the character and amenity of the locality, including the character or setting of Monkton Conservation Area, and the listed buildings in the wider locale. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

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SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00609/APP
SITE ADDRESS:	Land Adjacent To 11 Main Street Monkton South Ayrshire
DESCRIPTION:	Erection of car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works
RECOMMENDATION:	Approval with conditions

APPLICATION REPORT

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

1. Proposal:

The application site is located within the village of Monkton, and more specifically, comprises of an area of vacant land adjacent to 11 Main Street. The application site is broadly flat and laid with hardstanding and presents a frontage onto Main Street to the east. The site has been vacant for several years and would have likely formed the public car park for the property at number 17, to the north. The adjacent property at number 17 was historically utilised as a public house until the early 2000's. Public photographs show the adjacent public house to be vacant and available for lease in 2008, and the application site being vacant and unused. Following the cessation of the use of the public house, the building at number 17 was repurposed as a shop, tearoom, with a flatted property above, and the car park area sub-divided to provide a smaller area of parking for the property at number 17. The application site is the remaining vacant and unused residual area of ground formerly understood to be utilised by the public house.

A residential property, its associated curtilage, and its pedestrian and vehicular access lie to the south of the site, a children's nursery and its associated car park are located to the north, and a large undeveloped and vacant area of ground lies to the rear of the site, beyond which lies the airport. Opposite the site to the east are a church and adjacent community cafe, a war memorial, and partial curtilage of a residential property. The site lies a short distance to the south of Monkton Cross, which is the locus of community facilities and services in village, which while being interspersed with residential properties, is noted to contain the primary school, village hall, two shops and post office, small car park, and public amenity open space with seating area being located a short distance away. Public transport stops are also noted to be located along Main Street and Kilmarnock Road. The application site lies within Monkton Conservation Area. The ruined church of St Cuthbert and its graveyard, a category A-listed building, and the category B-listed building of the old manse and its stables lie further to the south-east of the site.

Planning permission is sought for the erection of a car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works. The submission confirms that the business has operated from a temporary base so as to become established, but now requires dedicated premises. In summary, the business is understood to act as a broker, providing a one-stop sourcing and concierge service for the sale and lease of vehicle across all makes and models of cars and vans, with the primary service being the procurement, organisation of funding, and direct delivery of vehicles, which does not require a dedicated showroom. An operational statement has been provided, which sets out the operational aspects of the business, including that the premises shall operate on an appointment only basis.

In greater detail, the proposals involve the erection of an L-shaped building towards the northern boundary of the site, and partly fronting onto Main Street to the east. The building extends to one and a half storeys in height, and containing office and meeting accommodation, welfare facilities, a display area for a single vehicle, and a single bay garage for valeting. The proposed external materials comprise predominantly of; grey coloured slate effect tiles, black corrugated sheet roofing, white and grey render, timber panelling, grey framed windows, black rainwater goods, and solar panels on the southern elevation.

Externally, an open cantilevered car port for up to 8 vehicles is proposed along the western boundary in addition to a 1.8 metre high screen fence, with further parking for three vehicles (2 standard, and one accessible) centrally positioned within the site, beyond which lies an area of refuse, screen fencing, landscaping, and an additional parking bay for the charging of electric vehicles for public use. The proposed canopy is to be constructed of a galvanised steel frame, with black fibre cement roof sheeting. An external wash bay is to be situated in between the car port, and the building, along the northern boundary. Vehicular access to the site is to be obtained via an existing access adjacent to the dwellinghouse at number 11 Main Street. Pedestrian accesses are proposed via the car park and also via Main Street.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than 10 written objections have been received.

2. Consultations:

West Of Scotland Archaeology Service - no objection.

Ayrshire Roads Alliance - no objection, subject to condition(s).

Environmental Health - no objection, subject to condition(s).

Prestwick Airport - no objection, subject to condition(s).

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.

