

County Buildings
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17 June 2024

PLEASE NOTE THAT THE MEETING WILL BE RECORDED AND AVAILABLE TO VIEW AT A LATER DATE ON THE COUNCIL'S WEBSITE BUT WILL NOT BE LIVESTREAMED

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 **Tuesday, 25 June 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 in the **Girvan Committee Room**, County Buildings, Ayr on a hybrid basis for Elected Members and available to view on the Council's website at a later date.

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

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

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South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 25 June 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	23/00864/APP Mr David Clark (Objections) (Application Summary)	36A Alloway Ayr South Ayrshire KA7 4PQ	Change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking	RAD Group	Approval with Condition(s)
2.	22/00302/PPPM Mr Alastair McGibbon (Objections) (Application Summary)	Land To The East Of A77T From Holmston Roundabout To Bankfield Roundabout Ayr South Ayrshire	Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works	James Craig Ltd	Refusal

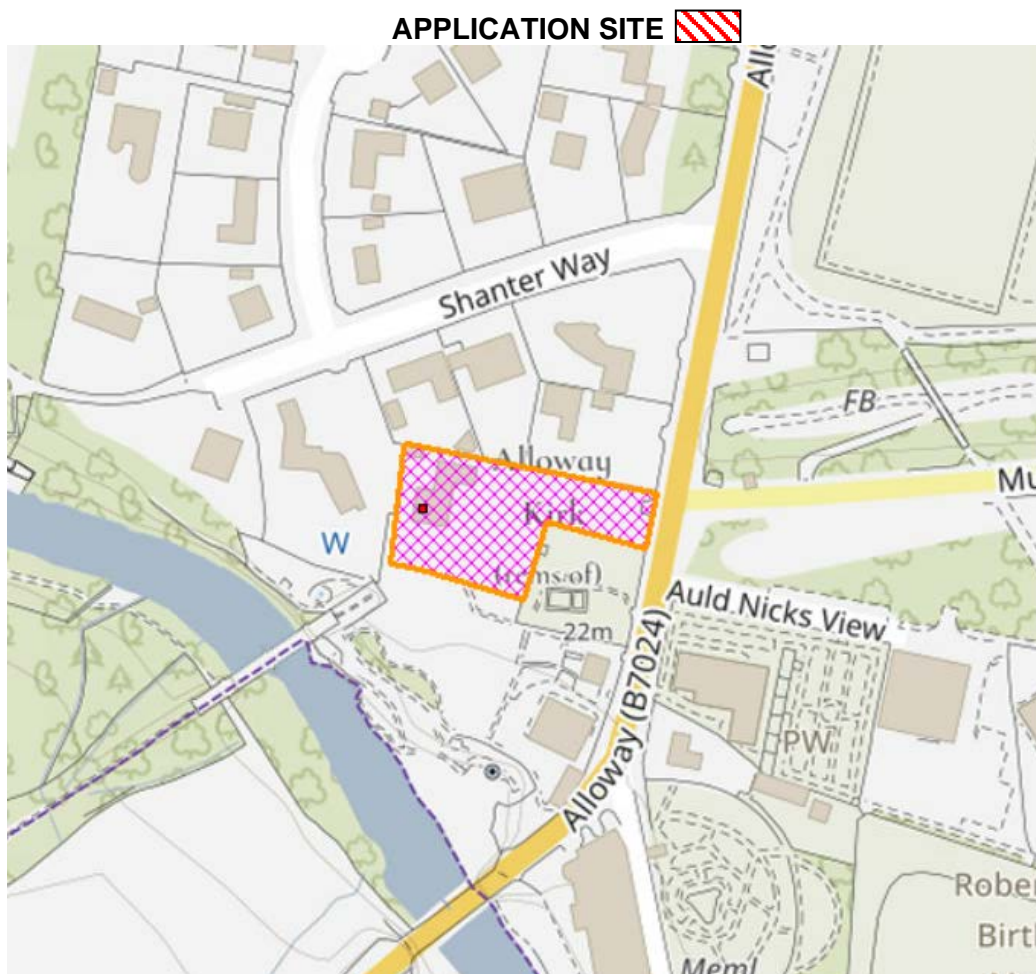
REGULATORY PANEL: 25 JUNE 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00864/APP

36A ALLOWAY AYR SOUTH AYRSHIRE KA7 4PQ

Location Plan



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

The site of the proposed development is a dwellinghouse located at 36A Alloway, Ayr. The dwellinghouse is set within a substantial plot and is located within the Alloway Conservation Area. It is understood that the dwellinghouse has been purchased by the owner of the nearby Brig O' Doon Hotel with a view to utilising the property as ancillary hotel accommodation. The application site is bound by residential properties to the north, west and south; and by the category A listed Alloway Kirk to the east. It is also located within a residential area, as prescribed by the adopted South Ayrshire Local Development Plan 2, although there are other uses located in close proximity to the application site including Alloway Parish Church and the Brig O' Doon Hotel.

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Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 23/00864/APP)

Planning permission is sought for the change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking. The application submission is accompanied by a supporting statement/ operational statement which explains that the application site, which is known as 'Kirkgate', will be used as accommodation separate from that of the Brig O' Doon Hotel for wedding parties and guests. The application also proposes the formation of 14 car parking spaces within the curtilage of 'Kirkgate' which would be for the use of guests specifically linked to a wedding party.

21 representations have been received, 20 of which object to the proposed development. An objection has been submitted by the Alloway and Doonfoot Community Council. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from consultees with no objections or issued being raised that would warrant a recommendation other than approval.

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

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 25 JUNE 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00864/APP
SITE ADDRESS:	36A Alloway Ayr South Ayrshire KA7 4PQ
DESCRIPTION:	Change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

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

Key Information:

- The application was received on 22 November 2023.
- The application was validated on 30 November 2023.
- The case officer visited the application site on 10th June 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 12 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 19 March 2024.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 19 March 2024.

1. Proposal:

The site of the proposed development is a dwellinghouse located at 36A Alloway, Ayr. The dwellinghouse is set within a substantial plot and is located within the Alloway Conservation Area. It is understood that the dwellinghouse has been purchased by the owner of the nearby Brig O' Doon Hotel with a view to utilising the property as ancillary hotel accommodation. The application is bound by residential properties to the north, west and south; and by the category A listed Alloway Kirk to the east. The application site is located within a residential area, as prescribed by the adopted South Ayrshire Local Development Plan 2, although there are other uses located in close proximity to the application site including Alloway Parish Church and the Brig O' Doon Hotel.

Planning permission is sought for the change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking. The application submission is accompanied by a supporting statement/ operational statement which explains that the application site, which is known as 'Kirkgate', will be used as accommodation separate from that of the Brig O' Doon Hotel for wedding parties and guests. The application also proposes the formation of 14 car parking spaces within the curtilage of 'Kirkgate' which would be for the use of guests specifically linked to a wedding party at the Brig O' Doon Hotel.

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. Furthermore, the Alloway and Doonfoot Community Council has expressed a contrary view to the recommendation that this for the planning application to be approved.

2. Consultations:

Council's Environmental Health Service offer no objections to this application.

Ayrshire Roads Alliance offer no objections to this application subject to conditions/ advisory notes.

3. Submitted Assessments/Reports:

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

A Supporting Statement and an Operation Statement have been submitted with this application.

The Supporting Statement explains that the application proposals allow for a *'bridal party to have separate accommodation the evening before the wedding'*. The statement also indicates that the application proposals *'allow for increased wedding parking offering an additional 14 spaces for guests specifically linked to the wedding party'*.

The Operating Statement sets out the following: -

- “• The use of the Kirkgate will only be for bride or groom and associated guests on the night prior to the wedding.*
- The Kirkgate will not be used for any bookings other than in conjunction with a wedding.*
- Booking durations will most commonly be for one night and in some cases this may extend to two nights, this often depends on how far the bride and groom may have travelled.*
- The Kirkgate will be serviced by the Brig O Doon Hotel staff in terms of housekeeping and only an option to serve a light breakfast to the Kirkgate is being offered with all other services requiring guests to use the hotel facilities.*
- The Brig O Doon, as do all the RAD Group venues, operate a strict noise and disturbance policy and the Kirkgate will be monitored in the same manner. After the venue closes following a function the hotels night porter will be responsible for monitoring and addressing any noise issues from guests within the hotel or the Kirkgate. The booking information and house rules clearly highlight the Kirkgate has neighbouring residential properties in close proximity and any noise disturbance will not be tolerated.”*

While the terms of the statements and the reasons for the application are noted, if granted, the property will effectively be a remote extension of the Brig O' Doon Hotel and it is therefore recognised by the Planning Service that it may be occupied at times by guests who are not part of a wedding party.

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:

21 representations have been received, 20 of which object to the proposed development and 1 of which is in support. As set out elsewhere in the report, the Alloway and Doonfoot Community Council has objected to the application proposals. All representations can be viewed at <https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S4I137BDHNM00&activeTab=summary>.

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

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

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

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

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

- Policy 7: Historic assets and places;
- Policy 26: Business and industry; and
- Policy 30: Tourism.

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

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

(ii) South Ayrshire Local Development Plan 2

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

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Business and Industry;
- LDP Policy: Tourism;
- LDP Policy: Historic Environment; and
- LDP Policy: Land Use and Transport.

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

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

(iii) Other Policy Considerations (including Government Guidance)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change documents on Setting, is material to the assessment of the current application.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

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. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

An assessment of the proposals in terms of their historic environment impact is set out below.

(iv) Planning History

02/01148/FUL – erection of dwellinghouse and double garage – permitted. The dwellinghouse which exists at the application site was approved by planning permission 02/01148/FUL.

21/00171/APP – alterations and extension to dwellinghouse – permitted. This application was approved on 7 April 2021 and required to be implemented within 3 years of that date. A notification of intention to develop was submitted on 1st February 2024; however, at the time of writing this report development had not commenced on site. Consequently, this permission is considered to have lapsed. For the avoidance of doubt, the proposed floor plans associated with this lapsed permission (submitted alongside the application submission) do not have the benefit of planning permission. The assessment of this application relates solely to the works described above i.e. change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking. Any future extension/ alterations proposed at the property would likely require the benefit of planning permission.

(v) Objector Concerns

21 representations have been received, 20 of which object to the proposed development and 1 of which is in support. As set out elsewhere in the report, the Alloway and Doonfoot Community Council has objected to the application proposals. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

- **Noise and residential amenity concerns.**

It is considered that appropriate usage of the proposal should not adversely affect residential amenity. An assessment of the proposal's amenity impact is set out elsewhere in this report. Furthermore, the Council's Environmental Health Service offer no objection to the application on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building. The Environmental Health Service has statutory powers to investigate noise complaints should they occur and take action as necessary. The matter of noise is considered further elsewhere in this report.

- **Parking concerns.**

The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.

- **The proposal will change the character of the area.**

An assessment of the proposals impact on the character of the area is set out elsewhere in this report.

- **Adverse impact on the character and appearance of the conservation area.**

An assessment on the proposals impact on the character and appearance of the conservation area is set out elsewhere in this report.

- **The property has already been advertised by the applicant despite planning permission not being in place.**

This is a matter which is outwith the control of the Council; however, the case officer has contacted the applicant's agent to advise that the property cannot be used as ancillary office accommodation until such time that the necessary planning permission(s) are in place.

- **Concerns relating to how the hotel will manage noise complaints.**

The potential for noise and disturbance to neighbouring properties is a primary consideration to the assessment of this application, and this is considered elsewhere in this report.

- **The planning application submission does not apply for multi-occupancy.**

Noted. The planning application seeks permission for the Change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking.

- **Adverse impact on the setting of Alloway Kirk.**

An assessment of the application proposal impact on the setting of Alloway Kirk is set out elsewhere in this report.

- **Car park could be extended at a later date which could impact on the trees within the application site.**

The Council are required to consider and assess the planning application as submitted. However, the formation of additional hardstanding within the curtilage of the application site would require planning permission.

- **Anti-social behaviour and littering concerns.**

Anti-social behaviour/ littering concerns, should they occur, are matters for the police/ anti-social behaviour/ the Council's Litter wardens.

- **Concerns relating to the structural stability of the tunnel which runs underneath the application site.**

This matter has been raised with both the applicant and the ARA and is considered in more detail elsewhere in this report.

- **Applicant has undertaken works without planning permission.**

The case officer has contacted the applicant's agent to advise that the property should not be used as ancillary hotel accommodation until such time that the necessary planning permission(s) are in place.

(vi) Impact on the Locality

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the South Ayrshire Local Development Plan 2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issue in this case are whether the proposal complies with the development plan. So, having regard to the provisions of the development plan, and any other material considerations, the main issues in this application are:

- The impact of the proposal on the amenity of the occupiers of adjacent residential properties;
- The provision of car parking proposed by the development and the effect of the proposal on road safety;
- The effect of the proposal on the setting of the adjoining listed buildings, along with impact on the character and appearance of the designated conservation area; and
- The tourism/ business impacts associated with the development proposals.

