

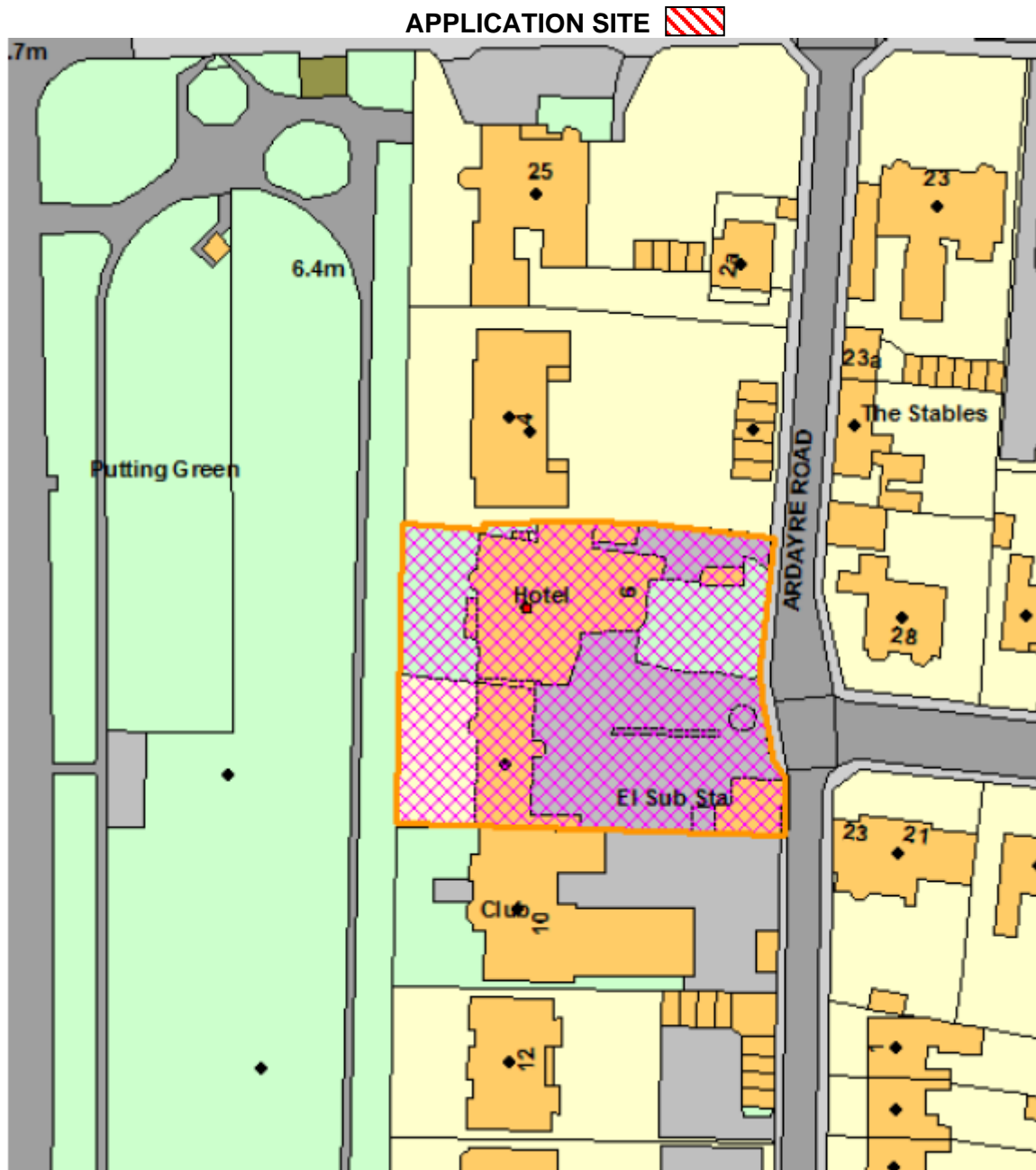
## REGULATORY PANEL:

