

County Buildings  
Wellington Square  
AYR KA7 1DR  
Telephone No.01292 612436



2 September 2024

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

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (PLANNING)**

You are requested to participate in the above Panel to be held on **Thursday, 12 September 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

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

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

Yours sincerely

**CATRIONA CAVES**  
Chief Governance Officer

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

1. Declarations of Interest.
2. Minutes of previous meetings of:-
  - (a) 3 June 2024 (Site Visit);
  - (b) 6 June 2024; and
  - (c) 25 June 2024(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

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

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**REGULATORY PANEL (SITE VISIT)**

Minutes of meeting to undertake a site visit on 3 June 2024 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair); Ian Cavana, Mark Dixon, Martin Kilbride and Mary Kilpatrick.

Apologies: Councillors Alec Clark, Alan Lamont, Craig Mackay and Duncan Townson.

Attending: C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); F. Sharp, Supervisory Planner; G. Senior, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

**1. Declarations of Interest**

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

**2. Continued Planning Application – Prestwick St Cuthbert Golf Club, East Road, Prestwick (Ref: [23/00728/APP](#))**

Reference was made to the Minutes of 9 May 2024 when it had been agreed to continue consideration of a planning application at Prestwick St Cuthbert Golf Club, East Road, Prestwick (Ref: 23/00728/APP) to allow a site visit to be conducted.

Having viewed the site, the Panel

**Decided:** to continue determination of the application to the next meeting of this Panel, scheduled to take place on 6 June 2024.

The meeting ended at 3.00 p.m.

**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 6 June 2024 at 10.00 a.m.

- Present  
in County  
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Mark Dixon and Martin Kilbride.
- Present  
Remotely: Councillors Mary Kilpatrick and Craig Mackay.
- Apologies: Councillors Alec Clark, Alan Lamont and Duncan Townson.
- Attending  
in County  
Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); J. Hall, Co-ordinator (Planning Strategy); E. McKie, Planner; G. Senior, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.
- Attending  
Remotely: F. Sharp, Supervisory Planner.

**Chair's Remarks.**

The Chair

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

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

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

**2. Minutes of previous meetings.**

- (1) The Minutes of previous meeting of 30 April 2024 ([Special](#)) were submitted (issued).

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

By a majority, the Panel approved the Minutes.

- (2) The Minutes of previous meeting of 9 May 2024 ([issued](#)) were submitted and approved.

*Councillor Mackay did not take part in the undernoted application as he had not been present at the Regulatory Panel (Site Visit) on 3 June 2024.*

**3. Application continued from the Regulatory Panel of 9 May 2024 and the Regulatory Panel (Site Visit) which took place on 3 June 2024: 23/00728/APP Prestwick St Cuthbert Golf Club, Prestwick.**

There was submitted a report ([issued](#)) of February 2024 by the Housing, Operations and Development Directorate on planning application continued from this Panel on 9 May 2024 and subsequent site visit on 3 June 2024.

23/00728/APP - Prestwick St Cuthbert Golf Club, Prestwick. - Erection of 60-bedroom residential care home with associated car parking, access and landscaping.

The Panel heard the applicant's agent in response to Members questions.

**Decided:** to approve, subject to the following conditions;-

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

*To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;*

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

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

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

*To accord with the advice of SEPA;*

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

- a) a site waste management plan;
- b) a dust management plan;
- c) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;
- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;

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

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

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

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

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

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

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

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

*To avoid noise disturbance in the interests of residential amenity;*

- (6) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites - Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental

Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

*To ensure all contamination within the site is dealt with;*

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

*To alleviate any risk of flooding to the development;*

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

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

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

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

- (10) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

*In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;*

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

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

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

*In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;*

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

*To encourage sustainable means of travel;*

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

- Full confirmation of the approved/agreed routes for use by construction traffic movements;
- A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
- Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
- Full details of all arrangements for emergency vehicle access;
- Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
- Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
- Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

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

*In the interests of road safety;*

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

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

- (24) that the on-site café facilities shall be for the sole use of residents of the care home and their visitors only, and shall not be utilised by members of the public.

*To clarify the terms of this permission.*

**Advisory Notes:**

- (1) In order to minimise nuisance in the surrounding area from dust, noise and vibrations, during all demolition and construction works, the plant and machinery used should be used in accordance with British Standard 5228 Noise Control on Construction and Open Sites Order (as amended) and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

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

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

ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF

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

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

- (5) Any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping that is considered, and as the facility is in close proximity to an aerodrome the Developer should incorporate measures to minimise their attractiveness during both the construction and operational phases of the site. To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity - fully enclosed or covered skips should be used.
- (6) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.