Planning Statement

A Planning Statement has been submitted in support of the development proposals, the main points of which are summarised as follows;

- The site is a vacant brownfield site, the current appearance of which is derelict, and which detracts from the conservation area;
- The proposals represent a sustainable form of development by re-using an existing site and repurposing it will have a positive economic and environmental impact;
- The site is not located within an exclusively residential area and is close to other services and facilities in the village. Nearby current (and historic uses such as the former public house and tearoom) are (and were) open to members of the public;
- The proposals are for a modest scale, commercial use;
- The proposals are not comparable to a traditional motor trade business, and are primarily a Class 2 service use, with ancillary facilities in the form of a preparation/ valeting area for a small and limited number of traded vehicles for onwards sale, alongside the provision of a charging bay for electric vehicles;
- There will be no vehicle transporters to the site and visits by the public will be by appointment only;

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- The premises will generally operate during business hours in terms of activities such as appointments, or valeting, and shall be no more onerous than the nursery and its car park. Office based activities will operate as required, but will not generate noise;
- No vehicles shall be displayed for sale at the site;
- The proposals align with the policy provisions of Local Development Plan 2;
- The proposals accord with Scottish Planning Policy and Historic Environment Scotland's Policy;

Design and Access Statement

A Design and Access Statement has been submitted, the main points of which are summarised as follows;

- The site is a vacant brownfield, infill site, which occupies a visible location on Main Street, within Monkton Conservation Area;
- The site benefits from good vehicular and public transport links;
- Existing buildings follow a set building line and are generally 1 and a half to two storeys in height;
- A building with a traditional vernacular design is considered to be appropriate given the setting of the site and the adjacent buildings;
- The building re-establishes a street frontage along Main Street;
- The development has been designed to provide for barrier free design for all users;
- The palette of external materials has been carefully considered.

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:

25 competent representation(s) have been received, 24 of which object to the proposed development, one neutral representation has also been received from Monkton Community Council. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. The issues raised by representees can be summarised as principally relating to;

- Policies of Local Development Plan:
- Traffic and transport concerns:
- Visual and residential amenity concerns:
- Historic and natural environment concerns:
- Use/ nature of development concerns:
- Administrative/ miscellaneous concerns:

Three objections have been received without full addresses having been provided. The authors of the correspondence have been contacted and offered the opportunity to provide a full postal address. As no address has been forthcoming, the representations are invalid, and cannot therefore be considered.

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

7. Assessment:

Statutory Development Plan Framework

(i) National Planning Framework 4

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-planning-framework-4/pages/12/index.aspx):

- National Policy 7;
- National Policy 9;
- National Policy 13;
- National Policy 20;

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out in this report.

With regard to this application, national policy 7 d) and e), outline that, the protection and enhancement of the historic environment is a key consideration. More specifically, proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. With proposals in conservation areas, also being required to preserve or enhance the character and appearance of the conservation area. National policy 9 also applies in terms of directing development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The current proposal is for the re-use and redevelopment of a long-standing vacant site within the village of Monkton. Policy 13 considers the issue of sustainable transport and active travel, and is supportive of development in locations which support sustainable travel, and travel by means other than private vehicle. The site is considered to be well-located within the village, in close proximity to other services and facilities, and also to benefit from an accessible location, with the potential to be accessed by public transport, and other sustainable transport options. Policy 20 seeks to encourage and promote the ‘Place Principle’ through the creation of connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In this regard, it is noted that the proposal has the potential to offer new and additional services to not only, but also, the residents of Monkton who might wish to use the facility, as well as the potential for small scale and local employment opportunities.

(ii) South Ayrshire Local Development Plan 2 (LDP2)

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local Development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- Core Principles;
B1 sustainable economic development;

- Strategic Policies;
Sustainable Development;
Development Management;

- General Policies;
Residential Policy within Settlements, Release Sites and Windfall Sites;
Historic Environment;
Land Use and Transport;

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

The above policies direct development proposals to existing settlements, and in particular, the use of vacant, redundant or brownfield sites. The proposals involve the reuse and redevelopment of a long-standing vacant and derelict site, which has never been developed despite planning permission having been granted for residential use. The application site is also noted to benefit from a central and accessible location within the existing built-up area of Monkton and is near walking and cycling routes, as well as being accessible by public transport.

LDP Policy: Sustainable Development seeks to ensure that development is appropriate in terms of its impacts on local amenity and that its layout, scale, massing, design and materials are acceptable in relation to its surroundings. In addition, development proposals should be suitable in terms of their bearing on residential amenity, infrastructure implications, as well as contributing to the efficient use of public services and facilities. Further consideration of the impact of the proposal on the built environment and residential amenity of properties in the vicinity, is set out below. Consultation responses have not raised any objections to the scheme, subject to relevant conditions.