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00498/APP

6 ARDAYRE ROAD PRESTWICK SOUTH AYRSHIRE KA9 1QN

### Location Plan



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## Summary

Planning permission is sought for the erection of a residential development, comprising 15 flatted properties and 2 x dwellinghouses at 6 Ardayre Road, Prestwick. The application site previously accommodated the Parkstone Hotel which was demolished circa 2021. The site is located within the settlement boundary of Prestwick, within a predominately residential area, as prescribed by the South Ayrshire Local Development Plan 2. The application has generated 20 objections. Consultation responses have been received with no objections being raised.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 6 DECEMBER 2023

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00498/APP</b>
<b>SITE ADDRESS:</b>	<b>6 Ardayre Road Prestwick South Ayrshire KA9 1QN</b>
<b>DESCRIPTION:</b>	<b>Erection of flatted development</b>
<b>RECOMMENDATION:</b>	<b>Delegated powers to approve subject to submission of commuted sum(s) in lieu of onsite affordable housing provision/ play equipment and 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.

#### Key Information:

- The application was received on 10 June 2022.
- The application was validated on 10 June 2022.
- A number of Site Visits have been carried out by the Planning Authority on various dates.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 5<sup>th</sup> September 2023.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### 1. Proposal:

Planning permission is sought for the erection of a residential development on land at 6-8 Ardayre Road, Prestwick.

Historically, the application site was occupied by the Parkstone Hotel which was demolished circa 2021 following the submission of a prior notification for demolition (see planning history, below). The application site has an open aspect over the Firth of Clyde to the west. Within this locale, existing properties predominately comprise 2 ½ storey buildings although there are examples of buildings reaching a height of 3 ½ storeys. These buildings have a strong continuous building line which is one of the defining characteristics of the shorefront. The buildings follow a similar pattern of form which contributes to defining the character of Prestwick seafront. Historically, the buildings located on Ardayre Road would have comprised villas set within medium sized, rectangular plots.

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While it is noted that the proposed development site amalgamates the plots of 6 and 8 Ardayre Road, the majority of buildings which front onto the shorefront remain within their original single plot. The application site extends to approximately 2833 square metres with access/ egress to the site taken via Ardayre Road, Prestwick. The application site is bound to the north by residential dwellingflats and to the south by the RAFA social club.

Planning permission is sought for the erection of a residential development at 6-8 Ardayre Road, Prestwick. The proposals involve the erection of a block comprising 15 dwellingflats and also the erection of 2 x dwellings. The proposed flatted block reaches a height of approximately 12 metres, continues the building line which characterises the properties located on the shorefront and is finished in a combination of materials including a variety of brick, metal cladding and glazing. The proposed 2 x dwellinghouses front onto Ardayre Road and reach a height of approximately 6.7 metres. The proposed dwellinghouses are finished in a palette of materials which match that of the proposed flatted block.

Vehicular access to the site continues to be taken from Ardayre Road and the proposed development site includes 28 parking spaces. A combination of both public and private open spaces are laid out within the proposed residential development.

### Planning History

A planning application (20/00340/APP) for the erection of a care home was withdrawn by the applicant in 2020. The Planning Authority expressed concern relating to the scale, design, massing, amenity impact and overdevelopment of the application proposals. The Ayrshire Roads Alliance also objected to the application on road safety and transport grounds.

Subsequently, a planning application (20/00732/APP) for the erection of a care home was refused by the Council's Regulatory Panel on 12th November 2020 for the following reasons: -

- (1) That the proposed care home is contrary to LDP policies: Sustainable Development and Residential Policy within Settlements, Release Sites & Windfall Sites of the adopted South Ayrshire Local Development Plan, in that the proposals do not represent a standard of development which respects townscape character, whose design does not respect the locality in terms of building height, scale, massing and layout, and which does not respect the residential amenity of adjoining residential properties to the north of the site, in terms of not maintaining privacy, and means of enclosure created.
- (2) That the proposed care home is contrary to LDP policy: Sustainable Development of the adopted South Ayrshire Local Development Plan, in that the proposals represent the overdevelopment of the plot by virtue of the height and footprint of the proposed building as well as the lack of open space provision.
- (3) That the proposed development is contrary to LDP policies: Sustainable Development and Land Use and Transportation, in that there is a significant under provision of off-street parking which is inappropriate to the local area in terms of road safety and the effect on the transport network.

