

County Buildings
Wellington Square
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27 November 2023

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

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

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Wednesday, 6 December 2023 at 2.00 p.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 1.15 p.m., online and in the Prestwick Room.

This meeting will be held on a hybrid basis, remotely and in County Hall and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).
3. Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course - Submit report by the Housing, Operations and Development Directorate (copy to follow).
4. Public Access Exemption Order (South Beach Car Park): the 152nd Open at Royal Troon Golf Course - Submit report by the Housing, Operations and Development Directorate (copy to follow).

For more information on any of the items on this agenda, please telephone Andrew Gibson, Committee Services on at 01292 612436, at Wellington Square, Ayr or e-mail: andrew.gibson@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 6th December 2023

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	23/00087/APP Mr David Hearton (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RPC7G4BDI3800&activeTab=summary	Brig O'Doon House Hotel Alloway Ayr South Ayrshire KA7 4PQ	Alterations and extension to existing hotel	RAD Hotel Group	Approval with Condition(s)
2.	23/00089/LBC Mr David Hearton (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RPC7GBBDI3E00&activeTab=summary	Brig O'Doon House Hotel Alloway Ayr South Ayrshire KA7 4PQ	Alterations and extension to existing listed building / hotel	RAD Hotel Group	Approval with Condition(s)
3.	22/00498/APP Mr David Clark (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RD90QQBDJVE00&activeTab=summary	6 Ardayre Road Prestwick South Ayrshire KA9 1QN	Erection of flatted development	Parkstone Gate Developments Ltd	Approval with Condition(s)

List No.	Reference Number	Location	Development	Applicant	Recommendation
4.	23/00674/APPM Mr Ross Lee https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S0JTZXBDFWX00&activeTab=summary	Air Traffic Control Centre Fresson Avenue Prestwick South Ayrshire KA9 2NR	Installation of ground mounted (capacity up to 431 kWp) and roof mounted (capacity up to 701 kWp) solar photovoltaic panel arrays and associated development, infrastructure and landscaping	NATS (En Route) PLC	Approval with Condition(s)

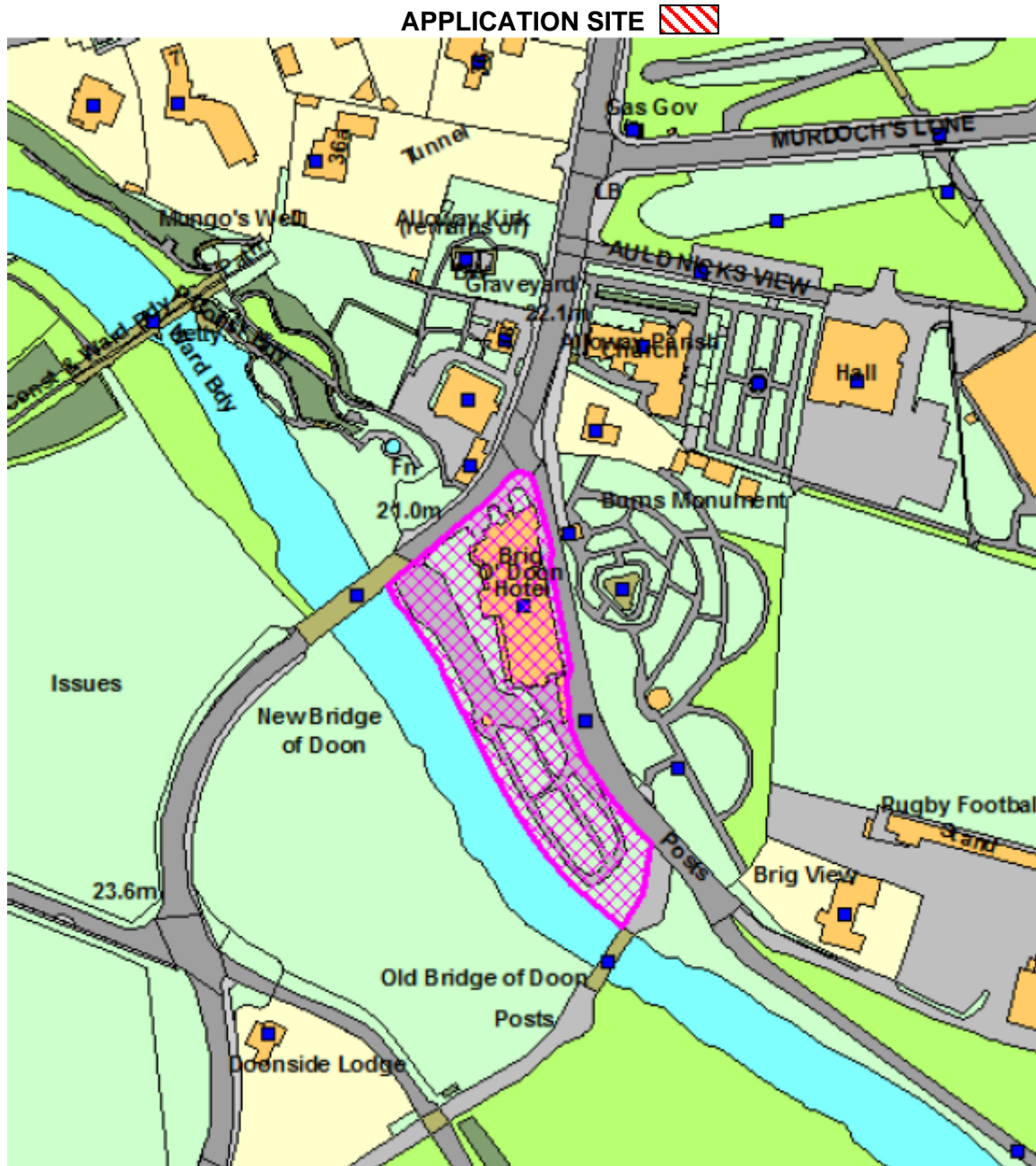
REGULATORY PANEL: 6 DECEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00087/APP

BRIG O'DOON HOUSE HOTEL ALLOWAY AYR SOUTH AYRSHIRE KA7 4PQ

Location Plan



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Summary

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area.

Planning permission is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised deck area; the latter aspect is retrospective as it has already been constructed. The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas the single-storey extension and raised decking area is proposed to the southern part of the hotel.

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 more than 10 objections have been received (including from Alloway, Doonfoot and St Leonards Community Council), the application has an objection from the Ayrshire Roads Alliance and the recommendation is to approve the application, subject to conditions.

The proposals are not considered to have a significant adverse impact on the character, appearance or setting of the category C listed hotel or other listed assets in the locale, in particular the category A listed old bridge and the category B listed new bridge, or on the wider Burns Monument Conservation Area at this locale. The proposals therefore do not conflict with the provisions of National Planning Framework 4 (NPF4), the adopted South Ayrshire Local Development Plan 2 (LDP2) or the Historic Environment Policy for Scotland (HEPS) on matters relating to the historic environment.

With regard to parking provision, at present, there is no off-street parking provision within the curtilage of the hotel, and it is noted that none is proposed as part of this application. Whilst the ARA have objected to the proposed development, it is considered that there are mitigating circumstances that would allow for the application to be permitted contrary to their recommendation. In particular, it is considered that the proposals improve the functionality of the building rather than increasing its capacity significantly. The economic benefits of the proposal have also been afforded significant weight in favour of this application, specifically the continued use of a listed and landmark building in the locale and that the proposals represent a significant investment in the area and to a local, established business that provides employment and encourages inward investment through its tourism draw.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 6 DECEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00087/APP
SITE ADDRESS:	Brig O'Doon House Hotel Alloway Ayr South Ayrshire KA7 4PQ
DESCRIPTION:	Alterations and extension to existing hotel
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

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

Key Information:

- The application was received on 31 January 2023
- The application was validated on 16 February 2023
- 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 16 February 2023.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates back to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area. The hotel presents a traditional frontage to both Alloway and Millbrae, with all alterations to the hotel generally confined to the western elevation of the building. The roof of the hotel is predominantly clad in slate, with the external walls finished in a painted harl (white in colour). The windows and doors are timber framed, painted black.

Planning permission is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised patio area. The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel, and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas a single-storey extension and raised decking area (retrospective element) is proposed to the southern part of the hotel. None of the extensions seek to increase the overall height of the section of hotel onto which they are to be erected, and it is intended that the extensions will in the main replicate the design, massing, proportions and finishes of the existing building. Full details are set out in the submitted plans.

There are two concurrent applications (one for planning permission and one for listed building consent) for development proposals at the hotel. Listed building consent application Ref.23/00089/LBC is directly associated with this planning application, whereas planning application Ref.23/00166/APP relates to the retrospective raised decking area and associated landscaping works at the southern end of the hotel only. This application sought to regularise the unauthorised nature of the raised decking area on site. However, SEPA had concerns in respect of the raised decking area as constructed and, as such, that application remains undetermined. Notwithstanding, the current application under consideration has been updated to reflect the raised deck. Plans have also been submitted to address SEPA's concerns, allowing them to withdraw their objection to the raised deck. This is captured in more detail below.

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.

2. Consultations:

Council's Environmental Health Service offer no objections to this application subject to a condition in respect of noise.

Scottish Environment Protection Agency offer no objections to this application on flood risk grounds.

Ayrshire Roads Alliance object to this application on grounds of no parking provision to serve the hotel as extended. Reference is also made to existing pressures on the public road network caused by coach drop off and pick up to and from the hotel during weddings.

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

Council's Sustainable Development Service (Landscape and Parks) offer no objections to this application.

3. Submitted Assessments/Reports:

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

A design and access statement, a flood risk assessment and an economic statement have been submitted with this application. The design and access statement briefly sets out the development history of the Brig O' Doon, details the opportunities and constraints for development, provides a rationale for each aspect of the proposed development, and considers the relationship between the existing hotel and the proposed extension. The flood risk assessment considers that the extensions to the hotel have been designed in a manner that ensures compliance with SEPA's Development Management Guidance 2018 and NPF4 in terms of flood risk. The economic statement indicates that the proposed extensions are required to ensure the viability of the hotel business.

A separate statement has been made with regard to parking pressures in the locale of the hotel. This statement indicates that the proposed alterations and extension to the hotel were not to increase capacity, but to improve functionality. Wedding venue capacity will be reduced by 20 (200 reduced to 180), and that the combined dining capacity of the premises will be reduced by the proposals (184 covers across the restaurant, upper-level private dining area and lower-level café reduced to 116 covers in restaurant only, with no private dining or café). The statement indicates that the only increase to numbers relates to guest numbers from the 6 proposed bedrooms. However, the statement also indicates that, as the additional bedrooms are to be utilised by the wedding party, these can be counted within the wedding venue capacity figure.

The terms of the statements are noted.

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:

37 representations have been received, 27 of which object to the proposed development, 5 of which are in support and 5 of which are neutral. All representations can be viewed at www.south-ayrshire.gov.uk/planning.

In summary, the representations express concerns in respect of the following:

- The design, massing and scale of the extension on what is a listed building of significant historical interest do not take cognisance of the character, appearance or setting of the listed building, the gardens within which it is set or the wider conservation area, including the bridges;
- The proposed extension represents overdevelopment of the site;
- The proposed extension will result in the loss of 'The Kissing Tree';
- The proposed extension will have a negative impact on tourism in the locale;
- That the economic benefit of the proposals is limited to the hotel owners and a handful of part-time jobs within the hotel;
- The proposals will significantly increase traffic and add to existing pressure on limited parking in the locale, to the detriment of road safety; and
- The proposals will impact on residential amenity by way of increased noise and anti-social behaviour from the hotel

Other concerns raised include the following:

- The retrospective nature of the raised decking area and the precedent this creates;
- The use of the nearby property at Kirkgate as ancillary accommodation; and
- The parking of vehicles within the curtilage of that property and the impact that this may have on the tunnel beneath.

The comments of support consider the design and scale of the extension to be sympathetic to the listed building, and that the hotel as extended will become an even greater asset to South Ayrshire through job creation, increased revenue and tourism. The neutral comments refer to proposals for the nearby Kirkgate property and acknowledge that the proposal will likely increase traffic, noise and general disturbance in the locale, but also reference that, without investment, the business may not be viable.

A response to these representations is included within the assessment section of this report.

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

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), planning history, 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 LDP2, 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 \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 1: Tackling the climate and nature crises;
- Policy 2: Climate mitigation and adaptation;
- Policy 3: Biodiversity;
- Policy 7: Historic assets and places;
- Policy 22: Flood risk and water management;
- Policy 26: Business and Industry; and
- Policy 30: Tourism.

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 requires proposals to contribute to the enhancement of biodiversity. Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy 26 seeks to encourage, promote and facilitate business and industry uses, taking into account the impact of proposals on surrounding residential amenity; sensitive uses and the natural and historic environment. Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people.

With regard to the impact of the proposals on the historic and natural environment, given the constrained nature of the application site, it is accepted that the only elevations of the hotel that lend themselves to any extension works are the western elevation (towards the River Doon) and southern elevation (towards the old bridge). The hotel has historically been extended on these elevations and, as such, there are no concerns in principle to further appropriately designed extensions to these elevations. In this instance, it is considered that the proposals take cognisance of the character, appearance and setting of the listed building and its setting in close proximity to other historic and natural assets, including both bridges over the River Doon and the River Doon itself. The application proposals take account of flood risk and climate change requirements through the amended plans for the raised deck of which SEPA has no objection to. The proposals are for tourism purposes that encourage inward investment and contribute to the long-term viability of a local business that is also a local employer. The proposal has fairly limited opportunities for biodiversity enhancements however a condition is recommended to secure this is secured through a suitable planting scheme. As such, it is considered that the proposals are consistent with the provisions of policies 1, 2, 3, 7, 22, 26 and 30 of NPF4.