The site is identified as being within an area in which LDP2 prescribes policies for residential areas. However, the application site cannot accurately be described as residential in its appearance, or use (both current and historic). As noted above, the site comprises of an area of land likely to be historically associated with the former public house (now in use as a childcare facility) to the north of the site at 17 Main Street. It is also considered significant that the site is bound by, and in close proximity of a variety of mixed uses and cannot be accurately described to be located within an exclusively residential area. As noted above, in addition to the partial boundary of a residential property to the south, a children's nursery and its associated car park, lie to the north of the site. Opposite the site lies a church and adjacent community cafe, the partial boundary of another residential property and the war memorial. A short distance away lies Monkton Cross, which, while being interspersed with residential properties, is also the locus for community facilities and services, including, the local primary school, village hall, two shops and post office, small car park, and public amenity open space with seating area being located a short distance away. Public transport stops are also noted to be located along Main Street and Kilmarnock Road. Given the generally mixed land use character of the area noted above, it is considered that the proposals are acceptable, in principle, in terms of their land use. The application has been considered in this context.

As noted above, the site lies adjacent to Monkton Conservation Area, and therefore the proposals also require to be considered in terms of the potential impact on the historic environment. Further consideration of the proposals in terms of their impact on the historic environment is set out further below.

The development proposal requires to be considered against the provisions of the LDP2 policy in relation to land use and transport which recognises the inter-relationship between land use planning and transport to achieve sustainable economic development. The policy requires a holistic approach to the consideration of development proposals, in particular, development proposals should;

- Closely link to existing and proposed walking, cycling and public transport networks, where possible;
- Ensure essential use of the private car is accommodated within the context of an integrated approach to transport;

The proposals are noted to include the re-use of the existing access, formation of parking, including 1 accessible bay within the site, and 1 parking space for the charging of electric vehicles. The ARA has been consulted and has offered no objection to the development proposals, subject to conditions. Appropriate conditions can be attached to any permission regarding its operational and servicing arrangements, and additionally, regarding the submission of a Travel and Servicing Traffic Management Plan. In this context, it is considered that the proposals can be successfully accommodated within the existing local road network. The application has been assessed in this context, and it is considered that the proposal is consistent with the LDP2 policy in relation to land use and transport.

Overall, for the reasons noted above, and elsewhere in this report, the proposals are considered to accord with the above noted policies of the development plan comprising of the combined provisions of NPF4 and LDP2.

(iii) Other Policy Considerations (including Government Guidance)

- Historic Environment Policy for Scotland

The proposals have also been considered against the Scottish Government historic environment policy as set out in the Historic Environment Policy for Scotland. 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. 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 document on Setting is particularly relevant. This requires planning authorities to consider the setting of historic assets in the determination of applications for planning permission. For the reasons noted within this report, the proposals are considered to align with the above policy guidance.

- Managing Change in the Historic Environment (Setting)

The aforementioned requires planning authorities to consider 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. For the reasons noted within this report, the proposals are considered to align with the above policy guidance.

- South Ayrshire Council Policy Guidance - Historic Environment

The Council's policy guidance in relation to the historic environment echoes the principles of the above government guidance.

In considering the impact of the proposals on Monkton Conservation Area, it is noted that the neighbouring building to the north is a combination of two storeys and single storey in height, and the dwellinghouse to the south is also noted to be two storeys in height where it fronts the road, and single storey on height to the rear. Both of the aforementioned buildings are noted to sit on the rear of the public footpath. The proposed new building is to be one and a half storeys in height, and to be sited very close to the rear of the public footpath. Given the aforementioned character of the area, it is considered that the height, scale, massing and positioning of the proposed building will fit comfortably into the existing streetscene. The external materials of the proposed new building are also considered to generally compliment the materials used on the external appearance of the existing properties, although it is suggested that the use of natural slate is the most appropriate finish for the pitched roof section of the building fronting onto Main Street, and an appropriate condition can be attached so as to ensure the use of natural slate. The use of timber cladding and large glazed windows are more contemporary features, however, there are no over-riding reasons to preclude modern elements within the proposal. Similarly, the use of a different roofing material of corrugated sheeting, and grey render (as opposed to white render) to the rear section of the building is acceptable, and not out of keeping with outbuildings present to the rear of neighbouring and nearby properties. For the reasons noted elsewhere in this report, the proposals, subject to appropriate planning conditions, are not considered to adversely impact on the character or affect the setting of the Monkton Conservation Area. Given the separation distance, and the presence of intervening land and buildings between the application site and the closest listed buildings (church of St Cuthbert category A-listed, and the category B-listed old manse) it is not considered that the proposals affect the setting of the listed buildings in terms of their character and interest. The application has been considered in this context.