In terms of the residential amenity impact, South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites and Strategic Policy 2 indicates that development proposals should not affect the privacy and amenity of existing and proposed properties. An issue to consider in the assessment of this application is whether changing the dwelling's primary and lawful use from residential to ancillary hotel accommodation would be acceptable in principle. A key policy test for the acceptability or otherwise of the proposal should principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The potential for noise and disturbance to neighbouring properties is a primary consideration to the assessment of this application. The proposed development will be used by mainly wedding guests of the Brig O' Doon hotel, which introduces an element of irregular use associated with event schedules. There is a possibility that the arrival of guests and their activities could generate noise, particularly during wedding events. However, the applicant has committed to implementing measures to manage and control noise levels. These measures include ensuring that wedding guests are informed of noise restrictions and expected behaviour; and on-site supervision where hotel staff will monitor the accommodation to manage any disturbances promptly. It is also noted that the application site is located in close proximity to non-residential uses i.e. Alloway Church/ Cambusdoon Cricket Club and the Brig O' Doon Hotel and the use of the application site for the purposes of ancillary hotel use (class 7), assuming that the ancillary hotel accommodation is managed appropriately, is not considered to compromise the residential amenity of the residential properties within the locale to such an extent which would merit refusal of the application.

If it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or an appropriate licencing service of the Council. Furthermore, given the property would no longer be considered as a residential dwelling, it would not benefit from householder permitted development rights. Should future owners therefore seek to undertake any external alterations or development, which could be capable of generating noise nuisance, a further application would require to be submitted.

With regard to the car parking proposed and the effect of the proposal on road safety, it is noted that the ARA offer no objection, subject to conditions, from road safety perspective. The proposed formation of 14 x parking bays is considered to offset some of the parking pressures that the Brig O' Doon Hotel experiences, particularly during weddings. The proposal is therefore considered to comply with the Land Use and Transport policy of LDP2.

The ARA has been made aware of the objections/ concerns relating to the structural stability of the tunnel which runs underneath the application site. The ARA has advised that when the house was built the tunnel was strengthened by the developer because they wanted to have a drive into the house which was also suitable for emergency vehicles. The assessed load carrying capacity of the un-strengthened section of tunnel which is located at the south-western portion of the application site is 7.5 tonnes in accordance with BD 21/01. The strengthened section of the tunnel over the drive of this house has a capacity of 26 tonnes in accordance with BD 21/01. The Tunnel is a SAC asset and as such a SAC responsibility as land owner to ensure its maintenance/upkeep and safety. From a planning perspective and to adequately address this matter, it is considered appropriate to attach an advisory note which stipulates that no vehicle in excess of the assessment live load level classification of 26 tonnes (maximum gross vehicle) as described in BD 21/01 Assessment of Highway Bridges and Structures should cross the tunnel. The applicant's agent has been made aware of the load carrying capacity of the tunnel and it is for the applicant, in consultation with the Council as Landowner, to manage this matter appropriately.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be minimal as the external changes relate solely to the formation of the parking area for 14 x cars (bays are 2.5 x 5m). The application site is defined by fairly substantial boundary enclosures which would mitigate the visual impact of parked vehicles when viewed outwith the application site. As such, it is considered that the development proposals are in compliance with the historic environment policies of the Development Plan in that they will not have an adverse impact on the setting of nearby listed buildings or that of the wider character and appearance of the conservation area.

Under LDP Policy: Tourism, the Council will allow new sites and accommodation to be developed provided that:

- a) All new accommodation is for holiday use only; and
- b) The development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

In this instance, the proposal does not fit specifically with any criteria above which is in part due to the current LDP2 being adopted, prior to the publication of NPF4. Despite the dwelling continuing to be utilised for residential purposes, it would be occupied by different parties on a short-term, as opposed to a permanent basis i.e. it would no longer be the sole or main residence of any of the occupants and it would be utilised on a commercial basis to provide ancillary accommodation to the Brig O' Doon, as opposed to its historic private use.

Given its siting within the settlement boundary of Ayr, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as minimal external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to either the neighbouring listed buildings or conservation area. Furthermore, it is considered that the application proposals represent a logical expansion of an existing business without significantly negatively affecting the residential amenity of the locale. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

In conclusion, the proposal which would in essence retain a residential use despite the commercial aspect, is considered to be compliant with the provisions of the stated Development Plan Policies and as there are no material considerations which override the presumption in favour of a determination in accordance with the terms of the development plan, it is recommended that this proposal be approved subject to condition listed below.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations 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. Overall, it is considered that the proposal will not have an 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.

9. Recommendation:

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

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) 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.
- (4) That 14 off-road parking spaces shall be provided within the existing site boundary. 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).
- (5) 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.
- (6) That 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). The turning areas shall be constructed, as approved, prior to completion of the development.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interest of road safety and to avoid the discharge of water onto the public road.
- (4) In the interest of road safety and to ensure adequate off-street parking provision.
- (5) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (6) To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

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.
- (5) 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.
- (6) 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.
- (7) The Council as Roads Authority advises that no vehicle in excess of the assessment live load level classification of 26 tonnes (maximum gross vehicle) as described in BD 21/01 Assessment of Highway Bridges and Structures should cross the tunnel.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): KG-PLA-001
Drawing - Reference No (or Description): KG-PLA-002
Drawing - Reference No (or Description): KG-PLA-003
Supporting Information - Reference No (or Description): Supporting Statement
Supporting Information - Reference No (or Description): Operational Statement

Background Papers:

1. Planning application form, plans, design statement and flood risk assessment (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. 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 Clark, Supervisor Planner – Place Planning - Telephone 01292 616 118

REGULATORY PANEL: 25 JUNE 2024

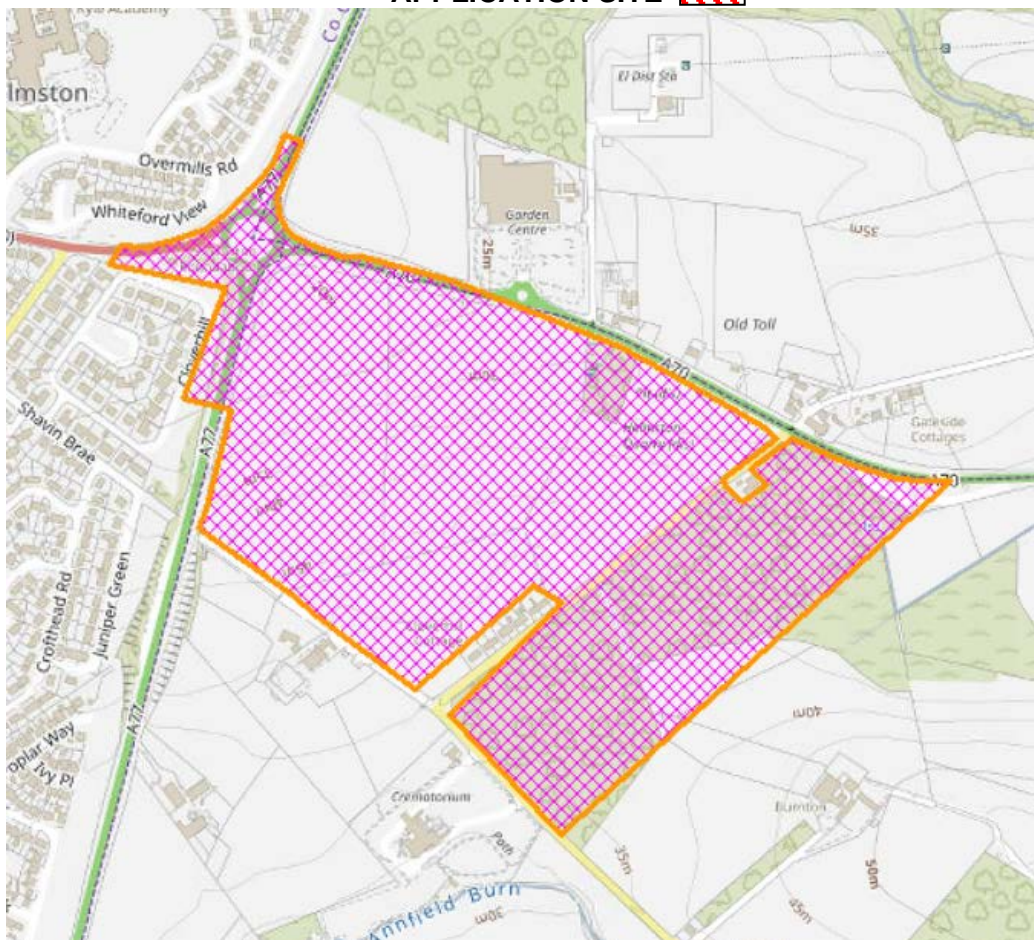
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

22/00302/PPPM

LAND TO THE EAST OF A77T FROM HOLMSTON ROUNDABOUT TO BANKFIELD ROUNDABOUT AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[Application Summary](#)

Summary

This application seeks planning permission in principle for the erection of a residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office) access, landscaping, drainage and associated works at land to the east of the A77 trunk road between Holmston and Bankfield Roundabouts, Ayr. Access to the site is proposed to be taken from the A70 at the roundabout opposite Dobbies Garden Centre and a pedestrian and bicycle underpass below the A77 connecting the application site with Holmston, Ayr to the west is also proposed together with landscaping, drainage and associated works. The application proposes that up to 350 dwellings could be accommodated on the site (including 25% affordable units); however, as the application concerns planning permission in principle many of the specific details of the development are not included and would be subject to further planning application(s) should planning permission in principle be granted. Fifty-one representations have been received, of which fifty are objections which are concerned with issues relating to; planning policy, local services / local community / infrastructure, traffic / roads and transportation, flooding / drainage, landscape and visual impact, ecology and amenity. One representation has been received in support of the proposed development which outlines the benefits of energy efficient housing.

Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 22/00302/PPPM)

Consultation responses have been received from fifteen consultees with no formal objections being received, although serious concerns are expressed by the Council's Education Service due to significant school pupil placement challenges that the proposal presents. The Ayrshire Roads Alliance also raise serious concerns because they are yet to conclude with Transport Scotland the Traffic Study work on Local Development Plan 2 (including the A77) and therefore cannot fully assess the proposal relative to traffic and transportation issues at this time.

While an active travel connection from the application site to the opposite side of the A77 to the west is proposed in the form of an underpass, Transport Scotland initially requested a condition be attached to any grant of consent requiring the construction of an overbridge across the A77 connecting the site with Holmston. Ayr. Such a condition could not be imposed as it would not meet the test for conditions as set out in the Scottish Government Circular 4 1998 as an overbridge is not the subject of this application and would be a significant development requiring planning permission. Also, an overbridge has not been subject to the mandatory pre-application public consultation process required for Major development applications. According to the Scottish Governments Circular 3 2022, proposals at application stage must be recognisably linked to the proposals as described at the pre-application stage. As the overbridge did not feature at the pre-application stage, it fails to meet this requirement.

Transport Scotland has subsequently confirmed that they would offer no objection to the proposed development if a grade-separated crossing of the A77 is provided, and it was confirmed that the underpass as proposed would represent such a connection. The application has been assessed relative to what has been submitted – namely, the provision of a pedestrian/cycle underpass link to Ayr as opposed to overbridge. The Service however has serious concerns with the provision of an underpass as they are not a modern design solution to creating good connections and they are not overlooked, welcoming or attractive spaces. Significant engineering works would require to be undertaken to achieve an underpass. It is indicated on the submitted drawings that it would measure approximately 20 metres long x 6 metres wide; this would involve substantial cost and no evidence has been submitted to demonstrate that this would be feasible or deliverable. There is significant concern that, based upon current information and within the proposals forming this planning application, that the site would not be capable of connection to Ayr and would be solely accessible by public transport or existing at grade passage across the A77. This would create an unsustainable new community not able to access local facilities without safe means of access or without reliance on the private car. Similarly, there are concerns with the viability and deliverability of the dualling of the A77 (as required by Transport Scotland) between Whitletts and Holmston roundabouts.

The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that the proposal cannot be considered positively against the terms of the aforementioned documents for the following reasons - it is not allocated as a housing opportunity within the LDP, the development of the site could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. Due to the fact that it has not been demonstrated, then it cannot be concluded that the proposed development would bring a net economic benefit to Ayr.

Furthermore, it is considered that the proposals would have a significant adverse impact on the landscape character of the area. The proposed underpass (if deliverable) would represent an unattractive and unwelcoming aspect.

Lastly it is considered that the application is premature in the absence of the traffic study for the LDP (including the A77) having been concluded. Planning decisions require to be made in accordance with the Development Plan and this proposal is significantly contrary. It is therefore recommended that this application for planning permission be refused.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 25 JUNE 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00302/PPPM
SITE ADDRESS:	Land to the East of A77T from Holmston Roundabout to Bankfield Roundabout Ayr South Ayrshire
DESCRIPTION:	Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
RECOMMENDATION:	Refusal

APPLICATION REPORT

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

Key Information:

- The application was received on 31 March 2022.
- The application was validated on 3 May 2022.
- The case officer visited the application site on numerous occasions, most recently on 21 May 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 13 May 2022.
- 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 17 May 2022.

1. Proposal

Site Description

The application site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development. The north-western portion of the site is pastureland, subdivided into three fields by post and wire fencing. The south-eastern portion is almost entirely covered by a young coniferous plantation, which serves as a Christmas tree farm, and is crossed by overhead power lines. The application site rises steadily from Holmston Roundabout on the north-western boundary to the central portion of the site with the land then steadily falling to the south-east towards Masonhill Crematorium.

