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29 April 2024

**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 Thursday, 9 May 2024 at 10.00 a.m. for the purpose of considering the undernoted business.

**Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Dundonald Room.**

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

Yours sincerely

**CATRIONA CAVES**  
Chief Governance Officer

**B U S I N E S S**

1. Declarations of Interest.
2. Minutes of previous meetings of:-
  - (a) 22 March 2024 (Special);
  - (b) 28 March 2024(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson, Committee Services on at 01292 612436, at Wellington Square, Ayr or e-mail: [andrew.gibson@south-ayrshire.gov.uk](mailto:andrew.gibson@south-ayrshire.gov.uk)  
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**REGULATORY PANEL (SITE VISIT)**

Minutes of meeting to undertake a site visit on 22 March 2024 at 10.00 a.m.

Present: Councillors Kenneth Bell (Chair); Ian Cavana, Alec Clark, Martin Kilbride, Mary Kilpatrick, Alan Lamont and Duncan Townson.

Apology: Councillor Craig Mackay.

*Councillor Mark Dixon was not present at the Regulatory Panel on 28 February 2024 so could not participate in the site visit.*

Attending: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); R. Lee, Supervisory Planner; B. Seditas, Environmental Health Officer; A. Porter, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

**1. Declarations of Interest**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

**2. Continued Planning Application – Craig Tara Holiday Park, Dunure Road, Ayr (Ref: 23/00182/APPM).**

Reference was made to the Minutes of 28 February 2024 when it had been agreed to continue consideration of a planning application at Craig Tara Holiday Park, Dunure Road, Ayr (Ref: [23/00182/APPM](#)) to allow a site visit to be conducted.

Having viewed the site, the Panel

**Decided:** to continue determination of the application to the next meeting of this Panel, scheduled to take place on 28 March 2024.

The meeting ended at 10.35 a.m.

**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 28 March 2024 at 10.00 a.m.

Present  
in County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Martin Kilbride, Mary Kilpatrick and Alan Lamont.

Present

Remotely: Councillors Craig Mackay and Duncan Townson.

Apology:

Councillor Mark Dixon.

Attending  
in County

Buildings: K. Braidwood, Director of Housing, Operations and Development; K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); R. Lee, Supervisory Planner; J. Corrie and G. Senior, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

**Chair's Remarks.**

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

**1. Sederunt and Declarations of Interest.**

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

**At this point, the Panel agreed to vary the order of business, in terms of Council Standing Order No. 13.3.**

**2. Minutes of previous meeting.**

The Minutes of previous meeting of 28 February 2024 ([issued](#)) was submitted and approved.

Councillor Mackay did not take part in the determination of the following item, as he had not been present at the site visit on 22 March 2024.

3. **Planning Application continued from the Regulatory Panel on 28 February 2024 and subsequent site visit on 22 March 2024: [23/00182/APPM](#), Craig Tara Holiday Park, Dunure Road, Ayr.**

There was submitted a report (issued) of February 2024 by the Housing, Operations and Development Directorate on planning application continued from this Panel on 28 February 2024 and subsequent site visit on 22 March 2024.

**[23/00182/APPM](#)** – AYR – **Craig Tara Holiday Park** – Redevelopment and change of use of ancillary golf facility within Craig Tara Holiday Park to form extension to the existing holiday caravan provision including new static caravan pitches with associated infrastructure, landscaping and access.

The Panel

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

- (1) that the development hereby permitted must be begun within three years of the date of this permission;
- (2) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Service;
- (3) that the proposed caravan units forming part of this development shall be sited and occupied in accordance with any Caravan Site License and associated conditions which applies to the site.
- (4) that the proposed caravan units forming part of this development shall not be promoted, advertised, let or used for any purpose other than holiday let accommodation;
- (5) that prior to commencement of all proposed materials to be used on external surfaces and cladding (in respect of type, colour and texture) of the caravan units shall be submitted to and approved in writing by the Planning Service. Thereafter, these materials shall be implemented as approved unless otherwise agreed in writing by the Planning Service;

- (6) that prior to the first caravan unit being occupied as holiday accommodation within the application site, the approved 1.8m/1.5m high fencing system to be installed along the western and part of the southern boundary of the application site shall be erected and installed in full. The fencing system shall be installed in strict accordance with the details (including the construction methods, design specifications and location/route) as shown on approved plans; 'Site Plan Proposed' (Drawing No. CT/LD03/03 Rev J) and 'Replacement Boundary Fencing Plan' (1 of 4 Drawing No. 1003 Rev B), (2 of 4 Drawing No. 1004 Rev B), (3 of 4 Drawing No. 1005 Rev B) and (4 of 4 Drawing No. 1006 Rev B). The fencing system shall also be installed and erected with all of the ecological design and mitigation features which are annotated and shown on these approved plans and also specified within the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023). Thereafter and once erected and installed in full, the 1.8m/1.5m high fencing system shall be maintained in strict accordance with the approved details on the approved plans and retained in its location and alignment for the lifetime of the development, unless otherwise agreed in writing by the Planning Service;
- (7) that prior to the commencement of development on site and further to paragraph 6.87 of the approved 'Planning, Design and Access Statement' (Lichfields, Dated 22<sup>nd</sup> February 2023), details of the locations, design, and content of the directional/information signage to be erected within the site shall be submitted to and approved in writing by the Planning Service. Thereafter, the approved directional/information signage shall be erected and be in situ prior to the first caravan unit being occupied as holiday accommodation within this development site. Once erected, the approved directional signage shall be retained and maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Service;
- (8) that prior to the commencement of development on site, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Glasgow Prestwick Airport). The BHMP shall include details of measures to minimise the attractiveness of the site during both the construction and operation of the site for birds and discourage any increase in the number of birds in the vicinity which could potentially compromise the operations from Glasgow Prestwick International Airport. Thereafter, the BHMP shall be implemented as approved with any measures identified installed prior to the completion of the construction of the development unless otherwise agreed in writing by the Planning Service (in consultation with Glasgow Prestwick Airport). Once completed and fulfilled, the BHMP shall remain in force for the lifetime of the development and no subsequent alterations are to be made to the plan unless firstly approved in writing by the Planning Service (in consultation with Glasgow Prestwick Airport);

- (9) that prior to the first caravan unit being occupied as holiday accommodation within the application site, the approved structure and deterrent planting (comprising of the native hedging and additional screen Scot pine tree planting and feathered tree groups) proposed as part of the approved detailed landscape scheme (including along the southern and southwestern boundary of the application site) shall be implemented in full in strict accordance with approved plans 'Detailed Planting Proposals South' (Drawing No. W2585 1002 Rev. G) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L). In the first planting season following the first caravan unit being occupied as holiday accommodation on any individual phase as shown on approved 'Phasing Plan' (Drawing No. W2585 1007), the remaining aspects of the planting forming part of the approved detailed landscape scheme shall be implemented in full for that phase in accordance with approved plans 'Detailed Planting Proposals North' (Drawing No. W2585 1001 Rev. G), 'Detailed Planting Proposals South' (Drawing No. W2585 1002 Rev. G) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L). Thereafter, the approved detailed landscape scheme once complete and in place either in full or a respective phase shall be maintained in strict accordance with the management and aftercare arrangements as agreed through Condition 10 below, unless otherwise agreed in writing by the Planning Service;
- (10) that prior to the commencement of development on site and further to Condition 9 above, details of the future management and aftercare of the retained/existing and proposed landscaping (including the approved detailed landscape scheme) across the whole site shall be submitted to and approved in writing by the Planning Service. As part of this, the future management and landscape maintenance arrangements provided shall confirm that any trees, shrubs, plants or grass forming part of the approved detailed landscape scheme implemented through Condition 9 above, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by a suitably qualified landscape contractor with others of similar sizes and species unless the Planning Service gives written approval to any variation. Thereafter, the approved management and aftercare of the landscaping and planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Service;
- (11) that prior to the commencement of development on any individual phase of development as shown on approved drawing 'Phasing Plan' (Drawing No. W2585 1007) and further to the approved 'Topographical Survey Sheet 1 and 2' (Drawing No. 06\_220394\_01 Rev A), 'Indicative Landscape Cross Sections' (Drawing No. CS01 Rev C), 'Development Sections Sheet 1 of 2' (CT/LD03/04 Rev. A) and 'Development Sections Sheet 2 of 2' (CT/LD03/05 Rev. A), ground works and ground modelling plans for that phase shall be submitted to and approved in writing by the Planning Service. The plans shall clearly indicate:
- The extent of the proposed development site for that phase, the existing and proposed levels across that development phase and the ridge level of the highest part of the development for that phase.
  - The ground modelling and extent of cut and fill operations proposed as part of the construction to create development platforms for that phase.

- The precise locations and positions of caravan plots/pitches, roads, infrastructure and other services and utilities for that phase.

Thereafter, each phase of the proposed development shall be implemented and constructed in strict accordance with details shown on the ground works and ground modelling plans approved for that phase, unless otherwise agreed in writing by the Planning Service;

- (12) that all construction work and activity on site relevant to the development hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures outlined within the approved 'BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement' (B.J. Unwin Forestry Consultancy Ltd, 3<sup>rd</sup> March 2023) alongside the associated approved drawings 'Tree Retention and Protection Plans 1 of 2 and 2 of 2' (Drawing No CTGFTRP1-MAR23 and CTGFTRP2-MAR23), 'Root Protection Areas 1 of 2 and 2 of 2' (Drawing No. CTGFRPA1-JUN22 and CTGFRPA2-JUN22), 'Theoretical Shading Plan 1 of 2 and 2 of 2' (Drawing No. CTGFSH1-JUN22 and CTGFSH2-JUN2) and 'Tree Crowns Plan 1 of 2 and 2 of 2' (Drawing No. CTGFTR1-JUN22 and CTGFTR2-JUN22). Specifically, the existing trees, woodlands and hedgerows to be retained across the site shall be protected during the course of development to the British Standard BS 5837(2012) 'Trees in Relation to Construction' and no changing of levels, movement or parking of vehicles, storage of building materials, machinery, plant equipment or soil/aggregate shall take place within the protected areas of the trees and woodland subject to retention. All recommendation and mitigation measures proposed in the approved statement and accompanying plans shall be installed prior to construction work starting on site and shall be maintained as such for the duration of the construction works until the development on the site is complete in its entirety;
- (13) the development hereby approved shall be constructed and implemented in strict accordance with all of the recommendations and surface water and flood risk mitigation measures outlined and contained within the approved 'Craig Tara Golf Facility Flood Risk Assessment and Flood Evacuation Plan' (Fairhurst, March 2023) and the approved 'SEPA Response Technical Note and Addendum to Flood Risk Assessment' (Ref. 149395/GL-W-TN-01) (Fairhurst, 18<sup>th</sup> April 2023) being fulfilled in full. This includes that:
- The surface water from the site shall be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) Manual CIRIA C753 and other relevant standards.
  - The site is developed with a safe and flood free access and egress. This means the provision of a safe and flood free route during the relevant flood probability events that enables free movement of people of all abilities (on foot or with assistance) both to and from a secure place that is connected to ground above the design flood level and/or wider area.
  - That the static caravan pitches are placed out with the 1 in 1000 year + climate change flood extent and that minimum Finished Floor Levels (FFL) are set to 5.6mAOD to provide a 600mm freeboard above the significant wave crest level in a 1 in 1000 year + climate change event;



Any alterations deviations to these recommendations and mitigation measures are not permitted unless first agreed in writing with the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Flood Authority). Once implemented, these recommendations and mitigation measures shall remain in place for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Flood Authority);

- (14) that no development shall take place within the development site as outlined in red on the approved plan until the applicant/developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Service (in consultation with West of Scotland Archaeological Service (WoSAS)). Thereafter, the applicant/developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved arrangements. Any alterations or deviations to these agreed arrangements are not permitted unless otherwise agreed in writing with the Planning Service (in consultation with West of Scotland Archaeological Service (WoSAS));
- (15) that the Ayrshire Coastal Path Core Path (Route Name: SA2) which runs along part of the north-east and northern boundary of the application site shall be unaffected and always remain accessible for public use during both the construction stage and operational stage of the development;
- (16) that prior to the commencement of development on site and further to the recommendations of the approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's appointed Ecology Advisor). The CEMP shall include an Invasive Non-Native Species (INNS) Eradication Plan and ongoing management plan to eradicate recorded species (including giant hogweed and giant rhubarb) from the development site. Thereafter, the approved CEMP shall be implemented on site for the duration of the full construction period of the development and will remain in place until the entire construction period of the development has been completed, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor);

- (17) that prior to the commencement of development on site and further to 'Appendix 8 - Outline Habitat Management Plan' of approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a detailed Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's appointed Ecology Advisor). The HMP shall set out proposed habitat management of the site during the period of construction and operation and shall provide specific details for biodiversity enhancement and biodiversity net gain alongside a programme for the improvement, maintenance, monitoring and reporting of habitats and species. The approved HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives and the approved HMP. Thereafter, the development shall be implemented in strict accordance with the approved HMP, and all measures and mitigation implemented as part of the fulfilment of the HMP shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor);
- (18) that not more than 3 months prior to commencement of development on site, pre-construction surveys for red squirrel, otter, badger, water vole, reptiles, amphibians, and birds shall be undertaken to inform Species Protection Plans (SPP). Prior to the commencement of development, the SPP's and the pre-construction surveys to inform the SPP's shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor). Thereafter, any required work identified in the approved SPP's shall be carried out in strict accordance with the approved mitigation measures and timescales set out and agreed. In the event that any red squirrel, otter, badger, water vole, reptiles, amphibians or birds be recorded, a licence must be obtained from NatureScot prior to works commencing if this is required;
- (19) that prior to to the commencement of development on site and further to the approved 'Appendix 10 Light Spill Report' of the approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a final lighting scheme and strategy for the site shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor). The lighting scheme and strategy submitted shall demonstrate:
- How external lighting (including floodlighting) at both the construction and operation stage of development will be developed and sited as to not impact wildlife.
  - How and by which means all external lighting will be positioned or designed so that it does not directly face towards or shed light onto the Maidens to Doonfoot Site of Special Scientific Interest.
  - How all lighting has been informed by the Bats Conservation Trust; 'Bats and Artificial Lighting in the UK Guidance Note 2023'
  - How it has taken into account all of the lighting needs associated with the development during operational hours and how it will work to the minimum lighting levels required to perform relevant lighting tasks or functions.

The development shall thereafter be implemented in strict accordance with the approved lighting scheme and strategy at both construction and operational stages of development, with the operational lighting maintained in accordance with the approved scheme/strategy for the lifetime of the development. No changes to the location or positioning of any of the lighting as approved through the lighting scheme and strategy shall be undertaken unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor);

- (20) that unless otherwise agreed in writing by the Planning Service, the development hereby approved shall be constructed and thereafter be implemented and operate at all times in strict accordance with all of the mitigation measures set out within the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023). This includes the mitigation outlined in Section 4.39 and Appendix 5, Section 5 of the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023) relating to the results of the spring and summer 2023 breeding bird surveys. All measures and mitigation implemented on site shall thereafter be maintained and/or retained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor);
- (21) that further to Condition 20 above, the minimum 20-metre buffer proposed between the edge of the development (including landscaping) and the boundary of the Maidens Head to Doonfoot Site of Special Scientific Interest (SSSI) as shown on approved plan 'Site Plan Proposed' (Drawing No. CT/LD03/03 Rev. J) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L) shall be formed/established and come into force before the commencement of the construction of the development on the site. Once established and effective, the 20-metre buffer shall be managed so that it provides grassland shrub mosaic habitat and so that it also forms a barrier to plant species potentially invading the coastal grassland strip in accordance with Section 4.14 and Appendix 1, 7 and 8 of the approved 'Ecological Impact Assessment Report (Tyler Grange, 2nd October 2023). Thereafter and once the development is implemented in full, the minimum 20 metre-buffer shall remain in force post-construction and shall continue to be managed in accordance with the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023) for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor);

- (22) that prior to the first first caravan unit being occupied as holiday accommodation within the application site, a Travel Plan shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage sustainable modes of travel to and from the development other than by single occupancy private car trips and also clearly define the system of management, monitoring, review, reporting and the duration of the Travel Plan. The approved Travel Plan and all associated measures and initiatives shall become effective within 2 month of the Planning Service's approval and thereafter the Travel Plan and all associated initiatives and measures shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority);
- (23) that prior to the commencement of development on site and further to the details show on approved drawing 'Proposed Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) and approved document 'Response to Further Comments Received from Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30<sup>th</sup> October 2023), precise details and specifications of the additional 2.75 metre lane construction proposed from the site access junction of Craig Tara Holiday Park in the vicinity of the public road, shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved details and specifications shall be implemented as part of the fulfilment and compliance of the requirements of Condition 24 below;
- (24) that prior to the the first caravan unit being occupied as holiday accommodation within the application site and further to the specific details approved as part of Condition 23 above, all internal road network and infrastructure mitigation measures proposed within Craig Tara Holiday Park boundary as shown on approved drawing Proposed 'Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) and referenced in approved document 'Response to Further Comments Received from Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30<sup>th</sup> October 2023) shall be implemented and in full in strict accordance with this approved plan and document alongside the details agreed through the discharge of Condition 23. This includes the road widening (to create three lanes for a section of the internal access), the formation of a footway provision (to connect the existing footway on the A719 into the footways within the site) and the permanent repositioning of the check-in point within Craig Tara Holiday Park. Once implemented in full, the Applicant shall provide written confirmation to the Planning Service of fulfilment and compliance in order to allow it to be inspected and reviewed by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority);

- (25) that prior to the commencement of development on site and further to approved drawing 'Proposed A719 Road Safety Improvements Plan' (Drawing No. 149305/sk1007 Rev. A) and approved document 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation' (Ref. 149305 TN01) (Fairhurst, Dated 20<sup>th</sup> December 2023), precise details and specifications of the locations and design of all Vehicle Actuated Signage infrastructure improvements, including detection technology and associated features proposed within public road limits on the A719 Dunure Road, shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved details and specifications shall be implemented as part of the fulfilment and compliance of Condition 26 below;
- (26) that prior to the first caravan unit being occupied as holiday accommodation within the application site and further to the specific details approved as part of Condition 25 above, all external road and infrastructure mitigation measures proposed within the public road limits on the A719 Dunure Road as shown on approved drawing 'Proposed A719 Road Safety Improvements Plan' (Drawing No. 149305/sk1007 Rev. A) and referenced in approved document 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation' (Ref. 149305 TN01) (Fairhurst, Dated 20<sup>th</sup> December 2023) with the exception of the proposed reduction in speed limit to 40mph shall be implemented in full in strict accordance with this approved plan and document alongside the details agreed through the discharge of Condition 25. This includes the provision of Vehicle Actuated Signage, and a programme of visibility improvement works to the west of the site entrance by trimming back of existing hedge and other vegetation on the A719 Dunure Road frontage. Once implemented in full, the Applicant shall provide written confirmation to the Planning Service of fulfilment in order to allow it to be inspected by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority);

- (27) that prior to the commencement of development on site and further to Section 4 'Vehicle Movement and Operational Procedure Plan' of the approved 'Traffic Survey Report (Fairhurst, Dated June 2023)', a Service Management Plan (SMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). The SMP shall provide details of all management measures associated with vehicular movements required in the regular servicing activities on the application site and the operation of the development, including the delivery and removal of caravan units to and from the site and provide details of measures to limit the impacts that servicing activity may have on the adjacent local road network. Thereafter, the approved SMP and associated details and arrangements shall be implemented as approved prior to the first caravan unit being used as holiday accommodation within the application site and shall be maintained as such for a period of 1 year from that date, unless otherwise agreed in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Following a period of 1 year from the date of the first caravan unit being used as holiday accommodation within the application site, an updated SMP reflecting and responding to the initial year of operation shall be submitted to and approved in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved updated SMP shall be implemented as approved for the lifetime of the development unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority);
- (28) that the edge of any proposed signage at either construction or operational stage of the proposed development shall be no nearer than 0.5 metres from the edge of the carriageway and the underside of the signage shall be a minimum of 2.25 metres above the public footway;
- (29) that prior to the commencement of development on site, precise details, and specifications of how the discharge of water onto the public road carriageway will be prevented (by drainage or other means) shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the development shall be constructed, implemented and operate in strict accordance with the approved measures and details, and these shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority); and
- (30) that prior to the commencement of development on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). The CTMP shall include the following:
- Full confirmation of the approved and agreed routes for use by construction traffic movements.