A prior notification application (20/00926/PNF) was submitted to the Planning Authority for consideration in November 2020. The Planning Authority considered the submission and concluded that the prior approval of the authority for demolition of buildings was not required, as prescribed by class 70 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

A planning application (22/00264/APP) for the erection of 20 flats, formation of parking, landscaping and associated works was withdrawn in May 2022 following concerns raised by the Planning Authority.

The current application, which was submitted in June 2022, originally proposed 18 dwellingflats contained within 2 separate flatted blocks. The Planning Authority raised concern in respect of the design, layout, scale and amenity impact of the originally submitted scheme. Thereafter, the applicant engaged in discussions with the Planning Authority in an attempt to address the aforementioned concerns. Revised proposals, which are the subject of the current application assessment, were formally submitted in September 2023. The revised proposals were subject to a new neighbour notification which was undertaken on the 5th September 2023.

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 competent written objections have been received.

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**2. Consultations:**

**The Coal Authority** - offer no response. It is, however, noted that the Coal Authority offered no adverse comments in respect of planning application Ref. 20/00732/APP.

**Prestwick Airport** - offer no safeguarding objection.

**Ayrshire Roads Alliance** - offer no objection subject to condition.

**Scottish Environment Protection Agency** - offer no objection.

**Scottish Water** - offer no objection.

**Council's Environmental Health Service** - offer no objection subject to a condition which requires addresses matters relating to any contaminated land discovered at the application site.

**Council's Housing Policy And Strategy Service** - note the need for affordable housing in Prestwick; however, given the size of development and yield of affordable housing on site a commuted sum is considered appropriate in this instance.

**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.

**Design and Access Statement:** This document sets out the approach to designing the site layout and includes an assessment of the context and analysis of the character of the area.

**Transport Statement:** This document considers and assesses the transport/ parking impact associated with the development proposals, and also compares the transport impact of the development against the site's previous use as a hotel.

**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:**

20 representations have been received, 20 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)

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. 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)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. 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 below.

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](http://www.gov.scot)):

National Policies 1 and 2: Tackling the climate and nature crises, and Climate Mitigation and Adaptation

National Policy 3: Biodiversity

National Policy 9: Brownfield, vacant and derelict land and empty buildings

National Policy 13: Sustainable Transport

National Policies 14 and 15: Design, Quality and Place and Local Living and 20 minute neighbourhoods

National Policy 16: Quality Homes

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as key to reducing emissions.

Policy 3 plays a critical role in ensuring that development will secure positive effects for biodiversity. The application proposals include landscape areas planting and open space which is considered to improve the biodiversity effects currently experienced at the application site. A condition can be attached which requires for the proposals to demonstrate that the development will provide biodiversity enhancement.

Policy 9 seeks to direct 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). As noted above, the application site previously accommodated a hotel which was demolished in circa 2021 and the development is considered to meet the provisions of this policy in that it represents the re-development of a brownfield site.

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Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application proposes to retain the existing access/ egress from Ardayre Road. Following consultation with the ARA, they have no objection to the proposal subject to conditions and therefore the proposal meets the provisions of this policy.

Policy 14 seeks to encourage and promote the Place Principle' and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the qualities of successful places will not be supported (under criterion c). Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In a plan-led system the development planning process is the mechanism to secure local living and 20-minute neighbourhoods, and LDP2 allocates the site as an area suitable for residential development, in this instance. It is noted the site is within 10-15 minutes walk of local shops, recreation spaces and other services.

Policy 16 seeks an on-site contribution of at least 25% of the total number of new homes for affordable homes. The development proposes a commuted sum in lieu of onsite affordable housing provision. The Council's Housing Service has intimated that the commuted sum is considered appropriate in this instance.

For the reasons set out above, and elsewhere in this report, the proposals are considered to align with the policy provisions of the National Planning Framework 4.

(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;
- Residential Policy within settlements, release sites and windfall sites;
- Land use and transport; and
- Affordable Housing.

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

- Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management;

The above strategic policies seek to direct development, including residential development, to the most environmentally suitable places with the best infrastructure. While the site is not specifically identified as a housing allocation site, proposals for residential development can be considered under the LDP Policy in relation to residential development within settlements and windfall sites. Further assessment of the development proposal against the LDP policy in relation to residential development within settlements and windfall sites is set out below.