(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;
- LDP Policy: Business and Industry;
- LDP Policy: Flooding and Development;
- LDP Policy: Historic Environment; and
- LDP Policy: 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.

It is considered that the principle of extending the hotel is acceptable. The key considerations in the assessment of this application for planning permission relate to visual and residential amenity, parking provision, and flood risk mitigation.

Given the constrained nature of the application site, it is accepted that the only elevations of the hotel that lend themselves to any extension works are the western elevation (towards the River Doon) and southern elevation (towards the old bridge). The hotel has historically been extended on these elevations and, as such, there are no concerns in principle to further appropriately designed extensions to these elevations.

In respect of the proposed restaurant, bedroom and lift shaft extension, it is noted from the submitted plans that this extension will largely continue existing non-original projections on the western elevation. The extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature relates well to and does not compete with or detract from the design of the original hotel. The three-storey element of this extension replicates the design, proportions and finishes of the projection that it extends, which in turn replicates the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is at odds with the predominant roof construction at the hotel, given the intended purpose of this particular element of the proposed extension to improve circulation and disabled access within the building, and the limited visibility of this element of the proposals from important vantage points (in particular the bridges), it is not considered to have such an adverse impact on the character, appearance and setting of the listed building to warrant refusal on built heritage grounds.

There are no objections to the proposed single-storey extension on top of the raised decking area from a built heritage perspective insofar as the planning history for this element of the proposals has already established the acceptability of this element of the proposals (see planning history).

With regard to the external finishes of the extensions, it is noted from the submitted plans and the associated design statement that the extensions are to be finished in materials to match the existing hotel. It is considered that the use of matching materials will ensure that the proposed extensions integrate well with the hotel and, on this basis, there are no built heritage concerns arising from the palette of materials.

Given the above, it is considered that the design of the extensions is acceptable, and will not adversely affect the character, appearance or setting of the listed hotel, other listed assets in the locale or the wider Burns Monument Conservation Area. The proposals therefore comply with Policy 7 of NPF4 and the Historic Environment policy of LDP2.

Notwithstanding the appropriateness of the design, massing, scale and finishes of the extensions, significant concerns have been expressed by the Ayrshire Roads Alliance (ARA) as a statutory consultee in respect of the non-provision of off-street parking to serve the hotel as extended.

At present, there is no off-street parking provision within the curtilage of the hotel, and it is noted that none is proposed as part of this application. The hotel is constrained and does not have the in-curtilage capacity to provide it without significant re-levelling and engineering works to the south which is considered would have an adverse impact on the setting of the listed building and the bridges over the River Doon. It should be noted that this was not explored by the applicant nor encouraged by the Planning Service. The Ayrshire Roads Alliance, in responding to this application, have advised that whilst South Ayrshire Council parking standards cannot retrospectively be applied to the hotel as it exists, the parking standards must be applied to the proposed extensions. The ARA has advised that a total of 36 off-street parking spaces are required to serve the hotel as extended (33 spaces to serve the additional floor area of the restaurant / dining and 3 spaces to serve the 6 additional bedrooms).

In response, the applicant has provided a detailed statement that sets out how the hotel will operate should the application be approved. The statement considers that the only increase to numbers using the hotel relates to the proposed bedrooms, with overall capacity for weddings and dining being reduced by 20 and 68 respectively, as the proposals are primarily to improve accessibility within and functionality of the building. Additionally, the statement indicates that, as the additional rooms are to be used by the wedding party, they would be counted within the wedding venue capacity figure.

The Planning Service has carefully considered this position. While the applicant states that the function suite capacity will reduce from 200 to 180, there is no alteration to the existing floorspace / floorplan with respect to the function suite. This argument is therefore not given weight in terms of the assessment and any consideration against a reduction in parking standards / requirements. It should be noted that, notwithstanding the applicant's statement, the ARA has not requested parking to be provided in relation to the function suite as it already exists, and parking standards are not being applied retrospectively but only to the additional floor space created from the extensions. The raised decking area attached to the function suite is considered outdoor circulatory space only and does not fit the criteria meriting additional parking.

While the applicant has stated that the additional bedrooms will be used for wedding guests only, that cannot be guaranteed. A planning condition could not reasonably control this while meeting the tests of conditions as set out in Planning Circular 4 1998. On this basis, it is considered that the 3 spaces required by the ARA for the 6 additional bedrooms is a reasonable request. It is, however, considered that 3 additional spaces could be absorbed on street in the surrounding area without significantly exacerbating existing traffic and parking in the locale.

The ARA's requirement for a further 33 spaces is based on the additional floor area provided by the extension for dining purposes. The ARA arrived at this figure by applying the Council's adopted standards – 1 space per 5m² of gross floor area. It is important however to consider what this space will be used for in assessing whether the requirement of 33 spaces and the Council's parking standards should be applied in the strictest sense. The applicant has advised that the dining space as existing currently caters for 102 persons while the existing and additional dining floor space combined would cater for 116. Considering this, the extension floor space proposed caters only for an additional 14 persons; it is the applicant's assertion that the extension provides more functionality to the building rather than increasing its capacity significantly. If this case was to be accepted, then notwithstanding the Council's parking standards, 33 parking spaces for 14 additional persons could be considered excessive. While it needs to be acknowledged that the hotel could ultimately operate differently, say under another owner who could perhaps fit in more tables and more persons within the space available for dining, the information provided in the submission, specifically the floor plan of the dining area supports the applicants case that the extended space would accommodate an additional 14 persons only.

The existing café and private dining area which are in addition to the existing general dining area and have a combined capacity of 82, are to be removed.

Considering the above, it is accepted that the parking standards of 3 parking spaces for the additional bedrooms is reasonable but could be absorbed on street without significantly impacting traffic and parking in the area. While, if parking standards were to be applied strictly, 33 spaces would be required for the additional floor area created by the proposed extension, in this case, and given the nature and extent of the use of the space as a dining area catering for 14 additional persons only, it is considered that a reduced parking standard could reasonably be applied in this case.

In an attempt to address the parking concerns of the ARA, the applicant has submitted an application for the use of 'Kirkgate', a residential property to the north on the B7024 Alloway road, for the purposes of providing ancillary accommodation and parking for guests of the hotel. The proposals involve the provision of 14 parking spaces. It is important to note that this application has not been determined and requires an assessment on its own merits but is nevertheless a tangible measure by the applicant in attempt to address the ARA objection and provide dedicated parking for the hotel where none currently exists. It should also be noted that another application for a dedicated access to Ayr Rugby Club off Murdoch's Lone has also been submitted (reference 23/00589/APP). Whilst this application is also undetermined at the time of writing, this application, if approved and implemented, has the potential to significantly reduce pressure on the public road network in the locale by taking vehicular traffic away from the hotel and Millbrae.

It is important to note that the ARA consultation response does not consider the planning application for Kirkgate (reference 23/00864/APP) or the planning application for Ayr Rugby Club (reference 23/00589/APP). The application for Kirkgate was only submitted on 21st November 2023, and they have not yet provided a consultation response for the application for Ayr Rugby Club.

Considering the above, it is the view of the Service that a reduced parking standard can be applied in the case of the current proposal. While no parking is proposed as part of the current application, weight is afforded to the fact that the proposal creates the requirement for only 3 parking spaces through the additional bedrooms proposed and capacity for an additional 14 diners only. On balance, this is not considered to be significant to the extent it would warrant a refusal of the application on parking and traffic grounds. In arriving at this conclusion, significant weight is also afforded to the economic benefits of this proposal. The Brig O' Doon is a listed and landmark building in the locale and is of historical significance; its continued use is to be supported. The business is a local employer and attracts inward investment through its tourism draw. The applicant has stated that the proposals are required to ensure that the business remains viable in the long term. While no material weight can be afforded to the undetermined applications, their submission and relevance is nevertheless noted. In conclusion to the parking assessment, it is considered that a departure from the Council's parking standards can be accepted in this instance and the proposal can be considered positively against the provisions of the Development Plan, specifically South Ayrshire Local Development Plan 2 policies Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, and LDP Policy: Land Use and Transport, taking account of all material considerations.

With regard to flood risk mitigation, it is noted that the extension has been designed to sit on stilts, the purpose of which would be to allow for flood water to flow freely below the extensions during a flood event. SEPA previously objected to the proposals on the basis that the raised decking area (as has already been constructed) meant that the required 600mm freeboard (the distance between the projected 1:200-year flood level and the underside of the extensions) could not be achieved. However, the applicant has indicated that the raised decking area will be altered to ensure the 600mm freeboard can be provided. In their most recent consultation response, SEPA are now satisfied that the required 600mm freeboard is available, and have removed their earlier objection to this application. To ensure that works are carried out to the raised decking area to ensure compliance with SEPA guidance, it is intended to attach a condition to any planning permission granted that requires such works to be carried out within 6 months of the date of the permission. This specified timescale is considered reasonable given the nature of the construction works required. Considering the above, the proposal is considered consistent with LDP policies with regards flood risk.

(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 documents on Setting, Use and Adaptation of Listed Buildings and Extensions are 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.

The Managing Change document on Use and Adaptation of Listed Buildings states that owners should consider all options to allow the continued use of listed buildings. The adaptation, alteration, extension and even partial demolition of the building are all options which can, in the right circumstances, form part of the solution.

A solution may involve one, or a mix of, the following approaches:

- 1) Minimal intervention
- 2) Adaptation
- 3) Extension
- 4) Selective demolition
- 5) Enabling

Owners should investigate each approach carefully. Through this process, the vast majority of listed buildings can be adapted to either maintain their existing use, or secure a new one.

In terms of adaptation, this will normally involve working within the existing building envelope, focusing more on internal alterations. The first step towards finding a practical scheme of adaptation is to look critically at the existing building to see what alterations are necessary to make the building work. This could include the upgrading or insulating of the building to address heat loss. Smaller scale additions and removals might also be required. In certain circumstances, adaptation can provide opportunities to restore the appearance and special interest of a listed building. Conservation-based approaches can involve removing later additions of little interest on the exterior of a building. It can also include positive changes internally, such as reinstating missing features or taking down later partitions and suspended ceilings. Changes like these can help to restore a building to its original plan-form and room proportions. Such works can often revitalise old buildings, giving them a new lease of life. Successful conservation-based solutions on one part of a site or building might balance out a higher level of intervention or additions elsewhere in the scheme - as long as these involve less significant elements.

With regard to extensions, many listed buildings have the capacity for some form of extension. In some cases buildings can successfully accommodate sizeable additions, particularly if the building is not domestic. Sometimes an extension is essential to keep the listed building in use, for example where there is little scope for internal intervention or where the original building is very small. In these cases, the decision-maker will have to balance this against any adverse impacts. There will also be some circumstances where all elevations of a building have been designed to be visible and appreciated. In these cases, other options for the site may have to be considered, including excavation for new facilities, or new freestanding buildings in the grounds.

The Managing Change document on Extensions indicates that an addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations. Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade. An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.

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. Supplementary Guidance Policy 3 refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

The proposals seek to considerably extend the hotel on the western elevation in order to increase restaurant covers, extend the kitchen, provide additional hotel accommodation for wedding parties, facilitate the creation of a lift shaft for improved accessibility around the hotel, and create a pre-drinks area, complete with raised terrace and improved access to the gardens. There are no objections to the principle of extending the hotel, and it is noted from the planning history for the hotel that extensions have been permitted in the past, albeit these permissions / consents have not been implemented and have since lapsed. The principle of extending the hotel has therefore been established, with the key consideration in the assessment and determination of these applications (from a built heritage perspective) being whether the proposals meet the statutory tests to preserve or enhance on the character, appearance and setting of the category C listed hotel, and other listed assets, primarily the category A and B listed bridges to the north and south of the hotel.

In respect of the proposed restaurant, bedroom and lift shaft extension, as previously noted from the submitted plans, this extension will largely continue the projection of existing non-original additions into the gardens towards the River Doon. This extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature compliments the design of the original hotel. With regard to the three-storey element of this extension, this replicates the design, proportions and finishes of the projection that it extends, which in turn replicates those of the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is not characteristic of the original hotel or later additions, it is not considered to have a significant adverse impact on the character, appearance or setting of the listed building. Public visibility of the lift shaft element of the extension is limited due to existing extensions at the northern end of the hotel, the 'Kissing Tree' (particularly when in full bloom), and other established landscaping within the southern area of the gardens. Views of this extension are not available from the category A listed old bridge, and only fleetingly from the new bridge during the latter part of the year when the 'Kissing Tree' sheds its leaves. As such, given the limited visibility of the lift shaft extension and the intention to finish this extension in materials to match the existing hotel, it is considered that the lift shaft extension will not have an adverse impact on the character, appearance and setting of the category C listed hotel or other historical assets in the locale.

With regard to the single-storey extension on top of the raised decking area, the planning history primarily relates to this aspect of the proposals. The design of this aspect of the proposed development is similar to previously approved development proposals (see planning history), albeit what is now proposed occupies a larger footprint than previously approved at this end of the building. It is not considered that the enlarged footprint of this extension with raised decking area will adversely affect the character, appearance or setting of the hotel or other historical assets in the locale. This element of the proposals is therefore considered to be acceptable from a built heritage perspective.

Whilst there are no concerns regarding the design of the extensions from a built heritage perspective, the Ayrshire Roads Alliance have expressed concerns in respect of off-street parking provision.

(iv) Planning History

23/00089/LBC - Alterations and extension to existing listed building / hotel – directly associated with the current application and pending a decision.

13/01062/APP – alterations and extension to hotel – permitted – not implemented and time expired.

13/01063/LBC – alterations and extension to listed building – permitted – not implemented and time expired.

These applications sought planning permission and listed building consent for alterations and extension to the hotel as follows:

- The erection of an extension at the basement and first floor levels; and
- Changes to the fenestration at basement level on the southern elevation via enlarged window openings in the existing bay window.