- A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
- Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
- Details of measures and contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
- Full details of all arrangements for emergency vehicle access;
- Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
- Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
- Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;
- Details of the provision of construction updates on the project website and a newsletter to be distributed to residents within an agreed distance of the site; and
- Full details on the process for the identification and undertaking of any necessary repairs to the construction traffic route, including the mechanism for coordination with the Roads Authority.

Thereafter and unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as 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 59 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 be in compliance with the Caravan Site License in place for the site and in the interests of visual amenity;
- (4) in order to retain full control over the development and to avoid the creation of any additional permanent dwellinghouses;
- (5) in the interests of visual amenity and to minimise the visual intrusion and reach of the caravan units proposed as part of the development;
- (6) in the interests of amenity and delineation between the land uses and to ensure that the fencing system installed does not impact upon the integrity of the Maidens to Doonfoot Site of Special Scientific Interest, the movement of wildlife/species or the health and vitality of trees situated on the boundary of the site;
- (7) to ensure the content and location of the directional/information signage are effective in assisting in delineating the application site from neighbouring land uses to the south and west;
- (8) to avoid endangering the safe movement of aircraft and the operation of Glasgow Prestwick Airport including the nearby 'Visual Reporting Points' at Heads of Ayr and Doonfoot through the attraction of birds and an increase in the bird hazard risk from the development;
- (9) to ensure that the approved landscape scheme is implemented and in place in a timely manner in the interests of residential amenity, visual amenity, and the screening of the development;
- (10) in the interests of visual amenity and to ensure that the agreed landscape measures are effective;
- (11) in the interests of visual amenity and to ensure that the ground works and cut and fill operations as part of the construction of the proposed development do not significantly increase the visual intrusion and prominence of the development on the surrounding landscape and environment;
- (12) in order to ensure that the measures proposed are implemented so that no damage is caused to trees, hedges or woodlands within or adjacent to the site during development operations;
- (13) in the interests of mitigating flood risks for the development;
- (14) to establish whether there are any archaeological interests on the site and to ensure sufficient provisions are in place for archaeological excavation and recording if it is deemed necessary;
- (15) to ensure that this development does not directly or indirectly impact or compromise the use of this core path for members of the public;
- (16) to ensure that all construction operations are carried out in a manner that minimises their impact on the environment, and that the mitigation measures contained in the Ecological Impact Assessment accompanying the application, or as otherwise agreed, are fully implemented;
- (17) in the interests of the protection and enhancement of habitats and species, including the integrity of the adjacent Maidens to Doonfoot Site of Special Scientific Interest (SSSI) and in response to the specific requirements of Policy 3 of National Planning Framework 4 (NPF4);
- (18) in the interests of safeguarding protected species;



- (19) to ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation and to ensure the lighting does not adversely impact upon ecology and wildlife;
- (20) to ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation and in the interests of securing and achieving nature and biodiversity protection and enhancement;
- (21) to ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation;
- (22) to encourage sustainable means of travel as part of the development;
- (23) for the purposes of road safety and the functional operation of the local road network;
- (24) for the purposes of road safety and the functional operation of the local road network and to ensure that the proposed road mitigation proposed within Craig Tara Holiday Park are implemented in a timely manner and in conjunction with the development subject to this planning application;
- (25) for the purposes of road safety and the functional operation of the local road network;
- (26) for the purposes of road safety and the functional operation of the local road network and to ensure that the road mitigation proposed on the public road limits of the A719 Dunure Road are implemented in a timely manner and in conjunction with the development subject to this planning application;
- (27) for the purposes of road safety and the functional operation of the local road.
- (28) in the interest of road safety;
- (29) in the interest of road safety and to avoid the discharge of water onto the public road; and
- (30) in the interests of road safety during the construction phase of the development;

**Advisory Notes:**

**Glasgow Prestwick Airport (GPA)**

As part of Condition 8 above, GPA request the following is included in any submission to discharge:

- Measures for the management of any flat/shallow pitched roofs within the site which may be attractive to nesting, roosting and loafing birds and this may include netting applied to the roofs of structures and/or ancillary buildings (where necessary).
- Management of solar installations (if proposed) to prevent these becoming potential bird habitats and details of the type of waste bins and the waste management arrangements for the development.

**National Air Traffic Services (NATS) Safeguarding**

- The NATS response does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise and NATS response is based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NATS regarding 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 prior to any consent being granted.

## SEPA

- Whilst no details are available at this time for the replacement watercourse footbridge crossing, it has been confirmed that the new/replacement watercourse crossing will be above the 0.1% AEP plus Climate Change Event. SEPA recommend that the footbridge crossing is clear span.
- Details for regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of SEPA's website. For all other planning matters, please refer to SEPA's triage framework and standing advice which are available on SEPA's website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

## Scottish Water

- Water Capacity Assessment – There is currently sufficient capacity in the Bradan Water Treatment Works to service the development however further investigations may be required once a formal application has been submitted to Scottish Water.
- Network Assessment - Further studies are required to determine if Scottish Waters existing water network can adequately service the demands of the development or if any mitigation/enhancement work is necessary. A Network Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands of the development. Scottish Water is currently undertaking a Stage 2 Strategic Water Impact Assessment in this area however this study does not include this site. A separate Hydraulic Water Impact Assessment (WIA) will be required for a development of this size. There are other proposed developments in this area and therefore, Scottish Water strongly recommend that the strategic study model is adopted.
- Wastewater Capacity Assessment – According to Scottish Water records, there is no public Scottish Water Wastewater Infrastructure within the vicinity of this proposed development, therefore it is advised the Applicant investigates private treatment. In this regard, it is noted that the proposed site is being developed next to a private wastewater treatment facility which may have a detrimental impact on amenity. The Applicant should be aware that Scottish Water is unable to reserve capacity for their water/wastewater treatment works for the development. Once if a formal connection application is submitted to Scottish Water, Scottish Water will review the availability of capacity at that time and advise the Applicant accordingly.
- Surface Water – For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept surface water connections into Scottish Water's combined sewer system. In order to avoid costs/delays where a surface water discharge to Scottish Water's combined sewer system is anticipated, you should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan, prior to making a connection request.

- Asset plans can be obtained from: [www.sisplan.co.uk](http://www.sisplan.co.uk), [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk), 0333 123 1223.
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customers boundary internal outlet. If the Developer wishes to enquire about Scottish Water procedure for checking water pressure in an area, they should write to the Customer Connections department. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the Developer must provide evidence of formal approval from the affected landowner (a deed of servitude). Scottish Water may only vest new water/wastewater infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the Developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Next Steps – All developments require to submit a Pre-Development Enquiry (PDE) Form prior to any formal Technical Application being submitted. Where it is confirmed through the PDE process that mitigation works are necessary, the costs of these works is to be met by the Developer, which Scottish Water can contribute towards through Reasonable Cost Contribution Regulations.
- Non-Domestic/Commercial Property – Since the introduction of the Water Services (Scotland) Act 2005, the water industry has opened to market competition for non-domestic customers.
- Trade Effluent Discharge from Non-Domestic Property - If in any doubt as to whether any discharge from the proposed development is likely to be trade effluent, please contact Scottish Water on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk).

#### South Ayrshire Council Environmental Health Service

- The wastewater/sewage system shall be constructed and installed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment. BS6297 is applicable to systems for handling discharges from domestic to commercial sources. These sources are typically septic tanks and package sewage treatment plants.
- Work shall be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found on the website of the SEPA; [www.sepa.org.uk](http://www.sepa.org.uk).
- In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used shall be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

- If planning permission is granted, the Applicant shall contact South Ayrshire Council Environmental Health Service as soon as possible to update their current Caravan Site Licence. This will need to be undertaken before the proposed development on the site becomes operational. Once updated and agreed, the site must meet the conditions stated in the Caravan sites and the Control of Development Act 1960 and amendments therewith included in the Act at all times.
- The EH response was prepared by Elaine Little (Environmental Health Officer), to whom any further enquiries can be made: 01292 616341 or [elaine.little@south-ayrshire.gov.uk](mailto:elaine.little@south-ayrshire.gov.uk).

#### South Ayrshire Council Outdoor Access Officer

- There is a public Right of Way (Ref SKC0029) which runs along and adjacent to the main entrance/access road into wider Craig Tara Holiday Park. Whilst this is some distance from the application site, the park should ensure that the public can use this route given it is a Right of Way (RoW) recorded by the Council and by the Scottish Rights of Way Society (ScotWays).
- Increased traffic, as a result of the increased number of caravans proposed as part of the development could have a significant impact on this RoW near the entrance/access to the site. As a result, the Applicant should take measures to decrease any negative impact on this RoW. As part of this, it is recommended that the Applicant considers providing an improved path adjacent to the access road, to keep walkers safely segregated from the traffic.

#### Carol Anderson Landscape Associates (Council's Landscape Advisor)

Should planning permission be granted, it is advised that:

- The details provided for external surfaces and cladding of the caravan units for Condition 5 shall seek to utilise the least reflective materials as possible to minimise their visual presence.
- The Applicants includes perimeter landscaping around the sewage plant works as part of its upgrade. This will not only allow it to better integrate with the development, but it will improve the appearance of the park environment as it is seen and experienced from the coast/beach.
- Remove the groundskeeper store/equipment which is sited around the sewage plant works.
- Extent planting proposed as part of this development along the remainder of the coastal edge of the existing park (using robust species to reduce intrusion).

### West of Scotland Archaeological Service (WoSAS)

- WoSAS note that the archaeological desk-based assessment submitted concluded that mitigation would be possible under a watching brief, but that this would lead to delays in the construction programme if buried remains were identified and then had to be subsequently excavated ahead of construction proceeding. Given the demonstrated richness of the area in terms of producing significant buried remains, WoSAS strongly advise that the mitigation should be more pro-active and in advance of construction so that there is then time available for subsequent excavations to take place without impacting on the construction programme.
- WoSAS advise that the archaeological condition should be implemented in a staged manner, with the first stage being archaeologically led topsoil stripping of the application area in advance of construction. This will involve hiring a professional archaeological contractor (see list on WoSAS website [www.wosas.net](http://www.wosas.net)) to undertake the required investigations. The results of this initial investigation will thereafter dictate the need for any further archaeological works on the site prior to or during any further disturbance as necessary. Any such discoveries will have to be excavated before their destruction including any post excavation analyses and publication required. Early contact should be made with WoSAS to agree the approach; [WosasEnquiries@glasgow.gov.uk](mailto:WosasEnquiries@glasgow.gov.uk).

### Nature Scot

In addition to the conditions requested, Nature Scot advise and recommend the following:

- It is recommended that no direct footway access is made from the development to the shoreline but rather should connect to existing well-established footpaths. The existing informal access from the golf facility to the shore should be removed.
- Any planting established as being required within the 20-metre buffer zone of the SSSI will require to avoid the need for the importation of any topsoils to prevent the risk of importing any Invasive Non-Native Species (INNS) and only use appropriate native species.
- Further to Condition 17, the HMP provided shall build on from the positive mitigation and initially outlined in the OHMP and should include additional work to demonstrate positive effects for biodiversity enhancement. This should seek to respond to NPF4 Policy 3b) 'proposals for major development will only be supported where it can be demonstrated that the proposals will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management'. Nature Scot guidance, developed in support of the Scottish Governments work on securing positive effects for biodiversity contains a wide range of prescriptive measures which can help enhance the outline proposals made to date; [Developing with Nature guidance | NatureScot](#). Where possible, the applicant should look to enhance positive connectivity to the Local Wildlife Sites identified within 2km of the site.

- Further to Condition 18, for species that can be surveyed at any time of the year (otter), the pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works. For species that have a restricted survey window (water vole), the pre-construction surveys should be undertaken as close to the start of works as possible and within the most recent survey window.
- Further to Condition 19, Nature Scot advise that the 2023 version of the Bat Conservation Trust - 'Bats and Artificial Lighting in the UK Guidance Note' is used to augment the current Light Spill Report (Appendix 10 of the approved EIAR) to demonstrate how a sensitive lighting scheme will be developed/implemented; ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

Ayrshire Roads Alliance (as Council's Roads Authority and Flood Risk Authority)

- Road Opening Permit - That a ROP is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.
- Roads (Scotland) Act – All works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- New Roads and Street Works Act 1991 - In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local road's authority and the relevant utility companies.
- Costs of Street Furniture - Any costs associated with the relocation of any street furniture shall require to be borne by the Applicant/Developer.
- Costs of TROs - The promotion of TRO resulting from this development shall require to be fully funded by the Applicant – including any relevant road signs and markings.
- Signage to TSRGD 2016 - Only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- Flood Prevention - Whilst no details are available at this time for the replacement watercourse footbridge crossing, it has been confirmed that the new/replacement watercourse crossing will be above the 0.1% AEP plus Climate Change Event. SEPA recommend that the crossing is clear span. Details for regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of SEPA's website. For all other planning matters, please refer to SEPA's triage framework and standing advice which are available on SEPA's website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

**List Of Determined Plans/Drawings and Supporting Documentation:**

Topographical Survey Sheet 1 and Sheet 2 (Drawing No. 06\_220394\_01 1 of 2 and 2 of 2 Rev. A);  
 Drainage Strategy Layout (Drawing No. 149305/2200 Rev. D);  
 Indicative Constraints Plan (Drawing No. W2585 CP01 Rev. E);  
 Location Plan (Drawing No. CT/LD03/01);  
 Site Plan Existing (Drawing No. CT/LD03/02 Rev. B);  
 Root Protection Areas Plan 1 of 2 (Drawing No. CTGFRPA1-JUN22);  
 Root Protection Areas Plan 2 of 2 (Drawing No. CTGFRPA2-JUN22);  
 Theoretical Shading Plan 1 of 2 (Drawing No. CTGFSH1-JUN22)  
 Theoretical Shading Plan 2 of 2 (Drawing no. CTGFSH2-JUN22);  
 Tree Crowns Plan 1 of 2 (Drawing No. CTGFTR1-JUN22);  
 Tree Crowns Plan 2 of 2 (Drawing No. CTGFTR2-JUN22);  
 Tree Retention and Protection Plan 1 of 2 (Drawing No. CTGFTRP1-MAR23);  
 Tree Retention and Protection Plan 2 of 2 (Drawing No. CTGFTRP2-MAR23);  
 Indicative Concept Plan (Drawing No. W2585 SK01 Rev. F);  
 Archaeology Desk-based Assessment (Lichfields, Dated February 2023);  
 Drainage Assessment (Fairhurst, Dated September 2022);  
 Existing Services/Utilities Report (Fairhurst, Dated June 2022);  
 Flood Risk Assessment and Flood Evacuation Plan (Ref. 149305/GL/W/R01) (Fairhurst, Dated March 2023);  
 Geo-Environmental Desk Study Issue 05 (Fairhurst, Dated June 2022);  
 Heritage Statement of Significance (Lichfields, Dated February 2023)  
 Landscape and Visual Impact Assessment (Andrew Davis Partnership, Dated March 2023);  
 Planning, Design and Access Statement (Lichfields, Dated 22<sup>nd</sup> February 2023);  
 Pre-application Consultation Report (PAC) (Lichfields, Dated 21<sup>st</sup> February 2023);  
 Preliminary Ecological Appraisal Report (Report No. 14252\_R03F\_JM\_CW) (Tyler Grange, Dated 6<sup>th</sup> March 2023);  
 Transport Assessment (Ref. 149305 TA01) (Fairhurst, Dated March 2023);  
 Tree Constraints, Tree Impacts and Tree Protection Method Statement (B. J. Unwin Forestry Consultancy Ltd., Dated 3<sup>rd</sup> March 2023);  
 Site Plan Proposed (Amended) (Drawing No. CT/LD03/03 Rev. J);  
 Development Sections Sheet 1 of 2 (Drawing No. CT/LD03/04 Rev. A);  
 Development Sections Sheet 2 of 2 (Drawing No. CT/LD03/05 Rev. A);  
 Detailed Planting Proposals North (Drawing no. W2585 1001 Rev. G);  
 Detailed Planting Proposals South (Drawing No. W2585 1002 Rev. G);  
 Replacement Boundary Fencing Plan 1 of 4 (Drawing No. W2585 1003 Rev. B);  
 Replacement Boundary Fencing Plan 2 of 4 (Drawing No. W2585 1004 Rev. B);  
 Replacement Boundary Fencing Plan 3 of 4 (Drawing No. W2585 1005 Rev. B);  
 Replacement Boundary Fencing Plan 4 of 4 (Drawing No. W2585 1006 Rev. B);  
 Indicative Landscape Cross Sections (Amended) (Drawing No. W2585 CS01 Rev. C);  
 Landscape Masterplan (Amended) (Drawing no. W2585 MP01 Rev. L)  
 Supplementary Note – Applicants Response to Public Comments/Representations (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 11<sup>th</sup> July 2023);



Ecological Impact Assessment Part 1 of 3 (Report No. 14252\_R06e\_JM) (Tyler Grange, Dated 2<sup>nd</sup> October 2023);  
 Ecological Impact Assessment Part 2 of 3 (Report No. 14252\_R06e\_JM) (Tyler Grange, Dated 2<sup>nd</sup> October 2023)  
 Ecological Impact Assessment Part 3 of 3 (Report No. 14252\_R06e\_JM) (Tyler Grange, Dated 2<sup>nd</sup> October 2023);  
 Landscape and Visual Impact Assessment Supplementary Photograph 1 of 2 (Andrew Davis Partnership, Dated April 2023);  
 Landscape and Visual Impact Assessment Supplementary Photograph 2 of 2 (Andrew Davis Partnership, Dated April 2023);  
 Landscape and Visual Impact Assessment Addendum - Additional Coastal Path Viewpoint Locations (Andrew Davis Partnership, Dated April 2023);  
 SEPA Response Technical Note and Addendum to Flood Risk Assessment (Ref. 149395/GL-W-TN-01) (Fairhurst, Dated 18<sup>th</sup> April 2023);  
 Traffic Survey Report (Fairhurst, Dated June 2023);  
 Response to Further Comments Received from Ayrshire Roads Alliance (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30<sup>th</sup> October 2023);  
 Proposed Access Road Improvements Plan (Drawing No. 149305/sk1003 Rev. A);  
 Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst, Dated 20<sup>th</sup> December 2023);  
 Proposed A719 Road Safety Improvements Plan (Drawing No. 149305/sk1007 Rev. A); and  
 Phasing Plan (Drawing No. W2585 1007)

**Reason for Decision:**

The siting and design of the proposed internal tourism extension and proposed expansion to Craig Tara Holiday Park is considered to accord with the provisions of the statutory Development Plan and through a combination of factors including the appropriate site layout and design and landscape, boundary treatment and road and infrastructure mitigation and conditions to safeguard site specific matters such as ecology and archaeology, there is no significant adverse impact on surrounding infrastructure, amenity of neighbouring land or the surrounding environment and landscape that would warrant refusal of the application.