(iv) Planning History of the Site

Planning permission was granted under application Ref. 13/01505/APP for the erection of three dwellinghouses formed as a two-storey terrace. The development approved under application 13/01505/APP has never been implemented. Planning permission was also sought under a later application Ref. 13/01065/APP for the erection of three dwellings of a different design and position to the development approved under the previously approved application (13/01505/APP). Application 13/01065/APP was withdrawn prior to being determined.

In terms of the recent planning history of the former public house at 17 Main Street, the following is noted;

Planning permission was granted under application Ref. 18/01074/APP for the change of use of tearoom/gift shop to form children's nursery and erection of fencing canopy and associated works. Under the proposals, the upper floor was retained as a dwellingflat. This development has been implemented.

An earlier application (Ref.18/00417/APP) granted permission for the entirety of the premises, including its upper floor for the change of use of tearoom/gift shop and dwellingflat to a children's nursery and erection of fencing, canopy and associated works. This application has been superseded by the subsequent permission granted under application Ref. 18/01074/APP.

Planning permission was granted under application Ref. 14/00246/APP for the change of use, alterations and extension to public house to form tearoom and gift shop and installation of replacement windows to dwellingflat. This permission was implemented but is now superseded by the use of the premises as a childcare facility.

(v) Objector Concerns

The representations received in relation to the proposal are summarised, and responded to as follows;

- Policies of Local Development Plan:

An assessment of the development proposals against the policy provisions of the development plan, including the provisions of the Adopted South Ayrshire Local Development Plan (2022) is set out above.

- Traffic and transport concerns, including, a potential increase in traffic, congestion and on-street parking to the detriment of road safety, loss of on-street parking for residents, potential for large delivery transporters to service the site;

Given the relatively small scale of the proposals it is not considered that the proposals will generate a significant increase in traffic. The proposals incorporate off-street parking to service the development and alleviate demand for on-street parking. The operational arrangements of the intended development are noted above, and in particular that, no vehicle transporters will visit the site, no vehicles shall be displayed for sale at the site and visits from the public will be by appointment only. The measures seek to minimise any potential disruption from the operation of the facility, and an appropriate planning condition is proposed to ensure that the facility operates as per the parameters set out in the operational plan. In addition, the ARA has been consulted and has offered no objection, subject to conditions, to the proposals from a parking, servicing, operational, or road safety perspective. The application has been considered in this context.

- Visual and residential amenity concerns, including, potential for increased noise and air pollution from activities such as car washing and valeting;

The visual and residential amenity aspects of the proposals are considered elsewhere in this report. Given the relatively small scale of the proposals, it is considered that any increased noise and emissions would be commensurate with the scale of the proposals and would not in their own right out-weight the other positive aspects of the development or would warrant a different recommendation. Notwithstanding, the Council's Environmental Health Service has powers to address any statutory nuisance, should it occur.

- Historic and natural environment concerns, including, proposals are not in keeping with the conservation area, impact on rear boundary wall, potential adverse impact on any archaeological deposits within the site and impact on local wildlife;

An assessment of the impact of the proposals on the historic environment is set out above, and for the reasons noted within this report, it is not considered that the proposals will have an adverse impact on the historic environment. The West of Scotland Archaeology Service has been consulted and has offered no objection to the proposals. Given the characteristics of the site, as a vacant area of ground, which is largely laid with hardstanding, it is not considered likely that the site is utilised as a habitat for any protected species. The application has been considered in this context.

- Use/ nature of development concerns, including development will not add value to the village/ better possible alternative uses to benefit the village, perceived lack of need for the proposals/ other better locations for the development, development could be converted to a dwellinghouse, site is too small;

For the reasons noted within this report, there are no concerns in terms of the principle of the land use, or the characteristics of the development being proposed. The applicant is not required to demonstrate a need for the proposals, or to consider other potential locations for the proposals. The purpose of the application is to consider if the site is suitable for the proposals, and the planning issues arising. A further grant of planning permission would be required if the development were, at a later date, to be proposed for residential use. The site is considered to be of a sufficient size to accommodate the proposals and its parking and servicing requirements. As noted above, the ARA has been consulted and has offered no objection to the proposals.