14/01386/APP – alterations and extension to hotel – permitted – not implemented and time expired.

14/01387/LBC – alterations and extension to hotel – permitted – not implemented and time expired.

These applications sought to make minor amendments to the 2013 approvals as follows:

- Replacement window to match the existing windows;
- Glazed lift enclosure;
- New doors to balcony;
- New access and gate to the front/ side of the property; and
- The installation of a cooler unit on the existing roof behind an existing chimney.

The proposed single-storey extension and associated raised patio are similar to the above approved schemes.

(v) Objector Concerns

As set out earlier within this report, there are no objections to the principle of extending the hotel. The key considerations in the assessment of this application for planning permission relate to visual and residential amenity, parking provision, and flood risk mitigation.

It is considered that the proposed extensions meet with the statutory tests to preserve or enhance the character, appearance and setting of the category C listed building. Visibility of the proposed extensions from the category A listed old bridge is limited given the landscaping within the southern portion of the gardens within which the hotel is set. Public views are more readily available beyond the western end of the new bridge, with the proposed single-storey extension and raised patio visible from this particular vantage point. Views of the larger extension from beyond the new bridge are restricted by the 'Kissing Tree'. The larger extension will be more visible from the eastern (Alloway) side of the new bridge, but it is noted that this particular extension will extend existing non-original projections, and will not compete with the design of the original hotel.

Although the site is somewhat constrained by the River Doon, Millbrae and the bridges at either end, given the previous development history at the hotel, including the approved but not implemented planning permissions and listed building consents detailed in the planning history section of this report, it is considered that the site can accommodate the extensions as proposed, and that the proposals do not represent overdevelopment of the site.

The applicant recognises the importance of the 'Kissing Tree' to the character, appearance and setting of the locale, and has no plans to remove the tree as part of the proposed development. It is acknowledged that other trees and shrubbery has been removed from the gardens. Whilst this is regrettable, their removal is not considered to have had a significant impact on the character, appearance or setting of the listed hotel, the bridges to the north and south, or the wider Burns Monument Conservation Area.

The hotel is considered to make an important contribution to tourism in South Ayrshire alongside other assets in the immediate locale, including the old bridge, the Auld Kirk, Robert Burns Museum and Robert Burns Cottage. It is not considered that the proposed extensions will adversely affect tourism in the locale. In terms of economic benefit, a statement was submitted by the applicant to demonstrate why the extensions were required, with this statement indicating that the extensions and what they entail were required to ensure that the business continues to operate and be viable. The hotel is also an important contributor to the local economy, and the proposals seek to ensure that this remains the case. On that basis, there are no concerns to the principle of extending the hotel as proposed in economic and tourism terms.

An assessment in respect of parking is set out elsewhere in this report.

With regard to noise and general disturbance arising from the proposals, there is an existing hotel business operating at the site. It is not anticipated that the proposals will significantly exacerbate noise and activity associated with the use. The Council's Environmental Health Service was consulted on this application, and has not offered any objections.

The retrospective raised decking area does not form part of this application submission, nor does the use of Kirkgate as ancillary accommodation.

(vi) Impact on the Locality

As indicated elsewhere within this report, it is noted that the site constraints limit where development could occur within the hotel site. It is considered that the hotel can accommodate and absorb extensions of the design, massing, scale, proportions and finishes proposed, and that the extensions will not have an adverse impact on the character, appearance or setting of the listed building, other listed assets in the locale, and the wider Burns Monument Conservation Area. Additionally, it is considered that the proposed extensions will ensure the viability of the hotel business, and will not adversely affect tourism in the locale.

In terms of off-street parking provision, as noted elsewhere within this report as above, no provision is presently available within the grounds of the hotel, and none is proposed as part of this application. Whilst the non-provision of off-street parking is far from ideal, it is a situation that has persisted for many years, and the applicant, in a detailed statement in respect of how the extended hotel would operate, considers that the proposals would result in less vehicular movements in the locale. Taking into account the importance of the hotel to the economy of South Ayrshire, and Alloway in particular, it is considered that the economic benefits that an extended hotel would bring to the locale outweigh the concerns of the ARA in respect of off-street parking provision in this instance. Notwithstanding, it is considered that the concerns of the ARA can be somewhat alleviated by other applications that are presently under consideration. In particular, applications for the change of use of the residential property at Kirkgate to form accommodation ancillary to the hotel (reference 23/00864/APP) and a new access road and formation of parking at Ayr Rugby Club (reference 23/00589/APP), if approved, have the potential to ease the pressure on the public road network and parking in and around the hotel and Millbrae.

8. Conclusion:

There are no concerns arising from the proposals from a built heritage perspective, and it is considered that the extensions as proposed do not adversely affect the character, appearance or setting of the category C listed hotel or the wider Burns Monument Conservation Area at this locale. There are also no flood risk concerns arising from the proposals given subject to a condition regarding an amendment to the raised deck to comply with SEPA requirements and NPF4.

With regard to off-street parking provision, it is considered that the requirement for 36 spaces to serve the hotel as extended is excessive given that the proposals seek to improve accessibility and functionality of the building rather than significantly increase capacity. Given that the restaurant as extended only provides catering for 14 additional persons, and that only 3 spaces are required to serve the 6 proposed bedrooms (and can be absorbed on-street in the locale), it is considered that a reduced parking standard can be applied in this instance.

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

9. Recommendation:

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

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) The operation of this facility must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.
- (4) That before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, the extent and profile of any areas of earthmounding, and opportunities for biodiversity enhancement shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space / landscaped area shall be retained as open space and to this approved standard.

- (5) That notwithstanding the plans hereby approved, the raised decking area constructed on site shall be altered so as to be in full compliance with approved plans 22-064-ELE-012 Rev. B, 22-064-ELE-013 Rev. B and 14-16913-S-SK02. These works shall be carried out within 6 months of the date of this planning permission to the satisfaction of the Planning Authority in consultation with SEPA.

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 order to prevent the likelihood of a noise nuisance.
- (4) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (5) To define the terms of this planning permission and ensure compliance with SEPA guidance on flood risk

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 22-064-LAY-001
Drawing - Reference No (or Description): 22-064-LAY-002
Drawing - Reference No (or Description): 22-064-LAY-003
Drawing - Reference No (or Description): 22-064-LAY-004 A
Drawing - Reference No (or Description): 22-064-LAY-005
Drawing - Reference No (or Description): 22-064-LAY-006
Drawing - Reference No (or Description): 22-064-LAY-007
Drawing - Reference No (or Description): 22-064-ELE-008
Drawing - Reference No (or Description): 22-064-LAY-009
Drawing - Reference No (or Description): 22-064-LAY-010
Drawing - Reference No (or Description): 22-064-LAY-011
Drawing - Reference No (or Description): 22-064-ELE-012 B
Drawing - Reference No (or Description): 22-064-ELE-013 B
Drawing - Reference No (or Description): 22-064-VIS-014
Drawing - Reference No (or Description): 14-16913-S-SK02

Reason for decision (where approved)

There are no concerns arising from the proposals from a built heritage perspective, and it is considered that the extensions as proposed do not adversely affect the character, appearance or setting of the category C listed hotel or the wider Burns Monument Conservation Area at this locale. There is no objection on flood risk grounds subject to conditions relating to the raised deck structure being implemented and fully complied with. While the ARA have objected on the grounds of no parking being provided, there are mitigation circumstances in this case that have been afforded significant weight in the assessment including the operation and functionality of the building as proposed by the applicant together with the economic benefits of the proposal. Having considered the merits of this case, it is considered that it can be supported by the framework of planning policy with due weight being afforded to the other material considerations.

Background Papers:

1. Planning application form, plans, design statement and flood risk assessment (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. Historic Environment Scotland Managing Change in the Historic Environment - Use and Adaptation of Listed Buildings (available online)
8. Historic Environment Scotland Managing Change in the Historic Environment - Extensions (available online)
9. Representations (available online)

Equalities Impact Assessment:

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

Person to Contact:

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

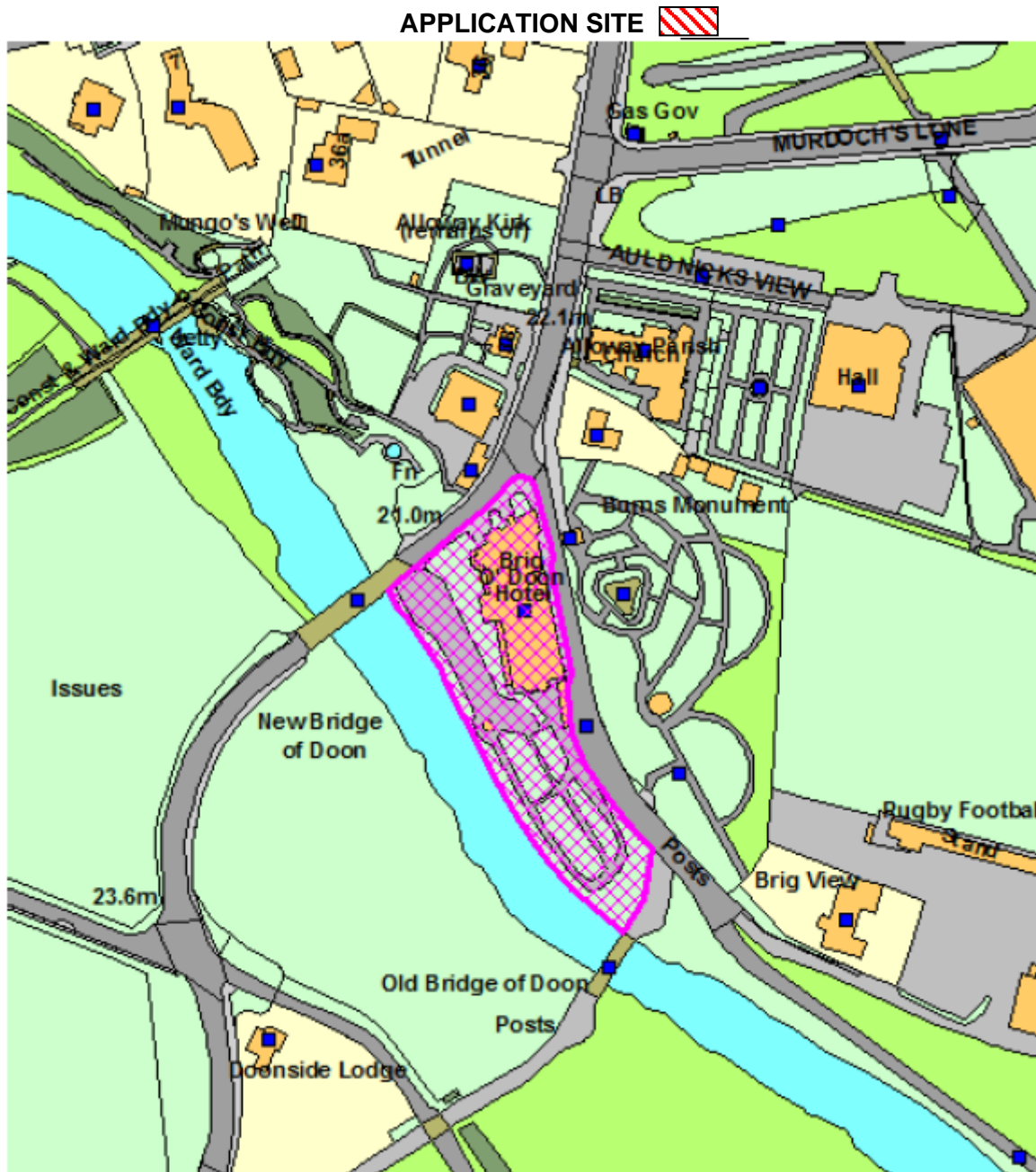
REGULATORY PANEL: 6 DECEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00089/LBC

BRIG O'DOON HOUSE HOTEL ALLOWAY AYR SOUTH AYRSHIRE KA7 4PQ

Location Plan



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Summary

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area.

Planning permission is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised patio area. The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel, and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas the single-storey extension and raised decking area is proposed to the southern part of the hotel.

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 the Service Lead - Planning and Building Standards considers that it would be appropriate for members of the planning authority to take the decision on the application given that it is intrinsically linked to planning application Ref. 23/00087/APP which requires to be determined by the Regulatory Panel.

It is considered that the proposals accord with the provisions of the National Planning Framework 4 (NPF4), the adopted South Ayrshire Local Development Plan 2 (LDP2) and the Historic Environment Policy for Scotland (HEPS) on the basis that the proposals do not have an adverse impact on the character, appearance or setting of the category C listed hotel, the category A and B listed bridges, and the wider Burns Monument Conservation Area.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 6 DECEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00089/LBC
SITE ADDRESS:	Brig O'Doon House Hotel Alloway Ayr South Ayrshire KA7 4PQ
DESCRIPTION:	Alterations and extension to existing listed building / hotel
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

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

Key Information:

- The application was received on 31 January 2023
- The application was validated on 16 February 2023
- A number of Site Visits have been carried out by the Planning Authority on various dates.
- No neighbour notification was required.
- A Site Notice was posted in the locality under Section 60 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) by the Planning Authority on 3 March 2023.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 21 February 2023.

1. Proposal:

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates back to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area. The hotel presents a traditional frontage to both Alloway and Millbrae, with all alterations to the hotel generally confined to the western elevation of the building. The roof of the hotel is predominantly clad in slate, with the external walls finished in a painted harl (white in colour). The windows and doors are timber framed, painted black.

Listed building consent is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised deck area (this element has already been constructed). The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel, and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas the single-storey extension and raised decking area is proposed to the southern part of the hotel. None of the extensions seek to increase the overall height of the section of hotel onto which they are to be erected, and it is intended that the extensions will in the main replicate the design, massing, proportions and finishes of the existing building. Full details are set out in the submitted plans.