**3. Hearing relating to an Application for Planning Permission.**

There was submitted a report ([issued](#)) of March 2024 by the Housing, Operations and Development Directorate on a planning application for determination.

The Panel considered the following applications:-

- (1) [23/00954/APP](#) – AYR – 244-246 High Street – Change of use of a vacant Class 3 unit to form an adult gaming centre.

Having heard from an objector and the applicant's agent, the Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;



- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning;
- (c) that the noise mitigation measures as set out in the Noise Report by ARCHO Consulting dated 14/12/23 shall be implemented in full prior to the occupation of the unit as an adult gaming centre. Once the mitigation measures works are complete, a verification report shall be prepared and submitted by a competent person to the satisfaction of the planning authority, in consultation with the Council's Environmental Health Service, in order to demonstrate that the mitigation has been installed in accordance with the details in the noise report and compliance with the specific noise criteria. Thereafter, the noise mitigation measures shall be maintained for the duration of the use of the premises as an adult gaming centre; and
- (d) that there shall be no form of tannoy or amplified sound systems in the premises.

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in order to minimise noise emissions from the use and to safeguard the amenity of neighbouring residential uses; and
- (d) to avoid unacceptable noise disturbance in the interests of residential amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): Existing Ground Floor Plan;  
 Drawing - Reference No (or Description): Existing Shopfront Plan;  
 Drawing - Reference No (or Description): Location Plan;  
 Drawing - Reference No (or Description): Proposed Shopfront Plan; and  
 Drawing - Reference No (or Description): Proposed Ground Floor Plan

**Reason for Decision.**

The use of the premises 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 subject to the conditions imposed being adhered to.

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

**4. Consultation under Section 36 of the Electricity Act 1989 (23/00671/DEEM) Loch Fergus C74 from B742 north-east of Bowmanston to A70 at Old Toll, Ayr.**

There was submitted a report ([issued](#)) of March 2024 by the Housing, Operations and Development Directorate in respect of a consultation received from the Scottish Government Energy Consent Unit (ECU) under Section 36 of the Electricity Act 1989 for the construction and operation of a solar generating facility and battery generation station with a generating capacity of up to 85mw alongside associated development including solar panels, battery storage containers, security fencing, cctv cameras, access tracks, cabling, inverters, substations, landscaping and other ancillary development at Loch Fergus C74 from B742 north-east of Bowmanston to A70 at Old Toll, Ayr.

The Panel heard from the Council's appointed planning consultant and various officers.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

By a majority, the Panel

**Decided:** to agree

- (1) that no objection be raised to the proposal and that the Regulatory Panel delegate authority to the Director of Housing Operations and Development to conclude planning conditions with the Energy Consents Unit (ECU), regarding, but not limited to, the matters as detailed in the Recommendation section on page 33 of the report, should the Scottish Government be minded to grant consent as determining authority; and
- (2) that concerns raised by elected members relating to the sufficiency of the proposed community benefits and community benefit fund/sum; and to fire safety and fire risks and the need to have appropriate mitigations in place to deal with such risks (including potential environmental impacts) be raised and highlighted as part of this Council's overall response to the ECU.

**5. Public Access Exemption Order: The South Ayrshire Council (Royal Troon Golf Course 152nd Open) Exempting Land from Access Rights (No. 3) Order, 2024**

There was submitted a report ([issued](#)) of 18 March 2024 by the Housing, Operations and Development Directorate seeking authority to undertake a public consultation on a proposed temporary public access exemption Order under Section 11 of the Land Reform Act (Scotland) 2003 for areas of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

The Panel

**Decided:** to approve the commencement of a public consultation on the proposed temporary public access exemption order under Section 11(1) of The Land Reform (Scotland) Act 2003, for the area of land at Royal Troon Golf Course and a section of the Smugglers Trail/Wrack Road (Core Paths SA1, SA2 and SA6 and Right of Way SKC 28), as set out in Appendix 1 of the report.

The meeting ended at 11.30 a.m.

## South Ayrshire Council

### List of Planning Applications for Regulatory Panel (Planning) Consideration on 9 May 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	24/00040/APP Mr David Hearton  (Objections)  <a href="https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S7PBF2BDIQP00&amp;activeTab=summary">https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S7PBF2BDIQP00&amp;activeTab=summary</a>	Lorne Arcade High Street Ayr South Ayrshire KA7 1QL	Alterations to Shopping Arcade Entrances	Wood Property Group Ltd	Refusal
2.	23/00728/APP Ms Fiona Sharp  (Objections)  <a href="https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S1DGORBDGC100&amp;activeTab=summary">https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S1DGORBDGC100&amp;activeTab=summary</a>	Prestwick St Cuthbert Golf Club East Road Prestwick South Ayrshire KA9 2SX	Erection of 60-bedroom residential care home with associated car parking, access and landscaping	Northcare Scotland Ltd	Approval with Condition(s)
3.	23/00761/PPP Mr David Clark  (Objections)  <a href="https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S28XZIBDGM700&amp;activeTab=summary">https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S28XZIBDGM700&amp;activeTab=summary</a>	Knockendale Farm C93 From B730 Junction North West Of Bogend South West To Brewlands Road Symington Symington South Ayrshire KA1 5PN	Planning permission in principle for conversion of agricultural buildings to form two dwellinghouses and erection of dwellinghouse	Mr James Paton	Approval with Condition(s)

List No.	Reference Number	Location	Development	Applicant	Recommendation
4.	24/00119/APP Ms Dianne Lewis  (Objections)  <a href="https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S9563TBDJDH00&amp;activeTab=summary">https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S9563TBDJDH00&amp;activeTab=summary</a>	Doonfoot Primary School 28 Abbots Way Ayr South Ayrshire KA7 4HJ	Proposed revised layout of existing car park, installation of lighting and erection of fencing	South Ayrshire Council	Approval with Condition(s)

## REGULATORY PANEL:

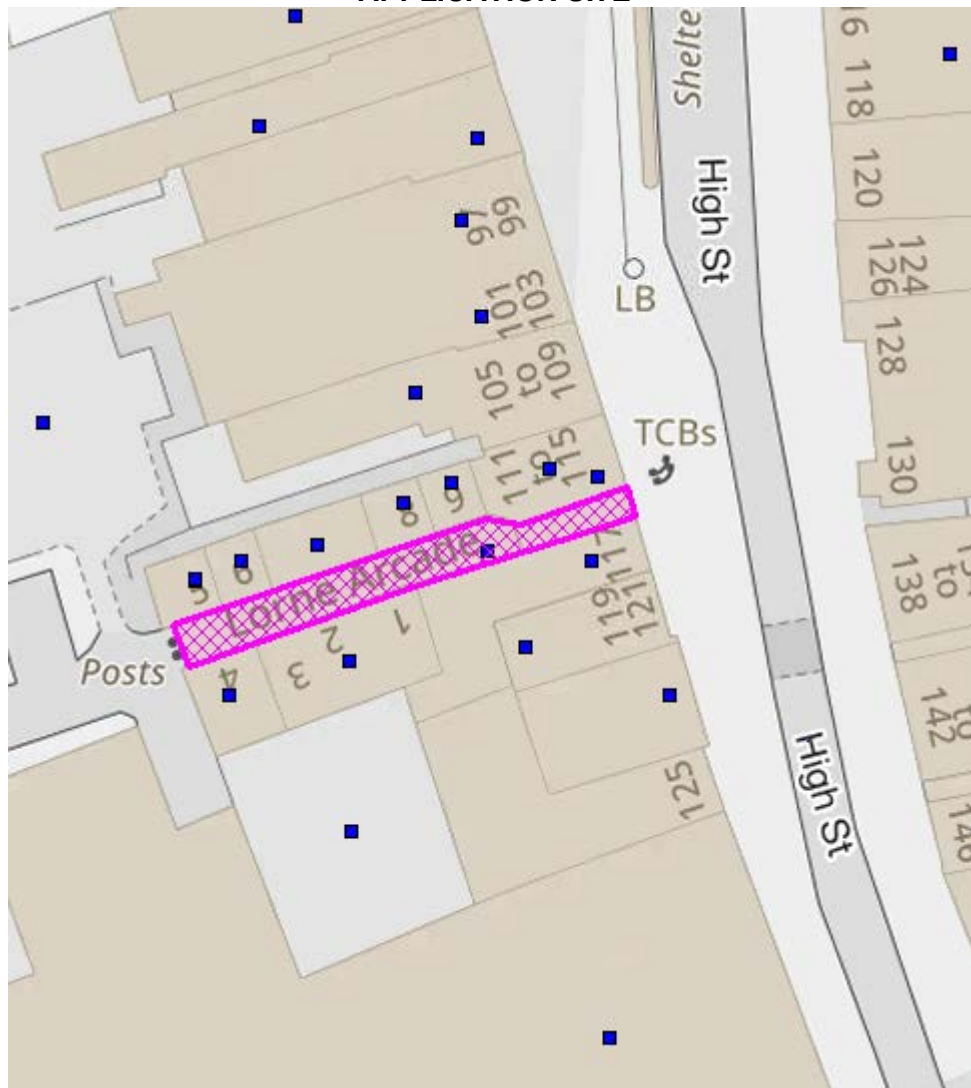
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

24/00040/APP

LORNE ARCADE HIGH STREET AYR SOUTH AYRSHIRE KA7 1QL

### Location Plan

#### APPLICATION SITE



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### Summary

Planning permission is sought for alterations to both entrance points to the Lorne Arcade at Arthur Street and High Street, including the installation of shutters. There are no objections to the proposals from a built heritage perspective insofar as the design and materials of the altered entrances and proposed shutters do not adversely affect the character, appearance or setting of Ayr Central Conservation Area. However, a right of way, in which access by all non-motorised means is exercisable under the Land Reform (Scotland) Act 2003, exists through the Lorne Arcade, and has done so for at least 60 years. The shutters, when in the closed position, will obstruct this right of way to the detriment of public access in the locale.

This application is being 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 for Planning and Building Standards considers it would be appropriate for members of the planning authority to take the decision on the application due to the significant number of representations that have been received. The objections principally relate to the blocking up of a right of way, and issues in respect of the impact of the shutters on the local economy and on public safety. It is considered that the proposals are contrary to the provisions of Policy 15 of National Planning Framework 4 (NPF4) and the provisions of South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and LDP Policy: Outdoor Public Access and Core Paths as the proposals obstruct a right of way and do not meet with the principles of good place making, local living or 20 minute neighbourhoods, and do not facilitate interconnectivity and permeability between streets and facilities within Ayr town centre.

As such, it is recommended that the application be refused.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 9 MAY 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00040/APP</b>
<b>SITE ADDRESS:</b>	<b>Lorne Arcade High Street Ayr South Ayrshire KA7 1QL</b>
<b>DESCRIPTION:</b>	<b>Alterations to Shopping Arcade Entrances</b>
<b>RECOMMENDATION:</b>	<b>Refusal</b>

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 23 January 2024.
- The application was validated on 23 January 2024.
- A Site Visit was carried out by the Planning Authority on 1 February 2024.
- 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 1 March 2024.
- A Site Notice was posted in the locality under Section 65 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) by the Planning Authority on 6 February 2024.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 6 February 2024.

#### 1. Site description and Proposal:

##### Site description

The site of the proposed development is the Lorne Arcade, which is accessible from both High Street and Arthur Street, Ayr. The site falls within Ayr Central Conservation Area.

The Lorne Arcade is a right of way in which access, by all non-motorised means, is exercisable under the Land Reform (Scotland) Act 2003.

The Lorne Arcade exists between two buildings and links High Street with Arthur Street and is approximately 40 metres in length. From the High Street end, approximately the first 10 metres of the arcade is covered by flatted properties above. Access to the flats is obtained from within the arcade, at the High Street end.

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

Report by Housing, Operations and Development Directorate (Ref: 24/00040/APP)

Beyond this, the arcade has a glazed roof covering which then terminates at the Arthur Street end with the last few metres having a solid roof covering. The floor of the arcade is mostly tiled throughout its length. Both the High Street and Arthur Street access/ egress points to the arcade are open and unobstructed. The right of way through the arcade has existed for at least 60 years.

### Proposal

Planning permission is sought for alterations to both entrance points to the Lorne Arcade, including the installation of shutters to improve security. The shutters that would prevent access through the arcade between the hours of 8pm to 6.30am weekdays (except for a Thursday where the shutters would close at 9.30pm) and 8pm and 7am at weekends.

The shutters would obstruct access through the Lorne Arcade during the hours noted above but due to the positioning of the shutter from the High Street end, it would not obstruct access to the flats above.

Full details are set out in the submitted plans.

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 the significant number of representations received.

## **2. Consultations:**

**Scottish Fire and Rescue** have not responded.

**Council's Building Standards Service** has advised that a Building Warrant would not be required for the proposed works however they note that, from a fire safety perspective, access and egress of any properties within or surrounding the area should not be compromised by the works.

## **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.

Supporting information in the form of an access statement has been submitted by the applicant. In summary, the statement considers that no right of way can exist through a building, provides times between which the proposed shutters would be in the closed position, and indicates a willingness to accept a condition regarding times on any planning permission granted.

## **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:**

117 individual representation(s) has/have been received, 112 of which object to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The objections primarily relate to the blocking up of a right of way and the implications this has for businesses, public safety and means of escape from flatted dwellings and nearby business premises in the event of a fire.

The comments of support refer to the proposals increasing security for businesses operating within the Lorne Arcade and suggest that the shutters would reduce the occurrence of anti-social behaviour.

The Fort, Seafield and Wallacetown Community Council (hereafter referred to as FSWCC) made a representation in support of the application, subject to two conditions being met, specifically that confirmation is received that the Lorne Arcade was in private ownership and that there was no right of way or thoroughfare through the arcade, and that the closure of the shutters was in accordance with the hours suggested by the applicant. However, as the Planning Service considers that a right of way exists through the Lorne Arcade, the representation was registered as an objection on the basis that condition 1 of the conditional support afforded by the FSWCC to the proposals could not be met.

The Scottish Rights of Way Access Society (an independent charity that seeks to monitor, protect and promote rights of way in Scotland) has also objected to the application as the shutters would prevent access through a right of way.

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

- Policy 7 – Historic assets and places;
- Policy 14 – Design, quality and place; and
- Policy 15 - Local living and 20-minute neighbourhoods

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

The provisions of NPF4 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

(ii) 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: Historic Environment; and
- LDP Policy: Outdoor Public Access and Core Paths

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

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.

The proposals seek to improve security measures within the arcade (particularly when the businesses operating within the arcade have ceased trading) whilst refreshing its external appearance.

With regard to the proposed security measures, this involves the installation of shutters that will prevent access through the arcade between High Street and Arthur Street outwith shopping hours. Whilst the principle of installing shutters would ordinarily be acceptable to commercial premises, and that the lattice style brick bond effect shutters with hidden / concealed shutter housings would be acceptable from a built heritage perspective, in this instance, it is noted that these will ultimately prevent through access between High Street and Arthur Street.

Public Rights of Way in Scotland become established through a history of use. For a right of way to exist, it must meet the following criteria:

- The route must connect two public places
- The route must follow a defined route
- The use must have been a right and not a consent
- There must have been continuous use without substantial interruption for at least 20 years.

In the case of the route through the Lorne Arcade, it connects High Street to Arthur Street which are public spaces. The route through the Lorne Arcade is clearly defined and has been used openly without substantial interruption by the general public as a matter of right for at least 60 years according to publicly available mapping sources. The route through the Lorne Arcade is therefore considered by South Ayrshire Council Planning Service as a Right of Way which is a significant and convenient access route for cyclists and pedestrians, by prescriptive use, at common law, though its status has never been vindicated in court. The Council keeps a record of right of ways and the Lorne Arcade features on this list as right of way that has been "established, accepted but not vindicated." It should be noted that a right of way does not require to be vindicated in court to be recognised as a right of way, through prescriptive use.

It is also considered that access through the Lorne Arcade is exercisable under the Land Reform (Scotland) Act 2003.

