

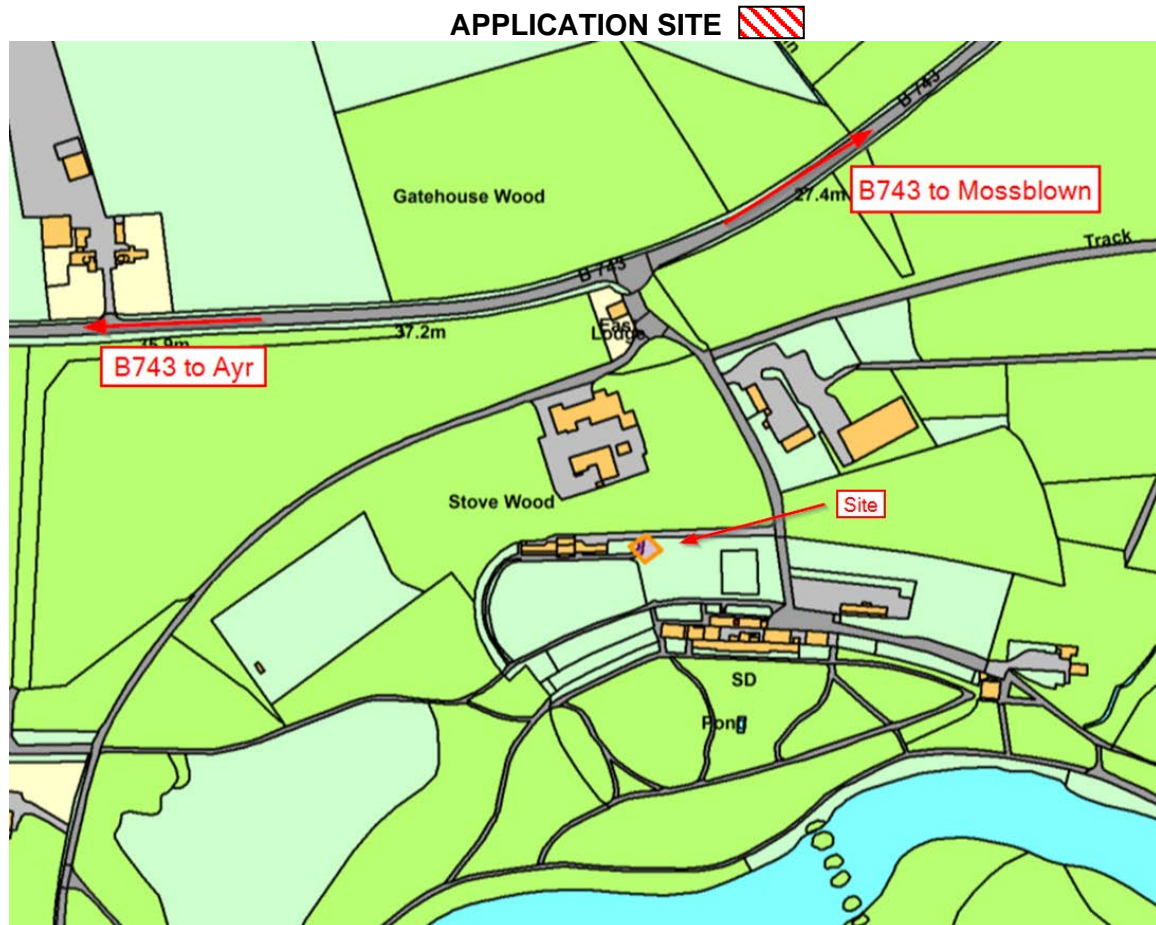
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00117/APP

**THE BOTHY B743 FROM A77T AT WHITLETTS ROUNDABOUT TO MAUCHLINE ROAD
MOSSBLOWN AYR SOUTH AYRSHIRE KA6 5AE**

Location Plan



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Summary

Planning permission is sought for the erection of a training / workshop building to the north of the cafe. The building will have a slate clad roof and external walls constructed from timber. The building is to be used by staff and residents of the charitable organisation (Independence from Drugs and Alcohol Scotland (IFDAS)) who have lodged the application and is to assist in the development of skills needed to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency.

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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve. The objections relate to road safety concerns at the Nellies Gate junction onto the B743 public road due to perceived intensification of activity at the River Garden site, that the junction has not been upgraded as per the approved masterplan for Auchincruive Estate, that the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the access have not been properly considered, that works have commenced on site within an area where archaeological remains may be present, that there is insufficient detail as to how the building is to be used and who by, that vegetation has been removed to allow access for construction machinery, and that the application makes no reference to a further development for a 56 bed residential institution.

There are no policy objections to the proposed development, and, notwithstanding the representations received, it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive, or on surrounding land uses. The building does not conflict with the wider masterplan for the Estate. It is a small-scale ancillary building and will be used by staff and residents of the charitable organisation proposing the development as part of their recovery from drug and alcohol dependency issues. The proposed use of the building complements existing surrounding land uses, and does not result in increased traffic to this part of the Auchincruive Estate.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00117/APP
SITE ADDRESS:	The Bothy B743 From A77T At Whitletts Roundabout To Mauchline Road Mossblown Ayr South Ayrshire KA6 5AE
DESCRIPTION:	Erection of garden room and workshop
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 site of the proposed development comprises an area of open space to the north of the category B listed Gardeners Cottages (converted to a café) within the Auchincruive Estate. The application site forms part of the Inventory Garden and Designed Landscape at Auchincruive.