The site is bound to the north by Dobbies Garden Centre and a cluster of residential dwellings, by agricultural land to the east, by Masonhill Crematorium and agricultural land to the south and by residential dwellings and areas of open space to the west. It is noted that the A70 to the north of the site and Holmston Roundabout and parts of the A77 trunk road to the west are both included within the red line application site boundary. An existing road (Sandyhill Terrace) bisects the site in its eastern portion, entering the site opposite a cluster of existing dwellings along the A70 before travelling south-west to the southern site boundary and then turns south-east along the site boundary towards Masonhill Crematorium.

Development Proposal

This application seeks planning permission in principle for the erection of a residential development and neighbourhood commercial development (Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office), access from the A70 at the roundabout opposite Dobbies Garden Centre and an underpass connecting the application site with Holmston, Ayr to the west, landscaping, drainage and associated works. The site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development.

It is important to be mindful that the application is for planning permission in principle and therefore many of the details set out within the Design Statement for the site are indicative. In order for any development to take place on the site, further planning application(s) would be required, outlining the specific location of housing, commercial units, roads, open space and associated infrastructure.

An indicative spatial masterplan is included within the submission along with a Supporting Statement and Design Statement, which promote up to approximately 350 residential units (including 25% on site affordable units), with a range of house types and sizes. The masterplan includes perimeter parkland and structural shelterbelt, the creation of a central parkland, vehicular access from the A70 via the existing roundabout, a new pedestrian underpass crossing the A77 to provide a route towards Ayr town centre, sustainable drainage (SuDS) features at the lowest points of the site (north west and south east)), an internal road network, active travel routes linking to local amenities and core path networks, retention of existing vegetation and field boundary trees and avenue tree planting to define main thoroughfares. The proposed development would extend the existing settlement edge of Ayr to the east and the Design Statement proposes new tree planting on this edge and to the north and west.

Planning Process

Due to the 'Major' status of this planning application it is necessary for the Council to come to a view on whether or not the application proposal is 'significantly contrary to the development plan' as this determines if it requires to be notified to Scottish Ministers. Paragraph 4.77 of Circular 3/2022 (Development Management Procedures) notes with specific regard to 'pre-determination hearings' that while the judgement as to whether a proposal is significantly contrary to the development plan lies with the Planning Authority, and ultimately the Courts, Scottish Ministers' general expectation is that if the proposal is contrary to the vision or wider spatial strategy of the Plan then it should be considered significantly contrary to said plan. These considerations are planning judgements undertaken by the Chief Planning Officer of the Council.

In this case, as the application site is not allocated for a housing and commercial development in the LDP, the proposal for housing and commercial development is significantly contrary to the vision and spatial strategy of the Plan. Should Members be minded to approve the application, contrary to recommendation by the Planning Service, then it would require to be notified to the Scottish Ministers who can then 'call in' the application for their own determination, or alternatively, instruct the Planning Authority to determine the application as they see fit.

The development proposal falls within schedule 2 of the EIA Regulations and a screening opinion has been issued which advises that an Environmental Impact Assessment is not required.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel (Planning) no later than 7 June 2024.

A Proposal of Application Notice (Ref.21/01050/PAN) described as “Proposal of application notice for planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works” was approved on 3rd November 2021. It is considered that the description and nature of the application is such that it is clearly and recognisably linked to the proposal described in the Proposal of Application Notice.

Planning History

03/01036/OUT – Erection of residential development – Withdrawn April 2005.

2. Consultation Responses:

Council’s Sustainable Development (Biodiversity) Service – no objection.

Council’s Environmental Health Service - no objection.

Council’s Sustainable Development (Landscape and Parks) Service - no objection.

Council’s Housing Policy and Strategy Service – no objection. 25% on-site affordable housing would be expected.

Councils’ Education Service - This Service has serious concerns and would encounter significant pupil placement challenges if this development was to progress. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John’s Primary School, both catchment non-denominational schools are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. The Council’s Education service has not undertaken a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application site is not allocated for housing, the proposal is significantly contrary to the Development Plan and is being recommended for refusal. Notwithstanding, there are concerns about the space and capacity for an extension at Forehill PS and whether this would be achievable.

Council’s external Ecology advisor AECOM: would expect an Ecological Impact Assessment (EclA) to be undertaken. Assessment of the use of the site by roosting and foraging bats is required. It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to the planning application being determined. Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot. consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed.

As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024. This identifies that there are trees with potential to support roosting bats in the site and that these may be subject to lopping or felling. As this is an application for Planning Permission in Principle, it would seem to be reasonable to condition that further survey to confirm the presence of roosting bats be carried out if works to these trees are needed. However, any such further survey should be completed prior to determining the application for full planning permission, as it is not possible at this time to condition surveys for European Protected Species (which includes bats). AECOM also note that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of application for detailed planning permission.

Ayrshire Roads Alliance - Recommend deferral of the application. The ARA cannot fully appraise the development proposal from a traffic perspective. Whilst the impacts of traffic can be tested, any mitigation should be taking cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 (including the A77) with Transport Scotland and the application cannot therefore currently be fully assessed relative to traffic and transportation issues at this time. It is considered premature to assess the site whilst the aforementioned work remains outstanding and deferral is recommended until such time as the Council's LDP2 Traffic Study is concluded, the package of mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites.

Transport Scotland (Trunk Roads) – No objection subject to conditions. The proposed conditions related to the number of units not exceeding 350, that an overbridge be completed across the A77 prior to the occupation of any part of the development, modification of Holmston Roundabout, improvements to the A77 trunk road including dual carriageway standard between Whitlets Roundabout and Holmston Roundabout to provide additional capacity and details of lighting, landscaping treatment, fencing/barrier proposals along the trunk road boundary and that there shall be no drainage connections to the trunk road drainage system.

It should be noted that the applicant was in separate discussion during the processing of the application with Transport Scotland; however, the Planning Service were not included in these discussions. It is understood that discussions were in relation to the provision of an overbridge that does not form part of the planning application proposals. The request by Transport Scotland to impose a condition to any grant of planning permission for an overbridge is not possible as it would not meet the test for conditions as set out in the Scottish Government Circular 4/1998 as an overbridge is not the subject of this application and in itself would be a significant development requiring planning permission. Also, an overbridge has not been subject to the mandatory pre-application public consultation process required for Major development applications. According to the Scottish Governments Circular 3/2022, proposals at application stage must be recognisably linked to the proposals as described at the pre-application stage. As the overbridge did not feature at the pre-application stage, it fails to meet this requirement.

The other condition proposed by Transport Scotland that would require to be reworded, should the application be approved, is the detail of the works required to be undertaken to Holmston Roundabout. Transport Scotland has referred to a drawing which was not submitted to the Planning Service in support of the application and therefore this could not be referenced in the condition.

Notwithstanding the consultation response from Transport Scotland, the Planning Service sought an updated response from them in relation to what has been applied for through this application, that is, an underpass as opposed to an overbridge. Transport Scotland subsequently confirmed that they would consider the development to be unacceptable without an appropriate active travel connection between the application site and Ayr at the opposite side of the A77. Transport Scotland has confirmed that they would consider an underpass to represent a grade separated crossing of the A77 trunk road. While they note concerns with the lack of information provided with respect to the underpass (which would require significant engineering works at a substantial cost), they have advised that a condition would be required to be imposed on the grant of any consent for the construction and design details to be provided as the subsequent application stage, noting that the current application is for Permission in Principle.

SGN Pipelines Maintenance – initially submitted an objection due to proximity to high pressure gas pipeline. However, this was altered to no objection following discussion between the applicant and SGN which the Council were not part of.

Historic Environment Scotland - no objection.

Health And Safety Executive – no objection.

Prestwick Airport – no objection at planning permission in principle stage.

Scottish Water – no objection.

Scottish Environment Protection Agency – no objection.

West of Scotland Archaeology Service – no objection subject to standard condition in respect of submission of Written Scheme of Investigation.

3. Submitted Assessments/Reports:

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

Planning Statement: This document outlines the background to the proposed development, provides a summary of document submissions, sets out the planning-based case for the proposed development and offers the applicant's assessment of the proposal against the relevant provisions of the Local Development Plan 2, relevant national planning policy and other material considerations.

Design Statement (March 2022): This report sets out a description of the proposed development, outlines planning policy context and describes the site and surrounding area. The report further reasons layout, scale, landscaping, appearance and access considerations. The report concludes by stating that an analysis of the site has been utilised to inform the design process and that the proposed development meets the key criteria of design and access principles – character and identity, safe and pleasant, inclusive, welcoming and resource efficient.

Updated Design Statement (April 2024): This updates the ecology considerations which were previously outlined in the originally submitted Design Statement, reflecting the findings of the updated Ecological Appraisal (April 2024). Biodiversity Net Gain section also added based on the Biodiversity Enhancement Plan (April 2024) – see below.

Pre-Application Consultation Report: This report is a requirement of all major development applications and outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposals take them into consideration. The PAC Report provides a summary of the issues raised as part of the consultation exercise and provides a response to each.

Landscape and Visual Impact Assessment (March 2022): It is stated that the assessment was undertaken in accordance with established guidance, including the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment, 2013). The report considered the potential implications of the proposed development in terms of direct and indirect effects on key landscape characteristics and resources, together with the effects upon a representative range of visual receptors near the site. The assessment states that significant landscape impacts are predicted within the site boundary due to the direct loss of agricultural land and are regarded as a significant change. It is stated that significant visual impacts are predicted to be limited to relatively close proximity to the proposed development, primarily along a short section of Core Path SA16 and upon an area of the Ayr Valley Local Landscape Area but that the proposed development has the potential to integrate well within the surrounding wider landscape and contribute beneficially to the local landscape structure through the provision of extensive tree planting and hedgerows which can – provide screening and/or filtering of the proposed development, enhance visual amenity and biodiversity value and create linkages to existing woodland to enhance wildlife corridors and reinforce the green network. It is further outlined that the proposed development has been carefully considered to minimise significant visual effects by measures such as setting development back from the highest point of the site, providing linear open spaces with tree planting to break up the urban form and locating new structure and avenue tree planting to the proposed development boundaries. It is stated that these measures, particularly during the summer months, would ensure that significant effects would be limited to approximately 250m of the proposed site boundary.

Flood Risk Assessment (March 2022): This document outlines policy considerations, constraints on the developable area, flood risk, describes the site and finally describes the flood risk assessment (FRA). The FRA considered the risk from fluvial flooding from the River Ayr and the Annfield Burn, surface water flooding (including drains and ditches), groundwater flooding and infrastructure. The assessment states that the site is located over 4.5m above the Annfield Burn and over 7m above the River Ayr and is therefore not predicted to be at significant risk of fluvial flooding from either watercourse. The assessment also outlines that there are three areas which total 12 hectares with the potential to contribute surface water to the site from outwith the site boundary. It is also stated that there are two areas within the site with the potential of surface water ponding – recommended mitigation includes ensuring that ground levels are designed to shed away from buildings and towards landscaped areas/drainage outlets and that finished floor levels of properties should be raised above the immediately surrounding ground levels and where they cannot be raised, that consideration should be given to the use of water-resistant materials. The assessment concludes by stating that the site is not considered to be risk from groundwater flooding or flooding from other sources.

Drainage Strategy Report (March 2022): This document sets out an examination of existing drainage infrastructure records, provides comment on natural watercourses and outlined guidance on the proposed drainage network, SUDS technique and anticipated allowable surface water run-off. It is stated that foul drainage will comprise of a combination of a gravity drainage system and pumped rising main to connect into the existing Scottish Water drainage system. It is further stated that it is intended that surface water run-off will be discharged into the existing storm water drainage system in the north of the site and to Annfield Burn in the south of the site. Discharge is proposed via two separate detention basins and would be limited to 37/s and 20.1/s respectively (Qbar 2 year) and the site attenuated to 1 in 200 year with 35% climate change. Finally, the report outlines that proposed SUDS techniques would be in accordance with CIRIA C753, with any proprietary drainage systems maintained as per manufacturer recommendations.

Preliminary Ecological Appraisal – Rev A (February 2022): This study aimed to identify all broad habitat types within the application site boundary and included a search for suitable habitat for protected species and provides recommendations for further survey, where considered appropriate. It is stated that no designated or notable sites are present within the application site. A Provisional Wildlife Site and several ancient woodlands are present within 1km of the site boundary; however, the appraisal reasons that there would not be any effect on these areas due to their distance from the site and lack of functional connectivity. The appraisal states that the habitats and plant species recorded within the site boundary are widespread and common throughout the local area and that no further habitat assessment recommended. In respect of protected and notable species, it is outlined that features which have the potential to be used by roosting bats were observed on the more mature trees in the centre, north and east of the site and it is recommended that these trees are retained as part of any future development of the site. A Bat Survey is recommended if these trees are to be removed. Suitable bat foraging and commuting habitat is present in the form of woodland edges, hedgerows and open grassland within the site. Suitable nesting for birds is also present and any work should be undertaken outwith the bird nesting season, which runs from March to August inclusive. Finally, the appraisal states that should works at the site not commence prior to 27th July 2023 that further surveys should be commissioned in order to ascertain that the situation regarding protected species as the site has not changed.