The strategic policies also seek to ensure that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings. In considering the development proposal, it is noted that the proposal represents the development of a now demolished hotel for residential purposes. The application site is located within a residential area, as prescribed by the LDP, and in close proximity to other residential land and property, and in this context represents the sustainable use of land. Further consideration of details of the proposal in terms of its amenity impact, layout, scale, massing, design and materials is considered further below.

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- Residential Policy within Settlements, Release Sites 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 effects on the local amenity. The site is located within a residential area, and is adjacent to, and in close proximity to other residential properties. The proposal is for the re-use of a vacant site which was previously used as a hotel. For the reasons noted within this report, it is considered that, there is no issue with the principle of residential development in this location, and that subject to appropriate planning conditions; the site can provide an acceptable residential environment.

The LDP policy in relation to land use and transport recognises the inter-relationship between land use planning and transport as a means 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. The site is well located in an established residential area, with the potential for trips by other means of travel, than just the private car. The Ayrshire Roads Alliance has also been consulted on the proposals and have offered no objection, subject to conditions. The application is considered in this context.

- Affordable Housing;

This policy of the LDP2 (alongside the PG outlined below) seeks a target contribution of 25% of the total number of units from all new housing developments of 15 units or more, or a site of 0.6 ha. In this instance, it is noted that the applicant proposes to provide a commuted sum in lieu of onsite affordable provision. The Council's Housing Service has considered the applicant's proposal and has advised that a commuted sum is appropriate in this instance.

### (iii) Other Policy Considerations (including Government Guidance)

#### Scottish Government - Creating Places

This document is the Scottish Ministers' policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design. The layout of the development incorporates design features which will create character and provide a good quality living environment. The proposed design solution is considered to create a strong sense of place and the proposals are considered to be consistent with the Government's advice.

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

The Council's Planning Guidance in relation to 'Open Space and Designing New Residential Developments' is material to the assessment of the current application. This guidance seeks to provide a minimum of 50 square metres per flat. Given that the proposal seeks permission for the erection of 17 dwellingflats, the guidance seeks a minimum open space provision of 850 sq.m. The proposed development is to be served with pockets of communal open space to both the front and rear of the application site. Furthermore, pockets of private open space are provided to serve 5 x of the dwelling flats on the ground floor and also the 2 x dwellings. Additionally, two of the flatted dwellings have external terraces that expand the living space, providing a connection between the interior and exterior of these properties. While the application proposals do not achieve the quantitative standards set out in the above planning guidance, cognisance is given to the location of the application site immediately adjacent to the Prestwick Esplanade and the opportunities it provides for easy access to open space/ the beach front and recreation. The open space that is proposed is considered to have been successfully incorporated within the overall design of the development and provides an appropriate visual benefit, particularly when viewed from the Prestwick Esplanade. Overall, the proposed development is considered to provide an appropriate level of open space which is commensurate with the development it will serve. Furthermore, the resultant built form to plot ratio is not considered to detract from the character and setting of the application site or the surrounding area. While the proposal is not in strict accordance with the quantitative standards set out in the guidance, a reasonable exception can be made in this case for the reasons set out above.

In addition, the Council's Planning Guidance requires a commuted sum in lieu of on-site play equipment, where proposals range between 5 and 15 residential units. As noted above, the proposal is to provide an additional 17 residential units in this residential location, and therefore, a commuted sum is required for the provision of off-site play equipment. This will require to be secured before any decision to approve the application can be issued.

#### South Ayrshire Council Planning Guidance - New Housing Developments and Affordable Housing



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As noted above, this policy of the LDP2 and PG seeks a target contribution of 25% of the total number of units from all new housing developments of 15 units or more, or a site of 0.6 ha. In this instance, it is noted that the applicant proposes to provide a commuted sum in lieu of onsite affordable provision. The Council's Housing Service has considered the applicant's proposal and has advised that a commuted sum is appropriate in this instance.

### (iv) Objector Concerns

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

- The proposed development is not appropriate in terms of its amenity impact, layout, scale, massing and design in relation to its surroundings.

An assessment of the development's amenity impact, layout, scale, massing and design in relation to its surroundings is set out elsewhere in this report. For the reasons set out, the proposed development is considered to be acceptable in this regard.

- The proposed development will result in an intensification and over-development of the application site.