Planning permission is sought for the erection of an ancillary training / workshop building to the north of the cafe. The building will have a slate clad roof and external walls constructed from timber. The building is to be used by staff and residents of the charitable organisation (Independence from Drugs and Alcohol Scotland (IFDAS)) who have lodged the application, and is to assist in the development of skills needed to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency.

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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve

2. Consultations:

Historic Environment Scotland offer no objections or comments 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:

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

In summary, the objections relate to road safety concerns at the Nellies Gate junction onto the B743 public road due to the intensification of activity at the River Garden site, that the junction has not been upgraded as per the approved masterplan, that the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the access have not been properly considered, that works have commenced on site within an area where archaeological remains may be present, that there is insufficient detail as to how the building is to be used and who by, that vegetation has been removed to allow access for construction machinery, and that the application makes no reference to a further development for a 56 bed residential institution.

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.

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

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

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

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at National Planning Framework 4 - gov.scot (www.gov.scot):

- Policy 7 – Historic assets and places

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.

As assessment of the proposals against the provisions of NPF4 is set out below.

(ii) South Ayrshire Local Development Plan 2

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

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management; and
- LDP Policy: Historic Environment.

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.

It is considered that the proposed modest scale training / workshop building will not have an adverse impact on the character or amenity of the associated category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building is shown to be of timber construction with a slated roof and, although the building will occupy an elevated site in relation to the cafe, it is considered that the proposed building is sufficiently distant from the listed building so as not to compromise its setting. Additionally, the proposed building is set against a backdrop of an established tree-belt, with this mitigating the visual impact of the building on the locale. With regard to the use of the building, it is considered that this will be ancillary to and complement existing land uses in the locale insofar as it is to be utilised by employees and residents of the charitable organisation operating at Auchincruive.

(iii) Other Policy Considerations (including Government Guidance)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) 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, and mitigation measures should be put in place.

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.

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.

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 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

It is considered that the proposed garden training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building is small-scale, constructed using appropriate materials, is positioned sufficiently distant from the listed building so as not to compromise its setting, and is set against a backdrop of an established tree-belt, which mitigates the visual impact of the building on the locale.

(iv) Objector Concerns

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

- Road safety concerns at the Nellies Gate junction onto the B743 public road due to the intensification of activities within this part of the Auchincruive Estate

Given the small-scale nature of the proposals, and that the building is only to be used by employees and residents of the existing charitable institution already operating at the site, it is not considered that this is a traffic generating use, therefore there are no road safety concerns arising from the proposed development.

- That the junction has not been upgraded as per the approved masterplan

With regard to the current application, the proposal is so small scale that it would not have been captured by the masterplan, and that it is considered, for reasons set out elsewhere in this report, the ancillary building and the use of it is not considered to generate additional traffic into the Auchincruive Estate.

- That the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the vehicular access have not been properly considered

Each application within the Auchincruive Estate has been considered and determined on its own merits. The Ayrshire Roads Alliance will have been aware of the planning history when responding to applications, and have identified no issues with any of the permitted proposals within the eastern section of the Auchincruive Estate, either separately or cumulatively.

- That works have commenced on site within an area where archaeological remains may be present

The application site does not fall within an archaeological consultation trigger zone, therefore there is no requirement to consult with the West of Scotland Archaeology Service (WoSAS). Notwithstanding, WoSAS have access to the Council weekly list of applications registered, and have not chosen to comment on the application. It is therefore considered that there are no archaeological issues arising from the proposals.

- That there is insufficient detail as to how the building is to be used and who by

Confirmation has been received from the applicants appointed agent that the ancillary building is to be used to assist in developing skills to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency. It is considered that this use is compatible with surrounding land uses.

- That vegetation has been removed to allow access for construction machinery

This would not be a matter for the Planning Service.

- That the application makes no reference to a further development for a 56 bed residential institution

A separate application for planning permission has been lodged for this particular proposal; this has not been determined and cannot be afforded any weight in the assessment of the current application. Notwithstanding, it is not anticipated that any adverse cumulative impact would arise given the small-scale nature of the current application proposal.

(v) Impact on the Locality

As stated elsewhere within this report, it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building to be erected is small-scale, of timber construction with a slated roof, and be used by staff and residents of the charitable organisation proposing the development. Although the building will occupy an elevated site in relation to the category B listed cafe, it is considered that the proposed building is sufficiently distant from the listed building so as not to compromise its setting. Additionally, the proposed building is set against a backdrop of an established tree-belt, with this mitigating the visual impact of the building on the locale. Given the small-scale nature of the proposals, and that the building is only to be used by existing users and residents of the charitable institution already operating at the site, it is not considered that this is a traffic generating use, therefore there are no road safety concerns arising from the proposed development.

8. Conclusion:

There are no policy objections to the proposed development, and it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive, or on surrounding land uses. The building to be erected is small-scale, of timber construction with a slated roof, and will be used by staff and residents of the charitable organisation proposing the development as part of their recovery from drug and alcohol dependency issues. The proposed use of the building complements existing surrounding land uses, and does not result in increased traffic generation to this part of the Auchincruive Estate.

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

9. Recommendation:

It is recommended that the application is approved 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.

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.

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-LP01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP02
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AE01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AP02
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AS01

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 and plans (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. 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 616 352