Updated Ecological Appraisal (April 2024): This updated survey aimed to reaffirm the previously identified broad habitats within the site, search for protected species field evidence and identify suitable habitat to support protected or notable faunal species. It was found that the habitats and plant species recorded are stated as being widespread and common throughout the local region and that no further habitat assessment is recommended. Several of the more mature trees in the centre, north and east of the site displayed features that may have the potential to support roosting bats and it is recommended that these trees are retained – if they are to be removed then further bat assessment may be required. Evidence of badger foraging noted within the disused quarry. A pre-construction badger survey is recommended to be undertaken prior to any works commencing on site. Suitable nesting for birds is also present and any work should be undertaken outwith the bird nesting season, which runs from March to August inclusive.

Utilities Overview (January 2018): This report outlines the site and the proposed development, outlines the existing utilities and capacity overview and details potential diversions and future servicing. It is stated that the existing utilities infrastructure would appear to generally be sufficient to support the proposed development, subject to further liaison with the various providers and that waste water treatment capacity for foul water will require reinforcement. It is also stated that the High-Pressure gas pipelines located in the west of the site pose a significant constraint to the proposed development due to their strategic significance and it may not be feasible to divert, they pose a significant health and safety concern and should be considered throughout the detailed design and construction stages. The report also outlines that a number of major utility diversions may be required as part of the proposed development, including but not limited to, a medium pressure gas main, underground and overhead 33kV Extra High Voltage cabling, an overhead BT cable and localised diversions/lowering of any new access points to the site. Finally, it is stated that points of connection to each of the networks are anticipated to be formed adjacent to the site boundary or within a relatively short distance to the site.

Geo-environmental Desk Study Report (January 2018): The purpose of the study is to assess potential contamination and geotechnical constraints at the site and to provide outline recommendations for additional investigative works required to address any areas of uncertainty. The report states that the risk associated with the site is considered to be Low/Moderate in respect of potential risks to the water environment and that the site would not constitute Contaminated Land, as defined in Part IIa of the Environmental Protection Act. The future risk of the site is also stated as being Low/Moderate. The thickness and geotechnical properties of the underlying made ground, natural soils and rock is stated as being unknown and that glacial till soils covering the majority of the site are likely to provide a good founding solution. However, it is outlined that there is the potential for soft or compressible soils in the north west and east of the site which may require deep foundations. It is also stated that there is potential for the natural or made ground soils to be chemically aggressive towards concrete and that there is potential for the presence of shallow groundwater beneath the site. The report recommends that intrusive investigation works are undertaken to characterise the ground conditions. The report concludes by stating that trail pitting, drilling of boreholes, chemical analysis of soils, geotechnical analysis of soils, ground gas and groundwater level monitoring of borehole installations and collection of groundwater samples will be required.

Socio-Economic Assessment (March 2022): It is stated that the objective of this document is to demonstrate that the proposed development meets the aims of Strategic Policy 2 of LDP2, with this policy stating that development proposals that are contrary to specific LDP policies may be supported if they are '(1) of over-riding community interest or (2) will contribute significantly to the implementation of the Ayrshire Growth Deal (AGD) or the regeneration of Ayr and will have no significant adverse environmental effects'. The report states that the proposed development is in accordance with Strategic Policy 2 of LDP2 in that housing growth is required in order to counterbalance the key challenges faced by South Ayrshire in terms of population decline and that if this is not addressed it could compromise the success of the AGD. The report further concludes that the proposed housing would deliver direct and indirect employment opportunities which would help support a range of industries and provide housing in the area meaning that workers would not require to move further afield - which would increase commuting and reduce the local labour supply, which is crucial for the delivery of the AGD. It is reported that the construction value is estimated at £48m, first occupation expenditure (circa £10,000), household expenditure (circa £9m per annum) and Council Tax contributions of approximately £450,000 per annum. The assessment further reasons that by increasing the residential population it will aid the regeneration of Ayr town centre as the proposed development would increase the local spend supporting those industries reliant on the local population. Finally, the assessment outlines that the site is not within a sensitive area, as defined by the EIA Regulations and is not subject to any specific landscape or historic designations. No significant adverse environmental effects were identified in the technical reports prepared to support the planning application.

Transport Assessment (March 2022): This assessment sets out the development proposals, outlines the policy context, sets out an accessibility review, outlines a framework for a travel plan which would be developed and implemented at an appropriate time to promote sustainable travel at the proposed development, outlines travel demand and describes results from a traffic impact assessment. The assessment outlines that the predicted trip generation for the proposed development was established through reference to the TRICS database and that it is predicted that the proposed development would generate up to an additional 2023 and 210 vehicle trips in the morning and evening peaks respectively. The modelling assessment within the report considered two scenarios: the proposed development under consideration is delivered in advance of the consented Corton development and associated infrastructure and the proposed development being delivered after the implementation of the Corton development and associated infrastructure. The consented Corton development identified infrastructure mitigation measures for Holmston Roundabout and these measures formed the basis of all mitigation measures considered at Holmston Roundabout within this report. Principal vehicular access to the proposed development would be provided via a new arm of the existing A70/Dobbie's roundabout, with the roundabout requiring to be enlarged to accommodate this new arm. It is stated that should Corton and associated infrastructure be implemented in advance of the proposed development, that traffic associated with the development under consideration could be accommodated without further intervention. Should the development under consideration be brought forward prior to the Corton development, it is outlined that the following mitigation measures would need to be implemented at Holmston Roundabout: A70 east – widening of the entry approach lane to 10.7m, A77 South – widening of the entry approach lane to 10, A70 West (Holmston Road) – widening of the entry approach lane to 10.8m and alterations to the circulatory markings.

Statement of Community Benefit (March 2024): This statement is provided in response to the National Planning Framework 4 (NPF4) Policy 16 and outlines the benefits associated with the proposed development. The report states that the proposed development would support investment in and around Ayr and would contribute to community benefit in the following ways: provision of new high-quality homes (including 25% affordable on site), delivery of road and transport improvements to accommodate the proposed development and enhance the existing infrastructure, deliver an active travel overbridge, provision of new neighbourhood amenities for new and existing surrounding residents, support aspirations of AGD by providing new homes to attract skilled workforce and enhance the green network and provide high quality open space for the enjoyment of new residents and the existing community.

Biodiversity Enhancement Plan (April 2024): This document sets out measures to inform the indicative masterplan in order to create and manage habitats within the site to significantly enhance their suitability to support wildlife and significantly increase the overall biodiversity value of the proposed development. It is stated that the masterplan is indicative at this stage only, with it identifying the following areas of retained and enhanced habitats: existing retained woodland: 8,626 square metres, proposed new structural woodland: 26,664 square metres, proposed grassland (75% of which wildflower meadow) 80,945 square metres, proposed SUDS area developed as wet species rich grassland habitats: 6,470 square metres and proposed scattered and individual trees in open spaces: 422 specimens. It is further stated that there is also a commitment to delivering biodiversity through creating native hedgerows, native shrub planting and garden spaces as the masterplan develops. The document states that the site is currently dominated by modified grassland that has been subject to extensive livestock grazing resulting in a habitat of negligible ecological value. The report concludes by stating that with the areas of retained and enhanced habitats, together with the creation of native hedgerows, native shrub planting and garden spaces, that the opportunity to provide a positive Biodiversity Net Gain of at least 10% is considered achievable.

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:

A total of 51 representations have been received, 50 of which object to the proposed development. 1 letter of support has also been received. It should be noted that a number of individuals lodged more than 1 letter; however, such representations are only counted once (for clarity, all matters raised in the other representations are considered within the planning assessment). All representations can be viewed online at [Application Summary](#)

The objectors have expressed principal concerns relating to the following, with the points raised summarised under the topic headings:

Planning Policy

- Site is Green Belt land and therefore protected from development.
- Conservation site.
- Proposed development doesn't meet criteria of acceptable development in Green Belt.
- Site is not allocated in LDP and not within settlement boundary, also cannot be considered in accordance with Strategic Policy 2 – of over-riding community interest or contribute significantly to Ayrshire Growth Deal or the regeneration of Ayr.
- No need for further shops, focus should be on empty town centre shops.
- Contrary to Galloway and South Ayrshire Biosphere Reserve policies – quality agricultural land should be protected.

Traffic / Roads and Transportation

- Road network is already congested in the area – the 3 roundabouts on A77, Whitletts, Holmston and Bankfield already busy and journey times are longer at peak times – proposed development will exacerbate existing problems on roads which can't cope with current levels of traffic.
- Submitted Traffic Survey (2018) is out of date and does not cover proposed housing at Ayr hospital, Bankfield Roundabout or Corton. Also, no mention of Crofthead Caravan Park upgrades/extension.
- Excessive traffic along Sandyhill Terrace towards crematorium and potential conflict with crematorium traffic.
- What are construction timeframes?
- Adverse impact on road/pedestrian safety - difficult to cross the A70 at present, no pavement at bus stop at bottom of crematorium road and proposed underpass is on other side of A70 from the Coylton to Ayr footpath.
- Emergency services vehicle access concerns.
- When bypass was constructed either side was reserved for future dual carriageway – underpass would require to be very long.
- A bridge across the A77 is preferable to an underpass.
- Existing underpass at River Ayr could be greatly improved.
- Free community buses from Coylton area should be provided to schools to reduce traffic.

Local Services/Local Community/Infrastructure

- Existing infrastructure cannot cope – nurseries, hospital, GP's
- Submission states that there is school provision availability, this is not the case with children in the area unable to go local primary school.
- Proposed development will have adverse impact on character and identity of the area due to its scale.
- Water pressure, sewerage, utilities and drainage infrastructure could not cope with proposed development.

Flooding/Drainage

- Proposed underpass is located in area which floods.
- Proposed development could create flooding issues nearby due to clay soil.

Ecology/Natural Environment

- Habitat/biodiversity destruction – bats, badgers, hedgehogs, herons, bees etc.
- Underpass would destroy Marie Curie Cancer Care Field of Hope daffodils.
- The woodlands require a Tree Preservation Order.
- No assessment of potential hazardous waste/ dangerous goods within quarry due to past dumping – SEPA toxicity assessment required.
- Removal of trees/hedgerows does not aid carbon capture.
- Months of construction traffic and heavy machinery spewing pollutants into air not good for global warming.
- Soil disturbance takes 30 years to recover.

Landscape and Visual Impact

- The proposed development would be overbearing and out of scale/character with the locale.
- Public visual amenity would be adversely affected, presently an area of Outstanding Natural Beauty.
- The LVIA does not highlight the impact that the proposed development could have to the crematorium and garden of remembrance.
- Indicative Spatial Masterplan shows a removal of hedgerows and trees from scenic route to crematorium.
- If approved, a buffer corridor of planting should be created to separate proposed housing and crematorium road.
- Angle of photograph from Crofthead Caravan Park entrance is absurd – housing would dominate skyline.

Amenity

- The proposed development would surround a residential property, altering countryside setting.
- The proposed development will overlook adjacent properties to the detriment of their privacy.
- The proposed development will result in a loss of daylight / create overshadowing to adjacent properties.
- Proposed underpass would create anti-social behaviour in area with high elderly population.
- Development would create noise, dust, vibration and pollution.
- Light pollution from development and underpass.
- Masonhill Crematorium/remembrance garden is supposed to be a place of peace and tranquillity, proposed development would shatter this.

Inaccuracies/contradictions/anomalies within submission

- Photographs of Ayr Cemetery included within submission in error.
- Indicative spatial masterplan drawing shows footpaths through the former quarry but Transport Statement states that there is a section of the site occupied by a quarry which is outwith the control of the applicant – this is therefore misleading.
- Within the submitted Utilities Report questioned why the drawings are stamped with 'this map image may not be used for planning use'.

Health and Safety

- High Pressure Gas Main Pipe to the north and east of Cloverhill – development of the proposed underpass in this area would create risk to residents and road users.
- Overhead powerlines are present – would the gap between the proposed dwellings and the powerlines meet British Standards?
- On page 59 of submitted Utilities Report it is stated that SGN object to the proposed development – detailed consultation required.

Proposed Development

- There is no need for the proposed housing.
- Local Authorities have duty to protect the living standards of local residents.
- Residents' considerations secondary to monetary gain.
- Inappropriate development so close to a crematorium.
- Extension of the town is not a positive improvement.
- Affordable housing should be 2/3 bed bungalows rather than 4/5 bed properties to accommodate downsizing of aging population.
- No provision of community/leisure facilities.
- What are construction timeframes? Disruption to residents and crematorium visitors.
- Food production and employment is required, not houses.

Consultation/Neighbour Notification

- Neighbour notification not received/not received until after such time had read about the proposal in press/online.
- Lack of consultation – not widely publicised enough or enough time for objections to be made.

Other Matters

- Loss of countryside view.
- Loss of property value.
- Application has been rejected before, should be again.
- What are the plans to keep the crematorium open should the development go ahead?
- The amount of new builds in Ayr is alarming – how many more will be allowed?
- Other developments which were approved questioned, future Space Centre fears, distrust of authorities.
- Progress with number of builds required to meet Scottish Government legislation – National Developments NPF4.
- UK Legislation ‘Bribery Act 2010’, South Ayrshire Anti-fraud and Anti-bribery Strategy 2021 – need assurances these will be implemented.