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

**List of Determined Plans:**

Drawing - Reference No (or Description): L(90)0001 rev B;  
 Drawing - Reference No (or Description): L(92)0001 rev C;  
 Drawing - Reference No (or Description): Drawing - Site Plan (Updated);  
 Drawing - Reference No (or Description): Site Plan as Proposed (Updated);  
 Drawing - Reference No (or Description): 101-01 (Rev. C);  
 Drawing - Reference No (or Description): 1192 (97) 001 (Rev. 2);  
 Drawing - Reference No (or Description): 200-01 (Rev. C);  
 Drawing - Reference No (or Description): 203-01 (Rev. B);  
 Drawing - Reference No (or Description): 210-L(10)-100 (Rev. P2);  
 Drawing - Reference No (or Description): 210-L(20)-CH-300 (Rev. P8);  
 Drawing - Reference No (or Description): 210-L(20)-CH-301 (Rev. P8);  
 Drawing - Reference No (or Description): 210-L(20)-CH-302 (Rev. P8);  
 Drawing - Reference No (or Description): 210-L(20)-CH-30R (Rev. P4);  
 Drawing - Reference No (or Description): 210-L(20)-CH-400 (Rev. P3);  
 Drawing - Reference No (or Description): 210-L(20)-CH-410 (Rev. P3);  
 Drawing - Reference No (or Description): 210-L(20)-CH-500 (Rev. P4);  
 Drawing - Reference No (or Description): 210-L(20)-CH-501 (Rev. P4); and  
 Drawing - Reference No (or Description): 210-L(20)-CH-510 (Rev. P4).

**Reason for Decision:**

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

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

*Councillor Mackay re-joined the meeting at this point.*

**4. Hearing relating to Application for Planning Permission.**

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

The Panel considered the following application:-

- (1) [24/00029/APP](#) – AYR – 6A Elmbank Street – Change of use from existing workshop to dance school.

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

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

*To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;*

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

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

- (c) prior to the occupation of development, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance from the dance studio on noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person and shall include all relevant noise sources that may impact on nearby residential properties. The assessment shall be undertaken using the current British Standard (or as may be amended) from the closest accessible location to the nearest noise sensitive dwelling from where noise can be measured, or other location as may be agreed. The assessment shall identify any mitigation measures required to achieve British Standard ratings and shall be agreed in writing with the Planning Authority, in consultation with the Council's Environmental Health Service, prior to the occupation of the development. The location from where the noise can be measured from will first be agreed in writing by the Planning Authority.

*To avoid noise disturbance in the interests of residential amenity;*

- (d) that before the occupation of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.

*To encourage sustainable means of travel; and*

- (e) that the kitchen shall be used solely for purposes incidental to the use of the premises as a dance school and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

*To define the terms of this planning permission, and to retain proper planning control over the development.*

**Advisory Note:**

The hours of operation for any construction/alterations to the development shall be restricted to between 8 am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No operations or activity shall take place at any time on a Sunday

**List of Determined Plans:**

Drawing - Reference No (or Description): A514-L01;  
 Drawing - Reference No (or Description): A514-L02;  
 Drawing - Reference No (or Description): A514-L03;  
 Drawing - Reference No (or Description): A514-L04;  
 Drawing - Reference No (or Description): A514-L05;  
 Drawing - Reference No (or Description): A514-L06 Rev. D;  
 Supporting Information - Reference No (or Description): Design and Access Statement; and  
 Supporting Information – Reference No (or Description): Additional Supporting Documentation.

**Reason for Decision:**

The application has been assessed against the various material planning considerations which include the provisions of the development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), consultations, representations received (14 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly complies with the development plan. It is considered that the proposal represents a sustainably located development involving the re-use of vacant property, within a sustainable and accessible location, and that, the proposals, subject to being appropriately conditioned, will not detract from the character or appearance of the surrounding area or introduce any adverse amenity issues. In acknowledging the recommendation of the Ayrshire Roads Alliance, it is considered that the consultation responses do not raise any issues of over-riding concern that cannot be addressed by absorbing on street parking in the area such as on Elmbank Street and by way of the parking spaces which can be accommodated within the application site. Equally, the points raised in the letters of objection have been fully considered, but do not raise any

issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that, on balance, the proposal, suitably conditioned, will not detract from the character or appearance of the surrounding area or introduce any significant, adverse amenity issues. The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

**5. Public Access Exemption Orders: The South Ayrshire Council (Lochgreen Golf Course) Exempting Land from Access Rights Order 2024 and The South Ayrshire Council (Marr Rugby Club) Exempting Land from Access Rights Order 2024.**

There was submitted a report ([issued](#)) of 4 June 2024 by the Housing, Operations and Development Directorate seeking authority to agree a Council response to the public consultation representations and to proceed to make two temporary public access exemption orders for areas of land to be used as camping sites during the 152<sup>nd</sup> Open 2024 at Royal Troon Golf Course.