Considering the above, the installation of shutters to approximately either end of the Lorne Arcade is not considered acceptable as the shutters, when in the closed position, would obstruct a recognised right of way and would not meet with the principles of good place making, local living or 20 minute neighbourhoods, and would affect interconnectivity and permeability between streets and facilities within Ayr town centre. As such, the proposed shutters are not considered to accord with Policy 15 of NPF4, Strategic Policy 1: Sustainable Development of LDP2 or LDP Policy: Outdoor Access and Core Paths.

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

Report by Housing, Operations and Development Directorate (Ref: 24/00040/APP)

In respect of the architraves proposed to the High Street and Arthur Street entrances to the arcade, it is considered that the use of timber with a dark grey painted finish is appropriate to the locale, and will not adversely affect the character, appearance or setting of Ayr Central Conservation Area. The proposals are therefore consistent with Policy 7 and 14 of NPF4 and Strategic Policy 2 and LDP Policy: Historic Environment of LDP2.

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

In terms of managing change within conservation areas, Planning Advice Note 71 (PAN71) indicates that all new development should respect, enhance and have a positive impact on the area. Physical and land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context.

The provisions of PAN71 are largely emphasised by policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland which 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.

Historic Environment Scotland's 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.

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. 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.

South Ayrshire Council's Guidance on Shopfront Security offers advice in respect of shutters and shutter boxes.

It is considered that the proposed physical alterations to the entrances of the Lorne Arcade, including the design of the shutters, are appropriate from a built heritage perspective, and will not adversely affect the character, appearance or setting of Ayr Central Conservation Area. However, as noted elsewhere within this report, there are concerns that the proposals will prevent access via an established right of way, and do not facilitate interconnectivity and permeability between streets and facilities within Ayr town centre outwith the opening hours of the Lorne Arcade.

### (iv) Applicants supporting statement

While the applicant states that no right of way can exist through a building, the determining criteria for a right of way is the following:

- The route must connect two public places
- The route must follow a defined route
- The use must have been a right and not a consent
- There must have been continuous use without substantial interruption for at least 20 years.

As noted elsewhere within this report, the route through the Lorne Arcade connects High Street to Arthur Street which are public spaces. The route through the Lorne Arcade is a clearly defined route between two buildings and which is under flatted properties and a glazed roof. It has been used openly, without substantial interruption, by the general public as a matter of right for at least 60 years, according to publicly available mapping sources. The route through the Lorne Arcade meets the criteria above and is therefore considered by South Ayrshire Council Planning Service to be a right of way which is a significant and convenient access route for pedestrians and cyclists, by prescriptive use, at common law, though its status has never been vindicated in court. The Council keeps a record of right of ways and the Lorne Arcade features on this list as right of way that has been "established, accepted but not vindicated." It should be noted that a right of way does not require to be vindicated in court to be recognised as a right of way, through prescriptive use.

(v) Objector Concerns

It is considered that the shutters proposed, when in the closed position, will prevent through access between High Street and Arthur Street, blocking up and obstructing a right of way in the process. It would also prevent access which is exercisable under the Land Reform (Scotland) Act 2003 by all non-motorised means. This will inevitably have an impact on late night establishments operating on both streets through loss of footfall as the closure of the arcade would prevent convenient direct access between High Street and Arthur Street, therefore adversely affecting permeability between streets, businesses and other facilities. Additionally, the proposals would increase the time to get from the Lorne Arcade entrance point at High Street to the Lorne Arcade entrance point at Arthur Street and vice versa by up to approximately 10 minutes on foot and this length of diversion on a permanent basis while the shutters would be closed is considered to be unacceptable. With regard to fire safety and means of escape from flats dwellings and nearby businesses, the Scottish Fire and Rescue Service was consulted on this application, and has not responded. The Council's Building Standards Service has however advised that they do not have any concerns provided that there are means of escape that do not exit through the arcade. Access to the flats above, while located within the arcade, is not obstructed by the proposed shutter at the High Street end. Furthermore, shop units within the arcade appear to have means of escape outwith the arcade itself.

(vi) Impact on the Locality

Whilst the principal aim of the proposals to protect shop units/ assets owned by the applicant and rented out to other businesses would ordinarily be acceptable, it is noted that a right of way through the Lorne Arcade has existed for at least 60 years and appears to have been continually used throughout. The installation of the proposed shutters would obstruct the right of way outwith the hours of operation of the businesses within the arcade, and it is considered that the installation of shutters is not the most appropriate method of achieving increased security within the arcade from an accessibility / right of way perspective. It is not known whether other options such as the installation of shutters to each individual unit within the Lorne Arcade was explored prior to the submission of this application. Should the applicant wish to explore such an option, subject to appropriately designed shutters being installed, the installation of shutters to each individual unit within the arcade would be unlikely to present any built heritage or public accessibility issues.

As previously set out elsewhere within this report, it is considered that a right of way exists through the Lorne Arcade, and has done so for at least 60 years which access, by all non-motorised means, is exercisable under the Land Reform (Scotland) Act 2003. The shutters, when in the closed position, will obstruct this right of way, to the detriment of public access, interconnectivity and permeability in the area and would also potentially affect footfall to businesses in the immediate area that benefit from passing trade generated through the existing route/ public right of way. Whilst it is acknowledged that other routes between High Street and Arthur Street are available and will continue to be available regardless of the outcome of this application, it is noted that these routes are not direct, and could add as much as 10 minutes walking time between the two streets.

It is considered that the proposals will not give rise to visual amenity concerns insofar as the design, materials and finishes of the entrances as altered would not adversely affect the character, appearance or setting of Ayr Central Conservation Area. However, the obstruction of the right of way is a material consideration in the determination of this application, and it is considered to have an adverse impact on Ayr town centre in that the shutters in the closed position do not facilitate interconnectivity and permeability between streets and facilities within Ayr town centre outwith the opening hours of the Lorne Arcade.

**8. Conclusion:**

As set out elsewhere within this report, it is considered that there is a right of way affording pedestrian and cycle access through the Lorne Arcade between High Street and Arthur Street, and the installation of shutters to the arcade to improve security would obstruct that access and affect interconnectivity and permeability between streets and facilities within Ayr Town Centre, to the detriment of the locale. The proposed shutters are therefore contrary to Policy 15 – Local Living and 20-minute neighbourhoods of NPF4, Strategic Policy 1: Sustainable Development of LDP2 or LDP Policy: Outdoor Access and Core Paths. Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application be refused.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00040/APP)

**9. Recommendation:**

It is recommended that the application is refused.

**9.1 Reasons:**

- (1) The proposed installation of shutters is contrary to the provisions of Policy 15 of NPF4 and the provisions of South Ayrshire Local Development Plan 2, specifically Strategic Policy 1: Sustainable Development and LDP Policy: Outdoor Public Access and Core Paths as they would obstruct a right of way through the Lorne Arcade and access by all non-motorised means which is exercisable under the Land Reform (Scotland) Act 2003 and do not meet with the principles of good place making, local living or 20-minute neighbourhoods; the shutters would adversely affect interconnectivity and permeability between streets and facilities within Ayr town centre, to the detriment of the locale.

**9.2 Advisory Notes:**

N/A

**9.3 List of Determined Plans:**

Drawing - Reference No (or Description): AL(0)01

Drawing - Reference No (or Description): AL(0)02

Drawing - Reference No (or Description): AL(0)03

Drawing - Reference No (or Description): AL(0)04

Drawing - Reference No (or Description): AL(0)05

Drawing - Reference No (or Description): AL(0)07

Other - Reference No (or Description): SHUTTER SPECIFICATIONS

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

N/A

**Background Papers:**

1. Planning application form and plans (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Planning Advice Note 71 - Conservation Area Management (available online)
6. Historic Environment Policy for Scotland (available online)
7. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
8. Representations (available online)

**Equalities Impact Assessment:**

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

**Person to Contact:**

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

## REGULATORY PANEL: 9 MAY 2024

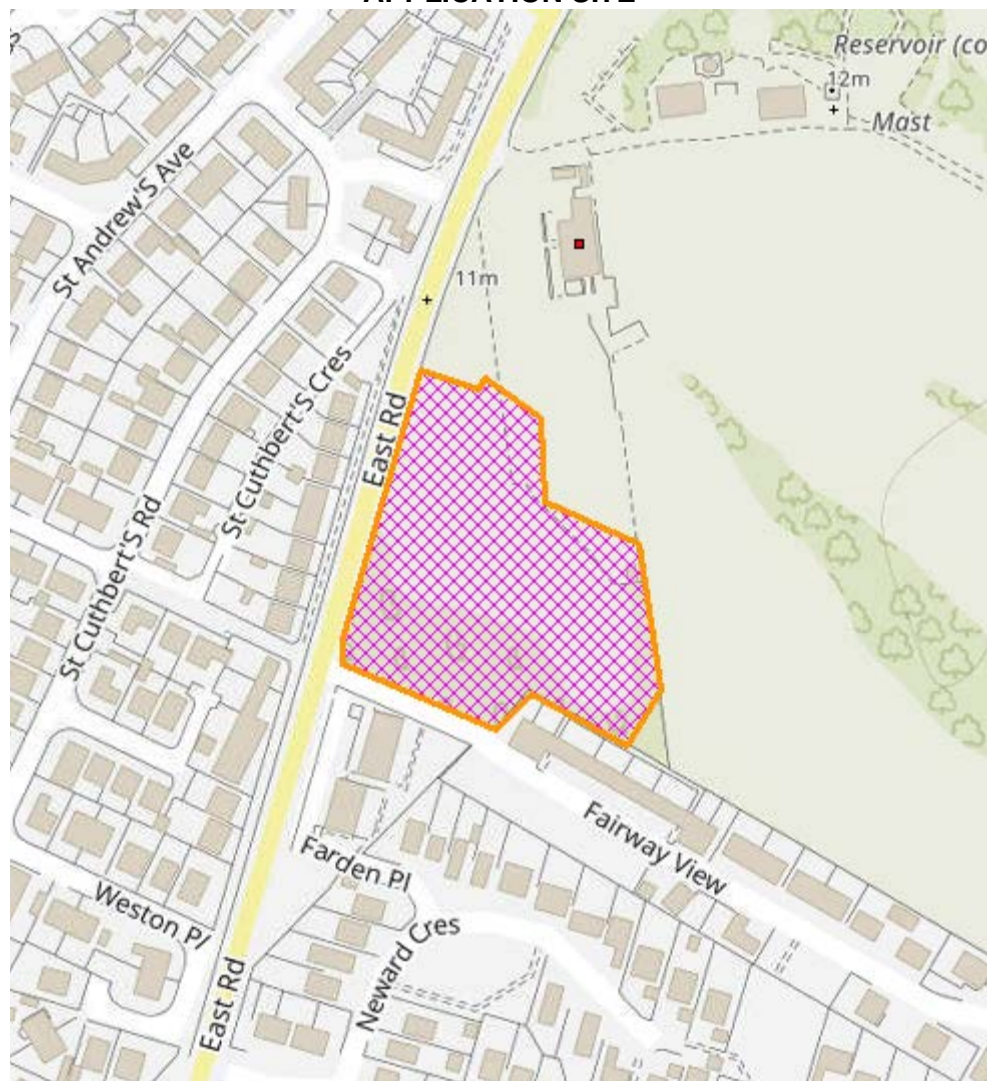
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00728/APP

PRESTWICK ST CUTHBERT GOLF CLUB EAST ROAD PRESTWICK SOUTH AYRSHIRE KA9 2SX

#### Location Plan

#### APPLICATION SITE



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#### Summary

Planning permission is sought for the erection of a 60-bedroom residential care home with associated car parking, formation of access and landscaping on land at Prestwick St Cuthbert Golf Club. The application site is located within the settlement boundary of Prestwick, and is designated in the Adopted South Ayrshire Local Development Plan as a residential development site. There are no concerns regarding the intended use of the site for a care home, which is noted as being a form of residential accommodation. The siting, design, scale and appearance of the building are considered to be acceptable. A new access to serve the development is proposed via Fairway View to the south, leading to a dedicated car park area for the development, with 33 off-road parking spaces within the site. Given the location of the site within the settlement boundary, it is well located for access by alternative means of transport, with the development also providing improved pedestrian links and parking for vehicles other than just the private car.

There are no material planning considerations that out-weigh the provisions of development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted below, including, the representations received (53 in total), other policy guidance, and the impact of the proposed development on the locality. Following the assessment below, it is considered that the proposal represents a sustainably located development involving the re-use of partly developed land, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not have an adverse impact on the amenity of the adjoining properties or the character and amenity of the locality. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Accordingly, the application is recommended for approval, subject to conditions.



## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 9 MAY 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>23/00728/APP</b>
<b>SITE ADDRESS:</b>	<b>Prestwick St Cuthbert Golf Club East Road Prestwick South Ayrshire KA9 2SX</b>
<b>DESCRIPTION:</b>	<b>Erection of 60-bedroom residential care home with associated car parking, access and landscaping</b>
<b>RECOMMENDATION:</b>	<b>Approval, subject to conditions</b>

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 26 September 2023.
- The application was validated on 4 October 2023.
- The site has been the subject of various site visits, the most recent formal site visit being carried out on 13 February 2024.
- 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 6 October 2023 and again on 21 February 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### 1. Proposal:

The application site is located at the junction of East Road, and Fairway View, Prestwick, and comprises of an area of unused rough, overgrown ground, which until recently formed part of the peripheral area associated with the adjacent of St Cuthbert Golf Club. The site extends to approximately 1.13 ha, and is understood to have been sold by the golf club for development. Areas of hardstanding are evident within the site, which are understood to be associated with the historic use of the site as part of an airfield circa late 1930's - late 1950's. A brick out-building lies on the eastern-most boundary of the site. The topography the site is predominantly flat, although is noted to rise slightly towards the south and south-west, with residual sand mounds present towards the southern boundary. A low post and wire fence extends along the frontage of the site with East Road, which is augmented with trees. Timber fencing extends along the southern boundary. The eastern-most boundary of the site is formed by landscaping and areas of trees adjacent to the golf club. To the north and north-east, temporary fencing has been placed to separate the site from the adjacent golf club. Currently there is no pedestrian or vehicular access to the site via East Road or Fairway View to the south, as historically, access has been taken from within the grounds of the golf club.



**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Planning permission is sought for the erection of a 60-bedroom residential care home with associated car parking, formation of access and landscaping. The submitted plans show the erection of a T-shaped building, which is to be recessed from the frontage of the site, and positioned close to the northern boundary. A new vehicular access is to be formed from Fairway View to the south, with new pedestrian footpaths linking to existing footpaths along Fairway View and East Road. A new dedicated pedestrian footpath to/ from East Road is to be centrally positioned along the frontage of the site. The vehicular access serves a courtyard car park area with a tuning head for drop-off's and pick-up's, off-street parking originally proposed for up to 25 vehicles, including 3 electric vehicle parking bays, and 3 parking bays for motorcycles, with additional parking and storage for bicycles. Since its original submission, the off-street parking for the proposals has been increased by a further 8 spaces, to a total of 33. The existing trees along East Road are shown as being retained, and augmented with new and additional planting, with the remainder of the site to be landscaped with predominantly soft landscaping. New hard landscaped paths are formed around the building and through the gardens.

In terms of its design, the building is predominantly two storeys in height for each of its three principal accommodation wings to the north, south and east of the site. The central portion of the building serves as the entrance area, as well as accommodating ancillary operational and staff facilities and is proposed to be three storeys in height, with the third floor being the main social area for residents and visitors with social areas being provided inside the building, and on roof terraces to the front and rear of the building. Sixty en-suite bedrooms are proposed within the building, along with ancillary accommodation for residents, in addition to operational areas and areas for staff. An underground attenuation tank for short-term storage of surface water is proposed towards the south-eastern corner of the site, which will be landscaped over. Minor re-grading of levels in the location of the building is proposed. The proposed external materials are shown to include; contrasting buff brick, cast stone detailing, grey roof tiles, with inset photovoltaic panels in certain locations, grey framed windows and doors, black rainwater goods, wood effect and metal cladding, glazed entrance canopy. Further details of the development proposals is set out within the drawings which accompany the submission.

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 from individuals, in addition to objections having been received from Prestwick Community Council, and the recommendation is to approve the application, subject to conditions.

**2. Consultations:**

**AECOM** - no objection.

**Ayrshire Roads Alliance** - no objection, subject to conditions and advisory notes.

**Council's Environmental Health Service** - no objection, subject to conditions and advisory notes.

**NatureScot** - no objection.

**Prestwick Airport** - no objection, subject to advisory note(s).

**SGN Pipelines Maintenance** - no objection.

**Scottish Environment Protection Agency** - no objection, subject to condition(s) following the submission of additional information from the applicant/ agent.

**Scottish Fire and Rescue** - no objection.

**Scottish Power** - no objection.

**Scottish Water** - no objection, subject to advisory note(s).

**Sustainable Development (Landscape and Parks)** - no objection.

**3. Submitted Assessments/Reports:**

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations. The applicant/ agent has provided the below noted information in support of their proposals, the main conclusions of which are also summarised below;

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

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Planning Statement - notes the site to be allocated in the Adopted South Ayrshire Local Development Plan for residential use, but cites ground conditions and costs which render the site unsuitable for housing. The proposed care home is considered to be a quasi-residential use, and is anticipated to be needed to meet a growing demand for care facilities. The planning statement makes reference to previous pre-application consultation with the public, local community Council, and Council, and the evolution of the proposals from a 60 bed care home with 23 assisted living flats, to the development proposed under the current application which is for the care home only. The statement considers the proposals accord with the provisions of National Planning Framework 4 (NPF4) and also the Adopted South Ayrshire Local Development Plan (SALDP). The submission also makes reference to the economic benefit of the proposals, and the creation of temporary jobs on-site during the construction phase (estimated to be 42), and afterwards during the operation of the premises (estimated to be 65 full and part time jobs).

Design and Access Statement - indicates that the site is surplus to the requirements of the golf course, and sets out the characteristics of the site and locale, the background to the proposals and the evolution of the design process, design requirements, and accessibility of the site. The information considers the design and materials of the development to be in keeping with the mixed style of buildings, and that the proposals do not impact on the amenity due to the separation distances from nearby properties. Landscaping proposals are identified as being an integral part of the design for the benefit of residents and visitors, and the setting and biodiversity of the site, with the existing tree belts to the east and west of the site being retained. From an operational perspective, the report confirms that the parking and servicing layout has had cognisance of applicable standards, and thirteen staff per shift are anticipated to operate the premises.