- Administrative/ miscellaneous concerns, including, no neighbour notification letter received, lack of environmental impact, impact on property values, impact on war memorial, infrastructure connections would likely be required through an adjacent site, possible for damage to occur to shared boundary wall, possible access and title issues with adjoining property including alleged right of servitude access.

The application has been notified in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Given the small-scale nature of the proposals, and the characteristics of the site, it is not considered that any additional environmental impact information is required. Any potential impact on property values is not a material planning consideration. It is not considered that the proposals will have an adverse impact on the war memorial. With regards to infrastructure, the submission indicates that the development will be serviced by way of mains connections to the water supply and drainage network. Any connections to infrastructure outwith the site, is a matter for the relevant landowner(s) to resolve. Notwithstanding, it is proposed to attach a suitable condition which confirms the need for the development to be serviced by way of a mains connection for water supply and drainage connections, the details of which require to be confirmed, prior to the occupation of the development. Any potential damage to commonly owned boundaries is a matter for the respective parties to address, although it is expected that any damage to neighbouring land and property as a direct consequence of the development is resolved by the applicant/ developer of the site.

The applicant/ agent has been made aware of the alleged presence of a servitude right of access (alleged to be prescribed through the passage of time) to the adjacent property at number 11 and has been encouraged to establish a dialogue with the party concerned to give greater certainty to the proposals in planning terms. In response, the applicant/ agent has confirmed that the title for the application site is not burdened with any servitude rights. It is important to note that it is not for the Council to reach a determination as to the presence (or otherwise) of the alleged existence of a servitude right of access; and therefore, the application requires to be considered as submitted. Any alleged servitude rights of access are therefore considered to be a separate and private legal matter for the relevant landowner(s) to address, rather than a matter for the planning authority in the consideration of this application. The application has been considered in this context.

(vi) Impact on the Locality

The application site comprises of a vacant, brownfield area of ground is located within the village of Monkton, and where a range of different land uses co-exist in close proximity of one another. The site has lain vacant for a number of years, and whilst having been the subject of various applications, with permission granted under application 13/01505/APP for the erection of three dwellinghouses, has never been developed.

The current proposals seek to erect a new L-shaped one and a half storey building. The proposed external materials comprise predominantly of; grey coloured slate effect tiles, black corrugated sheet roofing, white and grey render, timber panelling, grey framed windows, black rainwater goods, and solar panels on the southern elevation. An open cantilevered car port for up to 8 vehicles is proposed along the western boundary in addition to a 1.8 metre high screen fence, with further parking for three vehicles (2 standard, and one accessible) centrally positioned within the site, beyond which lies an area of refuse, screen fencing, landscaping, and an additional parking bay for the charging of electric vehicles for public use. The proposed canopy is to be constructed of a galvanised steel frame, with black fibre cement roof sheeting.

Given the presence of two storey buildings on either side of the street, and the general character of the area, it is considered that the height, scale, massing and positioning of the proposed building will fit comfortably into the existing streetscene. The external materials of the proposed new building are also considered to generally compliment the materials used on the external appearance of the existing properties, although it is suggested that the use of natural slate is the most appropriate finish for the pitched roof section of the building fronting onto Main Street, and an appropriate condition can be attached. The use of timber cladding and large glazed windows are more contemporary features, however, there are no over-riding reasons to preclude modern elements within the proposal. Similarly, the use of a different roofing material of corrugated sheeting, and grey render (as opposed to white render) to the rear section of the building is considered to be acceptable, and not out of keeping with outbuildings present to the rear of neighbouring and nearby properties. The proposed car port is single storey and low profile in height. The height, scale, massing and positioning to the rear of the site is not considered to adversely impact on the amenity of the locale. Overall, the physical development proposed is not considered to detract from the amenity of adjacent properties, or on the visual amenity of the locale.