There are two concurrent applications for planning permission for development proposals at the hotel. Planning application 23/00087/APP is directly associated with this listed building consent application, whereas application 23/00166/APP relates to the retrospective raised decking area only and associated landscaping works at the southern end of the hotel.

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 the Service Lead - Planning and Building Standards considers that it would be appropriate for members of the planning authority to take the decision on the application due to it being intrinsically linked with planning application ref. 23/00087/APP which requires to be determined by the Regulatory Panel.

2. Consultations:

None.

3. Submitted Assessments/Reports:

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

A design and access statement has been submitted with this application. This briefly sets out the development history of the Brig O' Doon, details the opportunities and constraints for development, provides a rationale for each aspect of the proposed development, and considers the relationship between the existing hotel and the proposed extension.

The terms of the design statement are noted.

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:

11 representations have been received, 9 of which object to the proposed development and 2 of which support the development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, the representations express concerns in respect of the following:

- The design, massing and scale of the extension on what is a listed building of significant historical interest do not take cognisance of the character, appearance or setting of the listed building, the gardens within which it is set or the wider conservation area, including the bridges; and
- The proposed extension represents overdevelopment of the site.

Other concerns raised include the following:

- The retrospective nature of the raised decking area and the precedent this creates;
- That the proposed extension will result in the loss of the 'Kissing Tree' and other trees, flora and fauna within the gardens;
- That the proposal, by reason of its design, massing and scale, will impact negatively on tourism;
- That the economic benefit of the proposals is limited to the hotel owners and a handful of part-time jobs within the hotel;
- That the proposals will significantly increase traffic and add to existing pressure to the road network in the locale, to the detriment of road safety;
- That the proposals will impact negatively on residential amenity by way of increased noise and disturbance;
- The use of the nearby property at Kirkgate as ancillary accommodation; and
- The parking of vehicles within the curtilage of Kirkgate and the impact that this may have on the tunnel beneath.

The comments of support consider the design and scale of the extension to be sympathetic to the listed building, and that the hotel as extended will become an even greater asset to South Ayrshire through job creation, increased revenue and tourism.

A response to these representations is included within the assessment section of this report.

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

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), planning history, objector concerns and the impact of the proposal on the amenity of the locality.

Section 14(2) of The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires special regard to be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

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 policy 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/national-planning-framework-4):

- 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/local-development-plan-2):

- 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 principle of extending the hotel is acceptable. The key consideration in the assessment of this listed building consent application is whether the proposals meet the statutory tests to preserve or enhance the character, appearance and setting of the listed building. Given the constrained nature of the application site, it is accepted that the only elevations of the hotel that lend themselves to any extension works are the western elevation (towards the River Doon) and southern elevation (towards the old bridge). The hotel has historically been extended on these elevations and, as such, there are no concerns in principle to further appropriately designed extensions on these elevations.

In respect of the proposed restaurant, bedroom and lift shaft extension, it is noted from the submitted plans that this extension will largely continue existing non-original projections on the western elevation. The extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature relates well to and does not compete with or detract from the design of the original hotel. The three-storey element of this extension replicates the design, proportions and finishes of the projection that it extends, which in turn replicates the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is at odds with the predominant roof construction at the hotel, given the intended purpose of this particular element of the proposed extension to improve circulation and disabled access within the building, and the limited visibility of this element of the proposals from important vantage points (in particular the A and B listed old and new bridges), it is not considered to have such an adverse impact on the character, appearance and setting of the listed building to warrant refusal on built heritage grounds.

There are no objections to the proposed single-storey extension on top of the raised decking area from a built heritage perspective insofar as the planning history for this element of the proposals has already established the acceptability of this element of the proposals (see planning history).

With regard to the external finishes of the extensions, it is noted from the submitted plans and the associated design statement that the extensions are to be finished in materials to match the existing hotel. It is considered that the use of matching materials will ensure that the proposed extensions integrate well with the hotel and, on this basis, there are no built heritage concerns arising from the palette of materials.

(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 documents on Setting, Use and Adaptation of Listed Buildings and Extensions are 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.

The Managing Change document on Use and Adaptation of Listed Buildings states that owners should consider all options to allow the continued use of a listed buildings. The adaptation, alteration, extension and even partial demolition of the building are all options which can, in the right circumstances, form part of the solution.

A solution may involve one, or a mix of, the following approaches:

- 1) Minimal intervention
- 2) Adaptation
- 3) Extension
- 4) Selective demolition
- 5) Enabling

Owners should investigate each approach carefully. Through this process, the vast majority of listed buildings can be adapted to either maintain their existing use, or secure a new one.

In terms of adaptation, this will normally involve working within the existing building envelope, focusing more on internal alterations. The first step towards finding a practical scheme of adaptation is to look critically at the existing building to see what alterations are necessary to make the building work. This could include the upgrading or insulating of the building to address heat loss. Smaller scale additions and removals might also be required. In certain circumstances, adaptation can provide opportunities to restore the appearance and special interest of a listed building. Conservation-based approaches can involve removing later additions of little interest on the exterior of a building. It can also include positive changes internally, such as reinstating missing features or taking down later partitions and suspended ceilings. Changes like these can help to restore a building to its original plan-form and room proportions. Such works can often revitalise old buildings, giving them a new lease of life. Successful conservation-based solutions on one part of a site or building might balance out a higher level of intervention or additions elsewhere in the scheme - as long as these involve less significant elements.

With regard to extensions, many listed buildings have the capacity for some form of extension. In some cases buildings can successfully accommodate sizeable additions, particularly if the building is not domestic. Sometimes an extension is essential to keep the listed building in use, for example where there is little scope for internal intervention or where the original building is very small. In these cases, the decision-maker will have to balance this against any adverse impacts. There will also be some circumstances where all elevations of a building have been designed to be visible and appreciated. In these cases, other options for the site may have to be considered, including excavation for new facilities, or new freestanding buildings in the grounds.

The Managing Change document on Extensions indicates that an addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations. Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade. An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.

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.

The proposals seek to considerably extend the hotel on the western elevation in order to increase restaurant covers, extend the kitchen, provide additional hotel accommodation for wedding parties, facilitate the creation of a lift shaft for improved accessibility around the hotel, and create a pre-drinks area, complete with raised terrace and improved access to the gardens. There are no objections to the principle of extending the hotel, and it is noted from the planning history for the hotel that extensions have been permitted in the past, albeit these permissions / consents have not been implemented and have since lapsed. The principle of extending the hotel has therefore been established, with the key consideration in the assessment and determination of these applications (from a built heritage perspective) being whether the proposals meet the statutory tests to preserve or enhance on the character, appearance and setting of the category C listed hotel, and other listed assets, primarily the category A and B listed bridges to the north and south of the hotel.

In respect of the proposed restaurant, bedroom and lift shaft extension, as previously noted from the submitted plans, this extension will largely continue the projection of existing non-original additions into the gardens towards the River Doon. This extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature compliments the design of the original hotel. With regard to the three-storey element of this extension, this replicates the design, proportions and finishes of the projection that it extends, which in turn replicates those of the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is not characteristic of the original hotel or later additions, it is not considered to have a significant adverse impact on the character, appearance or setting of the listed building. Public visibility of the lift shaft element of the extension is limited due to existing extensions at the northern end of the hotel, the 'Kissing Tree' (particularly when in full bloom), and other established landscaping within the southern area of the gardens. Views of this extension are not available from the category A listed old bridge, and only fleetingly from the new bridge during the latter part of the year when the 'Kissing Tree' sheds its leaves. As such, given the limited visibility of the lift shaft extension and the intention to finish this extension in materials to match the existing hotel, it is considered that the lift shaft extension will not have an adverse impact on the character, appearance and setting of the category C listed hotel or other historical assets in the locale.

With regard to the single-storey extension on top of the raised decking area, the planning history primarily relates to this aspect of the proposals. The design of this aspect of the proposed development is similar to previously approved development proposals (see planning history), albeit what is now proposed occupies a larger footprint than previously approved at this end of the building. It is not considered that the enlarged footprint of this extension with raised decking area will adversely affect the character, appearance or setting of the hotel or other historical assets in the locale. This element of the proposals is therefore considered to be acceptable from a built heritage perspective.

Considering the above assessment, the proposals are consistent with the provisions of NPF4 and LDP2 with regards the built environment and listed buildings policy framework and guidance.

Planning History

13/01062/APP – alterations and extension to hotel – permitted – not implemented and time expired.

13/01063/LBC – alterations and extension to listed building – permitted – not implemented and time expired.

These applications sought planning permission and listed building consent for alterations and extension to the hotel as follows:

- The erection of an extension at the basement and first floor levels; and
- Changes to the fenestration at basement level on the southern elevation via enlarged window openings in the existing bay window.

14/01386/APP – alterations and extension to hotel – permitted – not implemented and time expired.

14/01387/LBC – alterations and extension to hotel – permitted – not implemented and time expired.

These applications sought to make minor amendments to the 2013 approvals as follows:

- Replacement window to match the existing windows;
- Glazed lift enclosure;
- New doors to balcony;
- New access and gate to the front/ side of the property; and
- The installation of a cooler unit on the existing roof behind an existing chimney.

The proposed single-storey extension and associated raised patio are similar to the above approved schemes.

There are two concurrent applications for planning permission for development proposals at the hotel. Planning application 23/00087/APP is directly associated with this listed building consent application, whereas application 23/00166/APP relates to the retrospective raised decking area only and associated landscaping works at the southern end of the hotel.

(iv) Objector Concerns

The assessment of an application for listed building consent is limited to the impact of a proposal on the character, appearance and setting of the listed building only.

The raised decking area element of the proposals was erected without the benefit of planning permission and listed building consent, and therefore this is a retrospective element of the associated planning application. The raised decking area is not considered to have an adverse impact on the listed building. It is subordinate in scale to the elevation from which it projects and does not detract from the character of the building it is adjoining. While not a matter for this application, but rather the associated planning application reference 23/00089/APP, it should be noted that SEPA objected to the raised decking area on the grounds of flood risk and because the deck breached the freeboard (the additional height that a structure needs to be to be protected from flood waters). The applicant has since submitted a revised drawing, proposing to amend the raised decking area to ensure the required freeboard level is achieved. The raised decking area is therefore also acceptable from a flood risk perspective subject to the structure being amended; as the amendments required are minor, they are unlikely to be visible once carried out.

As set out earlier within this report, there are no objections to the principle of extending the hotel. The key consideration in the determination of this application for listed building consent is whether the extension meets with the statutory tests to preserve or enhance the character, appearance and setting of the category C listed building, taking cognisance of other listed assets (primarily the category A and B listed bridges to the north and south of the hotel), and the wider Burns Monument Conservation Area.

Visibility of the proposed extensions from the category A listed old bridge is limited given the landscaping within the southern portion of the gardens within which the hotel is set. Public views are more readily available beyond the western end of the new bridge, with the proposed single-storey extension and raised patio visible from this particular vantage point. Views of the larger extension from beyond the new bridge are restricted by the 'Kissing Tree'. The larger extension will be more visible from the eastern (Alloway) side of the new bridge, but it is noted that this particular extension will extend existing non-original projections, and will not compete with the design of the original hotel.

Although the site is somewhat constrained by the River Doon, Millbrae and the bridges at either end, given the previous development history at the hotel, including the approved but not implemented planning permissions and listed building consents detailed in the planning history section of this report, it is considered that the site can accommodate the extensions as proposed, and that the proposals do not represent overdevelopment of the site.

The applicant recognises the importance of the 'Kissing Tree' to the character, appearance and setting of the locale, and has no plans to remove the tree as part of the proposed development. It is acknowledged that other trees and shrubbery has been removed from the gardens. Whilst this is regrettable, their removal is not considered to have had a significant impact on the character, appearance or setting of the listed hotel, the bridges to the north and south, or the wider Burns Monument Conservation Area.

The impact of the proposals on tourism, the beneficiaries of the proposals from an economic perspective, road safety and parking concerns, the impact of the proposals on residential amenity, and the use of Kirkgate as ancillary accommodation and associated issues, cannot be considered within the scope of the listed building consent application.

(v) Impact on the Locality

As indicated elsewhere within this report, it is noted that the site constraints limit where development could occur within the hotel site. It is considered that the hotel can accommodate and absorb extensions of the design, massing, scale, proportions and finishes proposed, and that the extensions will not have an adverse impact on the character, appearance or setting of the listed building, other listed assets in the locale, and the wider Burns Monument Conservation Area.

8. Conclusion:

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application for listed building consent is approved subject to the conditions listed below. The proposals are consistent with the policy provisions of NPF4 and LDP2 and can be accommodated without any significant adverse impact on the listed building, its setting or the setting of other listed structures in the locale.

9. Recommendation:

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

- (1) That the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent.
- (2) That the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority.

9.1 Reasons:

- (1) To be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

9.2 Advisory Notes:

- (1) The grant of listed building consent does not remove the requirement for planning permission for any alterations which may be required in order to implement this listed building consent.

9.3 List of Determined Plans:

- Drawing - Reference No (or Description): 22-064-LAY-001
- Drawing - Reference No (or Description): 22-064-LAY-002
- Drawing - Reference No (or Description): 22-064-LAY-003
- Drawing - Reference No (or Description): 22-064-LAY-004
- Drawing - Reference No (or Description): 22-064-LAY-005
- Drawing - Reference No (or Description): 22-064-LAY-006
- Drawing - Reference No (or Description): 22-064-LAY-007
- Drawing - Reference No (or Description): 22-064-ELE-008
- Drawing - Reference No (or Description): 22-064-LAY-009
- Drawing - Reference No (or Description): 22-064-LAY-010
- Drawing - Reference No (or Description): 22-064-LAY-011
- Drawing - Reference No (or Description): 22-064-ELE-012 B
- Drawing - Reference No (or Description): 22-064-ELE-013 B
- Drawing - Reference No (or Description): 22-064-VIS-014

9.4 Reason for Decision (where approved):

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building or its setting or the setting of other listed structures in the locale.