The single letter of support raises matters in respect of shortfall of energy efficient homes in South Ayrshire, that a wide variety of house types should be provided and that commercial ‘co-working’ spaces should also be considered.

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. Development Plan:

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 between the policy frameworks.

- National Planning Framework 4 (NPF4)

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

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

- Policy 1 – Tackling the Climate and Nature Crises
- Policy 2 – Climate Mitigation and Adaption
- Policy 3 – Biodiversity
- Policy 4 – Natural Places
- Policy 5 – Soils
- Policy 6 – Forestry, Woodland and Trees
- Policy 7 – Historic Assets and Places
- Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 12 – Zero Waste

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- Policy 13 – Sustainable Transport
- Policy 14 – Design, Quality and Place
- Policy 15 – Local Living and 20 Minute Neighbourhoods
- Policy 16 – Quality Homes
- Policy 17 – Rural Homes
- Policy 18 – Infrastructure First
- Policy 22 – Flood Risk and Water Management
- Policy 25 – Community Wealth Building
- Policy 28 – Retail
- Policy 29 – Rural Development

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 and an assessment of the development proposal against the provisions of NPF4 follows.

- [South Ayrshire Local Development Plan 2 \(LDP2\)](#)

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

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Development Opportunities
- LDP Policy: Delivering Infrastructure
- LDP Policy: General Retail
- LDP Policy: Maintaining and Protecting Land for Housing
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
- LDP Policy: Rural Housing
- LDP Policy: Affordable Housing
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Green Networks
- LDP Policy: Flooding and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Heat Networks
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport
- LDP Policy: Strategic Road Development
- LDP Policy: Outdoor Public Access and Core Paths

As per NPF4, the provisions of LDP2 must be read and applied as a whole and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 as the Development Plan.

8. Assessment:

This report is structured to assess the relevant and comparable policies within NPF4 and LDP2 in tandem under subject matters and then to consider any policies that are only in one part of the Development Plan separately. There are a number of key policies within NPF4 that are of specific relevance to an assessment of this application, some reinforce and confirm the stance established in LDP2, whilst others seek to achieve the same aims but by way of a different approach. It is considered that there are no fundamentally different overarching policy aims which would undermine or prevail against the provisions of LDP2's Strategic Policies for the assessment of this application. Having regard to the Development Plan, the key considerations are identified as follows.

Principle of Residential Development

(**NPF4 Policies:** Policy 1: Tackling the Climate and Nature Crises, Policy 2: Climate Mitigation and Adaption, Policy 5: Soils, Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 14: Design, Quality and Place, Policy 15: Local Living and 20-minute Neighbourhoods, Policy 16: Quality Homes, Policy 17: Rural Homes and Policy 29: Rural Development) (**LDP Policies:** Spatial Strategy, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Residential Policy within Settlements, Release Sites and Windfall Sites, Rural Housing and Agricultural Land)

The application site is located to the east of the settlement of Ayr, beyond the settlement boundary as defined in the adopted Local Development Plan (2022) and is key to note that it is not an allocated housing site or allocated for any other form of development.

The global climate emergency and the nature crises form the foundations of the NPF4 Spatial Strategy as whole and Policies 1 and 2 should be considered in this regard.

The principal element of the proposal is for some 350 residential units, 25% of which would be 'affordable'. **LDP Policy: Maintaining and Protecting Land for Housing** seeks to ensure that there is an effective 5-year supply of housing land (allocated housing sites) at all times during the Plan period. At the point of adoption of the LDP in 2022 and also in the latest South Ayrshire Agreed Housing Land Supply 2023/24, there was an effective 5-year land supply against both the LDP2 Housing Supply Target, and the housing target set out in NPF4 (the 'Minimum All Tenure Housing Land Requirement').

Moreover, evidence of insufficient 5-year housing land supply as a basis for approving housing development on unallocated housing sites is no longer a significant determining consideration. A decision by the Inner House of the Court of Session Ref. [2024] CSIH 11 XA41/23 on 3 May 2024 upheld the Scottish Ministers decision to refuse planning permission for housing on unallocated land at Mossend, West Lothian and confirms that **NPF4 Policy 16: Quality Homes** (f) supersedes and removes any LDP requirement to maintain a 5-year effective housing land supply.

Policy 16f (iii) point 1 states, with respect to development proposals for new homes on land not allocated for housing in the LDP, they will only be supported in certain circumstances including (extract):

"delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained."

The Court of Session decision confirms that where a deliverable-housing-land pipeline is not yet in place, as is the case in South Ayrshire at present, then the exception permitting development on unallocated sites in the circumstances set out above is not engaged. Notwithstanding, the applicant has not provided such evidence that there is earlier-than-expected delivery of allocated sites in the LDP. Indeed, it is not considered that such circumstances are in evidence for South Ayrshire, given the 2022 and 2023 housing land audit data which demonstrates that there is no shortfall in housing land supply and that sites are not being built out more quickly than expected. It is therefore considered that the proposal does not meet the requirements of policy 16f. The development proposal could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites.

As the proposal does not comply with Policy 16 part f (iii) this means that the proposal is contrary to policy 16 as a whole. However, the proposal also does not comply with parts 1 and 2 of this policy in that (i) the proposal is not supported by an agreed timescale for build out and (ii) the proposal is not consistent with the spatial strategy of the Development Plan or other relevant policies including local living and 20 minute neighbourhoods.' These policies are considered elsewhere in this report.

The scope for housing on unallocated sites in the countryside such as the application site is generally limited in nature to small-scale development proposals under the principles of **LDP Policy: Rural Housing**. The proposed development under consideration does not however fall within such a 'small scale' definition and therefore could not be considered favourably under this policy. In a similar vein, **NPF4 Policy 17: Rural Homes** outlines that development proposals for new homes in rural areas will be supported where it is suitably scaled, sited and is on a site allocated for housing within the LDP. It has already been noted that the site is not allocated within the LDP.

Notwithstanding the above, LDP2 Strategic policies provide reference points for the identification of matters which may be of particular relevance in the assessment of all planning applications and matters that require particular scrutiny.

LDP2 has two overarching Strategic Policies which require to be considered in the assessment of all planning applications. Strategic Policy 1 relates to Sustainable Development, with Strategic Policy 2 considering Development Management. Strategic Policy 1 seeks to ensure that proposals:

- **Respect the character of the landscape and setting of settlements.** The application site was considered at a previous Local Plan Inquiry as part of the LDP2 process, where the site was dismissed at a time when other greenfield sites were allocated by the Reporter. One of the principal reasons was the impact that a housing development would have on the landscape and the setting of Ayr. The site is prominent within close proximity of Ayr, but the proposal suggests that development will rise up and over a local hill/ridgeline highpoint and therefore likely to be a visible and intrusive element in the wider landscape when viewed from considerable distance. An Assessment on the impact on the landscape is outlined elsewhere within this report.
- **Make efficient use of land and resources.** Although NPF4 has removed the requirement to maintain an ongoing 5-year effective land supply, there is not a housing shortfall within South Ayrshire. It is therefore considered that the development of this site would undermine the viability and probability of pre-existing allocated and consented sites being developed, most of which are within existing settlements and/ or on brownfield sites. Moreover, the application site is presently in active agricultural use and forms part of larger agricultural land holding. The proposed site comprises approximately 2 hectares of prime quality agricultural land; **NPF4 Policy 5 'Soils'** states that the development of prime quality agricultural land will only be supported in certain circumstances – where it is for essential infrastructure and there is a specific locational need, is small scale development directly linked to a rural business, farm or croft or the development of production and processing facilities associated with the land produce where no other site is available or for the generation of energy from renewable sources. The proposed development does not fall within any category listed as being one of those circumstances. **LDP Policy: Agricultural Land** is also of significance in relation to the consideration of the proposed development site. This policy states that prime quality agricultural land will be protected from irreversible development, unless developers can demonstrate that it is essential to the spatial strategy; necessary to meet an established need; of small scale which is directly related to rural business and for generating renewable energy. Prime quality agricultural land is Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now James Hutton Institute). Although the application site comprises predominantly Class 3.2, a sizeable element (approximately 2ha as outlined above) is prime quality agricultural land. The application under consideration is therefore not considered to meet the above aforementioned criteria, as there is not a need for the proposed housing, it is not directly related to rural business and does not propose the generation of renewable energy. Given that there is no shortfall in housing land, and the site is in active agricultural use, its development for housing is not considered to represent an efficient use of land and resources.
- **Contribute to an efficient use of, or provision for public services, facilities and infrastructure.** As outlined above, given that there is no shortfall in housing land supply, any requirement for additional services, facilities or infrastructure as a consequence of the development is not considered to be efficient. In effect, there would need to be investment in providing additional or enhanced facilities / infrastructure etc to provide for a development which in itself is not necessarily required. This issue is considered further within the Impact on Traffic and Transportation section of this report.

- **Embrace the principles of 'place making' and the '6 qualities of Place'**. The proposed development is for an in-principle consideration and so lacks the detail against which to fully assess the principles of place making (a term superseded by 'place principle' in NPF4). Notwithstanding, a high-level assessment can be undertaken as follows. **NPF4 Policy 15: Local Living and 20-minute Neighbourhoods** seeks to promote and facilitate the application of the Place Principle. Given that the proposed development would make provision for a connection to Ayr via an underpass that incorporates wheeling, cycle and pedestrian access to the existing radiating routes from Ayr, it is acknowledged that there is potential to meet some of the principles of local living. However, the potential to create sustainable transport links and proximity to facilities does not outweigh the fundamental stance NPF4 takes against the development of a greenfield site. Whilst there is a proposal to connect the site to Holmston, Ayr via an underpass, there is significant doubt over the technical feasibility and financial deliverability of this proposal. This being a planning permission in principle no detailed information has been presented to establish that this connection is feasible/deliverable. Being able to provide sustainable pedestrian and cycle links to Ayr is a critical factor in assessing the overall suitability of this site for housing development. At this time there is doubt that this can be achieved, and the proposals are therefore contrary to NPF4 policy 15. **NPF4 Policy 14 'Design, Quality and Place'** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', which demonstrates the six qualities of a successful place; healthy, pleasant, connected, distinctive, sustainable and adaptable. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy. It is considered that the proposed underpass would be contrary to the aims of this policy, being as it would require to be of considerable length due to the width of the A77, thus creating an unpleasant means of linkage to the settlement of Ayr that would not benefit from any overlooking/ natural surveillance. Users can perceive underpasses to be an environment that is unsafe and unwelcoming. Underpasses are not considered a modern or encouraged design solution to aid connectivity, for these reasons. This matter is reasoned further within the Impact on Traffic and Transportation section of this report.
- **Wherever possible are in an accessible location, with opportunities for the use of public transport and other sustainable transport modes, including cycling and walking.** As noted above, it is proposed that the site would be connected to Ayr via an underpass beneath the A77 measuring approximately 20m in length x 6m in width as indicated on the submitted drawings. The site is also located in an area with good sustainable public transport links and the indicative masterplan illustrates overground road/ footpath connections which will aid permeability of the site. It is noted that a high-pressure gas pipeline exists in close proximity to the proposed underpass and SGN request a condition is attached to any consent in this regard.
- **When considering development proposals, due weight will be given to the consideration of net economic benefit.** Given the generally negative balance of factors relative to the suitability of the application site for residential development, as outlined above, the submitted supporting statement seeks to part justify the proposal against the terms of the final bullet point of Strategic Policy 1. It is not disputed that the proposed residential development represents an economic benefit. However, the policy seeks to promote the consideration of **net** economic benefit. As aforementioned, there is no requirement for the development of the site as there is no shortfall of housing land. It is therefore reasonable to assume that the development of the application site would replace / substitute development elsewhere in South Ayrshire, rather than result in additional construction over and above that which is otherwise programmed or anticipated. It is considered that there is no evidence to suggest that the development would result in a net economic benefit, rather a replacement of benefits that would accrue from the development of housing on other pre-existing allocated/permitted residential development sites.

In respect of LDP2's second overarching Strategy policy, **Strategic Policy 2: Development Management** also provides assessment criterion for development proposals. Of particular relevance to this application, this policy states that the Council will ensure that development proposals:

- **Promote and facilitate the ability of LDP2 to deliver and achieve its aims to 'make the most of sustainable economic growth that is supported by sound social and environmental objectives'**. As outlined within Strategic Policy 1 above, the proposal represents development of a type which is not necessary, relative to the maintenance of an effective housing land supply and may therefore lead to a simple substitution of growth that would otherwise take place elsewhere in South Ayrshire rather than in any **net** increase.