Flood Risk Assessment - confirms all forms of flood risk within the site have been considered using appropriate data sources. The risk of pluvial and fluvial flooding is considered to be low. The risk of groundwater flooding was assessed to be low due to there being no underground or basement structures proposed. All other forms of flood risk were found to be low for both impact and probability. Recommendations include; a suitable AOD finished floor level of +11.501 metres for the building, which necessitates regrading of levels in the location of the building, foundation and drainage design to take account of the shallow water table, maintenance of soft landscape areas and vegetation in the path of the proposed overland flow route.

Noise Impact Assessment - indicates that the development can be suitably designed so as to meet with the appropriate standards, with ambient noise surveys having been undertaken at the site, so as to predict the noise levels and inform the design and noise attenuation measures within the building. Reference is also made to the estimated servicing arrangements as follows; food deliveries three times a week, and waste uplift twice a week.

Transport Statement - refers to the provisions of NPF4, the SCOTS National Roads Development Guidance, and acknowledges the accessible position of the site and its potential to be accessed by sustainable modes of transport including walking, cycling, and public transport based trips, other than trips solely by private vehicle. An estimated people trip assessment has been undertaken based on sustainable transport options, and a Travel Plan can be prepared with the aim of encouraging sustainable travel. The Transport Statement considers that the development shall integrate well within the existing transport network, can be enhanced with the introduction of additional non-car promoting measures and concludes that the adjacent road network is sufficient to accommodate the likely traffic demands associated with the proposals.

Tree Survey - the applicant has undertaken a tree survey comprising of 22 individual trees, one area of woodland, and one hedge. The survey indicates that 5 trees are to be removed to facilitate the development, including a small group identified as G1. Of the trees to be removed, three are located to the north of 5 Fairway View to the south of the site, and one towards the south-western corner, and one adjacent to the out-building within the site. The group of trees to be removed as shown to be positioned on the southern boundary of the site, and adjacent to the woodland in the south-western corner of the golf course. In terms of a breakdown of the quality of the individual trees to be removed; one is of a moderate quality, three are of low quality, one should be removed for management reasons, irrespective of the proposals. The G1 group is identified as being of low quality. The tree survey also shows the remainder of the trees within the site as being retained, including those along the frontage of the site, and recommends measures to protect the remaining trees within the site, including; construction exclusion zones, root protection areas and an arboricultural method statement.

Ecology Report - considers the potential for protected or notable site, habitats or species in the vicinity of the site. The report concludes that there is no evidence of protected species being potentially affected by the development, or of habitats or protected species being present within, or within a 250 metre buffer zone. The report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area.

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

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Site Investigation Report - investigates the possible presence of ground contamination, and any potential associated risks. No abnormal site issues were identified as part of the surveys works and suitable mitigation measures can be put in place to address any issues.

Sustainable Urban Drainage Strategy Report - sets out that the site and development can be suitably serviced via a sustainable urban drainage system using an underground attenuation tank to accommodate surface water, prior to discharge. Foul drainage shall be connected to the existing sewerage system. All servicing shall meet with the appropriate standards.

Demand and Demographic Report - the submitted information provides some figures for over-75 care from 2021, with rising demand predictions for 2026 and 2031, and some comparative information for similar facilities.

Viability Assessment - is based on the residential development of the site for market housing for sale, and the issue of the provision of affordable housing, rather than the care home proposed under the current application.

### **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:**

53 representation(s) have been received, 52 of which object to the proposed development, and one which is supportive of the development proposal. Of the objecting representations, 13 are supplementary and/or duplicate objections. Prestwick Community Council has submitted 2 representations objecting to the proposals, which are summarised below. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning). The issues raised by representees can be summarised as principally relating to;

- Traffic and Transport concerns:
- Development Plan policies:
- Impact of residential amenity:
- Landscape issues:
- Impact on environment / wildlife:
- Other concerns:

The supporting comments are summarised as; re-use of prominent site which will improve the appearance of the site, scale and appearance of the building is appropriate and in-keeping with the surroundings. The development will provide additional facilities for the ageing population.

Prestwick Community Council objections are summarised as follows – consider the principle of development to be inappropriate due to resulting in the loss of a site allocated for housing development and the impact of increased traffic in and out of Fairway View.

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 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), representations received and the impact of the proposal on the amenity of the locality.

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

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

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

### (i) National Planning Framework 4 (NPF4)

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

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.

- 1 and 2 - Tackling the climate and nature crises, and climate mitigation and adaptation;
- 3 and 4 - Biodiversity and natural Places;
- 5 - Soils;
- 9 - Brownfield, vacant and derelict land and empty buildings;
- 13 - Sustainable Transport;
- 14 - Design, quality and place;
- 15 - Local Living and 20 minute neighbourhoods;
- 16 - Quality homes;
- 22 - Flood risk and water management;

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. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. Further consideration of the potential impact of the development on the natural environment is set out below.

Policy 5 recognises the importance of locally regionally, nationally and internationally valued soils, including carbon-rich soils. Under 5d. the need for a detailed site specific assessment is identified as means to inform the design of a development based on a mitigation hierarchy which first seeks to avoid adverse impact, and thereafter to minimise impact through best practice. A peat management plan is identified as a requirement due to the presence of a layer of peat being present within the site. The design of the development has had cognisance of the presence of peat within the site, and, has, through design and mitigation has avoided disturbing peat across the majority of the site, including; minimising the volume of peat that needs to be excavated to accommodate the SUDS system, re-using excavated areas of peat within the site as part of the landscaping, along with the retention of areas of peat under the building and car park.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Policy 9 applies in terms of directing development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land). In this instance, the site comprises of an area of land which until recently formed part of the adjacent golf course. Historically, the site is also understood to have been utilised as an airfield, with areas of hardstanding remaining within the site. Given the aforementioned, the site is considered to be partly developed brownfield land. The site has also been sold by the golf course as its former owner due to being surplus to its requirements, and has subsequently been designed as a site suitable for residential development in the SALDP2.

Policy 13 considers the issue of sustainable transport and active travel, and is supportive of development in locations which supports safe sustainable travel, and travel by means other than private vehicle. The application site is located within the settlement of Prestwick, is located close to public transport routes along East Road, and is partly bound by existing public footpaths. As it is currently, the locale is considered to represent an accessible location, with potential for proposals to further enhance the accessibility of, and potential to access the site by a choice of modes of transport. Given the aforementioned, the development is required to adopt a holistic approach to travel, with a Transport Statement having been submitted. The Transport Statement and development identify a range of measures including not only the provision of private parking (increased from 25 to 33 since the submission of the application), but also the provision of motorcycle and bicycle parking, and the provision of improved footpath links to and from the site which connect with existing public footpaths. Further consideration of transport issues are set out below.

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). Further consideration of the design and layout of the development is set out below. 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 terms of the aforementioned, this could include residents of the care home potentially being located close to friends or family, being within easy access to any healthcare services not provided on-site, and/or access to leisure facilities for organised events such as day trips. Conversely, there are also potential benefits for staff employed at the care home, in that the development could potentially provide an employment option in an accessible location close to their place of residence. In a plan-led system the development planning process is the mechanism to secure local living and 20-minute neighbourhoods. In this instance, the SALDP2 allocates the site as a site suitable for residential purposes; this aspect is considered further below.

With regard to quality homes, policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations providing choice across tenures that meet housing needs. Policy 16 c) vi. refers to homes for older people, and specifically mentions supported accommodation such as care homes and sheltered housing. Given the nature of the development being for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. The application is considered in this context, and as such, the proposed development of a care home is not inconsistent with the allocation of the site for residential purposes in the SALDP, or NPF4.

In terms of flooding, policy 22 aims to strengthen resilience to flood risk by promoting avoidance, and reducing the vulnerability of existing and future development to flooding. The submission is accompanied by a Flood Risk Assessment and supporting information which has been considered by the Scottish Environment Protection Agency (SEPA), and also by the Ayrshire Roads Alliance in their capacity as the local Flood Risk Management Authority (FMRA); the submitted information is considered to be acceptable, subject to suitable conditions being attached to any permission. Given that no objection has been raised by SEPA or the local FMRA in terms of flooding, it is not considered that the proposals would result in a risk of flooding.

Given the above assessment, the development proposals are considered to align with the policy provisions of NPF4.

(ii) South Ayrshire Local Development Plan 2 (SALDP2) (2022);

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://south-ayrshire.gov.uk)):

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.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

- Core Principles B1 and C1 - Sustainable Economic Development and Sustainable use of Natural Built and Cultural Heritage Resources;
- Strategic Policies - Sustainable Development and Development Management;
- General Policies
- Maintaining and Protecting Land for Housing;
- Residential Policy within Settlements, Release Sites, and Windfall Sites;
- Community Facilities;
- Flooding and Development;
- Land Use and Transport;
- Preserving Trees;
- Natural Heritage;

The above Core Principles of the LDP support the principles of sustainable economic development through prioritising the development of brownfield land, land within settlements and sustainable travel. The sustainable use of natural, built and cultural heritage resources are also recognised as being important.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development (inter alia) respects, protects and where possible, enhances natural, built and cultural heritage resources, is in keeping with the character of the landscape and the setting of settlements, embraces the principles of 'place-making', is in an accessible location. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use, that the proposals do not have an unacceptable impact on the amenity of nearby land uses, and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network. Further consideration of the impact of the proposal on the built environment and residential amenity of properties in the vicinity, is set out below. Consultation responses have not raised any objections to the development, subject to relevant conditions and advisory notes.

It is noted that the site is allocated for residential development under PRES2 in the SALDP. Given the nature of the development being for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. As noted above, the proposed development a care home for the elderly is not inconsistent with the allocation of the site for residential purposes. The application is considered in this context.

Within settlements, the following criteria apply to new residential development proposals;

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

For the reasons noted elsewhere within the report, the proposals are considered to align with the above criteria in terms of providing an acceptable layout which is in keeping with its surroundings.

With regard to community facilities, it is noted that the development offers the potential for additional choice with regards to elderly care facilities in the local area.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

The LDP policy in relation to flooding and development, 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. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates. The applicant has undertaken a flood risk assessment, and has provided additional supporting technical information which has been considered by SEPA, as the statutory government agency responsible for managing flood risk, and also by the ARA in their capacity as the local flood risk management authority. Neither SEPA nor the ARA have offered any objection to the proposals, subject to suitable conditions being attached to any permission.

In terms of LDP policy in relation to Land Use and Transport which 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;
- Ensure essential use of the private car is accommodated within the context of an integrated approach to transport;

As noted above, the application is accompanied by a Transport Statement which considers the proposals in the context of an integrated and holistic approach to travel. The Ayrshire Roads Alliance (ARA) has considered the proposals, including the submitted Transport Statement, in line with the policy provisions of NPF4, and also the maximum requirements of the SCOTS National Roads Development Guide which is adopted as the Council's parking standards. For a care home, the standards require a maximum provision of vehicle parking based on a rate of 1 space per staff member (per shift), plus 1 visitor space per 3 beds, which equates to a maximum of 33 spaces. Reductions from maximum parking standards are permissible in situations where it can be demonstrated that the site is well served by a range of available modes of travel, and/or additional mitigation measures are put in place in efforts to reduce reliance on single-occupancy car trips to and from the site. The submission was originally accompanied by proposals for 25 vehicle spaces, which might have been appropriate given the accessible location of the site. However, in attempting to address the concerns of local residents regarding parking provision, the applicant has been provided the maximum number of spaces (i.e. 33), as required by the SCOTS National Roads Development Guide for a development of this nature. This ensures that the development can meet its anticipated operational requirements within the boundaries of the application site. Should there be any persistent issues associated with off-site parking associated with the development, the ARA can pursue a Traffic Regulation Order (TRO), if it is considered necessary. TRO's are the subject to a legislative process separate to the planning process, and, cannot therefore be dealt with by way of a planning condition.

Noting the accessible location of the site, the ARA, has suggested the submission of a Travel Plan will provide further opportunities for travel by a choice of modes of transport for staff and visitors to the site, and has noted the provision of new footways to assist with pedestrian movement. Appropriate planning condition(s) can be attached to address the aforementioned matters. Overall, the proposals have been considered by the Ayrshire Roads Alliance (ARA), and no objection has been offered in terms of parking, access, servicing, road and pedestrian safety and the impact on the local transport network, subject to conditions. The application has been assessed in this context, and it is considered that the proposal is consistent with the SALDP policy in relation to Land Use and Transport.

With regard to protected species, LDP Policy: Natural Heritage states that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The applicant/ agent has considered the potential for protected species to be present within the site, and has conducted the relevant surveys and concluded that there is no evidence of protected species being potentially affected by the development, or of habitats or protected species being present within, or within a 250 metre buffer zone. The report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area, as per national policy. It is considered that the applicant/ agent has appropriately considered the potential for protected species to be present within the site and the results of the surveys have been considered by the Council's ecological advisors with no objection having been offered to the proposals. Therefore, it is considered that the proposals do not have an adverse effect on the natural heritage.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

The Preserving Trees policy sets out that in assessing development proposals involving loss of, or works to, trees the Council will consider the extent of any adverse impact on the locality. The applicant has undertaken a tree survey which indicates that 5 trees are to be removed to facilitate the development, including a small group identified as G1. In terms of a breakdown of the quality of the individual trees to be removed; one is of a moderate quality, three are of low quality, one should be removed for management reasons, irrespective of the proposals. The G1 group is identified as being of low quality. The tree survey also shows the remainder of the trees within the site as being retained, including those along the frontage of the site, and recommends measures to protect the remaining trees within the site, including; construction exclusion zones, protection of root protection areas and arboricultural method statement. Therefore, the proposals are considered to present the opportunity for the on-going maintenance and management of the trees along the frontage of the site at East Road. In addition, the proposals incorporate tree and landscape planting for the development which is considered to provide an improved visual appearance of the site through a managed landscape, in addition to compensatory planting for trees lost to the development. The proposed landscaping and management of the landscape setting is considered to offer the opportunity for biodiversity enhancement, in line with the provisions of NPF4.

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

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

#### Developing with Nature Guidance (NatureScot):

Provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. The Ecology Report identifies a need for a peat management plan and notes the inclusion of ecological enhancements to benefit wildlife in the area, as per national policy. A suitable condition can be attached in respect of the submission of a peat management plan. The ecological enhancements are noted to include; tree, hedge and shrub planting of native species, wildflower planting, re-use of peat within the site to form peat bunds, and the installation of; hedgehog houses, bat roosting and bird nesting blocks within the structure of the building, tree-mounted bird nest boxes and feeders. The Council's ecological advisors have offered no objection to the development proposals from an ecological perspective.

### (iv) Representations Received:

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

- Traffic and Transport concerns, including; the perceived inadequate parking provision and perceived unsuitability of access to/from site for all vehicle types including service vehicles, particularly due to the road configuration and limited width, positioning of site access on Fairway View existing congestion along East Road at Fairway View access, access road might not meet required visibility splays, potential for parking congestion/ overspill outwith site in surrounding residential areas, potential for existing access to/ from Fairway View to be restricted, increased traffic movements to/ from the development with potential for traffic congestion, road and pedestrian safety concerns, only one footpath on access road, need for risk assessment to consider additional traffic, travel by other modes of transport other than car are unrealistic, potential restriction to emergency vehicles, access via East Road is preferential;

The ARA has been consulted on the development proposals, and no objection has been offered in terms of parking, access, servicing, road and pedestrian safety and the impact on the local transport network, subject to conditions. Comments regarding the level of off-street parking provision are set out above. Should there be any persistent issues associated with off-site parking associated with the development, the ARA can pursue a Traffic Regulation Order (TRO), if it is considered necessary. TRO's are the subject to a legislative process separate to the planning process, and cannot therefore be dealt with by way of a planning condition. No concerns have been expressed by the ARA regarding the existing access arrangements to/ from the houses on Fairway View. The new access to, and from the site linking with Fairway View shall be required to meet with the relevant technical standards, including visibility splays, as set out in the National Roads Development Guide. The ARA has not noted congestion as being an issue in the immediate locale. It is expected that there will be an increase in vehicles and pedestrians to, and from the site, which is anticipated will be commensurate with the nature of the development. An increase in vehicles and pedestrians to, and from the site would occur whether the site were to be developed for a care home or for private market residential properties. The submitted drawings show the formation of a public footpath at the junction of East Road and Fairway View and extending to the access to/ from the site, where currently there is no footpath. To the east the new footpath shall link with the existing footway.



**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

Given the aforementioned, the proposals are considered to offer the opportunity to improve pedestrian movement and safety in the locale. Scottish Government Planning Policy, as supplemented by the South Ayrshire Local Development Plan, and the SCOTS National Roads Development Guide require an integrated and holistic approach by multiple modes of transport, rather than solely trips by private car; the application is considered in this context, with the development noted to provide for a range of potential trips. No objection has been offered regarding the access to/ from the site for emergency vehicles. With regards to the suggested alternative access via East Road, the applicant/ agent has sought to form a new access via Fairway View, and therefore the application requires to be considered and determined on this basis; the ARA has offered no objection to the site being serviced via an access off of Fairway View.

- Development Plan policies – the site is allocated for residential development, proposed care home is inconsistent with the residential allocation of the site, and wider residential area, loss of open space, undermines Tourism policy and does not protect existing golf course, proposals do not represent a sustainable development, contrary to NPF 4 policies in relation to sustainable transport and community wealth building;

As noted above, the proposed development of a care home at the site is not incompatible with the allocation of the site in the SALDP2 for residential use. Similarly, the proposed use is not considered out of keeping with other land uses in the locale which are noted to include residential, and also the commercial leisure use of the donor property of the golf club to the north. The site is understood to have been surplus to the requirements of the golf club, and to have subsequently been disposed of to a private developer on that basis. Given the aforementioned, the site cannot be accurately considered to be open space, or to function as part of the overall golf course. More recently the site has been annexed and separated from adjacent land with temporary fencing erected to separate it from the adjacent golf club. Currently, the site lies overgrown and unused, pending the consideration of the current application. For the reasons noted within this report, the development is considered to represent a sustainable development in land use planning terms, and in terms of the policy provisions of the NPF4.

- Impact on residential amenity – over-large size and scale of development will impact on residential buildings in the locale, out-of-keeping with character of area and the single storey properties in the area, there are no other 3 storey buildings in the locale, over-development of site, potential for over-looking and over-shadowing, building should be lower, operational concerns including potential for nuisance from noise e.g traffic noise, odour, fumes, glare from floodlights;

Further consideration of the impact of the proposals on the amenity of the locale is set out below. It is not considered that the operation of the care home will result in a statutory nuisance. Notwithstanding, should any statutory nuisance occur it would be a matter for the Council's Environmental Health Service to address using its legislative powers. Given the nature of the development, it is not anticipated that any statutory nuisance would occur. There are no floodlights proposed as part of the development.