Background Papers:

1. Planning application form, plans and design statement (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. Historic Environment Scotland Managing Change in the Historic Environment - Use and Adaptation of Listed Buildings (available online)
8. Historic Environment Scotland Managing Change in the Historic Environment - Extensions (available online)
9. Representations (available online)

Equalities Impact Assessment:

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

Person to Contact:

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

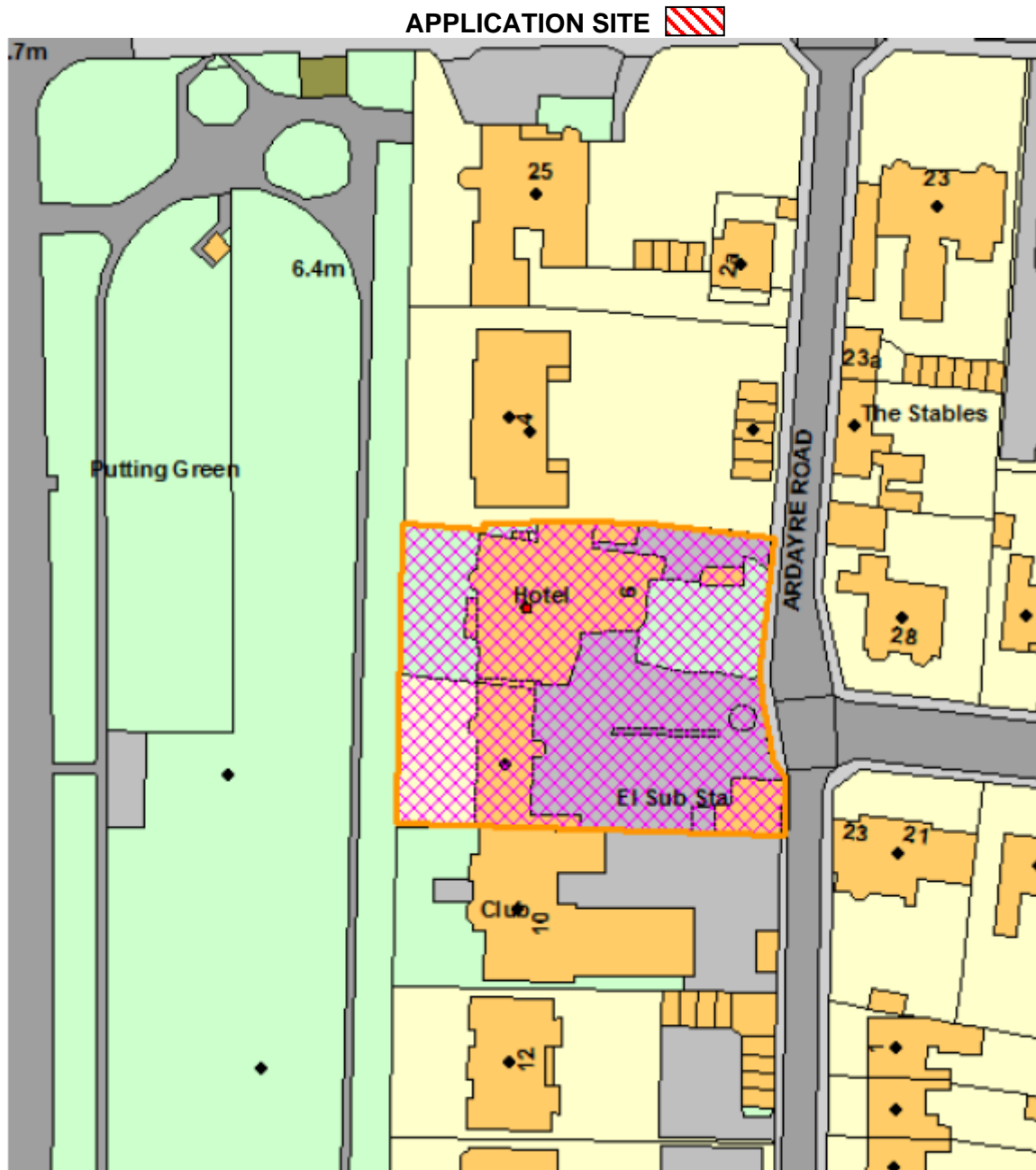
REGULATORY PANEL:

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

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

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 5th 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.

Regulatory Panel (Planning):

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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.

Regulatory Panel (Planning):

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

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

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):

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.

Regulatory Panel (Planning):

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

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):

- 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.

Regulatory Panel (Planning):

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

- 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):

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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:

Mr David Clark, Supervisory Planner - Place Planning - Telephone 01292 616 118

REGULATORY PANEL: 6 DECEMBER 2023

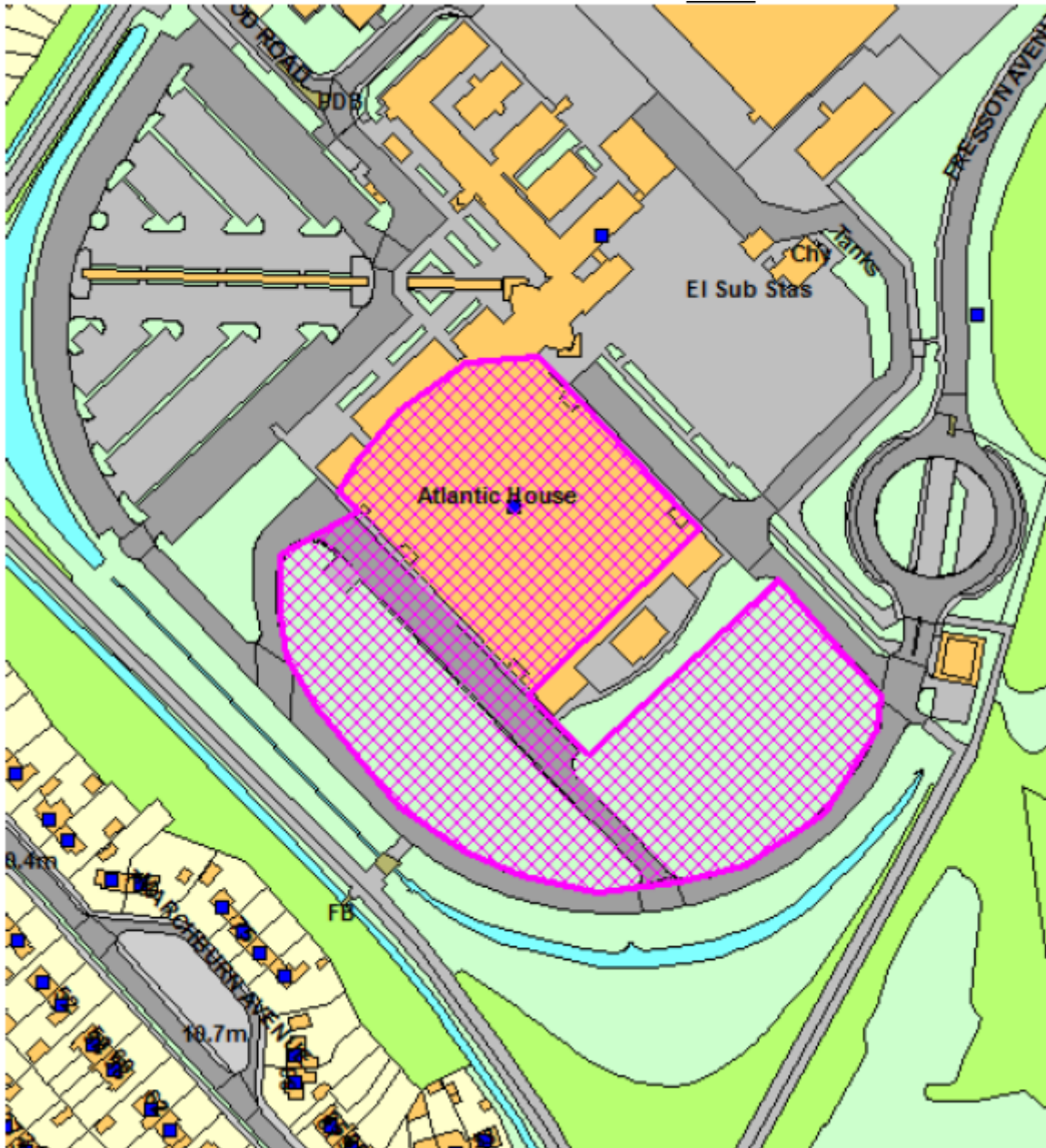
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00674/APPM

NATIONAL AIR TRAFFIC SERVICES (NATS) AIR TRAFFIC CONTROL CENTRE, FRESSON AVENUE, PRESTWICK, SOUTH AYRSHIRE, KA9 2NR

Location Plan

APPLICATION SITE 



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Summary

This application seeks detailed planning permission for the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure and landscaping within the National Air Traffic Services (hereafter referred to as 'NATS') facility/campus situated in Prestwick. 10 consultation responses have been received which raise no objection in respect of the development, with no representations/objections received from members of the public or interested parties in response to this application. The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that this renewable energy related development proposal can be considered positively against the terms of the aforementioned documents with it constituting sustainable development which will help to tackle the climate crisis through generating clean, renewable energy and reducing an existing businesses carbon footprint. It is recommended that this application for planning permission be approved subject to planning conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 6 DECEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00674/APPM
SITE ADDRESS:	NATIONAL AIR TRAFFIC SERVICES (NATS) AIR TRAFFIC CONTROL CENTRE, FRESSON AVENUE, PRESTWICK, SOUTH AYRSHIRE, KA9 2NR.
DESCRIPTION:	INSTALLATION OF GROUND MOUNTED (CAPACITY UP TO 431 KWP) AND ROOF MOUNTED (CAPACITY UP TO 701 KWP) SOLAR PHOTOVOLTAIC PANEL ARRAYS AND ASSOCIATED DEVELOPMENT, INFRASTRUCTURE AND LANDSCAPING.
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.

Key Information:

- The application was received on the 6th of September 2023.
- The application was validated on the 4th of October 2023.
- A Site Visit has been carried out by the Planning Authority on the 7th of November 2023.
- 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 the 5th of October 2023.
- A Public Notice in the Local Press, under Regulation 20 (and Schedule 3) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was published in the Ayr Advertiser on the 10th of October 2023.
- No Site Notice was required to be erected by the Planning Authority.

1. Proposal:

1.1 Site Description

The application site (defined by the red site boundary on the Location Plan provided as part of the planning application) is located within the auspices of the NATS Prestwick Campus/facility. For context, NATS are a UK wide provider of air traffic control services, with the Prestwick facility representing one of their two air traffic control centres in the UK. On a typical year, NATS handle over 2.5 million flights and 250 million passengers, with much of the operations associated from this being undertaken from the Prestwick campus. The NATS Prestwick campus is continuously operational, 24 hours a day, 7 days a week, 365 days a year with this centre responsible for constant control of 2.84 million square kilometres of airspace from this facility.

The NATS facility at Prestwick is a secure and self-contained private site owned and operated by NATS which is bounded on all sides by security enclosures and mature landscaping, with access restricting gates. The site comprises of several irregular shaped, parcels of land which host offices, ancillary buildings and modular structures, staff parking and amenity spaces. The primary operational building on the site constitutes a large grey dome shaped building which includes offices alongside NATS main control area (known as the 'Prestwick Centre') and to the north of this and outwith the application site is another building known as 'Atlantic House'. The total site area of the NATS campus is approximately 10.97 hectares with the application site subject to this planning application covering approximately 1.91 hectares including the roof plane space associated with the development.

The NATS site is located to the east of Prestwick itself and is accessed from Fresson Avenue to the North. The site sits within a mainly industrial area, comprising Glenburn Industrial Estate. Given the site's position on the southern portion of Glenburn Industrial Estate, the immediate surrounding area primarily constitutes a series of separate and sub-divided business and industrial premises, with a cluster of similar business buildings and structures. Directly to the north lies a number of warehouses and factories, including Scottish Water's Prestwick Area Office, beyond which is Glasgow Prestwick International Airport.

To the immediate east of the site boundary sits an area comprising a mixture of open green space and mature landscaping, with the secondary runway of Glasgow Prestwick International Airport positioned beyond this. To the south and west of the site boundary and beyond landscape buffers and intersecting road networks are residential areas, with the streets of Outdale Avenue, Marchburn Avenue and Indale Avenue being the closest to the application site on this side. These properties are separated from the application site by way of a high security fence and intersecting landscaping strip of circa 25 metres plus in width, with this area largely comprising of mature trees and shrubs.

1.2 Development Proposals

The proposed development comprises of the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure and landscaping. The solar panels would be located on the roof plane of the Prestwick Centre (main dome shaped building within the NATS campus) and on existing managed grassed areas to the immediate south and southwest of the Prestwick Centre building.

Up to 2,200 solar panels (either 500W or 540W power) are proposed to be installed in the chosen locations. This is split between two areas; 1,402 panels on the roof of the Prestwick Centre and 798 ground mounted panels located on the managed grassed areas. The proposed arrays will have a peak capacity of up to circa. 1,131 KWP and be capable of delivering up to approximately 21% of the electricity requirements to support operations at the NATS Prestwick site. The solar panels have been positioned to maximise the required sunlight exposure needed to generate the maximum electric output from the panels whilst at the same time sited so that they take into account the residential properties situated along the southwest boundary and avoid the areas of more notable ecological value within the wider facility. The solar panels comprise of black cells with supporting black frames/mounts which aim to minimise their visual impact and ensure a muted and consistent palette across the arrays.