- **Are in accordance with the site's land use, as defined on the proposals map.** The application site is outwith the settlement boundary of Ayr and is therefore not defined on the proposals map. **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** also outlines 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.
- **Are appropriate to the local area in terms of road safety, parking provision and effects on the transport network.** Transport matters are considered elsewhere within this report under specific related policies of NPF4 and LDP2 in this regard.
- **Make appropriate provisions for all infrastructure implications of the development.** The requirement for the proposal to meet all infrastructure requirements is a standard requirement for any development. However, the LDP has allocated sites in locations where infrastructure and community facilities are either already available or are planned as part of/directly consequential to those allocations. The development of a site which may replace rather than supplement development elsewhere does not allow for appropriate provision for such infrastructure and facilities required, and instead results in an ad-hoc piecemeal response. This runs counter to the provisions of a plan led development system. Significantly, the applicant has not demonstrated how the impact of the development will be mitigated on education provision and together with the significant doubt regarding the provision of pedestrian and cycle connectivity to the site and dualling of the A77 between Whitlets and Holmston Roundabouts, means that the proposal fails to make adequate provision on this criteria.
- **Are located within a settlement boundary or otherwise justified by LDP subject specific policies or locational need.** The LDP makes provision for proposals to be justified when outwith a settlement boundary. Within such a context, the subsequent and final bullet point of LDP2 Strategic Policy 2 is referenced by the applicant in their supporting statement.
- **'If contrary to specific LDP policies are justified to our satisfaction, on the basis that they are; 1 of over-riding community interest, or 2 will contribute significantly to the implementation of the Ayrshire Growth Deal or the regeneration of Ayr; and will have no significant adverse environmental effects.**

In considering objections to LDP2, the Reporter noted that there had been representations made by housebuilders seeking allocations and an increased housing target relative to the prospects of the Ayrshire Growth Deal (AGD) job creation. The Council's response at that time was that the AGD is a long-term project and that maintaining the 5-year effective housing land provides a robust mechanism for the consideration of whether sufficient land is available for housing – or additional sites may be justifiable. The Reporter was satisfied with the Council's reasoning on its Housing Target figures and approach being advocated. The Reporter did not allocate any additional sites or advise the Council to identify additional sites as part of the Inquiry process. Therefore, whilst the final bullet point above provides scope for a reasoned and justifiable departure from the established position relative to housing numbers, it is readily evident that there is no requirement to do so at this point in time. In any case, NPF4 supersedes the requirement to have an effective 5-year housing land supply. Indeed, the release of additional housing land would potentially undermine the development of other sites in more sustainable locations, contrary to the intent to regenerate Ayr, and result in the development of a site with undeniably adverse landscape and visual impacts - as reasoned elsewhere within this report.

The proposed development is considered as being clearly contrary to provisions of the development plan (comprising NPF4 and LDP2). The proposal relates to the development of a greenfield site for residential development at a time when there is no justification for any additional greenfield site releases for the purposes of housing. Strategic Policy 1 and Strategic Policy 2 provide for the release of sites for development where this is justified in terms of net economic benefit, of over-riding community interest, contribute significantly to the implementation of the Ayrshire Growth Deal or the Regeneration of Ayr and will have no significant adverse environmental effects. Given the overall development plan position, providing certainty of development through allocated housing sites, any justification brought forward under this policy requires substantial demonstrable evidence of net economic benefit. No such convincing justification has been submitted with this application. Notwithstanding, progress of the South Ayrshire Growth Deal sites have stalled including the spaceport and Mangata satellite manufacturing have withdrawn from the site that obtained planning permission Ref. 22/01021/APPM therefore the applicants justification that the proposed housing would aid the delivery of the Ayrshire Growth Deal relative to South Ayrshire is unfounded, and possibly premature, at this time. Furthermore, there is no shortfall in housing land or the provision of new homes as defined either through the provision of NPF4 or LDP2, and there is no evidence to suggest that the development of the site would do anything other

than undermine the delivery of the pre-existing housing land supply, i.e. no net economic benefit of the proposed development has been demonstrated.

Principle of Commercial Development

(NPF4 Policies: Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 28: Retail) **(LDP Policies:** Spatial Strategy, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management and LDP Policy: General Retail)

The proposal under consideration also includes the provision of a maximum of 1,000 square metres of neighbourhood commercial uses (incorporating Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office). **NPF4 Policy 28: Retail** and **LDP Policy: General Retail** both promote a town centre first policy in respect of retail facilities. In relation to retail facilities outwith a town centre, the LDP Policy on General Retail outlines that the Council will only consider locations outside of town centres if the development proposed is less than 1,000 square metres gross floorspaces and meets local neighbourhood needs. In this instance, the commercial centre is proposed to provide amenities to the new resident population to walk to. **NPF4 Policy: Local Living and 20 Minute Neighbourhoods** seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home. As part of the overall application, the commercial element may be justifiable under the provisions of the above policies, if and only if, the principal residential element was considered to be acceptable/ justifiable, and it has been reasoned that this is not the case.

Impact on Landscape Character and Cultural Heritage

(NPF4 Policies: Policy 7: Historic Assets and Place and Policy 14: Design, Quality and Place) **(LDP Policies:** Strategic Policy 1: Sustainable Development, LDP Policy: Landscape Quality and LDP Policy: Historic Environment)

NPF4 Policy 7: Historic Assets and Places and **LDP Policy: Historic Environment** both seek to protect and enhance historic environment assets and places, recognising the social, environmental and economic value of the historic environment to our economy and cultural identity. In detail, The **LDP Policy on Historic Environment** sets out that listed buildings and their settings should be protected and provides support for proposals which encourage the sensitive maintenance, restoration and reuse of such buildings. The proposed development would be visible at various distances and the character of the landscape would change from agricultural to urban. The **LDP Policy on Landscape Quality** seeks to maintain and improve the quality of South Ayrshire's landscape. Development proposals must conserve features that contribute to local distinctiveness including community settings (including the approaches to settlements), buildings within the landscape, patterns of woodland, fields, hedgerow and tree features, special qualities of rivers, estuaries and coasts, historic landscapes and skylines and hill features (including prominent views). The application site is sizeable at approximately 34 hectares and it is recognised that a development of the proposed magnitude would result in a significant landscape and visual impact, particularly given its prominent location relative to the confluence of A77 Trunk Road and A70 and the elevated nature of the topography to the middle of the site. A key issue relative to landscape impact is that the site was rejected by the Reporter during the assessment of sites relative to LDP2 due to it being considered that the site was very prominent within the landscape. In addition, **LDP Strategic Policy 1: Sustainable Development states** that development should respect the character of the landscape and respect, protect and where possible, enhance natural, built and cultural heritage resources. Whilst it is noted that no objection has been received from Historic Environment Scotland (there are no historic features within or close to the application site) or the West of Scotland Archaeology Service following consultation, the character of the landscape would be undeniably altered as a result of the proposed development and given that the application site is not allocated within the LDP, it is considered that the proposed development is therefore contrary to the provision of **LDP Policy: Landscape Quality** and **Strategic Policy 1** due to the adverse impact that the proposed development would have on the skyline/hill features.

Impact on Natural Environment

(**NPF4 Policies:** Policy 1: Tackling the Climate and Nature Crises, Policy 2: Climate Mitigation and Adaptation, Policy 3: Biodiversity, Policy 4: Natural Places, Policy 5: Soils and Policy 6: Forestry, Woodland and Trees) (**LDP Policies:** LDP Policy: Landscape Quality, LDP Policy Preserving Trees, LDP Policy Agricultural Land, LDP Policy Air, Noise and Light Pollution and LDP Policy: Natural Heritage)

With respect to NPF4, there is a clear policy emphasis at all levels towards tackling the climate crisis, with a strong drive towards reduction of carbon. **NPF4 Policy 1** sets out that significant weight must be given to tackling the climate and nature crises and thereby, proposals which support these objectives, would have significant support. **NPF4 Policy 2** also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainably without significant detrimental impacts which would outweigh the development's positives and carbon reduction benefits. Strategic Policy 1: Sustainable Development of the LDP2 sets out criteria in this regard. **NPF4 Policies 3 and 4** protect seek to protect and to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. **NPF4 Policy 5: Soils and LDP Policy: Agricultural Land** both seek to protect prime agricultural land from irreversible development. **NPF4 Policy 6** and **LDP Policy: Preserving Trees** both seek to protect woodland and trees and require compensatory planting for any trees which are removed to accommodate development.

LDP Policy Air, Noise and Light Pollution states that we will not allow development which would expose significant numbers of people to unacceptable levels of air, noise or light pollution. Noise, vibration and dust arising during the construction phase have the potential impact on the amenity of the residential properties that adjoin the site. However, it is noted that the Council's Environmental Health Service offers no objection to the proposed development and it is also noted that all development involves a degree of temporary disruption during the construction period. **LDP Policy Natural Heritage** sets out protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met.

The applicant has submitted a Preliminary Ecological Appraisal (March 2022) and Geo-environmental Desk Study Report (January 2018) in support of the planning application. The Council's Ecology Consultants, AECOM, have viewed these documents and provided initial comment that they would expect an Ecological Impact Assessment (EclA) to be undertaken and that an assessment of the use of the site by roosting and foraging bats is likely required to inform the EclA. It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to the planning application being approved. Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed.

As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024. This identified that there are trees with potential to support roosting bats in the site and that these may be subject to lopping or felling. However, as this is an application for Planning Permission in Principle, it would be reasonable to condition that further survey to confirm the presence of roosting bats be carried out if works to these trees are needed and should the application be approved. However, any such further survey should be completed prior to determining the application for full planning permission, as it is not possible at this time to condition surveys for European Protected Species (which includes bats). AECOM also noted that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of an application for detailed planning permission (should this application be approved).

A Biodiversity Enhancement Plan was also submitted by the agent in April 2024. This document sets out recommendations that the proposed development could implement, including: retained and enhanced habitats, creation of native hedgerows, native shrub planting and garden spaces. It is considered that the opportunity to provide a positive Biodiversity Net Gain of at least 10% is achievable but an appropriately worded condition should be attached in this regard if the application is approved.

Impact on Water Environment

(**NPF4 Policy 22:** Flood Risk and Water Management) (**LDP Policy:** Flooding and Development)

Both of these policies state that development should avoid areas which are likely to be affected by flooding and that proposals must include Sustainable Urban Drainage Systems (SUDS). In this regard, the application is accompanied by a Flood Risk Assessment and Drainage Strategy Report (both dated March 2022) and it is noted that SEPA and the Ayrshire Roads Alliance (as Flood Authority) offer no objections to the proposed development on flood grounds. The submitted indicative masterplan for the site also highlights SUDS on land to the north-west and south-east of the application site. As such, it is not considered that the development (in principle) would result in a risk of flooding and that it is therefore in accordance with these policies.

Impact on Traffic and Transportation

(**NPF4 Policies:** Policy 13: Sustainable Transport, Policy 14: Design, Quality and Place and Policy 18: Infrastructure First) (**LDP Policies:** Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, LDP Policy: Delivering Infrastructure, LDP Policy: Land Use and Transport and LDP Policy: Strategic Road Development)

NPF4 Policy 18: Infrastructure First seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking and requires the impacts of development proposals on infrastructure to be mitigated. Proposals would be supported where they provide for or contribute to infrastructure in line with that identified as necessary in LDPs and their delivery programmes. In a similar vein, **LDP Policy: Delivering Infrastructure** states that the Council will expect all new development proposals to include measures to ensure the provision of any off-site infrastructure which is necessary to accommodate the development and therefore make the development acceptable in planning terms, without placing an extra burden on the existing community.

LDP Policy: Strategic Road Development states that where development may involve or affect the strategic road network, we will support proposals that:

- do not adversely affect the efficiency and safety of the relevant sections of the network;
- ensure that strategic traffic flows will be channelled onto the strategic road network as defined in the spatial strategy;
- ensure that, where required, the necessary improvements to the A77 throughout South Ayrshire are carried out to support development in compliance with the LDP; and
- where applicable, improve the capacity and safety of other parts of the strategic network, including providing traffic relief for communities and protect the land necessary for improvements to the network.

It is key to once again outline the fact that the application site is not included within the Council's adopted LDP as an allocation. Following consultation, the Ayrshire Roads Alliance state that South Ayrshire Council (with support from the Ayrshire Roads Alliance and in discussion with Transport Scotland) are currently progressing a Traffic Study to identify the cumulative impacts of LDP2 housing release sites on the strategic road network, principally the A77 trunk road corridor. At present, work on identifying a suitable package of mitigation measures remains ongoing. The testing scenarios included within the applicant's submitted Transport Assessment are: Base plus Committed Developments (not including Corton), Base plus Committed Development (Not including Corton) with the proposed development, Base plus Committed Developments including Corton development and Base plus Committed Development including the proposed development and Corton development. As work on the cumulative impacts and associated package of mitigation measures associated with allocated LDP2 sites is ongoing, the ARA has confirmed that they are not currently able to fully assess whether the proposed development currently under consideration and its associated mitigation requirements can be accommodated without prejudicing the future release of LDP2 allocated sites. The ARA recommend deferral of the application until such time as the Council's LDP2 Traffic Study is concluded, the package of cumulative mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites. However, the applicant has stated that they wish to proceed to determination. There are also concerns with the dualling of the A77 (as required by Transport Scotland) between Whitletts and Holmston roundabouts as it has not been demonstrated at this time that it is viable and deliverable. In light of this, it is considered that the development proposal is contrary to **NPF4 Policy 18: Infrastructure First** and **LDP Policies: Delivering Infrastructure and Strategic Road Development**.

It is noted that Transport Scotland offer no objections, subject to conditions, to the proposed development should the application be approved. The proposed conditions relate to the number of units not exceeding 350, that an overbridge be completed across the A77 prior to the occupation of any part of the development, modification of Holmston Roundabout, improvements to the A77 trunk road (dualling between Whitletts and Holmston Roundabouts), details of lighting and landscaping treatment.