- Landscape issues – the trees along East Road should be retained, lack of proposed tree planting;

The submission confirms the existing pine trees along East Road are to be retained, and augmented with additional planting. The submission is accompanied by a landscape drawing which confirms the development is accompanied by the planting of structural planting around the north-eastern perimeter of the site, and with new specimen trees to the western and southern boundaries, as well as within the body of the site to the front and rear of the building. Precise details of the landscaping species can be dealt with by way of an appropriate planning condition.

- Impact on environment / wildlife – potential impact on wildlife the reside or utilise the site, no proposals for biodiversity improvements, no peat management plan submitted, no construction environment management plan submitted, increased noise and light pollution, contrary to Scottish Government Climate Change/ Green Policies;

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

The submission has appropriately considered the potential for protected or notable site, habitats or species within, or in the vicinity of the site. The Council's ecological advisors have considered the submitted information and concur with the information submitted by the applicant/ agent. The development proposals have included proposals for biodiversity improvements, as noted above. The submission of a peat management plan is to be dealt with by way of an appropriate condition. A construction environment management plan can be dealt with by way of an appropriate planning condition to any permission. The impact of the development on the natural environment and any species contained therein has been considered by the Council's ecological advisors. There will be an inevitable change in terms of the character of the site; however the same would also be true of a residential development. Any statutory noise or light pollution should it occur would be a matter for the Council's Environmental Health Service to address using its legislative powers. The proposals are not contrary to the Scottish Government's land use planning policies, for the reasons noted above, and elsewhere in this report.

- Other concerns – availability of other existing and unoccupied care homes in Prestwick/ Ayr/ Troon locale/ perceived lack of need for further care facilities, challenges facing care home facilities and their employees, resident/ patient safety concerns, disruption during construction including noise, vibration/ width of Fairway View too narrow for construction traffic/ need for considerate construction, possible alternative solutions economic viability of site for residential uses, viability information not relevant, lack of consultation with residents, only certain neighbours notified, supporting information not available to view, loss of view, potential adverse impact on property values, alleged common ownership of verge and fencing at entrance to site;

Development proposals require to be considered on their planning merit, and therefore the applicant is not required to demonstrate a need for the development; as such, the availability of other alternative care homes is not a matter which is relevant in the consideration of the current application. Similarly challenges facing care homes, employees and residents is outwith the scope of the consideration of the application by the Council, as planning authority. The purpose of the planning application is consider the resultant development only, not the construction process; therefore, any disruption during the construction phase would be of a temporary nature only. Notwithstanding the aforementioned, SEPA has suggested a Construction Environment Management Plan be submitted, and additionally the ARA has requested the submission of a construction traffic management plan. Both of the aforementioned matters can be dealt with by way of suitable conditions, which shall ensure the proper management of the construction process. As noted above, there are no land use planning issues with the site being developed to provide a care home. Any consideration of viability issues only applies to proposals for private market residential housing, not for the development proposed. The applicant/ agent undertook previous pre-application consultation with the public, local community Council, and Council, on a development comprising of a 60-bed care home with 23 assisted living flats. The development has now been reduced to consist only of the 60-bed care home, and therefore to be a local development. The local authority has undertaken the neighbour notification of relevant properties, and owner/ occupiers on 6 October 2023, in line with the requirements of the relevant planning legislation. A further neighbour notification was issued on 21 February 2024 to the relevant parties, and also, for completeness to those parties who had already submitted representations to the development proposals. Supporting information is available to view via the Council's website. The potential loss of a view or impact on property values are not matters which are material in the assessment of the planning applications. The ARA has confirmed the grass verge at the northern entrance to Fairway View forms part of the adopted footway. It is understood that it is not uncommon for adopted sections of verges to be maintained by a factor, with most grassed road verges within new developments being covered by such agreements. The agent has certified on the application form that the applicant is the owner of the site. Any dispute regarding the ownership of the site is a separate and private legal matter which is outwith the scope and remit of the Council, as planning authority in its consideration of the current application.

The supporting comments consider that the proposals will re-use a prominent site which has become overgrown and an eyesore, the development will add to the existing local facilities particularly for the aging population. The scale and appearance of the building seems appropriate and in keeping with the surroundings. The terms of the supporting comments are noted.

### (v) Impact on the Locality

For the reasons noted above and elsewhere in this report, there are no concerns in terms of the land use concerns arising from the proposals. Notwithstanding, the proposals require further consideration in terms of its siting, design, and appearance so as to better understand the potential impact of the proposals on the locality.

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In terms of its siting, the building is to front onto East Road, which is not atypical of buildings in the area. Furthermore, the building is to be set back from the frontage of the site with East Road, and at its closest shall be separated by a distance of approximately 19 metres from the boundary with East Road. At its furthest point, a distance of approximately 33 metres separates the building and the boundary with East Road. In terms of the character of the area, the proposed building is to be positioned further back than the closest properties to East Road which are located at 8 – 20 Farden Place, and marginally forward of the existing golf course club house to the north; therefore, the recessed positioning of the building within the site is not considered to be out-of-keeping with the locale. Additionally, the recessing of the building within the site provides separation between the new building, and existing properties, and creates space to the frontage of the site, which ensures that the existing trees along East Road can be retained and augmented with new planting, as well as areas created for new planting and landscaping which will provide a setting for the building; this approach is considered to retain and offer the potential to improve the existing landscaped green frontage of the site. A distance of approximately 40 metres separates the properties to the west, and south of the site, which is considered to retain the amenity of the closest residential properties, and not to result in over-shadowing, or overlooking.

With regard to its design, a T-shaped building of predominantly two storeys in height is proposed. The three, two storey wings contain the accommodation blocks for a total of 60 bedrooms. The central portion of the building serves as the entrance area, as well as accommodating ancillary operational and staff facilities, and is proposed to be three storeys in height. The area is characterised by properties of mixed styles, for example, to the east of East Road, the majority of the properties on Fairway View, and all of the properties on Farden Place are two storeys in height, including the existing golf clubhouse of St Cuthberts Golf Club to the north. Further to the west of, and opposite the site, the properties are predominantly single, or have been adapted to be one and a half storey in height. Given the aforementioned mixed character of the buildings in the locale, it is not considered that the two storey element of the proposed building would be out of keeping with the area. With regard to the proposed three storey element of the care home, this is noted to extend across a much smaller area, and central portion of the building over a distance of approximately 23 metres, which is approximately a quarter of the frontage of the building over its distance of approximately 83 metres. The punctuation of the design of the building with a section of a different and taller height, along with two storey outward projecting bays is considered to effectively break up the visual scale and mass off the proposed care home and to add some visual interest to the frontage of the building. The frontage and entrance of the building has been designed to provide an active elevation, with windows, doors, balcony and feature glazing, which shall face onto the public elevation with East Road. For the aforementioned reasons, it is not considered that the height and design of the building, including the three storey element is inappropriate, or would warrant a different recommendation.

The proposed external materials of contrasting buff brick, cast stone detailing, grey roof tiles, with inset photovoltaic panels in certain locations, grey framed windows and doors, black rainwater goods, wood effect and metal cladding, glazed entrance canopy are considered to be acceptable and not out of keeping with the locale.

The submitted site plan shows the majority of the site to remain undeveloped, with open space to the front, side and rear, which ensure that the site is not over-developed, as well as providing a setting for the development. Additionally, there are proposals to incorporate new landscaped areas throughout the site. Precise details of the landscaping proposals can be dealt with by way of an appropriate condition to any permission. The landscaping of the site is considered to offer the opportunity to improve the visual appearance of the site going forward.

As noted above, the development provides dedicated parking and servicing for the development, with the parking having been increased from 25 spaces to 33 spaces in total, along with a package of options to provide for a choice of modes of transport. The ARA have been consulted regarding the proposals, and have offered no objection, subject to conditions. Appropriate planning conditions are proposed in this regard. No other objections from consultees have been offered. For the reasons noted above, and elsewhere in the report, it is not considered that the development proposal, subject to being appropriate conditioned, will adversely impact on the amenity of the area.

## **8. Conclusion:**

The proposals involve the erection of a purpose built 60-bedroom residential care home with associated car parking, formation of access and landscaping on land which was formerly associated with St Cuthberts Golf Club in Prestwick. The site is allocated within the SALDP2 for residential development. While the development is for a care home, it is considered to be for the primary purpose of providing residential accommodation, along with care facilities. Policy 16 of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations providing choice across tenures that meet housing needs, with Policy 16 c) vi. specifically referring to homes for older people, including supported accommodation such as care homes. As such, the proposed care home is not inconsistent with the allocation of the site for residential purposes; the application is considered in this context.

There are no concerns regarding the physical proposals, subject to appropriate conditions being attached to any permission. Consultation responses do not raise any over-riding issues, and appropriate conditions can be attached to meet with the advice and requirements of consultees. For the reasons noted in this report, the proposal is considered to represent a suitable form of sustainable development, in an appropriate and sustainable location.

Overall, there are no material planning considerations that out-weigh the provisions of development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted above. Following the above assessment, it is considered that the proposal, subject to being appropriately conditioned will not have an adverse impact on the character and amenity of the locality, or on the amenity of the nearby properties. The proposals do not warrant a different recommendation. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions below.

## **9. Recommendation:**

It is recommended that the application is approved, subject to the following conditions;

- 1) That the development hereby permitted must be begun within three years of the date of this permission.

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) 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.

To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

- 3) That, prior to the commencement of the development a peat management plan shall be submitted for the prior written approval of the Council, as planning authority, and thereafter, the development shall be implemented in accordance with the recommendations of the approved plan, and any mitigation measures contained therein.

To accord with the advice of SEPA.

- 4) Prior to the commencement of development a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling shall be submitted to and approved in writing by the planning authority, in consultation with SEPA. The CEMP shall include (but shall not be limited to):

- a) a site waste management plan;
- b) a dust management plan;
- c) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;

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- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;
- f) soil storage and management;
- g) a water and drainage management plan for all groundwater, surface and waste water;
- h) details of any temporary site illumination;
- i) the method of construction of the access into the site and the creation and maintenance of associated visibility splays;
- j) details of the methods to be adopted to reduce the effects of noise occurring during the construction period.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in writing by the planning authority.

To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment.

- 5) Prior to the commencement of works on-site, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the development on the closest residential properties to the application site. . The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact residential properties, using the current British Standard (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows;

LAEQ16hrs	35dB (0700-2300) internal noise level
LAEQ 8hrs	30dB (2300-0700) internal noise level
LAMAX	45dB (2300-0700) internal noise level
LAEQ 16hrs	50dB (0700-2300) outside amenity space

In addition the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20.

The noise assessment shall be undertaken from the closest publicly accessible point to the residential properties, or alternatively, within the properties. The location of the noise assessment shall first be agreed in writing by the Planning Authority.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority and implemented prior to the care home becoming operational.

To avoid noise disturbance in the interests of residential amenity.

- 6) 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 approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

To ensure all contamination within the site is dealt with.

- 7) That the development shall be implemented in accordance with the section 4.2 recommendations, as set out in the submitted Flood Risk Assessment dated September 2023, prepared by Cundall.

To alleviate any risk of flooding to the development

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- 8) That the development shall be implemented in accordance with the section 7 recommendations, including the biodiversity enhancements as set out in the Phase 1 Habitat Survey, Protected Species Surveys and Ecological Impact Assessment date November 2023, prepared by ESS Ecology.

To clarify the terms of this permission, and in the interests of ecology, and the natural environment.

- 9) That before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within 6 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. The landscape scheme shall also have full cognisance of the species advice of the Council's landscape consultants (AECOM), in its response of October 2023.

In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 10) 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.

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.

- 11) That the existing trees along East Road shall be retained and maintained, and no trees shall have roots cut or be lopped, topped, felled, uprooted, or removed.

In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.

- 12) That the development shall be implemented in accordance with the sections 6 and 7 in relation to recommendations, summary and conclusions as set out in the report entitled Survey of Trees, dated May 2023, prepared by Hinshelwood Arboricultural Consultants. Precise details of the proposed tree protection measures for the existing trees within the site shall be submitted for the prior written approval of the Council as planning authority, prior to the commencement of works on-site. Thereafter the development shall be implemented as per the agreed written specification, to the satisfaction of the Council, as planning authority.

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.

- 13) That, prior to first occupation, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Authority. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan.

To encourage sustainable means of travel.

- 14) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 6 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with 6 metre radius curves. The access shall be constructed, as approved, prior to first occupation of the development.

In the interest of road safety and to ensure an acceptable standard of construction.

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- 15) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site, and shall be implemented as agreed thereafter.

In the interest of road safety and to avoid the discharge of water onto the public road.

- 16) That cycle parking accommodating a minimum of 6 cycles shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site. Thereafter the cycle parking shall be implemented as agreed, and shall be available for use on first operation of the premises.

To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel

- 17) That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council, and shall be implemented and agreed as per the aforementioned specification.

In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

- 18) That 33 off-road parking spaces shall be provided within the proposed site boundary and shall be available from first operation of the development. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the development shall be implemented as per the agreed specification.

In the interest of road safety and to ensure adequate off-street parking provision

- 19) That, prior to the commencement of development, plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), and shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- 20) That, prior to the commencement of development, plans, supplemented by swept path analysis of service vehicle arrangements within the curtilage of the site shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Service vehicle areas shall be constructed, as approved, prior to completion of the development. Thereafter, the development shall be implemented as per the agreed specification.

To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- 21) That a 2 metre wide public footway(s) shall be provided along the site frontage on Fairway View, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, and shall be available for use on first operation of the development.

In the interest of road safety and to ensure that adequate provision is made for pedestrians.

- 22) That no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with ARA. The CTMP shall be required to include:

1. Full confirmation of the approved/agreed routes for use by construction traffic movements;
2. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;

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3. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
4. Full details of all arrangements for emergency vehicle access;
5. Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
6. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
7. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
8. Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless approved otherwise in writing with the Planning Authority, in consultation with ARA.

In the interests of road safety.

- 23) That the development shall be implemented in accordance with the Sustainable Urban Drainage System (SUDS) as set out in the "SUDS & Drainage Strategy Report" prepared by GM Civil and Structural Engineers Ltd in conjunction with the submitted and approved plans.

To ensure the site is drained in an acceptable and sustainable manner.

**9.1 Advisory Notes:**

- (1) In order to minimise nuisance in the surrounding area from dust, noise and vibrations, during all demolition and construction works, the plant and machinery used should be used in accordance with British Standard 5228 Noise Control on Construction and Open Sites Order (as amended) and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF

- (3) Adequate provision must be made for the storage and disposal of food waste, non-edible by-products and other refuse. Refuse stores are to be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.
- (4) Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

Glasgow Prestwick Airport  
Aviation House  
Prestwick  
Ayrshire  
KA9 2PL  
Tel: 01292 511012  
[www.glasgowprestwick.com](http://www.glasgowprestwick.com)

- (5) Any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping that is considered, and as the facility is in close proximity to an aerodrome the Developer should incorporate measures to minimise their attractiveness during both the construction and operational phases of the site. To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity - fully enclosed or covered skips should be used.



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- (6) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (7) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (8) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- (9) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- (10) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
- (11) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (12) The Council as Roads Authority advises that the Council will not adopt the road on its completion.

### **9.3 List of Determined Plans:**

Drawing - Reference No (or Description): L(90)0001 rev B

Drawing - Reference No (or Description): L(92)0001 rev C

Drawing - Reference No (or Description): Drawing - Site Plan (Updated)

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

Drawing - Reference No (or Description): 101-01 (Rev. C)

Drawing - Reference No (or Description): 1192 (97) 001 (Rev. 2)

Drawing - Reference No (or Description): 200-01 (Rev. C)

Drawing - Reference No (or Description): 203-01 (Rev. B)

Drawing - Reference No (or Description): 210-L(10)-100 (Rev. P2)

Drawing - Reference No (or Description): 210-L(20)-CH-300 (Rev. P8)

Drawing - Reference No (or Description): 210-L(20)-CH-301 (Rev. P8)

Drawing - Reference No (or Description): 210-L(20)-CH-302 (Rev. P8)

Drawing - Reference No (or Description): 210-L(20)-CH-30R (Rev. P4)

Drawing - Reference No (or Description): 210-L(20)-CH-400 (Rev. P3)

Drawing - Reference No (or Description): 210-L(20)-CH-410 (Rev. P3)

Drawing - Reference No (or Description): 210-L(20)-CH-500 (Rev. P4)

Drawing - Reference No (or Description): 210-L(20)-CH-501 (Rev. P4)

Drawing - Reference No (or Description): 210-L(20)-CH-510 (Rev. P4)

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00728/APP)

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

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

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

**Background Papers:**

1. Planning application form
2. Plans and supporting documentation
3. National Planning Framework 4
4. South Ayrshire Local Development Plan
5. Online representations

**Equalities Impact Assessment:**

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

**Person to Contact:**

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

## REGULATORY PANEL:

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00761/PPP

**KNOCKENDALE FARM C93 FROM B730 JUNCTION NORTH WEST OF BOGEND SOUTH WEST TO BREWLANDS ROAD SYMINGTON SYMINGTON SOUTH AYRSHIRE KA1 5PN**

### Location Plan



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## Summary

Planning permission in principle is sought for the conversion of agricultural buildings to form two dwellinghouses and erection of a new build dwellinghouse at Knockendale Farm, north-east of Symington. The application site is located in a rural area as prescribed by the Adopted South Ayrshire Local Development Plan 2. The application site is located within the farmsteading known at Knockendale Farm. Given the nature of the application, details for the siting and design of the dwellinghouses would require to be established by the submission of further applications for matters specified in conditions, if planning permission in principle is granted. The application has generated 3 objections, including an objection from the Symington Community Council. Consultation responses have been received with no objections being raised.

On balance, the proposed development subject of 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: 9 MAY 2024**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>23/00761/PPP</b>
<b>SITE ADDRESS:</b>	<b>Knockendale Farm C93 From B730 Junction North West Of Bogend South West To Brewlands Road Symington Symington South Ayrshire KA1 5PN</b>
<b>DESCRIPTION:</b>	<b>Planning permission in principle for conversion of agricultural buildings to form two dwellinghouses and erection of dwellinghouse</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

### APPLICATION REPORT

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

#### Key Information:

- The application was received on 9 October 2023.
- The application was validated on 9 October 2023.
- The case officer visited the application site on 8 January 2024.
- 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 28 November 2023.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 24 October 2023.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00761/PPP)

**1. Proposal:**

Planning permission in principle is sought for the conversion of agricultural buildings to form two dwellinghouses and the erection of a dwellinghouse at Knockendale Farm, north east of Symington.