Regulatory Panel (Planning):

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The roof panels will be installed using a combination of a crane and scaffolding access, with the panels themselves mounted flush or rail mounted to the roof plane of the main building within the Prestwick Centre using clamps and angled as appropriate on the arched roof to maximise sunlight exposure and capture. The proposed ground mounted panels feature solar panel arrays secured on screw piles which leave sufficient space between the ground and underside of the panels (0.2 or 0.6 metres depending on positioning) to maximise the retention of grassed areas with as little disturbance as possible, whilst also ensuring a stable foundation for the panels to operate and function. The ground mount installation will be placed on the existing site levels and therefore no remodelling of the existing surface levels will be required. To install the cable ducts associated with the ground mounted panels, isolated excavation to around 800mm depth will be required, with this then backfilled to original levels and made good.

The development proposals also include some modest ancillary infrastructure (e.g., inverters, cabling and utilities) to support the operation panels as well as the delivery of additional landscaping to both provide additional visual screening and ensure the promotion of biodiversity and habitat enhancement. This includes the introduction of native mixed flowering grass capable of thriving under the shadow cast of the ground mounted panels, two new sections of native mixed species perimeter screen hedgerows across the ground mounted panels (170 metres and 52 metres in length respectively) and the installation of nest and bat boxes, with all of these considered in more detail in the 'Assessment' section below.

1.3 Planning Procedural Matters

The application proposal is 'Major' development under the Hierarchy of Development (as the proposed gross floor space/area exceeds 5000 square metres) and as such, the Council's Scheme of Delegation requires that it be presented to the Regulatory Panel for determination.

Prior to the submission of this planning application, the applicant and their appointed agent proactively engaged with the Planning Authority through the submission of a detailed Pre-application enquiry (Council Reference: 22/00756/PREAPP) which was lodged on the 13th of December 2022. This provided an opportunity for the Planning Authority to initially assess the proposals and identify any constraints, obtain feedback from statutory consultees alongside other internal council services and provide clarification in terms of planning procedural requirements for the proposed development. The Planning Authority provided a comprehensive response to the Pre-application enquiry on the 2nd of March 2023.

It was advised at the Pre-application stage that as the proposed development would constitute 'Major' under the Hierarchy Regulations, a Proposal of Application Notice (PAN) would be required. The PAN was submitted on the 17th of May 2023 and subject to agreeing that additional consultation activity would be undertaken, the Planning Authority issued a response on the 31st of May 2023 (Council Reference: 23/00383/PAN) accepting the consultation proposals. Following review, it is considered that the nature of the scheme subject to this application is such that it is clearly and recognisably linked to the proposal described in the PAN. It is also considered that the subsequent Pre-application Consultation (PAC) Report which accompanies this planning application, demonstrates that the consultation and engagement activities originally proposed and requested in addition to this by the Council as part of the PAN, have been undertaken and fulfilled in full by the applicant/agent. The Pre-application Consultation Report also clearly demonstrates the engagement levels and feedback for the process, with data and figures provided alongside responses to the limited feedback received.

In terms of Environmental Impact Assessment (EIA) Regulations, the Planning Authority at Pre-application stage advised that the proposed development fell within the auspices of one of the criteria of Schedule 2 of the EIA Regulations, namely, Category 3 Energy Industry 'industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)' with an 'area of development which exceeds 0.5 hectares' and established that an EIA Screening Opinion request would need to be made to the Council. In response to this, the applicant submitted an EIA Screening Opinion on the 7th of August 2023 which was in advance of the submission of this planning application (Council Reference: 23/00528/EIASCOR). The Planning Service considered the proposed development against the criteria of Schedule 3 of the EIA Regulations and the conclusion reached was that the development subject to this planning application was not an EIA development and in turn this confirmed that this planning application did not require to be accompanied by an EIA Report. The Planning Authority's response was provided on the 15th of August 2023 and a copy of the EIA Screening Opinion assessment and decision is available on the Council's planning portal via the case referenced above.

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Finally, due to the proposed development constituting 'Major' under the Hierarchy Regulations, the Planning Authority also established and advised at Pre-application stage that a 'Design and Access Statement' required to accompany this planning application. This has been provided and following review, the Planning Authority consider that this statement supplied complies with all the requirements of the relevant Development Management Regulations.

2. Consultations:

- **Ayrshire Roads Alliance (ARA) Roads Authority** – No objections subject to conditions.
- **Ayrshire Roads Alliance (ARA) Flooding Authority** – No objections.
- **Scottish Environmental Protection Agency (SEPA)** – No objections subject to advisory notes.
- **South Ayrshire Council Environmental Health Service** – No objections.
- **South Ayrshire Council Sustainable Development (Landscape and Parks)** – No objections subject to conditions.
- **South Ayrshire Council Sustainable Development (Biodiversity and Ranger Services)** – No objections subject to conditions and advisory notes.
- **AECOM (External Ecology Consultants/Advisors)** - No objections subject to conditions.
- **Glasgow Prestwick Airport (GPA)** – No objections subject to advisory notes.
- **National Air Traffic Services (NATS) Safeguarding** – No objections subject to advisory notes.
- **Health and Safety Executive (HSE)** – No objections or comments (the application site does not fall within the Consultation Zones or Triggers where HSE would respond as a statutory consultee).
- **Scottish Fire and Rescue** – No response at the time of writing this report.

In line with Section 23 of the Planning (Scotland) Act 2019 and given this application relates to a 'Major' scale development, consultations/notifications have also been issued to Councillors, MPs and MSPs alongside the stakeholders and consultees scheduled above.

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.

In support of this planning application, the following has been provided; a Location Plan, an Existing Site Layout Plan and Proposed Layout Site Plan, an Existing Roof Plan and a Proposed Roof Plan, Elevational Plans, a Topographical Survey, Technical Brochures/Specifications of the Solar Panels, a Cover Letter, a Design and Access Statement, a Supporting Planning Statement, a Glint and Glare Assessment, a Pre-application Consultation (PAC) Report, and a Preliminary Ecological Appraisal Report (PEAR). Where applicable, these are assessed in more detail in the Assessment sub-section below.

Following input from certain consultees to the process, further landscape, ecological and biodiversity related information has been submitted by the applicant through their consultants and this includes a detailed Landscape Design and Management Plan and an Ecological Impact Assessment Report (EIAR) which builds on the Preliminary Ecological Impact Assessment (PEAR) and provides further details and clarification including a Preliminary Bat Roost Assessment, a Badger Survey, an Otter Survey and a further Bird Survey. Whilst it was agreed with consultees who requested this further information that these matters could have been covered through appropriately worded pre-commencement planning conditions, the applicant committed to supplying these upfront and before the determination of this planning application and so the responses received from consultees includes a review of the additional information submitted.

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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:

No representations have been received in response to this planning application at the time of writing this report.

7 Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), the planning history of the site, the representations received and the impact of the proposal on the amenity of the locality.

7.1 Statutory Development Plan Framework

7.1.1 National Planning Framework 4 (NPF4)

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.

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.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

The following policies of NPF4 are considered relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 1 Tackling the Climate and Nature Crisis
-
- Policy 2 Climate Mitigation and Adaption
-
- Policy 3 Biodiversity
-
- Policy 4 Natural Places
-
- Policy 11 Energy
-
- Policy 14 Design, Quality and Place
-
- Policy 22 Flood Risk and Water Management

NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to encourage all forms of renewable energy whilst ensuring that the ecology, character, landscape, amenity, natural setting and identity of the area are protected and enhanced. Whilst it noted that this proposal does not relate to an independent generating station which seeks to offer wider contributions to the national grid, it is still important to recognise that it is a form of renewable energy development which is recognised, supported, and encouraged in principle by NPF4. A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposed solar panel development against the policy consideration.

Policy 1 Tackling the Climate and Nature Crises

The purpose of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and in particular developments which promote zero carbon, nature positive places, nature recovery and nature restoration. Scotland's Climate Change (Emission Reduction Targets) (Scotland) Act 2019 targets a date of 2045 to reach net zero, with interim targets of at least 75% by 2030 with solar energy recognised as a form of renewable development by NPF4 which can contribute to this.

The Planning Statement provided as part of this application sets out that NATS are actively seeking to improve the sustainability of their facilities and that they are working towards minimising their direct environmental impact by seeking to become carbon negative across their estates by 2040. Their facility at Prestwick has been identified as a site which presents the ideal opportunity to utilise solar panels, the clean power and energy from which can be used to minimise the sites reliance on traditional energy uses and replace these with renewable electricity to support the NATS Prestwick operation. From review of the proposals and considering the intentions, nature, and merits/role of the proposed development, it will contribute positively to tackling the climate emergency and therefore is in compliance with the spirit and aims of this policy.

Weight is also given to the fact that the development proposals make measured and commensurate contributions towards addressing the nature crisis which are achieved through the careful siting/position of the development and the inclusion of biodiversity and landscape features (both of which are considered in detail in response to relevant natural environment policies below). On this basis, it is considered that the proposed solar panel development is consistent with this policy, with recognition to the responsibilities of nature recovery and restoration evident as part of the development proposals.

Policy 2 Climate Mitigation and Adaptation

The overarching aim of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to current and future impacts on climate change. This policy requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. For the reasons set out in response to Policy 1 above, it has been demonstrated that the proposals support a tangible and targeted move towards improved sustainability by using renewable energy which contribute towards mitigating against any present and future climate change considerations.

Considering the above, the proposed development is considered to accord with this policy.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

Policy 3 Biodiversity

The purpose of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. This policy is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore, and enhance biodiversity including through nature networks and nature-based solutions so they are in a demonstrably better state than without intervention. Such proposals will need to demonstrate that the development has been based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, that where feasible, nature-based solutions have been integrated, that significant biodiversity enhancements (in addition to any proposed mitigation) have been provided and that an assessment of potential negative effects will be appropriately mitigated before identifying enhancements. Finally, the policy requires for any potential adverse impacts of development proposals on biodiversity and the natural environment will be minimised through careful planning and design and that this will consider how to safeguard the ecosystem services that the natural environment provides.

The planning application has been supported by a Preliminary Ecology Appraisal Report (PEAR) and supplemented by a more detailed Ecological Impact Assessment Report (EIAR) which were both prepared to identify any ecological constraints within the NATS campus site and subsequently inform and direct the solar panel development to the most appropriate areas within the campus. Notably, the initial PEAR and supplementary EIAR did not identify the presence of any protected species in any part of the site, and it confirmed that the areas which are proposed to accommodate the ground-mounted panels are mown amenity grassland areas within the immediate curtilage of the main building, resulting in them constituting areas of low conservation value. The position reached in the EIAR was informed by both Otter and Badger Survey's which did not identify the presence of either species or any risks of potential impact due to the location of the ground mounted solar panels. The installation of panels on the roof plane on the main building within the NATS campus was equally assessed as posing no issue to ecology, including in terms of both bats and birds with a Preliminary Bat Roost Assessment and Bird Survey undertaken as part of the EIAR submission informing and validating this position. On this basis, it is considered that the appropriate siting of the panels to areas of low ecological value (as informed by the PEAR and EIAR) means that the proposed development will enable the ongoing maintenance of biodiversity of the wider NATS site through the retention of all grass and woodland areas which the PEAR and EIAR identifies as being of higher conservation value, species rich and capable for local species inhabitation.

Further to this, as part of the development proposals, it is also noted that additional landscaping and biodiversity gain features are proposed as part of the development design and recommended through the PEAR and EIAR. This includes the introduction of species rich native flowering grass mix which is tolerant to low levels of light (caused by the shade under the solar panels) to ensure the retention of the grassland areas post construction in the locations where the ground mounted solar panels will occupy, two sections of new native screen hedgerows around the ground mounted solar areas (170 metre long and 52 metres long respectively) are to be introduced and other ecology measures set out in the PEAR and EIAR such as nest and bat boxes and un-mowing of certain areas within the campus to make them more appealing as habitats. Although generally modest in scale, the inclusion of these biodiversity enhancements and landscape features as part of the proposals will encourage and promote further biodiversity on the site and these arrangements are proportionate biodiversity gain features for this development and align with the overall vision of NPF4 and Policy 3. Following the supplementation of the initial PEAR with a EIAR and further survey work, neither AECOM (as the Council's External Ecology Advisor) or the Council's Sustainable Development (Biodiversity and Ranger Services) have raised any objections to the proposed development, and this further reinforces the acceptability of the application in ecology and biodiversity terms. Glasgow Prestwick Airport (GPA) Wildlife Control Team have also reviewed the proposed landscape scheme and biodiversity measures and have confirmed that they have no issues with the arrangements proposed from an airport operation perspective. The additional landscaping and biodiversity features and recommendations are subject to conditions which secure their implementation, and these are all set out in Section 9 of this report below.

Considering the above, the proposed development is considered to accord with this policy.

Policy 4 Natural Places

This policy seeks similar goals as Policy 3 and generally aims to protect, restore, and enhance natural assets and make best use of nature-based solutions but with the added expectation that natural assets are managed in a sustainable way that maintains and grows their essential benefits and services. Development proposals which by virtue of their type, location or scale that would have an unacceptable impact on the natural environment, will not be supported.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

As set out above in response to Policy 3, the siting of the proposed development has been informed by the accompanying PEAR and EIAR and this assessment (which includes species specific surveys) alongside the supporting information and site layout plans demonstrate that the site selection for the ground mounted solar panels will not compromise ecology or biodiversity significantly or adversely. Specifically, Section 5 of the PEAR confirms that 'The grassy mounds are currently mown amenity grassland and are of low conservation value and that as a result, there would be no significant loss of biodiversity or significant habitat if the solar panels are sited in these locations.'

By virtue of the appropriate siting and positioning of the ground mounted solar panels within the NATS campus/facility to isolated and self-contained areas of managed amenity grass located within the immediate curtilage of the Atlantic House building, this retains the existing planting, trees and foliage within the wider site and ensures that areas which are characterised by the PEAR and EIAR as being of more ecological value and which are species rich and more capable to support and host different species, will not be impacted or compromised. The installation methods will ensure that any physical impact of the installation is localised (minimising any risk to areas of higher ecological value in the wider site) and the additional landscaping and planting which is also proposed as part of the development will offer a biodiversity gain that represents proportionate nature enhancement measures in the context of the development and site. In light of the above, the proposed development is considered to accord with this policy.