It should be noted that the applicant was in separate discussion with Transport Scotland during the processing of the application, which did not include the Planning Service. Proposals for an overbridge were presented, with overbridge plans referenced in the Transport Scotland consultation response. An overbridge was not considered within the assessment of the planning application because an overbridge does not form part of the development proposals or pre-application consultation. It is therefore not possible to condition a requirement for the proposed overbridge, as requested initially by Transport Scotland, if planning permission was approved. An overbridge would be development requiring planning permission. The Planning Service subsequently sought comment from Transport Scotland in relation to what had been applied for, that is, an underpass as opposed to an overbridge. Transport Scotland confirmed that they would consider the development unacceptable without an appropriate active travel connection but that they would consider an underpass to represent an acceptable connection. Notwithstanding, Transport Scotland do note that they hold concerns over the viability of an underpass solution based on their discussions with the applicant (discussions of which the Planning Service were not involved). Should this permission in principle application be approved, it would require to be subject to a separate application made under Matters Specified in Condition that requires construction design details of the underpass to be provided at the subsequent detailed application stage.

Whilst it is noted that the Transport Scotland position is one of no objection subject to conditions, which is contrary to the position taken by the ARA (as Council Roads Authority) who recommend referral for the reasons outlined above, it is the view of the Planning Service that the development proposal is premature due to the position expressed by the ARA in respect of the outstanding A77 Traffic Study.

The Council's Education Service has serious concerns with the application and specifically that the proposal would encounter significant pupil placement challenges if development is progressed. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John's Primary School, both catchment non-denominational schools are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. However, there has been no resource committed by the Council to undertaking a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application is not an allocated site, is significantly contrary to the Development Plan and is being recommended for refusal.

While it is considered that the pupil placement challenges could potentially be mitigated through extensions being built to both Forehill PS and Kyle Academy, the cost would be substantial, and the applicant has not presented any mitigation proposals as part of this application e.g. financial contributions to fund extensions Forehill PS or Kyle Academy. There are also serious concerns about whether there is the space and capacity to extend Forehill PS, this has not been determined at this time. The applicant would be required to comply with NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development and address the pupil placement challenges should this application be approved contrary to the recommendation of the Planning Service. This would need to be done through a Section 75 Legal Agreement and this would require to be concluded prior to the issuing of any consent.

NPF4 Policy 13: Sustainable Transport and **LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management and Land Use and Transport** all seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The proposal for an underpass connecting the application site with Holmston, Ayr is considered to provide for sub-standard sustainable connection and there are significant doubts over its deliverability. With respect to other overground road/ footpath connections identified within the indicative masterplan, the Service is satisfied that these are acceptable in principle and provide opportunities for connectivity and permeability of the site.

Moreover, **NPF4 Policy 14: Design, Quality and Place** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', which demonstrates the six qualities of a successful place; healthy, pleasant, connected, distinctive, sustainable and adaptable. As outlined elsewhere, within this report, the proposed development is not considered to represent a sustainable use of the land due to the fact that the site is not allocated within the LDP. Notwithstanding, it is acknowledged that the application site is well connected to the settlement of Ayr in respect of public transport provision, with several local bus services travelling into the town via the A70. It is also noted that the indicative masterplan promotes active travel routes linking public open spaces with the wider footpath network. A continuous footpath/cycle route circles the proposed development and connects west to Holmston, Ayr via a proposed A77 underpass. Whilst it is acknowledged that this proposed underpass provides some means of sustainable active travel pedestrian/cycle link to the settlement of Ayr, an underpass is not considered to represent a pleasant or welcoming link given the nature of it and that there would be no natural overlooking or surveillance. It is considered that this would result in the perception of the underpass being an unsafe environment. Women's safety (as specifically referenced within NPF4 Policy 14) is of relevance as it is not considered that an underpass complies with this policy for the reasons noted. Underpasses are not considered to be a modern design response/ solution to creating well connected, safe, pleasant, distinctive and welcoming spaces. It is considered that the proposed underpass is therefore contrary to **NPF4 Policy 14**. The underpass is also considered to be contrary to **NPF4 Policy 18 Infrastructure first and LDP Policy Delivering Infrastructure** as there are concerns as to whether the development can be mitigated in terms of ensuring a sustainable link between the site and Holmston, Ayr due to doubts surrounding viability and deliverability of the proposed underpass.

In view of the above, the proposed underpass is considered to be contrary to NPF4 Policies 14: Design, Quality and Place, 18: Infrastructure First, LDP Policies: Delivering Infrastructure, Strategic Policy 1: Sustainable Development and Strategic Policy 2 due to representing a form of development which does not meet the terms of the six qualities of successful places, in particular respect of healthy and pleasant. Moreover, there are concerns as to whether the development can be mitigated in terms of ensuring a sustainable link between the site and Holmston, Ayr due to doubts surrounding viability and deliverability of the proposed underpass.

Material Considerations

Planning History

03/01036/OUT – Erection of residential development – Withdrawn April 2005.

Other Policy Considerations (including Government Guidance)

Designing Places: This Policy document sets out the role of the planning system in delivering the Scottish Government's aspirations for design and making places. 6 key qualities are identified which make a successful place – distinctive, welcoming, safe and pleasant, adaptable, easy to get to and resource efficient. It is considered that the proposed pedestrian/wheeling underpass which links the proposed development to the settlement of Ayr runs counter to these aims being as it would create an area where there is no natural surveillance and so individuals would not be readily seen and underpasses are spaces which are not regarded as being welcoming or attractive and where individuals may not feel particularly safe.

Planning Advice Note 77: Designing Safer Places: This guidance should be read in conjunction with 'Designing Places' guidance and highlights the role that planning can play in helping to create attractive, well-managed environments which help to discourage antisocial and criminal behaviour. 6 key qualities are reiterated which make a successful place – distinctive, welcoming, safe and pleasant, adaptable, easy to get to and resource efficient. It is outlined that developers should take a pro-active approach to minimise the opportunity for crime in their developments. The document further states that pedestrian routes should have an open aspect, be well lit and give a good level of surveillance. For the aforementioned reasons, it is considered that the proposed underpass is contrary to the aims outlined within the document.

Creating Places: Creating Places is the Scottish Ministers' policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design. It considers 'place' to comprise: the environment in which we live, the people that inhabit these spaces and the quality of life that comes from the interaction of people and their surroundings and states that architecture, public space and landscape are central to this. While the creation of a successful place results from the interaction of a wide range of factors, in this case, the proposed underpass is considered to be a key sustainable link to the settlement of Ayr and has the potential to create an unattractive space.

Secured by Design: This is a UK police initiative designed to help create safer, more secure environments. To be awarded Secured by Design status, developments must meet a set of core principles – environmental quality and sense of ownership, natural surveillance, access and footpaths, lighting and open space provision and management. For the aforementioned reasons, it is considered that the proposed underpass would not be in accordance with these principles.

Representations Received

The representations in objection to the application have been summarised into topic areas as captured in section 6 above and are responded to below.

Planning Policy

- The application site is not located within the Green Belt, rather, it is a greenfield site.
- The application site is not located within a conservation area and does not form part of any specific ecological designation or categorisation.
- An assessment of the application against the merits of Strategic Policy 2 and relevant retail policies has been set out elsewhere within this report.
- The application site is not located within the Galloway and Southern Ayrshire Biosphere. Although a relatively small proportion of the application site forms prime agricultural land (approximately 2 hectares), it is not considered that its loss is merited in this instance due to the application site being an unallocated site and there being no shortfall in housing land supply.

Traffic / Roads and Transportation

- The Ayrshire Roads Alliance (ARA) were consulted on the application (as Council Roads Authority), and it is noted that they have offered a deferred stance. As outlined elsewhere within this report, the ARA cannot fully appraise the development proposal from a traffic perspective. Whilst the impacts of traffic can be tested, any mitigation should be taking cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 with Transport Scotland and the application cannot therefore currently be fully assessed relative to traffic and transportation issues. The ARA consider it premature to assess the site whilst the aforementioned work remains outstanding.
- In respect of construction timeframes, these would only be known at a later stage should planning permission be granted.
- The proposed underpass is approximately 20m in length (as measured from the submitted Indicative Spatial Masterplan). An underpass is not considered to represent a 'safe and pleasant' means of connecting the proposed development to the settlement of Ayr, as referenced elsewhere within this report.
- In respect of a bridge being preferable to an underpass, the Planning Service concur with this view. However, a bridge does not form part of this application development proposal.
- In relation to the existing underpass at the River Ayr requiring improvement, this is not within the application site boundary and does not form part of this development proposal.
- Finally, in respect of free community buses from Coylton being provided to schools to reduce traffic, this would be a matter for the applicant to consider.

Local Services/Local Community/Infrastructure

- In respect of infrastructure capacity, it is noted that Scottish Water and SEPA offer no objection to the proposed development.
- The Council's Schools and Service Support Services (Education) has expressed serious concerns and state that the proposal presents significant pupil placement challenges. It is outlined that both catchment non-denominational schools are at capacity and, based on current rolls, would not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. Please refer to the assessment under Policy 18 above and the assessment section of this report.
- As outlined elsewhere within this report, the character of the landscape would alter significantly as a result of the development proposal.

Flooding/Drainage

- A Flood Risk Assessment and Drainage Strategy Report have been submitted in support of this application and it is noted that neither SEPA or the ARA (as Flood Authority) object to the proposed development on flooding grounds.

Ecology/Natural Environment

- The application site is not subject to, nor does it form part of any specific ecological designation or categorisation. The Council's Ecology Consultant (AECOM) have been formally consulted and engaged as part of the assessment of this planning application. As outlined elsewhere within this report, AECOM advised that they would expect an Ecological Impact Assessment (EclA) to be undertaken and that assessment of the use of the site by roosting and foraging bats is likely required to inform the EclA. **It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to any detailed planning application being approved.** Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot. consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed. As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024 and AECOM provided further comment. AECOM note that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of application for detailed planning permission.
- In respect of the proposed underpass destroying the Marie Curie Cancer Care Field of Hope daffodils, this would be a private matter for the applicant to consider.
- No application for a Tree Preservation Order at the site has been made.
- In respect of the disused quarry and potential waste, SEPA has offered no objection to the proposed development following consultation.
- The applicant has submitted a Biodiversity Enhancement Plan (April 2024) in support of the application which outlines that the site is currently dominated by modified grassland that has been subject to intensive livestock grazing resulting in a habitat of negligible ecological value. The Council's Ecology Consultant (AECOM) provided comment on this document and note that the plan sets out recommendations for a wide range of measures that the proposed project could implement and consider that these are all proportionate to the scale of the proposed development, although also note that Scots Pine should be replaced by an alternative species as it is not native to South Ayrshire. Moreover, although recommendations are made for provision of a range of wildlife refugia, no commitment is given to numbers of such features to be provided. This should be stated in the final version of the Biodiversity Enhancement Plan at detailed planning stage to be clear the level of enhancement being provided. In light of the above, it would appear that the proposed development does provide an opportunity to provide a positive Biodiversity Net Gain.
- Any disruption during the construction phase would be of a temporary nature only and cannot be considered within the assessment of the planning application.
- Soil disturbance recovery time is noted.

Landscape and Visual Impact

- The application site was considered at a previous Local Plan Inquiry, where the site was dismissed at a time when other greenfield sites were allocated by the Reporter. One of the principal reasons was the impact on landscape and the setting of Ayr. The site is prominent within close proximity, but the proposal suggests that development will rise up and over a local hill/ridgeline highpoint and therefore likely to be a visible and intrusive element in the wider landscape when viewed from considerable distance.
- The application site is not subject to, nor does it form part of any specific designation or categorisation.
- It is considered that a full assessment on the impact that the proposed development would have on the landscape can be undertaken within the application submission.
- The application submission outlines that existing vegetation and field boundary trees are to be retained to preserve site character and ecological assets. The Indicative Spatial Masterplan is a strategic plan as opposed to a detailed landscape plan.
- The Indicative Spatial Masterplan highlights proposed structure planting between the crematorium and the proposed site. However, should the application be approved, landscape considerations would be assessed through any subsequent matters specified in conditions application.
- It is considered that the proposed housing would be viewable from the entrance to Crofthead Caravan Park.

Amenity

- The proposed development would surround a residential property and their countryside setting would undoubtedly be impacted upon.
- As the development proposal is in principle, there are no details in respect of the layout and design of the proposed dwellings. However, if the application is approved, these details would be assessed within any future application(s) for matters specified in conditions.
- It is considered that an underpass would not meet the terms of the 'Place Principle' within NPF4, being as it could not be regarded as forming a 'safe and pleasant' means of link to the settlement of Ayr.
- Any noise, dust, vibration or pollution associated with the proposed development would be of a temporary nature and would not merit refusal of the planning application.
- In respect of light pollution, it is noted that the Council's Environmental Health Service offer no objection to the development proposal. Again, should the application be approved, this would be a matter considered at a later date.
- The proposed development would alter the semi-rural setting of Ayr Crematorium and would introduce an urban environment in relatively close proximity. However, it is noted that structure planting is proposed between the proposed development and the Crematorium which would provide a degree of protection.