The application site lies within a rural area to the north-east of the village of Symington. More specifically, the site comprises of a portion of land, occupied by various buildings, which is associated with, and located in the northern portion of Knockendale Farm steading. The site is accessed from the C93 in the north-western corner of the application site. Located on the southern boundary of the site is a traditional, L-shaped, one and a half storey, stone built, slate roofed building with traditional wall-head dormers on the existing front, side and rear elevations, with attached lean-to shed on the front. The buildings within the site comprise of two interlinked agricultural storage sheds, a stone-built building with a slated roof which was previously used as a byre and a stone/ brick-built building which has fallen into a state of disrepair.

Planning permission in principle is sought for the conversion of agricultural buildings to form two dwellinghouses and the erection of a dwellinghouse at Knockendale Farm. Given the nature of this application, details for the siting and design of the dwellings would require to be established by the submission of further applications for matters specified in conditions. Whilst permission is being sought in principle, the applicant has provided an indicative layout which suggests that the site would accommodate 3 separate residential plots. The stone-built building with slated timber roof and the interlinked agricultural storage sheds are both proposed for conversion to form 2 x dwellinghouses; while the deteriorated stone/ brick-built building is to be demolished to accommodate the erection of a new dwellinghouse. The 3 x plots would occupy areas of approximately 1080 sq.m, 950 sq.m and 983 sq.m. All three plots would be served off the existing access from the C93 road at the north-west corner of the site.

Neighbouring development at Knockendale Farm steading, which sits outside the application site, including the original farmhouse and development approved under planning permission ref.22/00376/APP (see planning history below) is served from a separate access from the C93 road, approximately 162 metres to the south of the access to the application site. While the farmhouse also appears to have another, separate access from the C93 road (between the other two access points) this does not appear to be in use as a vehicular access.

Planning History

Planning permission (Ref. 22/00376/APP) was approved for the change of use, alteration, and extension of an out-building to form a dwellinghouse at Knockendale Farm on the 5<sup>th</sup> August 2022. The permission relates to the conversion of an existing traditional out-building to be re-used, altered and extended to accommodate a new residential dwellinghouse. The outbuilding, which was the subject of planning permission Ref.22/00376/APP, is located within the southern portion of Knockendale Farm steading and outwith the current application site. It is also served by a separate access to the south of the application site together with the original farmhouse.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Symington Community Council has expressed a contrary view to the recommendation that this for the planning application to be approved.

**2. Consultations:**

**Ayrshire Roads Alliance** - no objection, objection to condition(s) including improved access construction, private access surfacing, the discharge of water and the provision of off-road parking and associated advisory notes. A traffic survey was undertaken over 7 days and demonstrates that 85% of vehicles were travelling at or below the speed limit for the road and therefore the ARA has accepted that the proposed improvement to visibility splays (2.4 x 120m) at the access to the site, is acceptable.

**Scottish Water** - offer no objection.

**AECOM** - considers that no further ecological assessment is required at this stage but indicates that the proposed development should seek to deliver enhancements for biodiversity. A condition can be attached which requires for the biodiversity enhancements to be provided by the application proposals.

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**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.

**Ecological Statement (September 2023)** – The statement presents the results of a survey and assessment of protected species in relation to the proposed development. The Survey was required to determine the likely ecological constraints/European Protected Species (EPS) licence requirements for protected species. Suitable habitat and field signs within the survey area were noted in order to make recommendations for further survey effort, retention, avoidance and/or mitigation, as appropriate.

**Ecological Statement (Addendum November 2023)** – Following receipt of the consultation response from AECOM, further clarification was sought regarding bat hibernation surveys, whether a non-native species survey was carried out, the extent to which bat roost surveys were undertaken, the findings from a dust emergence survey and the start time of the dusk survey. The Addendum to the Ecological Statement clarified the above-mentioned matters and was forwarded to AECOM for consideration. As set out above, AECOM considers that no further ecological assessment is required at this state but indicates that the proposed development should seek to deliver enhancements for biodiversity.

**Supporting Statement** – The Supporting Statement provides background information, an explanation of the development proposals and sets out the considerations pertinent to the planning assessment. The statement concludes that the proposed development is in accordance with the guidance contained within LDP2 and NPF4.

**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:**

3 representations, including representation from the Symington Community Council, have been received which object to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

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

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

## **7. Assessment:**

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

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

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

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

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-planning-framework-4/pages/2-introduction-and-overview.aspx):

- National Policies 1 and 2 - Tackling the climate and nature crises, and Climate Mitigation and Adaptation;
- National Policies 3 and 4 - Biodiversity and Natural Places;
- National Policy 9: Brownfield, vacant and derelict land and empty buildings;
- National Policy 14: Design, quality and place;
- National Policy 16: Quality homes;
- National Policy 17: Rural homes;
- National Policy 29: Rural Development;

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 a key to reducing emissions. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. Further consideration of the potential impact of the development on the natural environment is set out below.

Policy 9 a) directs development to the right place, maximising the use of existing assets, (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The current application is for residential development, including the re-use of existing buildings in a rural location. Specifically, Policy 9 (b) states that "proposals on greenfield sites will not be supported unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP". Notwithstanding the policy provisions of NPF4, the policy provisions of the LDP and related policy guidance allow for the re-use and conversion of traditional rural buildings to form habitable accommodation and also proposals for new housing where they comprise a limited extension to an existing clearly defined and nucleated housing cluster; the proposals have been considered in this context. Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale.



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National Policy 17 a) iii. seeks to encourage proposals for new homes in rural areas, where the development is suitably scaled, sited and designed to be in keeping with the character of the area, and where proposals involve the re-use of a redundant or unused building. National policy 29 vi. also applies in terms of the proposals reusing a redundant or unused building; while National policy 29 vii relates to the reuse of brownfield land where a return to a natural state has not or will not happen without intervention. In this instance, the development proposals are noted to involve the reuse and redevelopment of existing buildings, do not involve greenfield development, they do reuse brownfield land and involve the creation of 3 x dwellings within an already developed area of the site.

In addition to the above provisions of Policy 16, NPF4 states that Local Development plans should set out a tailored approach to rural housing, and reflect locally appropriate delivery approaches. The Council's SALDP2 Policy: 'Rural Housing' is supportive of the development of rural housing where the proposals involve the rehabilitation of vacant rural buildings, and limited extensions to housing clusters, subject to criteria. Further consideration of the proposals against the provisions of the SALDP2, and the related provisions of the Rural Housing Policy Guidance are set out below.

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.

(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):

- Core Principle B8;
- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Rural Housing;
- LDP Policy: Natural Heritage;
- LDP Policy: Land Use and Transport

The Core Principle B8 states that we will support proposals for new housing in the countryside that accord with LDP policy: Rural Housing and Guidance: Rural Housing, and that we will not otherwise support housing outwith defined settlement boundaries. LDP2 Rural Housing Policy allows for housing to be built within rural areas, in accordance with the provisions of that policy, and the related provisions of the Council's planning guidance entitled Rural Housing.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use, that the proposals do not have an unacceptable impact on the amenity of nearby land uses, and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network.

The LDP2 Rural Housing policy is supportive of the development of rural housing where the proposals involve the conversion and re-use of a genuinely redundant building of traditional or local character, and domestic scale for residential use, if the building is largely intact, structurally sound or can be repaired or restored, subject to compliance with the policy guidance and criteria set out in the Council's policy guidance also entitled Rural Housing. LDP2 Rural Housing is also supportive of the development of rural housing where they comprise a limited extension to an existing clearly defined and nucleated housing cluster. NPF4 states that Local Development plans should set out a tailored approach to rural housing, and reflect locally appropriate delivery approaches. LDP2 policy: Rural Housing is compliant with NPF4, with the exception of circumstances where the proposed development would be on a site defined as prime quality agricultural land (Policy 5) and as indicated on the Land Capability Classification at Scale 1:50,000. The proposed development site does not comprise of agricultural land, the application has been considered in this context.

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An assessment of the proposals against the Council's Policy Guidance entitled Rural Housing is set out further in section iii. below, along with a consideration of relevant site-specific factors.

With regard to protected species, LDP Policy: Natural Heritage outlines that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. In terms of the current application, the applicant/agent has identified, through the provision of a Bat Survey, that the development would adversely affect existing bat roosts. As such, Regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 requires all three of the following tests to be satisfied:

1. That the purpose of the licence is to preserve public health or public safety or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. That there is no satisfactory alternative.
3. That the proposed action will not be detrimental to the maintenance of the population of the species at a favourable conservation states in their natural range.

Test 1 is considered to be satisfied by the fact that the development proposals shall bring derelict buildings/ land back into use. The information provided in all the supporting documentation (surveys, including a bat protection plan, which sets out measures to protect bats within and adjacent to the site) regarding the proposed works it is considered that there is no satisfactory alternative in this instance and the terms of test 2 are considered to be met. Lastly, it is considered that the mitigation and compensatory measures outlined within the submitted surveys and protection report, shall satisfy the terms of test 3. It is proposed to attach appropriate condition to ensure that the mitigation and compensatory measures are adequately addressed. Given the above, it is considered that, subject to suitable conditions being attached to any permission, the proposals accord with the LDP policy in relation to the Natural Environment. Overall, it is considered that there will be no significant loss of biodiversity from the development, and that there are opportunities to retain and enhance the wildlife value of the site so as to obtain a biodiversity gain.

No objection has been offered to the proposals from the Ayrshire Roads Alliance subject to conditions on widening of the access road to the site, surfacing materials and achieving suitable visibility splays and as such, the proposals are considered to be acceptable for a road safety, traffic and transport perspective. The proposal can be considered to accord with 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 in this report. The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

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

(iii) Other Policy Considerations (including Government Guidance)

Scottish Government Planning Advice Note 72 - Housing in the Countryside;

The advice note recognises the significance of the scale and shape of Scotland's domestic rural architecture, which is derived largely from the simplicity of the form and proportion. Page 16 advises that the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context.

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- Developing with Nature Guidance (NatureScot);

Provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. As noted above, the submitted bat reports which accompany the submission considers any potential impacts on protected species and will be subject to Nature Scot statutory advice/ guidance. However, the precise enhancement measures for biodiversity at the application site will require to be submitted in writing to the Planning Service, at a matters specified in conditions stage, to ensure that the proposed measures are proportionate, implemented, maintained and retained at the site. This can be conditioned accordingly.

- South Ayrshire Council Planning Guidance - Rural Housing;

The Council's policy guidance in relation to Rural Housing allows for the conversion of traditional and non-traditional vacant rural buildings to form dwellings. Specifically, the conversion and re-use of a genuinely redundant building of traditional or local character and domestic scale, for residential use may be acceptable where the building is largely intact, structurally sound or can be repaired or restored. While the policy guidance generally favours a traditional design approach to rural house, it does not preclude against innovative design which takes cognisance of the surrounding environment.

The Council's Rural Housing policy guidance also supports proposals for new housing in the countryside, where it is an extension to an existing cluster, subject to the following criteria;

Additions to clusters will be acceptable where:

- a) the proposal is sympathetic to the character and landscape setting of the existing cluster.
- b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.
- c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.
- d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.
- e) The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwellinghouse) as at date of adoption of this supplementary guidance - 20th November 2014.

For the purposes of applying the above policy guidance, a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place. While it is noted that there are existing properties in the wider locality it does not automatically follow that the application site is located within a cluster as defined by the above terms, or that any further development within any existing cluster can be accommodated in line with the provisions of the rural guidance, and therefore individual site-specific factors, along with any other materially significant issues require to be carefully considered.

In terms of applying the above provisions of the Council's cluster guidance to the current proposals, it is necessary to consider the physical characteristics of the application site and its surroundings. In this instance, the application site is located within a farmsteading which already has the benefit of planning permission to be partially converted to residential accommodation under a previous application (22/00376/APP). In addition to the existing original dwellinghouse located centrally within the farmsteading, the application proposes 2 x dwellings contained within some of the traditional out-buildings along with the erection of a dwellinghouse on brownfield land. While the existing, original dwellinghouse and the residential accommodation approved under Ref.22/00376/APP is noted to have its own vehicular access, the site of the proposed development is to be accessed via an existing but separate access located to the north-west of the application site. The site of the proposed dwellinghouse is located on an area currently occupied by a dilapidated outbuilding which forms part of the overall farmsteading at Knockendale. Therefore the application site, and in particular the site of the proposed new build dwellinghouse, is considered to be within the visual and physical envelope associated with the extent of built development at the steading of Knockendale; the application has been considered in this context. Given the aforementioned, and the shared access arrangements of the site subject to the current application and the steading development, there is a degree of inter-relationship between the aforementioned properties. Therefore, the positioning of the site of the proposed new build dwelling offers an opportunity to consolidate the building grouping under criteria b. and c. It is recognised that the application site is sited adjacent to Knockendale Farm which currently comprises one dwellinghouse within the farmsteading. Although Knockendale Farm does not meet the quantifiable definition of a 'cluster', it is considered that the application proposals offer an opportunity to re-develop a brownfield site without compromising the visual cohesion of the rural area. Specifically, the proposed erection of a new dwellinghouse, sited amongst the proposed buildings to be converted for residential purposes, is considered to be sympathetic the character and landscape setting of Knockendale Farm as the proposals represent the development of a brownfield site. Furthermore, the site of the proposed new build dwellinghouse is considered to represent an available gap site which would be sensitively in-filled by the development proposals. While Knockendale is not deemed to be a 'cluster' as defined by the Rural Housing PG, the proposal to erect a new build dwellinghouse is considered to represent an opportunity to accommodate an appropriately designed rural dwelling which will not comprise the landscaping setting of the rural area.

In this instance the rural housing provisions of NPF4, are considered to prevail and take precedence over the above policy guidance, particularly in relation to its stance regarding the potential for appropriate rural brownfield sites to accommodate residential uses. The provisions of NPF4 now form part of the development plan in the consideration of the current application, and due to NPF4 post-dating the provisions of the LDP, the policy provisions of NPF4 are considered to prevail. The application has been considered in this context. With regards to d., the current application is for planning permission in principle, and as such, it would be for future applications to establish the precise details of any dwellinghouse approved under this application. However, suitable conditions will be required so as to provide parameters for the siting, design and appearance of the dwellinghouse, and its associated details such as; precise access arrangements and garden ground. Overall, the proposals are therefore considered to accord with the above provisions of the Council's policy guidance.

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

The Council's Open Space Guidance indicates that detached properties should be provided with rear gardens in proportion to their size. Rear gardens will be expected to be 1.5 times the size of the ground floor area of the dwellinghouse and no less than 100 square metres - this will generally include rear and side gardens enclosed by fence/wall/hedge. It is considered that the proposal accords with the provisions of the Guidance on Open Space and Designing New Residential Developments on the basis that the quantitative figures outlined above are met.

(iv) Objector Concerns

- Road safety concerns;

The ARA has recommended that various conditions be attached in relation to the permission including requirements for improved access construction, private access surfacing, the discharge of water and the provision of off-road parking. During the assessment of the planning application, the ARA raised concerns about the sightlines proposed from the access; however, the applicant has provided evidence in the form of a 7-day speed survey that an 85th percentile speed is less than the speed limit of the road. This means that 85% of vehicles were travelling at or below the speed limit for the road. For that reason, the ARA are therefore able to accept the improved 2.4m x 120m visibility splays that are proposed for the vehicular access to the site.

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It is noted that there have been concerns raised previously through the processing of separate applications regarding development served off the C93 access road, however the ARA has reviewed the current application carefully and has no adverse comments in terms of road safety concerns, traffic, access or water runoff and consider the current application to be acceptable subject to these conditions.

- Concerns over information contained within documentation submitted in support of the application p

In terms of the accuracy (or otherwise) of the supporting information submitted, this is a matter which the applicant/ agent is responsible for, and not the Planning Authority. It is considered that the submitted plans, along with the site visit undertaken, allows for a robust assessment of the application proposals.

- Concerns over the time afforded to the Community Council to make representation on the application p

The Council, as Planning Authority, has fulfilled the notification requirements set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations. There was a delay in issuing the neighbour notification due to an administration error but notwithstanding, the Symington Community Council has been able to make comment on the application proposals which are considered as part of the application assessment.

(v) Impact on the Locality

Planning permission in principle is sought for the conversion of agricultural buildings to form two dwellinghouses and erection of dwellinghouse at Knockendale Farm, northeast of Symington. Having considered the characteristics of the immediate area around the application site, it is considered that the proposals afford an opportunity to provide a suitable residential environment within a rural setting. Accordingly, the proposals are not considered contrary to the policy provisions of the development plan, including the provisions of NPF4, and in particular, there is support in terms of the SALDP2 policy and associated guidance in relation to Rural Housing, and the proposal is considered to generally accord with these policy guidelines.

While the application is for planning permission in principle, it is considered that the site is sufficiently large enough to accommodate the 3 x dwellinghouses which do not impact on the amenity of the neighbouring property at Knockendale Farmhouse, and that all of the dwellinghouses can be sited sufficiently far enough away so as not to cause any overlooking, overshadowing or general amenity concerns. Appropriate planning conditions can be attached so as to ensure the any future dwellinghouse can meet with the Council's design guidance. Suitable conditions will also be required to meet with the requirements of consultees including the Ayrshire Roads Alliance, and AECOM.

It is noted that there have been concerns raised previously through the processing of applications 21/00037/PPP, 22/00198/APP and 22/00619/APP regarding development served off the C93 access road, the ARA consider the current application to be acceptable subject to conditions.

Subject to appropriate planning conditions regarding siting, design, external materials, boundary treatment, landscaping, access, visibility splays, drainage and biodiversity enhancement measures, there are no policy objections and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the rural setting, character and appearance of the area, or on the residential amenity of the neighbouring properties. 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.

**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 letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on the rural character or amenity of the locality.

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

**9. Recommendation:**

It is recommended that the application is approved subject to the following conditions: -

- (1) The development to which this permission relates must be commenced no later than 5 years from the date of this permission.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.

- (2) A further application(s) for the full details of the proposed development including the siting, design, external appearance, means of access, landscaping measures and biodiversity enhancements and any other matters specified in conditions below shall be submitted for the approval of the Planning Authority. No works shall commence on site until the written permission of the Planning Authority has been obtained for the specific matter to which the works relate.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

- (3) That this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below.

Reason: To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006.