Section 5 'Discussion' of the PEAR and Section 5 'Mitigation and Residual Effects' of the EIAR makes several good practice recommendations to ensure that the development does not compromise ecology/biodiversity within the wider NATS campus and to secure biodiversity gain opportunities within the site. As previously set out, planning conditions are proposed in Section 9 below which requires the development to be implemented in strict accordance with these recommendations and measures, with the biodiversity gain opportunities and additional landscape proposals to be implemented prior to the solar panels becoming operational.

Considering the above, the proposed development is considered to accord with this policy.

Policy 11 Renewable Energy

The aim of this policy is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies. The policy states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and this includes solar energy which applies to these proposals specifically. Supporting documentation has been submitted with the application and it is not considered that the proposed solar panel development would have an adverse impact on traffic, visual amenity, residential amenity, hydrology, or biodiversity/ecology so far as they apply to the site and surrounding environment. As such, the development proposal is in alignment with the spirit and principles of the policy and in accordance with the specific assessment criteria of the policy as well.

Policy 14 Design, Quality and Place

This policy seeks to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', that is, a design led approach which demonstrates the six qualities of a successful place; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

The location of the solar panels which are proposed on the roof plane of the 'Prestwick Centre' and within the ground curtilage of the 'Prestwick Centre' building within NATS facility whilst primarily led by requirements to maximise sunlight exposure are still considered to be well-sited and self-contained within the wider site. Due weight is given to the fact that the site is well contained and situated within a wider industrial estate which comprises of a mix of buildings and structures, which offers flexibility and scope and ensures that the solar panel would not in themselves represent discordant or incongruous features to the area by virtue of their scale, massing and appearance. Looking specifically at the actual design of the solar panels (single tone black cells with matching black mounts with a limited projection above ground and roof plane) and their siting and positioning within the site (clustered in groups and aided by features such as the screen hedge for the ground mounted panels), this ensures that proposed development has been well designed and considered to lessen its overall visual impact. As part of this, it is also noted that the solar panels are positioned a sufficient distance from neighbouring properties out with the application site on the south-eastern side to ensure compatibility and that their visual reach will be limited with them not be visible from any notable or sensitive viewpoints in the wider area due to the method of installation and how they will be erected within the site (flush or pitch mounted with minimal projection). On this basis, the proposed development is considered to accord with this policy.

Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essential infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use.

According to the SEPA flood maps and the Council's GIS mapping system, parts of the wider NATS site are located within an area of flood risk resulting from the Ladykirk Burn which runs along the southern and western boundary of the site. Notwithstanding this and whilst the potential for flooding does represent a relevant constraint which requires consideration, due to the construction and make-up of the solar panels (which are either affixed to the roof plane or suspended above the ground with minimal ground works required to install them), that they are located within an existing operational site largely outwith any identified areas at risk of flooding, flood risk it is not considered to represent a significant barrier for this development in this instance. As part of this, it is noted that no objection has been received from the Ayrshire Roads Alliance (as the Council's Flood Authority) or SEPA as consultees to the planning application who both (by virtue of the nature and characteristics of the development) categorise this development as a low-risk land use which can be designed to remain operational if the land floods, and which is unlikely to increase flood risk to other people under the relevant SEPA 'Flood Risk and Land Use Vulnerability Guidance'. Considering the above, the proposal is compliant with this policy.

Summary of Assessment against NPF4

Following review, it has been established that NPF4 as a whole is supportive of the proposed solar panel development which will offer a form of renewable, clean energy to support the operation of an existing business. In assessing these matters, due weight has also been proportionately given to the fact that this development is a renewable project which contributes towards climate change, environment and sustainability targets set by NPF4. Subject to specific conditions relating to certain technical and procedural matters, set out in Section 9 below, it is considered that the proposal complies with the provisions of the NPF4.

7.1.2 Local Development Plan 2 (LDP2)

The following policies of LDP2 are considered relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Spatial Strategy
- Core Principle B1
- Core Principle C1
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

However, the provisions of the Adopted South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two 'Strategic Policies' that all development proposals require to confirm to and be justified against. Specific consideration of these is set out in the sections below.

- Core Principle B1

This states that the Council will support the principles of sustainable economic development and will: prioritise sustainable travel and development, direct development to settlements in preference to countryside areas and recognise the importance of existing business and industrial locations. The proposed development relates to a form of renewable development (which promotes sustainability, contribution to climate change targets and environmental improvements) to support an existing commercial business located within an established and existing industrial estate (as opposed to a countryside location). On this basis, the proposed development is therefore considered to represent sustainable economic development in a form which is supported by the Spatial Strategy and encouraged by Core Principle B1.

- Core Principle C1

This promotes the sustainable use of natural, built and cultural heritage resources and states that the Council will, among other things, ensure that development proposals safeguard protected natural heritage resources. The application is accompanied by a PEAR and EIAR which demonstrates that the proposed development by virtue of its siting within the NATS campus is unlikely to have any negative impacts on natural heritage resources. The PEAR and EIAR also recommends mitigation measures and biodiversity enhancement opportunities, and these matters will be secured through appropriately worded planning conditions as set out in Section 9 below. AECOM (as the Council's External Ecology Advisor) and the Council's Sustainable Development (Biodiversity and Ranger Services) were consulted on the application on ecology or biodiversity grounds. As such, the proposed development is considered to accord with this core principle in so far as it applies to this development.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

Strategic Policy 1: Sustainable Development

This policy provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Makes efficient use of land and resources.
- Embraces the principles of 'place-making' and the '6 qualities of place'.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.
- Respects the Scottish Government's Zero Waste Objectives.

The proposed solar panel development is considered to comply with the criteria of this overarching policy noting its layout, design, scale and massing. In the first instance, weight is given to the application site being located within the auspices of the established NATS facility which is self-contained within the wider Glenburn Industrial Estate. Looking at the roof and ground mounted solar panels specifically, it is considered that these will be of a scale which are generally smaller in size to the majority of structures within both the NATS campus and the wider industrial estate and so there is no concerns regarding their massing and their visual integration to the locality as a result. In addition to this, it is noted that the ground and rooftop solar system are made up of black cell with matching black frame supports and this will help to decrease the visual impact of the system by ensuring all components of the development are consistent in colour and tone.

The level and extent of suspension and protrusion of the panels at both ground and roof level have also been reviewed and in the case of the roof panels it is noted that these are largely to be flush mounted to the roof plane with only some panels on the central section of the roof to be rail mounted to provide the required angle for sunlight capture. In the case of the ground floor panels, these are only to be marginally elevated off the ground using screws (suspended 0.2 metres off the existing ground), with no changes to ground levels required to accommodate their installation. This is viewed positively and will ensure that none of the panels would reach an extent which would make them highly visible from any notable viewpoints or sensitive landscapes within the wider locality, particularly given the existing boundary treatments and vegetation which are in place and screen the site. Weight is also given to the landscape planting provided where assessed to be necessary to provide additional visual screening to the ground mounted solar panels which are intermittently visible from surrounding road networks. It is considered that the 170 metre and 52 metre long stretches of native screen hedgerows proposed around both sections of ground mounted panels will contribute to self-contain and lessen the visual presence of the ground mounted panels, particularly from within the site. Beyond this, consideration of each of the criteria above which relate to visual impacts, impacts on natural resources, flooding and drainage, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

In relation to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting Planning Statement successfully articulates the role and contribution of this development to the wider aims of the NATS facility and positions these proposals in the context of the targets to minimise their direct environmental impact and become carbon negative at the site by 2040. Whilst the benefits relate primarily to the operational model of NATS, as previously outlined, there are wider benefits that this scheme has in terms of its climate change and environmental contributions and due weight is given to these as part of the assessment of this application.

Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are considered to be relevant to this development proposal, as outlined below:

- Promotes and facilitates the ability of LDP2 to deliver and achieve its aim to "make the most of sustainable economic growth that is supported by sound social and environmental objectives". It is considered that by being sited next to an existing electricity substation facility and having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation), that the proposal accords with this aim.
- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Is appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Does not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (i.e. sites with Planning Permission or allocated LDP2 development sites).
- Is appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Makes appropriate provision for all infrastructure implications of the development.
- Includes open space and landscaping that is appropriate for the location and the use of the proposed development.

Similar to Strategic Policy 1: Sustainable Development above, it is considered that the proposed development complies with the criteria and expectations of the overarching policy noting its appropriate layout, design, scale and massing. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

LDP Policy: Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive (WFD), with the WFD seeking to protect inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. The policy outlines that development should not harm the biodiversity of the water environment, should not pose an unacceptable risk to the quality of controlled waters and that it should provide an appropriately sized buffer strip between the development and a water course.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

Whilst the Ladykirk Burn neighbours the wider NATS campus on part of its western and southern boundary (and this means this policy is of relevance to the assessment of this application), sufficient intersecting land (which includes enclosed fencing and areas of landscaping) exists between the water course and the actual application site subject to the proposed development within the NATS facility to minimise any risk to the water environment. Given the sizeable distance and buffer of land between the development and the watercourse combined with the construction arrangements and the physical makeup of the solar panels (most of which are to be roof mounted or ground mounted with limited groundworks and no level changes required), it is not considered that the development poses any notable risk to Ladykirk Burn in terms of the contamination, pollutants or with regards to any biodiversity it supports. In terms of protected species which use the watercourse specifically, the PEAR and EIA demonstrate that surveys have been carried out to appropriate distances for otter and water vole habitat (e.g. the Ladykirk Burn) with no signs of these species identified. Weight is also given to Ayrshire Roads Alliance (as Flooding Authority), SEPA, the Council's Sustainable Development (Biodiversity and Ranger Services) and AECOM (Council's External Ecology Advisor) offering no objection to the proposed development. The development proposal is therefore deemed to be in accordance with this policy.

LDP Policy: Flood and Development

This policy states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere and that the Council will assess development proposals against Scottish Environmental protection Agency's (SEPA) publication 'Flood Risk and Land Use Vulnerability Guidance', or subsequent updates.

As set out in response to Policy 22 of NPF4 above, according to the SEPA flood maps and the Council's GIS mapping system, parts of the wider NATS site are located within an area of flood risk resulting from the Ladykirk Burn which runs along the southern and western boundary of the site. Notwithstanding this and whilst the potential for flooding does represent a relevant constraint which requires consideration, due to the construction and make-up of the solar panels (which are either affixed to the roof plane or suspended above the ground with minimal ground works) combined with the fact that they are located within an existing operational site and are largely to be sited outwith any identified areas at risk of flooding, flood risk, it is not considered to represent a significant barrier for this development in this instance. As part of this and as previously outlined, it is noted that no objection has been received from the Ayrshire Roads Alliance (as the Council's Flood Authority) or SEPA as consultees to the planning application who both (by virtue of the nature and characteristics of the development) categorise this development as a low-risk land use (which can be designed to remain operational if the land floods, and which is unlikely to increase flood risk to other people) under the relevant SEPA 'Flood Risk and Land Use Vulnerability Guidance'. Considering the above, the proposal is compliant with this policy.

LDP Policy: Air, Noise and Light Pollution

This policy outlines that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. As part of this, the policy outlines that advice requires to be taken from the Council's Environmental Health Service (as local pollution regulator) and that due weight should be given to their position as to whether the development would be likely to generate unacceptable levels of pollution.

The Council's Environmental Health Service have been consulted on this planning application and they have advised in their response that they have no objections to the proposed development. Similar to their input at pre-application stage, no concerns have been raised by the Council's Environmental Health Service regarding noise and it is noted that the solar panel development or the associated invertors do not in themselves actually generate any notable or audible noise output that would have required the submission of a Noise Impact Assessment (NIA). Additional comfort is given to the fact the development is not to be supported by any substations or generators which could represent a source of noise that could have more of an impact upon residential amenity. Beyond this, the closest ground mounted solar panels to the nearest residential properties to the south and southwest are considered to be a sufficient distance apart, with intersecting land including within the curtilage of the NATS site and outwith the site which includes a landscaping and woodland strip, the Ladykirk Burn and surrounding road networks all of which contribute to ensure compatibility and minimise any conflict.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

In addition to the above, a Glint and Glare Assessment has been submitted in support of the application. The Glint and Glare Assessment has been modelled on the basis of the approach paths of Glasgow Prestwick Airport (GPA) and the positioning of adjacent residential dwellings and intervening buildings and land uses. The assessment advises that the proposed development poses an acceptable impact towards GPA's approach paths and that the impact upon the nearest residential properties would be 'no to low impact'. On this basis, the assessment concludes that the proposed development does not pose a risk towards the assessed receptors and would be acceptable given a combination of factors including the appropriate siting and position of the solar panels within the NATS campus, the sufficient distance between the solar panels and potential receptors and the presence of intersecting and intervening land in between the two (subject to the ongoing retention and maintenance of existing vegetation outwith the wider NATS campus site). The Council's Environmental Health Service have confirmed to the Planning Service that they have reviewed the Glint and Glare Assessment and that they have no issues from a 'light nuisance' perspective to the nearest residential properties to the site. Glasgow Prestwick Airport (GPA) offer no objection to the proposed development on the grounds of glint or glare and have not raised any concerns that the development would unduly compromise airport operations. The proposal is therefore considered to comply with this policy.

LDP Policy: Renewable Energy

This policy states that the Council will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations. The proposed solar panel development would be sited within the auspices of the NATS facility/campus in Prestwick with a purpose and function to provide clean, renewable energy to support the operation and functioning of the facility and so in the first instance it fits the category of development which is supported in principle by this policy. Noting the nature and function of the solar panels combined with their appropriate siting well within an existing facility which is located within an established industrial estate, it is not considered that they will have adverse impact on landscape character, visual amenity, residential amenity, flooding or ecology/biodiversity in so far as they apply to the site/development. On this basis, it is considered that the solar panel development represents an acceptable form of renewable energy in this locale and that it is therefore in full accordance with this policy.