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

By a majority, the Panel

**Decided:**

- (1) to note the outcome of the public consultation on the proposed public access exemptions for land at Lochgreen Golf Course (holes 11-14) and Marr Rugby Club; and to agree the proposed Council responses to the representations received, as set out in Appendix 1 of the report; and
- (2) to agree to make temporary public access exemption orders under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Lochgreen Golf Course (holes 11-14) and at Marr Rugby Club, as set out in the plans included in Appendix 2 and 3 of the report.

The meeting ended at 11.15 a.m.

**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 25 June 2024 at 10.00 a.m.

Present  
in County  
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Martin Kilbride, Mary Kilpatrick,  
Alan Lamont and Duncan Townson.

Present  
Remotely: Councillor Craig Mackay.

Apologies: Councillors Alec Clark and Mark Dixon.

Attending  
in County  
Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning  
and Building Standards; F. Ross, Co-ordinator, Legal Services (Property and  
Contracts); E. Goldie, Co-ordinator (Development Management); A. McGibbon,  
Supervisory Planner; J. Corrie, Ayrshire Roads Alliance; and A. Gibson,  
Committee Services Officer.

**Chair's Remarks.**

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting, including that this meeting would be recorded and placed on the Council's website at a later date; and that all votes would be taken by means of a roll call; and

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

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, Councillor Kilpatrick advised that, in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, she would declare an interest in item 2(1) below as she would address the Panel as an interested party. No further declarations of interest by Members of the Panel were made.



## 2. Hearings relating to Applications for Planning Permission.

There were submitted reports ([issued](#)) of June 2024 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

*Having previously declared an interest, Councillor Kilpatrick left the meeting at this point.*

- (1) [23/00864/APP](#) – AYR – 36A Alloway, KA7 4PQ – Change of use of existing dwellinghouse to form ancillary hotel accommodation and additional car parking.

The Panel heard from Councillor Kilpatrick, who had previously declared an interest in this application. She then left the meeting for the further consideration of this application. The Panel also heard from the applicant's agent.

Councillor Cavana, seconded by Councillor MacKay, moved that the application be approved as recommended in the Report of Handling and subject to the condition detailed in the report. There was no amendment proposed. In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion to approve the application, subject to the conditions as detailed in the report, therefore, the Council moved to a vote for or against the Motion. Three Members voted for the Motion and three against. The Chair used his casting vote to vote against the Motion, and accordingly the Motion fell.

At this point, the Panel adjourned, to allow Members to discuss a further Motion.

Upon reconvening, Councillor Bell, seconded by Councillor Townson moved to refuse this application on the basis that the proposed change of use would have a detrimental impact on the local residential amenity, as well as having a negative impact on the overall Conservation area.

By way of an Amendment, Councillor Cavana, seconded by Councillor Mackay moved that the application be approved, subject to the conditions as detailed in the report. Three Members voted for the Amendment and three for the Motion. The Chair exercised his casting vote in favour of the Motion.

The Panel

**Decided:** to refuse this application on the basis that the proposed change of use would have a detrimental impact on the local residential amenity, as well as having a negative impact on the overall Conservation area.

*At this point, Councillor Kilpatrick re-joined the meeting. The Service Lead – Legal and Licensing left the meeting at this point.*

- (2) [22/00302/PPPM](#) – AYR – Land to the east of A77T From Holmston Roundabout to Bankfield Roundabout – 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.

The Panel heard from an interested party and the applicant's agent.

*The time being 12.35 a.m., the Panel agreed to adjourn for fifteen minutes. The Panel re-convened at 12.50 p.m.*

*The Panel, at this point, adjourned to discuss the terms of a proposed Motion.*

Upon reconvening, Councillor Kilpatrick, seconded by Councillor Lamont moved

- (1) that the Panel be minded to grant the application subject to identification of appropriate conditions and subject to legal agreements as required. This was mainly to contribute to addressing the housing crisis declared by the Scottish Government; and
- (2) that the matter be referred back to Panel for further consideration.