- (4) That at the Approval of Matters Specified in Conditions stage a design statement shall be submitted, for approval, which demonstrates how the design, siting and appearance of the development takes cognisance of the character of the surrounding area. The siting, design and appearance of the dwellinghouse and design statement shall have cognisance of the provisions of Planning Advice Note 72 and the Council's policy guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing. The proposed dwelling shall not exceed one and a half storeys in height, the details of which shall be agreed with the Council, as planning authority, within an Approval of Matters Specified in Conditions application.

Reason: In order to retain the rural character and amenity of the area, and to accord with the Council planning guidance.

- (5) That at the Approval of Matters Specified in Conditions stage details shall be submitted, for approval, of private garden ground in accordance with the Council's planning policy guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas.

Reason: To comply with the Council's planning policy guidance in relation to open space.

- (6) That at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval, and shall comprise the use of native planting rather than the use of high boundary walls and fences, and that with the exception of any new access to serve the dwelling, the existing hedgerows around the site shall be retained and maintained.

Reason: In the interests of visual and residential amenity.

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- (7) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of any additional landscaping, using native species, along with details of biodiversity enhancement measures to be implemented within the site, for the written approval of the Council as the planning authority.

Reason: In the interest of visual amenity and biodiversity enhancement.

- (8) That at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the access arrangements. The proposed access shall be widened in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to the completion of the development.

Reason: In the interests of road safety and to ensure an acceptable standard of construction.

- (9) That at the Approval of Matters Specified in Conditions stage, details shall be submitted, for the written approval of the planning authority of the surfacing, off-road parking, and means of surface water run off which shall be prevented from discharging to the public road. The aforementioned details shall accord with the provisions of the National Roads Development Guide.

Reason: In the interest of road safety.

- (10) That at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed drainage arrangements for the for the written approval of the Council as the planning authority, with any private waste arrangements being designed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended).

Reason: To ensure the development can be adequately serviced.

**9.2 Advisory Notes:**

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- (4) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

**9.3 List of Determined Plans:**

Drawing - Reference No (or Description): EX(0)001

Drawing - Reference No (or Description): L(00)003 Rev A

Drawing - Reference No (or Description): L(00)004

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00761/PPP)

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

The principle of the development hereby approved is considered to accord with the provisions of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, 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 – Rural Housing
6. PAN 72 – Housing in the Countryside
7. Developing with Nature Guidance (NatureScot)
8. Consultation Responses.
9. 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: 9 May 2024

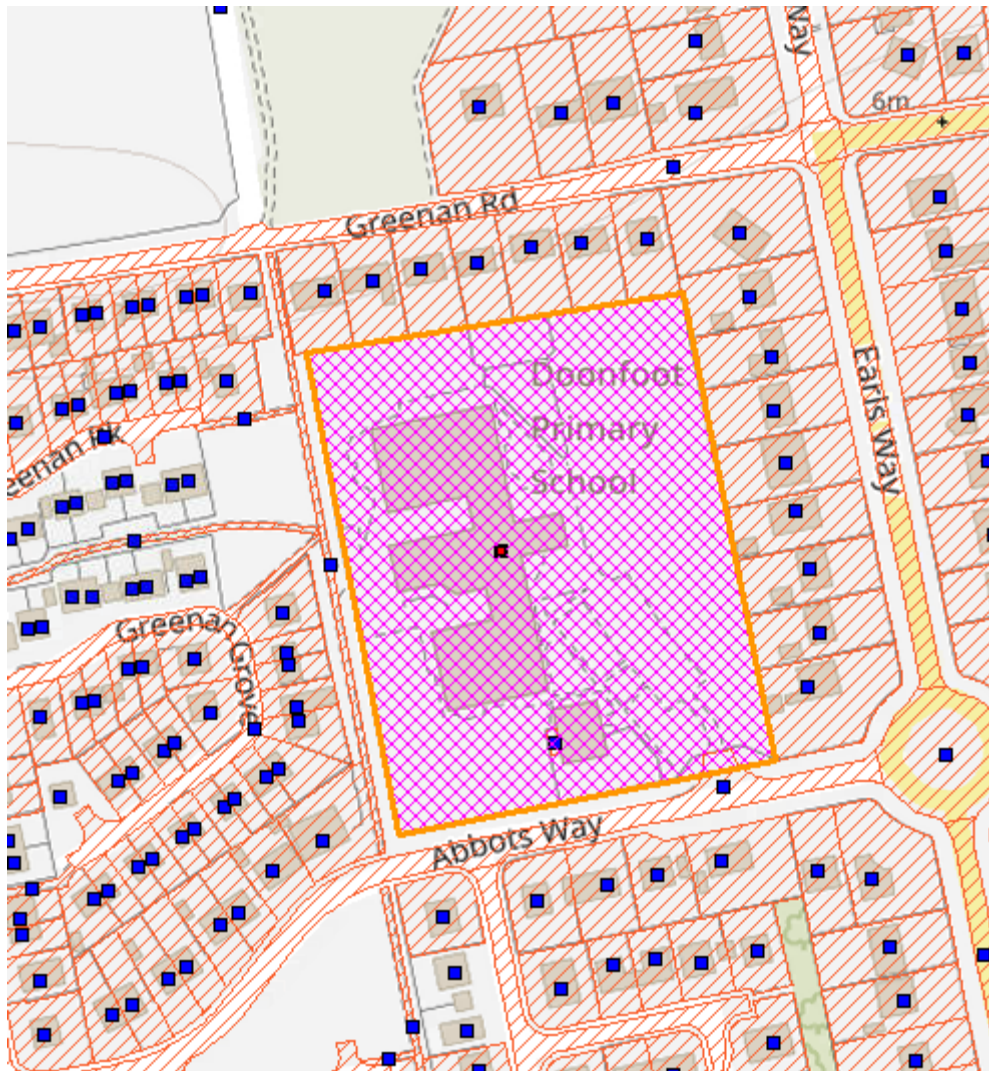
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

24/00119/APP

DOONFOOT PRIMARY SCHOOL 28 ABBOTS WAY AYR SOUTH AYRSHIRE KA7 4HJ

#### Location Plan

##### APPLICATION SITE



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#### Summary

Planning permission is sought for alterations to revise the existing entrance and layout of the car park, installation of lighting and erection of fencing at Doonfoot Primary School, Ayr.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the amenity of the locality.

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

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objection(s) has been received.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 9 MAY 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00119/APP</b>
<b>SITE ADDRESS:</b>	<b>Doonfoot Primary School 28 Abbots Way Ayr South Ayrshire KA7 4HJ</b>
<b>DESCRIPTION:</b>	<b>Revised layout of existing car park, installation of lighting and erection of fencing</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 20 February 2024.
- The application was validated on 20 February 2024.
- A Site Visit was carried out by the Planning Authority on 2 March 2024.
- 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 22 February 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### 1. Proposal:

The application site is Doonfoot Primary School, 28 Abbots Way, Ayr.

Planning permission is sought for alterations to revise the existing entrance and layout of the car park, installation of lighting and erection of fencing.

The school's main vehicular entrance shall be altered so as to create a one-way system for vehicles. The entrance shall be brought forward in line with the current footpath which immediately abuts the front boundary of the school. New tactile paving and dropped kerbs are proposed to the entrance which will tie in with the existing footpath to the front of the school boundary.

The proposals include the erection of a brick boundary wall denoting 'Doonfoot Primary School' with a vehicular entrance and exit on either side of the boundary wall. The proposed wall reaches a height of 2.15 metres (at its highest point) and 8.5 metres in width and comprises Ibstock Chesterton Manorial Red Wire brick and concrete cope.

A new barrier fence approximately 1.65 metres in height and 9 metres in length is proposed adjacent to the right-hand side of the proposed exit comprising black powder coated metal balustrades; and additional fencing is proposed above the existing front boundary wall which runs approximately 70 metres along the front boundary and part of the side boundary of the school. From street level, the fence shall reach 2 metres in height and comprises Jackson's Euroguard black mesh to match that of the existing fencing. A 2-metre-high security fence and gates, also comprising black mesh, is proposed along the rear of the car park/ service area and adjacent to a playground area. The car park shall be surfaced in tarmac and shall comprise 68 car parking spaces in total (which represents an increase of 31 spaces). Finally, the scheme proposes new lighting within the car park area. The lighting will comprise 6 slimline LED grey powder coated aluminium columns measuring between 4 and 5 metres in height (4m high along the entrance footpath and 5m high around the vehicle areas).

The works will involve the relocation of 8 trees from the existing car park, as denoted in drawing GA 004 REV A. The trees will be re-positioned and planted within a suitable location elsewhere within the school grounds.

The application is accompanied by a supporting statement which advises that -

- the proposals shall provide safer access and egress to the existing car park;
- the proposal creates an additional 31 car parking spaces for staff and visitors so as to reduce on road parking in adjacent residential streets;
- introduces lighting within the carpark so as to ensure a safer environment for staff and pupils on darker evenings; and
- additional fencing/ gates are to be erected so as to provide secure, safe play areas for pupils.

Further details are set out in with submitted drawings which accompany the application.

The application site is owned by South Ayrshire Council, and the site is currently in use for educational purposes. The site is designated in the Adopted South Ayrshire Local Development Plan as being a community facility. The provision of education facilities is considered to be a community facility. Under the proposals, the site will continue to provide education facilities to meet the needs and demands of the local community.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objection has been received.

## **2. Consultations:**

**Ayrshire Roads Alliance** offers no objections.

**Council's Environmental Health Service** offers no objections; however, recommends advisory notes are attached to any permission regarding light pollution and noise/ vibration during construction works.

## **3. Submitted Assessments/Reports:**

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations. None.

## **4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development. None.

## **5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

## **6. Representations:**

Two representations have been received to the proposed development: one objection and one neutral comment. All representations can be viewed in full online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issues raised by Representees can be summarised as follows.

- Potential for light pollution;
- Trees will be impacted by development, so two trees closest to my boundary should be removed;
- By reducing the pavement area will mean more people congregating in front of property and potential safety issues;
- The roadway on opposite side from the main entrance will be used for drop off and pick up which will obstruct the main entrance/ exit;

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

## **7. Assessment:**

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

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

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

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

### **(i) National Planning Framework 4 (NPF4)**

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

National Policies 1 and 2 - Tackling the climate and nature crises, and Climate Mitigation and Adaptation;  
National Policy 9 - Brownfield, vacant and derelict land and empty buildings;  
National Policy 13 - Sustainable Transport;  
National Policy 15 - Local Living and 20 minute neighbourhoods;

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.

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 a key to reducing emissions.

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). The proposals are contained within/ adjacent to an established primary school; in this regard, the proposals are not considered to constitute greenfield development.

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 utilise the existing entrance to the school. The school is accessible by all modes of sustainable transport; walking, wheeling, public transport and due to its location within a settlement, is accessible by walking.

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 this instance, the site is located within a settlement, it is noted to accommodate an educational facility, and the proposals seek to enhance/ improve the existing facilities. Given the aforementioned, the proposals are considered to afford residents improved facilities which are not considered to adversely impact the setting, character or appearance of the locale. Therefore, the proposal shall allow the continued use of the site as an existing community facility for the benefit of the local community and is considered to meet the terms 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/local-development-plan-2):

Core Principle B2: Community Focused Development;  
Strategic Policy 1: Sustainable Development;  
Strategic Policy 2: Development Management;  
Community Facilities; and  
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.

LDP Core Principle B2 states that the Council will support community focused development which support community- based projects provided they have no significant adverse environmental impact; facilitate the development of sports and leisure facilities and safeguard existing community facilities.

Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

In this instance, the development proposals seek to alter the entrance and carpark of an existing primary school within the settlement of Doonfoot, Ayr. The alterations are considered acceptable in terms of their proposed siting, scale, design and finishing materials which are not considered to detract from the locale. On this basis, the proposals are not considered to adversely impact the setting, character or appearance of the area.

Furthermore, the proposals are considered to improve and make a positive contribution to an existing community facility which ensures the continued use of the school for the benefit of the wider community. It is recognised that, although the application site is designated as a community facility, it is situated within a residential area. Therefore, careful consideration of any impact from the application proposals on residential amenity in the vicinity, is set out further below. However, the principle of the development proposal is considered to accord with the strategic policies of the development plan.

Consultation responses received have not raised any objections to the proposals. Planning conditions and advisory notes can be attached to any permission to control matters arising as a consequence of the development. On this basis, it is considered that the development proposals to upgrade and improve the existing school entrance and car park has the potential to make a positive contribution to the locale. This aligns with this policy objective of the LDP in relation to community facilities which seeks to support community facilities.

LDP Land Use and Transport policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. It is noted that the car parking provision within the school grounds will be increased as a consequence of the proposal. The proposal creates 68 spaces within the curtilage of the school which equates to an increase of 31 spaces. The school is accessible via various modes of transport for the local community, including walking, cycling, wheeling and public transport links. The ARA offers no objection to the development proposals from a traffic/ transportation perspective. On this basis, it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

(iii) Planning History

The primary school has previously been altered and extended. Planning applications, as follows;

Planning application: 07/00396/FUL Alterations to existing building – Approved in 2007;

Planning application: 13/00068/APP Alterations and extension to school, erection of sprinkler tank building and associated landscaping Approved in 2013;

Planning application: 19/00241/APP Alterations and extension to existing school – Approved in 2019; and

Planning application: 23/00056/APP Alterations and extension to existing school – Approved in 2023.

(iv) Other Policy Considerations (including Government Guidance)

None.

(v) Objector Concerns

*The following comments are offered in response to the representations received.*

Light pollution;

The proposal is accompanied by details of the lighting columns proposed within the car park. The submitted car park illumination information shows that the proposed lighting is low level LED lighting. As set out above, the Council's Environmental Health Service has offered no objections to the proposals. Their recommended advisory note indicates that lighting requires to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to ensure neighbouring properties are appropriately safeguarded and this can be imposed as a condition of the permission. Therefore, on this basis, it is not considered that the proposed lighting will adversely impact any adjacent residential properties. The management and maintenance of the proposed lighting, once installed, is a matter for Educational Services and is not a material planning consideration in the assessment of the application.



Trees;

The proposal is accompanied by a plan and statement denoting the trees impacted by the development proposals. It is proposed to replant these 8 trees within the school grounds. The trees to which the comment refers (to the east of the site immediately adjacent to the properties within Earls Way) shall not be removed as a consequence of the proposals and they are outwith the 8 trees that are identified for transplanting to another area of the school site. Furthermore, the trees within the school grounds are not protected and could be removed without the prior consent of the Planning Service. However, the proposals to replant the 8 trees is welcomed.

Impact from revised layout;

The Ayrshire Roads Alliance offers no objections to the proposals in terms of impact on local road network or road safety. Inconsiderate parking of vehicles within the public highway/ pavements/ blocking of driveways opposite the school entrance and surrounding locale is not a material planning consideration in the assessment of a planning application. Inconsiderate/ illegal parking, should it occur, is matter for Police Scotland. It is noted however that this proposal includes provision for an additional 31 parking spaces within the curtilage of the school grounds which should in theory alleviate on street parking. Furthermore, it is noted that existing signage and road markings are present at the school entrance which advises that there is no stopping permitted at the entrance.

The Planning Service cannot control the behaviours of parents/ groups congregating at the locale. Therefore, this is not a material planning consideration in the assessment of the application.

(vi) Impact on the Locality

It is accepted that at particular times of the day residents, in common with other residents adjacent to other primary schools, will experience concentrated traffic flows and vehicle movements associated with the operation of the facility. It is considered that the current proposals will help alleviate on road parking from staff and visitors by creating an additional 31 spaces within the curtilage of the school. Additionally, the new one-way system has been designed so as to assist in the flow of traffic to and from the school. Following consultation with the Ayrshire Roads Alliance (ARA), no objection to the development proposal is offered from an operational, traffic, access, parking, or safety perspective.

The proposals also comprise additional boundary treatments in the form of fencing and boundary walls. The proposed fencing and boundary walls match that of the existing boundary treatments found within the school grounds in terms of finishing materials, height and design. On this basis, the fencing and boundary walls are not considered to adversely impact on the setting, character or appearance of the locale. Additionally, due to their separation distances from neighbouring properties, the boundary treatments are not considered to adversely impact any neighbouring properties.

Given the siting and orientation of the slimline lighting columns, the distance between the lighting and residential properties and that the lighting will require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light", it is considered that the proposed lighting columns will not give rise to any significant light nuisance issues and will not be visually prominent and can be absorbed within the setting of the school/ surrounding locale.

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

The proposed development complies with the development plan for the reasons as outlined above. The proposal is considered to have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concerns. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. On this basis, it is considered that the application is approved with conditions.



## **8. Conclusion:**

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposals will not have a significant adverse impact on the locality.

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

## **9. Recommendation:**

It is recommended that the application is approved with conditions.

Condition:

1. That the development hereby permitted must be begun within **three years** of the date of this permission.

Reason:

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.

Condition:

1. That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

Reason:

1. To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

### **9.1 Advisory Notes:**

- (1) In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228. Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.

To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note 1 The Reduction of Obtrusive Light".

Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

### **9.3 List of Determined Plans:**

Drawing - Reference No (or Description): 01

Drawing - Reference No (or Description): 02

Drawing - Reference No (or Description): 03

Drawing - Reference No (or Description): 04

**Regulatory Panel (Planning): 9 May 2024**

Report by Housing, Operations and Development Directorate (Ref: 24/00119/APP)

- Drawing - Reference No (or Description): 05
- Drawing - Reference No (or Description): 10
- Drawing - Reference No (or Description): 11
- Drawing - Reference No (or Description): 12
- Drawing - Reference No (or Description): 15
- Drawing - Reference No (or Description): 17
- Drawing - Reference No (or Description): 18
- Drawing - Reference No (or Description): EX001
- Drawing - Reference No (or Description): GA 001 REV D
- Drawing - Reference No (or Description): GA 002 REVA
- Drawing - Reference No (or Description): GA 004 Rev A
- Drawing - Reference No (or Description): GA 005 A
- Drawing - Reference No (or Description): LP+SP
- Drawing - Reference No (or Description): Car Park 1 Contours
- Drawing - Reference No (or Description): Car Park 2 Illuminance
- Other - Reference No (or Description): Supporting Statement
- Other - Reference No (or Description): Product Datasheet – lighting
- Other - Reference No (or Description): Statement in relation to trees
- Other - Reference No (or Description): Marshalls Tactile Blister Brochure

**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. Application form, drawings and supporting information
2. Representations
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. Consultation responses

**Equalities Impact Assessment:**

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

**Person to Contact:**

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