LDP Policy: Natural Heritage

This policy affords protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met. As already set out in response to Policy 1 and 3 of NPF4, the application is supported by a Preliminary Ecological Appraisal (PEAR) and a subsequent Ecological Impact Assessment Report (EIAR) which in the first instance confirms that adverse impacts on international, national or local designations due to the proposed development are not expected given none are within range of the site. The PEAR and EIAR also confirms that no protected species were identified within the site and demonstrates that the development proposals are to be located in areas which are of little ecological or conservation value, with the more notable habitat areas capable of hosting wildlife within the NATS campus completely avoided by the development. The EIAR includes a Preliminary Bat Roost Assessment and Bird Survey, both of which also confirm that the roof and ground panels will not unduly impact upon either species types by virtue of their locations and positioning with the NATS campus.

Suitable measures are set out within the PEAR and EIAR for biodiversity gain and these combined with the additional landscape measures (native hedgerows and native grassland mix) proposed as part of the development ensures that the development will offset its impacts and contribute towards encouraging biodiversity and the creation of further habitat within the site. Neither AECOM (as the Council's External Ecology Advisor) or the Council's Sustainable Development (Biodiversity and Ranger Services) have raised any issues with the proposals from a natural heritage perspective and have confirmed that the mitigation is sufficient in the context of the development. Glasgow Prestwick Airport (GPA) Wildlife Control Team have also reviewed the proposed landscape scheme and have confirmed that they have no issues with the arrangements proposed.

The implementation and fulfilment of the recommendations of the PEAR and EIAR (in terms of protecting ecology and securing biodiversity gain) and the separate proposals set out in the Planning Statement and shown on the Detailed Landscape Design and Management Plan for additional landscape features are secured through appropriately worded planning conditions in Section 9 below. Based on the aforementioned, the proposal is therefore compliant with this policy.

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LDP Policy: Land Use and Transport

This policy sets out a number of criteria for development proposals to meet, the most relevant in respect of this application states that the development should take appropriate measures to keep any negative effects of road traffic to a minimum. The Design and Access Statement submitted as part of this application provides general details on the access and construction arrangements for the development and confirms that the construction traffic will use the existing Fresson Avenue route which serves the site in order to construct the development. It confirms that as this is a well-established route which regularly accommodates HGV traffic and additional vehicles, and so it would be capable of being used for this development, including the mobile cranes needed to install the roof panels. Once operational, little to no vehicle movements are anticipated as part of the development (with the exception of ad-hoc journeys for the maintenance of the solar panels) and given the parking within the NATS campus is not being affected or compromised, it is not considered that the development will increase or change vehicular traffic patterns to and from the site. Ayrshire Roads Alliance as the Council's Roads Authority offer no objection to the proposed development subject to the inclusion of a condition requiring the submission and agreement of a Construction Traffic Management Plan (CTMP) before construction work commences. This is set out in Section 9 below. Considering all of the above, this proposal can be supported by this policy.

Summary of Assessment against LDP2

The proposals bring forward a form of development which as set out above, is promoted and endorsed in principle by LDP2. This renewable related development supports the aims of tackling the climate crisis, represents sustainable development and is of a layout, scale, massing, and design which respects its surroundings and adjacent land uses. Following careful review and consideration, it has been established that the proposed development would not have an adverse impact on the character of the urban landscape, the natural environment, the residential amenity of nearby residential areas or local transport network and that due weight should be afforded to its positive impact environmentally. Overall, and for the reasons noted in the assessment above, it is considered that the proposal accords with the provisions of LDP2.

7.2 Material Considerations

7.2.1 Planning History

The NATS campus site has little planning history of note, with the most recent application for planning permission submitted before this one being planning application Ref. 12/00588/APP. This application approved alterations to the existing building including the formation of a link bridge and associated landscaping. Beyond this, the only planning history of relevance relate to the planning procedural matters associated with this specific planning application. This includes the Proposal of Application Notice (Ref. 23/00383/PAN), the EIA Screening Opinion and the (23/00528/EIASCRC) and the Pre-application (Ref. 22/01038/PREAPP), with these demonstrating that the due planning process has been followed prior to the submission of this 'Major' scale planning application.

7.2.2 Representations

As set out earlier in the report, no representations have been lodged in response to this planning application at the time of writing this report.

7.2.3 Consultation Responses

It is noted that all consultees either do not object to the development proposal or do not object subject to the imposition of conditions and advisory notes which are all included in the recommendation below.

7.2.4 Impact on the Locality

The application has been the subject of various assessments as summarised elsewhere in this report and each of these has considered the impact of the development on the locality. The application has also been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, and appropriate recommendations for conditions are included within the 'Recommendation' section. Subject to the conditions, as set out below, it is considered that the proposal will deliver a sustainable renewable energy development that accords with the Development Plan and framework of planning policy, and which does not adversely impact upon the locality of the area for the reasons set out in the assessment section above.

8. Conclusion:

The proposed development comprises the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure, and landscaping within the NATS facility/premises in Prestwick. The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received (none) and the impact of the proposed development on the locality. The assessment concludes that the proposed solar panel system and development complies with the provisions of NPF4 and LDP2 and will deliver a sustainable development which will help to tackle the climate crisis through generating clean, renewable energy and reducing an existing and established corporate businesses carbon footprint. Specifically, the development will positively contribute towards NATS Carbon Neutral Strategy 2040 by reducing NATS reliance on the national grid and increase the production of localised renewable energy which in turn will positively contribute to the overall sustainability of the site in line with planning objectives of the Plan.

The supporting information accompanying the planning application has demonstrated that the solar panels, by virtue of their careful siting to appropriate locations with the NATS campus, will not have an adverse impact on the amenity of the closest residential properties to the site or other land uses, including the operational activities of Glasgow Prestwick Airport. The siting and design of the solar panels also ensure that they will not detract from the overall character and amenity of the industrial environment to which they relate. Finally, weight in the overall assessment is also given to the fact no objections to the proposal have been received from consultees and no representations have been received from any interested parties to the planning application.

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

9. Recommendation:

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

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. The development hereby approved shall be constructed and thereafter be implemented and operate at all times in strict accordance with all of the recommendations, ecological mitigation and biodiversity gain measures outlined within 'Section 5.0 Discussion' of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2nd September 2022) and 'Section 5 Mitigation and Residual Effects' of the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7th November 2023). This includes all of the biodiversity gain measures scheduled in sub-section 5.5 of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated September 2022), sub-section 5.1.7 of the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7th November 2023) and shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. A)' which shall all be installed and in place and effective before any of the solar panels forming part of this development become operational on the site. This is with the exception of the proposed nest and bat boxes which shall be erected in their approved locations prior to the commencement of development and before pre-work inspections of the roof take place as shown and annotated on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)'. Thereafter and once all measures are installed and in place, all of the ecological mitigation and biodiversity gain measures shall be maintained and remain in effect for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority.

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4. Further to Condition 3 above and all of the biodiversity measures and ecological mitigation set out in the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2nd September 2022) and the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7th November 2023) and shown on 'Detailed Landscape Design and Management Plan (Rev. B)', the following additional measures shall be implemented as part of the construction phase of the development:
 - All holes and excavations greater than 0.5m deep shall be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
 - The ends of any pipeline shall be capped when unattended, or at the end of each working day to prevent animal access.
 - All excavations and pipes shall be checked at the start of each working day.
 - Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. As part of this, any temporary lights shall not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.

These measures shall be effective and in place from the commencement of development on site and shall remain in place until the full construction of the development on the site is completed in its entirety, unless otherwise agreed in writing by the Planning Authority.

5. Unless otherwise agreed in writing by the Planning Authority, prior to any of the solar panels approved as part of this development becoming operational, the approved landscape scheme shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)' including the species rich flowering grassland and the new sections of native mixed species hedgerows shall be implemented and planted in full within the site. Once in place, the approved landscape scheme (including all of the additional landscape and biodiversity gain features) shall be maintained on site in strict accordance with the management and maintenance regime set out on the 'Detailed Landscape Design and Management Plan (Rev. B)' for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority.
6. Prior to the commencement of development on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The CTMP shall describe the methodology for the movement of construction traffic to and from the site and shall include agreement on suitable routes to and from the site to serve construction traffic associated with the development. Thereafter and unless otherwise agreed in writing by the Planning Authority (in consultation with the Council as Roads Authority), the approved CTMP shall be implemented prior to any movement of construction traffic associated with the development and will be adhered to and maintained for the duration of construction until full construction activity associated with the development is complete on site in its entirety.

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 ensure ecology features are safeguarded through appropriate mitigation and in the interests of securing and achieving biodiversity gain and enhancement as part of the development.*
4. *To ensure wildlife is safeguarded through appropriate mitigation through the full construction phase of the development.*
5. *To ensure that the approved landscape scheme is implemented in a timely manner as part of the development and thereafter maintained appropriately to ensure it offer a biodiversity enhancement and gain as part of the development.*

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6. *In the interest of road safety during the construction phase of development.*

Advisory Notes:

South Ayrshire Council Ranger Services

Further to Conditions 3, 4, and 5 above, the Council's Rangers Services recommend the following best practice measures are followed in the interests of biodiversity protection and enhancement:

- It appears that no additional permanent lighting is proposed as part of this development. If any permanent lighting is required on site in the future and comes forward through a separate planning application, it should follow sensitive lighting design to avoid light spill or artificial light at night that may affect foraging or commuting bats. The proposed lighting scheme should be designed by a suitably qualified lighting engineer.
- It appears that there is to be no tree or vegetation removal required for this proposal, however if this is a requirement any vegetation removal should be undertaken in line with the measures set out within the PEAR and EIAR, e.g. outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
- Best practice construction measures shall be followed to prevent pollution, including sediment, reaching the drainage and water courses. Ladykirk Burn is a tributary to the Pow Burn which is recognized as an important birding area with records of otter.
- Increasing the width of the unmown margin adjacent to the drainage ditch would increase biodiversity value for the overall site and so the applicant should consider this.
- The new screening hedgerows proposed around the arrays are welcomed, however, for these to have any biodiversity value the cutting should be on rotation so that only ½ or 1/3 of hedges are cut in any one year as this improves the health of the hedge, allows for thickening of the hedge and increases flower and berry abundance for biodiversity. In addition to this, it is advised that the cutting of hedge should be left to late winter wherever possible, ideally January or February and that the hedges shall never be cut in the bird breeding season which extends from 1st March to 31st August.

Glasgow Prestwick Airport (GPA)

Cranes:

- Guidance shall be considered relevant to users of all cranes exceeding a height of 10 metres (18.5km) above ground level (AGL) or that of the surrounding structures or trees (if higher).
- For guidance to crane users of the crane notification process and obstacle lighting and marking please refer to CAA Cap Document 1096 which is available at <http://www.caa.co.uk>.
- Please be aware that any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

Bird Activity:

- Whilst GPA Wildlife Control Unit have no issue with the proposed landscape scheme, it is relevant to note that any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping used. Measures to minimise the attractiveness to birds during the construction and operation of the site should be considered and this may include netting being applied to the roofs of the buildings and the management of solar PV installations as potential bird habitats alongside any other reasonable measures which aim to discourage the increase in the number of birds in the vicinity.

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National Air Traffic Services (NATS) Safeguarding:

- The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria, however, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

SEPA:

- In relation to flooding, SEPA consider energy generation developments of this type to be a relatively low risk land use in that they can be designed to remain operational if the land floods, and they are unlikely to increase flood risk to other people. SEPA refer the applicant/agent/contractor to their [flood risk standing advice](#) for the development, particularly Section 5 on essential infrastructure and water compatible uses. All the advice in that section should be followed.

List of Determined Plans:

- Location Plan (Drawing No. DS10230AA019ADDT)
- Drawing - Roof Mounted Solar Panels (Rev. 1)
- Drawing - Ground Mounted Solar Panels (Rev. B)
- Drawing - Existing Northeast and Southwest Elevations (Rev. A)
- Drawing - Existing Northwest and Southeast Elevations (Rev. A)
- Drawing - Existing Roof Plan (Rev. A)
- Drawing - Proposed Northeast and Southwest Elevations (Rev. C)
- Drawing - Proposed Northwest and Southeast Elevations (Rev. A)
- Drawing - Proposed Roof Plan (Rev B)
- Drawing - Existing Site Layout Plan (Rev. B)
- Drawing - Proposed Site Layout Plan (Rev. Q)
- Drawing - Topographical Survey
- Drawing – Detailed Landscape Design and Management Plan (Rev. B)
- Document - Solar Panels Technical Brochure (1 of 5)
- Document - Solar Panels Technical Brochure (2 of 5)
- Document - Solar Panels Technical Brochure (3 of 5)
- Document - Solar Panels Technical Brochure (4 of 5)
- Document - Solar Panels Technical Brochure (5 of 5)
- Document - Preliminary Ecological Appraisal (Starling Learning, Dated 2nd September 2022)
- Document - Design and Access Statement (Custom Solar, Dated 2nd October 2023)
- Document - Glint and Glare Assessment Version 2.0 (Mabbett, Dated 29th September 2023)

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

- Document - Pre-Application Consultation (PAC) Report (Avison Young, Dated July 2023)
- Document - Supporting Planning Statement (Avison Young, Dated October 2023)
- Document – Ecological Impact Assessment Report (Starling Learning, Dated 7th November 2023)

Reason for Decision (where approved):

The siting and design of the solar panel 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.

Background Papers:

- Application form plans and submitted documents.
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- Representations received.
- Consultation responses received.
- Planning History.

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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