By way of an Amendment, Councillor Cavana, seconded by Councillor Townson moved that the application be refused for the reasons as stated in the report.

Three Members voted for the Amendment and four for the Motion, which was accordingly declared to be carried.

**Decided:**

- (a) that the Panel be minded to grant the application subject to identification of appropriate conditions and subject to legal agreements as required. This was mainly to contribute to addressing the housing crisis declared by the Scottish Government; and
- (b) that the matter be referred back to Panel for further consideration.

The meeting ended at 1.07 p.m.

## South Ayrshire Council

### List of Planning Applications for Regulatory Panel (Planning) Consideration on 12 September 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	24/00324/APP David Clark  (Objections)  <a href="#">(Application Summary)</a>	5 Trenchard Court South Harbour Street Ayr South Ayrshire KA7 1JU	Change of use of dwellingflat to form short term let	Mr Kirk Potter	Approval with Condition(s)
2.	24/00486/APP David Clark  (Objections)  <a href="#">(Application Summary)</a>	8 Rowallan Court South Beach Road Ayr South Ayrshire KA7 1JR	Change of use from flat to short term let	Mr Paul Chable	Approval with Condition(s)

## REGULATORY PANEL: 12 SEPTEMBER 2024

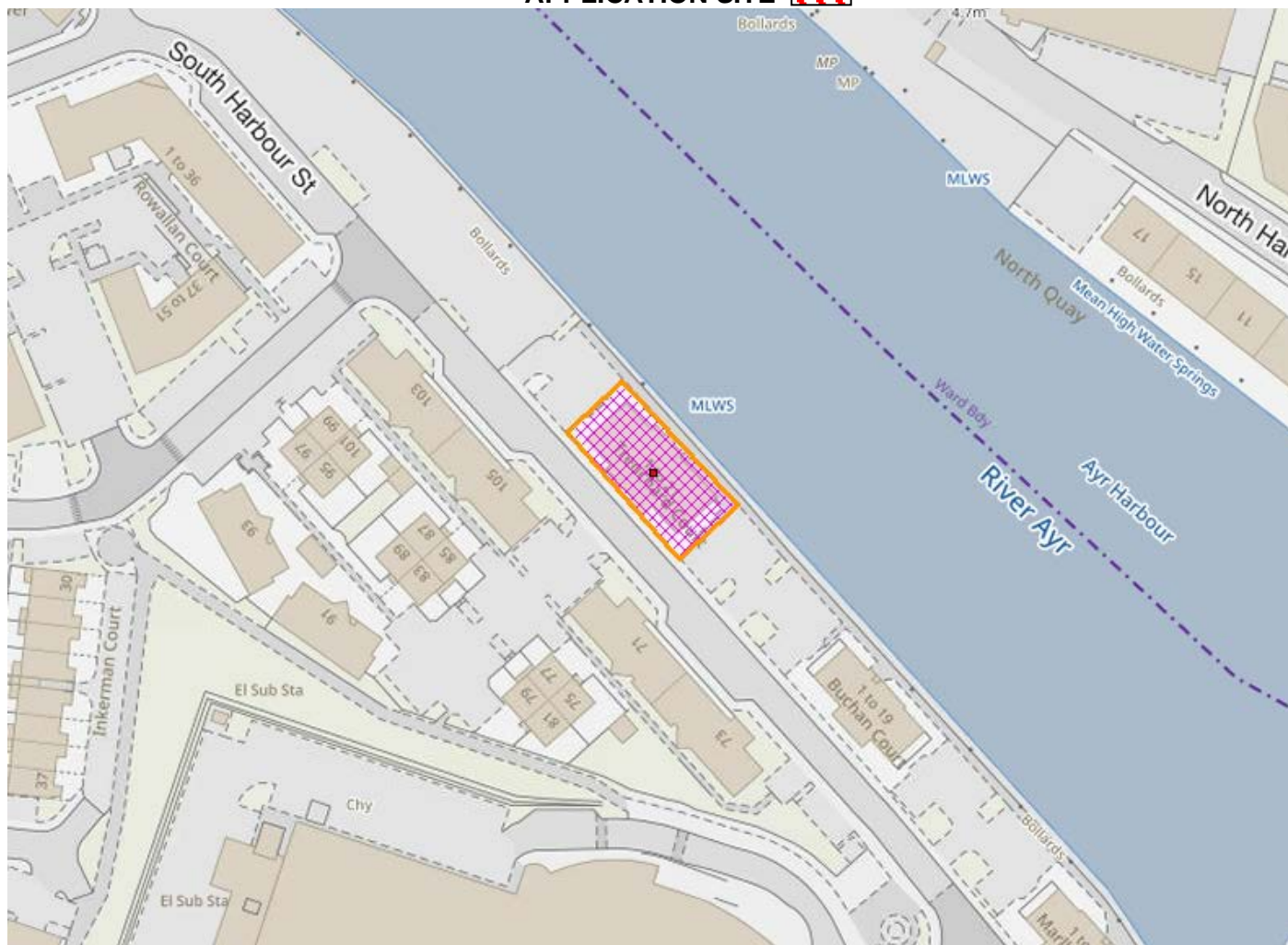
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00324/APP