Inaccuracies/contradictions/anomalies within submission

- The submitted LVIA includes a visual representation as viewed from Ayr Cemetery and this is not an error – it represents a relative high viewing point from the settlement of Ayr.
- In respect of footpaths shown through the quarry and the Transport Statement outlining that this area is outwith the control of the applicant, the application is in principle and what is indicated on the submitted Indicative Spatial Masterplan may not come forward in any future application(s) for matters specified in conditions (should the application under consideration be approved).
- In respect of drawings within the submitted Utilities Report being stamped with 'this map image may not be used for planning use', this is private matter between the parties involved.

Health and Safety

- In respect of the High-Pressure Gas Main Pipe, SGN Networks were consulted on the application and whilst initially issuing a holding objection, subsequently offered no objection to the application following discussions with the applicant (which the Council as Planning Authority had no part).
- The gap between any future housing and the overhead powerlines in situ would be a matter for the applicant to address with Scottish Power – this is outwith the remit of Planning function.
- SGN offer no objection to the application under consideration.

Proposed Development

- Planning applications are assessed on their planning merit and the need for the proposed development is not required to be demonstrated.
- The living standards of local residents are protected through the planning application process.
- The concerns of residents are assessed within the planning application process and monetary gain plays no part in the planning assessment.
- The proposed development is located to the immediate north of the crematorium and should the application be granted, the proximity of any residential dwellings to the crematorium in any future application(s) of matters specified in conditions would require to be carefully considered. It is noted that extensive structure planting is indicated on the submitted Indicative Spatial Masterplan between the proposed development and crematorium.
- In respect of the extension of the town not being a positive improvement, every planning application requires to be assessed on its planning merit.
- In relation to the make of up affordable units, should the application be approved, this is a matter which would be assessed within any future application(s) for matters specified in conditions.
- It is considered that community and leisure facilities would be utilised within the settlement of Ayr. Notwithstanding, each planning application requires to be assessed on its individual planning merit and it is for the applicant to determine what to include within the application submission.
- Construction timeframes do not form part of the planning assessment.
- The application includes a proposal for residential development as opposed to food production and it requires to be assessed on its planning merit.

Consultation/Neighbour Notification

- The planning application was validated on 3rd May 2022, with neighbour notification being issued on 13th May 2022. The application was also advertised in the local press on 17th May 2022. It appears that the planning application was 'picked up' by social media between the time of validation and neighbour notification being issued. Notwithstanding, the purpose of neighbour notification is to make individuals aware of a planning application.
- The development proposal was subject to the Pre-Application Consultation and the submitted Pre-Application Consultation Report confirms that a live interactive event was held between 3pm and 7pm on 27th October 2021 (consultation was undertaken electronically due to introduction of The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020, The Town and Country Planning (Emergency and Extended Period) (Coronavirus) (Scotland) Regulations 2021 and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022. The Planning Service accepts representations up until the time of assessment conclusion. However, it is recognised that the neighbour notification letter does state that any representation should be submitted within 21 days.

Other Matters

- **Loss of countryside view.**
- **Loss of property value.**
- **Application has been rejected before, should be again.**
- **What are the plans to keep the crematorium open should the development go ahead?**
- **The amount of new builds in Ayr is alarming – how many more will be allowed?**

These matters are not material planning considerations in the assessment of this planning application.

- **Other developments which were approved questioned, future Space Centre fears, distrust of authorities.**

Each individual planning application is assessed on its planning merit.

- **Progress with number of builds required to meet Scottish Government legislation – National Developments NPF4.**

It is unclear what is being referred to here; however, there is currently no shortfall in housing land supply within South Ayrshire and national targets are being achieved.

- **UK Legislation 'Bribery Act 2010', South Ayrshire Anti-fraud and Anti-bribery Strategy 2021 – need assurances these will be implemented.**

Every planning application is assessed in an open and transparent manner. All 'Major' planning applications require to be considered by South Ayrshire Regulatory Panel (Planning) and these meetings are open to the public to attend should they wish.

The representation in support of the proposed development outlines that there is a shortfall of energy efficient homes in South Ayrshire, that a wide variety of house types should be provided and that commercial 'co-working' spaces should also be considered.

Impact of the proposed development on the locality

The Ayrshire Roads Alliance have advised that they cannot fully appraise the development proposal at this time. Whilst the impacts of traffic can be tested, any mitigation should take cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 (including the A77) with Transport Scotland and have therefore advised that the application cannot be fully assessed relative to traffic and transportation issues at this time. They recommend deferral of the application until such time as the LDP2 Traffic Study is concluded, the package of mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites. The Planning Service has given significant weight to this consultation response and consider the proposal to be contrary to NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development in this regard.

Transport Scotland recommends various conditions to mitigate the impact of the proposed development which would include the provision of an underpass below the A77 to connect the site with Holmston, Ayr, dualling of the A77 between Holmston and Whitlets roundabouts and improvements to the Holmston roundabout. These works would require significant engineering and would be at substantial cost that would require to be borne in full by the developer. There has been no indication from the developer at this time if the provision of such infrastructure would even be viable and deliverable.

As noted elsewhere within this report, there are significant concerns with an underpass given that they are not a modern design solution to creating connections, they are not overlooked, and are unwelcoming and unattractive. An underpass would be contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management and national planning guidance: Designing Places, Designing Safer Places and Creating Places.

The Council's Education Service has serious concerns and has advised that the proposed housing development would present significant pupil placement challenges if progressed. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John's Primary School, both catchment non-denominational schools – Forehill PS and Kyle Academy are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. The applicant has not submitted a feasibility study. The Council's Education service has not undertaken a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application site is not allocated for housing, the proposal is significantly contrary to the Development Plan and is being recommended for refusal. Notwithstanding, there are concerns about the space and capacity for an extension at Forehill PS and whether this would be achievable. The fact remains that the applicant has not submitted any proposals with this application to mitigate against the pupil placement challenges e.g., proposals to fund extensions at Forehill PS or Kyle Academy.

It is a legal requirement that development is capable of mitigating its impact. Although this is a planning permission in principle application and details are not yet known, there is insufficient information to be able to conclude at this time that this development is capable of mitigating its traffic, sustainable pedestrian and educational impacts. Furthermore, all mitigation requires to satisfy criteria of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Without knowing the detail of the mitigation proposals, it is not possible to conclude that any mitigation that is identified at subsequent detailed planning stages could satisfy these criteria.

If the application was approved contrary to the recommendation of the Planning Service, then NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development would require to be complied with and the pupil placement challenges mitigated in full. The Council would be required to enter into an agreement with the developer under Section 75 of the Town and Country Planning (Scotland) Act 1997 which would involve the developer bearing the full cost of extensions to both schools, which would be substantial. It is unclear at this time if this would even be viable. It is also unclear at this time whether there is space and capacity for a further extension of Forehill PS, as noted in the preceding paragraphs.

The application site has been previously rejected by the Scottish Government Reporter for allocation within the Local Development Plan 2 due to it being considered that the site was very prominent within the landscape and that development would have an adverse impact on the character of the locale. There have been no changes to the physical characteristics of the site that would change this view, it remains the case that a housing development on the application site would have significant landscape impacts and would therefore be contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and LDP Policy: Landscape Quality.

The application should be considered in the context of a plan led system, as advocated in the development plan and the policies contained therein - National Planning Framework 4 and LDP2. It is considered that the principle of development of this land for residential purposes on an unallocated site has not been justified and cannot be supported by the framework of planning policy as set out within the Development Plan. The application is therefore recommended for refusal - there are no material considerations which would outweigh the issues set out in the report and lead to a different recommendation.

9. Conclusion:

This application relates to planning permission in principle for the erection of a residential development and neighbourhood commercial development (Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office), access, landscaping, drainage and associated works. The site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development. The site would primarily be accessed from an existing roundabout on the A70, with access also possible from the existing road towards Masonhill Crematorium. An underpass below the A77 is also proposed to connect the site with Holmston, Ayr to the west.

The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development is contrary to the provisions of NPF4 and LDP2 due to the application site not being an allocated site, adverse landscape impact and because it has not been demonstrated that the proposed development would bring a net economic benefit to Ayr. There are also unresolved questions in respect of the capacity of the local road network to accommodate the additional vehicle trips which would be generated. The proposed pedestrian/cycle underpass would provide a substandard sustainable travel link to Ayr however it is considered that it does not represent an attractive or welcoming feature in respect of creating a safe and pleasant sense of place. There is also doubt about whether an underpass and dualling of the A77 (as requested by Transport Scotland) between Whitlets and Holmston Roundabouts is viable and deliverable. Furthermore, the Council's Education Service also raises serious concerns as the proposal presents school capacity issues. The points raised in the letters of objection have been fully considered and it is agreed that some of the issues raised merit a recommendation of refusal for the application. In light of the aforementioned issues, it is considered that the proposal would run counter to the plan led system. 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 refused for the reasons outlined below.

10. Recommendation:

It is recommended that the application is refused for the reasons noted below.

Reasons:

Principle of Development

1. The proposed development is contrary to NPF4 Policies: 5: Soils, 9: Brownfield, Vacant and Derelict Land and Empty Buildings and 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Rural Housing and Agricultural Land Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no shortfall in effective housing land supply and allocated sites are not being built out more quickly than expected and it has not been demonstrated that there is a need for residential development in the area concerned. Moreover, there is no evidence to suggest that the development would result in a net economic benefit or contribute significantly to the implementation of the Ayrshire Growth Deal, the regeneration of Ayr or result in overriding community interest. Furthermore, the development of the application site for housing could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. There are no over-riding reasons to depart from the policies as detailed in NPF4 and the South Ayrshire Local Development Plan.

Impact on Landscape

2. The proposed development is contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and LDP Policy: Landscape Quality in that the proposed development would not respect the character of the landscape as set out by the Reporter during the assessment of sites relative to LDP2. The development would introduce development at a prominent site and location and at a scale and density that would adversely impact the landscape character and skyline.

Successful Places

3. The proposed development is contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management and national planning guidance: Designing Places, Designing Safer Places and Creating Places in that the proposed underpass does not accord with the six qualities of successful places, in particular, it does not represent a welcoming, pleasant or overlooked connection between the application site and Ayr.

Impact on Road Network

4. The proposed development is contrary to NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development in that the Council's LDP2 A77 Traffic Study is not concluded, with the package of cumulative mitigation measures not having been identified and agreed with Transport Scotland or associated indicative cost contributions allocated to individual LDP2 sites. The impact of the proposed development on the road network therefore cannot be fully determined at this time.

Proposals fail to demonstrate mitigation of the impact of the development

5. The proposed development is contrary to NPF4 Policy 18: Infrastructure First and LDP Policy Delivering Infrastructure in that there is considerable doubt as to whether the proposals are capable of mitigating the impact of the development. It is not known whether the engineering requirements to provide an underpass are viable and deliverable, the requirement to mitigate traffic impact on the A77 is unknown as the traffic study associated with LDP2 has not been concluded and mitigation for education is also not clear. Furthermore, it is not clear whether the dualling of the A77 from Whitletts to Holmston Roundabouts is viable and deliverable. It is not possible to conclude that mitigation of the aforementioned elements is capable of being delivered.

List of Determined Plans:

Drawing - Reference No (or Description): 1819/01 REV E

Drawing - Reference No (or Description): 1819/02

Drawing - Reference No (or Description): Storm water Drainage Strategy Plan

Supporting Information - Reference No (or Description): PAC Report

Supporting Information - Reference No (or Description): Design Statement (March 2022)

Supporting Information - Reference No (or Description): Updated Design Statement (April 2024)

Supporting Information - Reference No (or Description): Landscape and Visual Impact Assessment (March 2022)

Supporting Information - Reference No (or Description): Preliminary Ecological Appraisal (February 2022)

Supporting Information - Reference No (or Description): Updated Ecological Appraisal (April 2024)

Supporting Information - Reference No (or Description): Flood Risk Assessment (March 2022)

Supporting Information - Reference No (or Description): Drainage Strategy Report (March 2022)

Supporting Information - Reference No (or Description): Geo-environmental Desk Study Report (January 2018)

Supporting Information - Reference No (or Description): Utilities Overview (January 2018)

Supporting Information - Reference No (or Description): Transport Assessment (March 2022)

Supporting Information - Reference No (or Description): Socio-Economic Report (March 2022)

Supporting Information - Reference No (or Description): Planning Statement

Supporting Information - Reference No (or Description): Statement of Community Benefit (March 2024)

Supporting Information - Reference No (or Description): Biodiversity Enhancement Plan (April 2024)

Background Papers:

- Application form, plans and supporting documents.
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- Designing Places
- PAN 77: Designing Safer Places
- Creating Places
- Secured by Design
- Representations received.
- Consultation responses received.
- Scottish Ministers' decision on the planning appeal (ref: PPA-400-2147) at Mossend, West Lothian, July 2023
- 21/01050/PAN - Proposal of application notice for planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
- 22/00236/EIASCRC - EIA Screening Opinion request for proposed planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
- Inner Court of Session appeal decision Ref. [2024] CSIH 11 XA41/23 dated 3 May 2024

Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 22/00302/PPPM)

Equalities Impact Assessment:

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

Person to Contact:

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