It is noted that the application site previously accommodated hotel and that the proposal seeks permission for the erection of 17 dwellings. However, it is considered that the site represents the regeneration and sustainable development of a previously developed site. It is also noted that the site is located within a larger residential area which benefits from being in close proximity to services, and accessible by a choice of modes of transport. It is considered that the number of units can be adequately absorbed within the locality without detriment to residential amenity.

- Road safety concerns, insufficient parking proposed, negative impact on the existing road network.

The development is obliged to meet the transport needs arising from the proposal. As set out above, the Ayrshire Roads Alliance offer no objections subject to conditions. The ARA has not raised any objections with regards to the impact of the proposed development on existing road infrastructure.

- Privacy, overshadowing, loss of light and general residential amenity concerns.

An assessment of the development's residential amenity impact is set out elsewhere in this report.

- The proposed materials are unacceptable for a seafront location.

A condition has been attached to the recommendation which requires for external materials to be submitted and agreed with the Planning Authority before works commence on site.

- Proposal does not meet the Council's Affordable Housing requirements.

An assessment of the Council's Affordable Housing policy against the development proposals is set out elsewhere in this report.

- The demolition of the Parkstone Hotel has led to structural damage of neighbouring properties.

Structural damaged to properties is not material planning consideration to the assessment of the planning application proposals. Instead, this would be a private legal matter between the parties involved.

### (v) Impact on the Locality

The key issues in the assessment of this application are whether the development meets the provisions of the development plan, Government policy and Council guidelines and whether or not the development proposed has an adverse impact on the amenity of the surrounding area. Properties surrounding the site are in residential use and it is therefore considered that the principle of residential development will not be detrimental to the amenity of the locality.

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The application site previously accommodated a hotel which has been demolished to accommodate the development proposals. The site is located within an established residential area characterised by development set within medium sized rectangular plots, with dual frontages onto Ardayre Road and the Prestwick Esplanade. It is considered that the character and setting of the area around Ardayre Road is partly derived from the form and layout of the area, which is characterised by medium density development consisting of substantial buildings sited within generously proportioned plots with areas of ground to each side of the properties so as to provide a setting for the building. The application proposes the erection of 15 x dwellingflats and 2 x dwellinghouses, within a generously proportioned plot. It is important to note that historically the application site would have comprised 2 x separate plots and it is considered that the development proposals would not be uncharacteristic of the existing relationship between buildings and open space in the locality, nor would it interrupt and unbalance the open aspect and balanced rhythm of the streetscene at this location. The proposed development occupies a larger footprint than the previous hotel; however, the resultant buildings will occupy approximately 33% of its curtilage. The plot ratio proposed is considered to retain the same characteristics as the neighbouring plots in terms of its generous size, and the medium ratio of ground to built development.

**Proposed Erection of 15 x flats**

The proposed flatted development reaches a height of approximately 12.3 metres and it is recognised that the buildings located immediately adjacent to the application site at 4 & 10 Ardayre Road reach a height of 11.7 metres and 11.5 metres respectively. Moreover, the proposed flatted development, which is sited approximately 10 metres back from the Prestwick Esplanade, represents a building line which is in keeping with the character of the properties located immediately adjacent to the application site. While the width of the flatted development equates to approximately 44 metres, it is noted that a part of the development is 'set back' and 'set down' from the principal part of the building, which minimises the scale and massing of the development when viewed outwith the application site on The Prestwick Esplanade. The design approach in respect of the development's scale is considered to respect the character and appearance of surrounding residential properties. The proposed flatted development has been contemporary designed but is considered to respect the scale and massing of properties located along this section of Ardayre Road. Overall, the design scale and mass of the flatted development is considered an appropriate solution in relation to its surroundings.

It is acknowledged that the surrounding area comprises a number of flatted residential developments, including the flatted properties at 4 and 14 Ardayre Road. The design criteria for new residential development within settlements are also noted and it is considered that the proposal's layout, scale and design are appropriate within the context of the local area. The palette of materials proposed comprises a variety of brick types, metal cladding and glazing which is considered to successfully complement the contemporary design of the flatted development proposals. Full details of the material will be considered and secured via condition.