In terms of its use, the development is intended for use as a car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works. It is understood that the applicant provides a more bespoke car sourcing and concierge service, and as such, it is acknowledged that the proposals are not directly comparable to a traditional car sales business. The applicant has provided an operational statement which confirms (in addition to the above) that there will be no vehicle transporters to the site, that no vehicles shall be displayed for sale at the site and that the premises will operate an appointment system. So as to ensure that the development operates as intended, it is proposed to attach a suitable condition which sets out that the development shall operate as per the submitted operational statement; this will ensure that the premises operate in the manner intended. Therefore, subject to suitable conditions being attached to any permission, it is considered that the development proposals shall not adversely impact on the amenity of adjacent and/ or nearby properties. Appropriate planning conditions can also be attached to ensure that the development meets with the operational requirements of the ARA from a roads perspective, and also Glasgow Prestwick Airport, in terms of the solar panels, preventing any glint or glare issues for air safety. The application is considered in this context.

8. Conclusion:

The proposals involve the erection of a new building, and associated development to accommodate a small-scale commercial operation on a long-standing vacant site in the village of Monkton. The proposals are understood to facilitate the on-going operation of the applicant's existing business, which has previously operated from a temporary base so as to become established, but now requires dedicated premises. There are no concerns regarding the physical proposals, or the intended use of the development, subject to appropriate conditions being attached to any permission. For the reasons noted in this report, the proposal is considered to represent an appropriate form of sustainable development, in an appropriate and sustainable location.

There are no objections from consultees, and no material planning considerations that out-weigh the provisions of development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted above, including, the planning history of the site. Following the above assessment, it is considered that the proposal, subject to being appropriately conditioned will not have an adverse impact on the amenity of the adjoining properties or the character and amenity of the locality, or on the character or setting of the Monkton Conservation Area, and the listed buildings in the wider locale. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions below.

9. Recommendation:

It is recommended that the application is approved, subject to the following 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) That, the development hereby approved shall be operated in accordance with the terms of the operating arrangements as set out in the submitted document entitled 'Planning Statement', to the satisfaction of the Council, as planning authority.
- (4) That, prior to the installation of any roof mounted solar panels, a solar glint and glare assessment, along with any appropriate mitigation measures is submitted, for the prior written approval of the Council, as planning authority, in conjunction with Glasgow Prestwick Airport. Thereafter, the development shall be implemented as part the agreed written specification and retained for the lifetime of the development.
- (5) 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 (LAR_{Tr}) where Tr = 1 hour daytime and 30 minutes night-time (Measured as per BS 4142:1997). For the avoidance of doubt BS4142:1997 defines the rating level (LAR_{Tr}) as being the specific noise level LA_{eq, Tr} plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

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- (6) 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.
- (7) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 5 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development.
- (8) That the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to 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.
- (9) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.
- (10) That, prior to the operation of the development, a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority. Thereafter, the development shall be implemented as per the agreed specification.
- (11) The applicant/ developer shall, prior to the movement of any servicing traffic to or from the site, submit a Service Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the servicing of the development including site deliveries specifically that of the transport of vehicles. Thereafter, the development shall be implemented as per the agreed specification.
- (12) That, prior to the commencement of development, details of connection arrangements of the development to mains water and waste supplies shall be submitted for the written approval of the Council, as planning authority.
- (13) That, the pitched roof of the building fronting onto Main Street shall be finished in natural slate only, to the satisfaction of the Council, as planning authority.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To clarify the terms of this permission.
- (4) In the interests of amenity and air traffic safety.
- (5) In order to prevent noise nuisance.
- (6) To encourage sustainable means of travel.
- (7) In the interest of road safety and to ensure an acceptable standard of construction.
- (8) In the interest of road safety and to ensure an acceptable standard of construction.
- (9) In the interest of road safety and to avoid the discharge of water onto the public road.
- (10) In the interest of road safety.
- (11) In the interest of road safety.
- (12) To ensure the development is adequately serviced.

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(13) In the interests of visual amenity.

9.2 Advisory Notes:

(1) The premises require to fully comply with the Health and Safety at Work etc Act 1974.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 001

Drawing - Reference No (or Description): 002

Drawing - Reference No (or Description): 003

Drawing - Reference No (or Description): 004

Drawing - Reference No (or Description): 005

Drawing - Reference No (or Description): 006

Drawing - Reference No (or Description): 007

Drawing - Reference No (or Description): 008

Drawing - Reference No (or Description): 009

9.4 Reason for Decision (where approved):

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

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

Background Papers:

1. Planning application form
2. Plans and supporting documentation
3. National Planning Framework 4
4. South Ayrshire Local Development Plan
5. Historic Scotland - Historic Environment Policy Scotland and Managing Change Series
6. Online representations

Equalities Impact Assessment:

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

Person to Contact:

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