Consideration also needs to be given the impact of the proposed flatted development on the amenity of the properties located to the north and south of the application site. Whilst the proposed development reaches 12.3 metres in height, it is recognised that the proposed flatted development has been designed so that northern and southern most parts of the flatted development are single storey in height. The scale, massing and rhythm of the proposal, is considered to be acceptable so as not to significantly impact on the daylight provision/ overshadowing of that neighbouring properties or their garden grounds. In terms of the development's privacy impact, the fenestration arrangements proposed on both the northern and southern elevation will not give rise to any significant overlooking issues.

**Proposed Erection of 2 x dwellinghouses**

The proposed dwellinghouses are located to the east of the application site and have a frontage with Ardayre Road. Both dwellinghouses are 2 storeys, reaching a height of approximately 6.7 metres. The proposed dwellinghouses are considered to improve the streetscene at this part of Ardayre Road by introducing development which has a direct frontage with Ardayre Road. Examples of such development can be found elsewhere on Ardayre Road and the introduction of development to eastern part of the application site is considered to be consistent with the character of the locale. Furthermore, the location of the proposed dwellings is considered to improve the setting of the application site, particularly when viewed from Ardayre Road/ Seabank Road, by ensuring that the visual impact created by parking/ service spaces is minimised. The closest residential properties to the proposed dwellinghouses are located at 23 and 28 Seabank Road and it is noted that the proposed dwellings are smaller in height.

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In terms of amenity impact, the proposed two storey dwellings are separated from the existing two storey properties located on Seabank Road by Ardayre Road. Both of the proposed dwellings will have an aspect towards the gable ends of both 23 and 28 Seabank Drive. Neither property at 23 and 28 Seabank Drive have habitable room windows on their gable ends and therefore the proposed dwellings are not considered to create any adverse overlooking concerns. Given the distance separation of the application site to adjacent residential dwellings on Seabank Drive, it is not considered that the proposed development will adversely compromise the amenity of the neighbouring residential properties in terms of loss of light, sense of enclosure or privacy.

**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 overriding concerns that cannot be addressed by condition. Equally, the points raised in the letter 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 residential character or amenity of the locality.

Given the above assessment of the proposal, and having balanced the applicant's rights against the general interest, delegated powers are sought to approve this application subject to the lodging of an appropriate financial contribution in lieu of play equipment/ affordable housing, and appropriate conditions.

**9. Recommendation:**

It is recommended that delegated powers be granted to approve the application subject to the lodging of an appropriate financial contribution in lieu of play equipment/ affordable housing, and appropriate conditions as set out below:-

- (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 prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details.
- (4) That before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.
- (5) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites – Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the remediation plan shall not be implemented unless approved in writing by the Planning Authority.

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- (6) That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development.
- (7) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site.
- (8) Notwithstanding the submitted details, before development commences on site a scheme for biodiversity enhancement, such as planting which provides nesting opportunities for birds, shall be submitted to and agreed in writing with the Council as Planning Authority. The approved details thereafter shall be implemented, retained and maintained in accordance with the approved scheme.

**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 interests of visual amenity.
- (4) In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.
- (5) To ensure all contamination within the site is dealt with.
- (6) To encourage sustainable means of travel.
- (7) In the interest of road safety.
- (8) To ensure that the development will secure positive effects for biodiversity.

**9.2 Advisory Notes:**

N/A.

**9.3 List of Determined Plans:**

Drawing - Reference No (or Description): Front Elevations

Drawing - Reference No (or Description): House A and B Elevations

Drawing - Reference No (or Description): House A and B Floor Plans

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Proposed Ground and First Floor Plans

Drawing - Reference No (or Description): Proposed Second and Third Floor Plans

Drawing - Reference No (or Description): Rear Elevations

Drawing - Reference No (or Description): Section A-A, B-B and C-C

Drawing - Reference No (or Description): Side Elevations

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 22/00498/APP)

Drawing - Reference No (or Description): Site Plan as Existing

Drawing - Reference No (or Description): Site Plan as Proposed (Rev)

**9.4 Reason for Decision (where approved):**

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

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

**Background Papers:**

1. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. South Ayrshire Council Planning Guidance – Open Space and Designing New Residential Developments
5. South Ayrshire Council Planning Guidance – New Housing Developments and Affordable Housing
6. Scottish Government – Creating Places
7. Consultation Responses.
8. 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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