5 TRENCHARD COURT SOUTH HARBOUR STREET AYR SOUTH AYRSHIRE KA7 1JU

#### 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

Planning permission is sought for the change of use of a two-bedroom first floor dwellingflat to form short term letting accommodation at a 7-storey flatted residential block located at 5 Trenchard Court, Ayr. A total of 21 dwellingflats are located within the Trenchard Court residential block.

The application site is located within the settlement boundary of Ayr, as prescribed by the South Ayrshire Local Development Plan 2. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application only seeking permission for change of use.

14 representations objecting to the proposed development, including an objection by the Fort, Seafield and Wallacetown Community Council have been received. Following consideration, the points raised do not merit refusal of this application.

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: 12 SEPTEMBER 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00324/APP</b> <b>5 Trenchard Court</b> <b>South Harbour Street</b>
<b>SITE ADDRESS:</b>	<b>Ayr</b> <b>South Ayrshire</b> <b>KA7 1JU</b>
<b>DESCRIPTION:</b>	<b>Change of use of dwellingflat to form short term let</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 2 May 2024.
- The application was validated on 27 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 29 May 2024.
- The case officer visited the application site on 10th June 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### **1. Proposal:**

Planning permission is sought for the change of use of a two bedroom dwellingflat to form short term letting accommodation.

The site of the proposed development comprises a first floor dwellingflat located at 5 Trenchard Court, South Harbour Street, Ayr. The flatted block is finished in a red brick with concrete roof tiles and reaches 7 storeys in height. A total of 21 dwellingflats are located within the Trenchard Court residential block. The application site is located within the settlement boundary of Ayr, as prescribed by the South Ayrshire Local Development Plan 2.

The application seeks planning permission to allow the dwellingflat to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

The application submission is accompanied by an Operating Plan which confirms the following: -

- The applicant is the sole owner of the property who is responsible for Council Tax;
- The property is to be let from January to December and is capable of accommodating 4 guests at any given time;
- The minimum booking no. of days is 2 per stay, while the maximum booking no. of days is 7;
- Trenchard Court contains 21 flats who all have a shared common entrance, lift and bin store; while the first floor of the building contains a total of 4 x flats;
- The property has 2 bedrooms, along with 1 designated off road parking space;
- Keys will be made available via an agent with check in between 1pm and 6pm, and check out at 11am;
- Cleaning will be conducted by a 3rd party company, they will deal with all aspects of changeover including laundry;
- Deliveries will be limited to when the owners are using the property;
- Complaints can be made directly to the applicant or via a managing agent, and all residents of Trenchard Court will be provided with the applicants contact details; and
- House rules will be in place which will include the following:
  - No pets will be permitted
  - No loud music will be permitted at any time
  - No smoking will be permitted.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved; and more than 10 competent written objections have been received.

**2. Consultations:**

No consultations were undertaken for this application.

**3. Submitted Assessments/Reports:**

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

None.

**4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

**5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

**6. Representations:**

14 representations have been received which objects to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. All representations can be viewed online ([Application 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, objector concerns and the impact of the proposal on the amenity of the locality.

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

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

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

(i) National Planning Framework 4 (NPF4)

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

Policy 30 of the revised Draft National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.



In considering the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' 2019 document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located within the settlement of Ayr and guests of the STL will have easy access to services and amenities located in-and-around Ayr town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a cleaning company which is considered to support local economic benefit. Overall, it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

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

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Tourism; and
- o LDP Policy: Residential policy within settlement, release sites and windfall sites.

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) Objector Concerns

14 representations have been received which objects to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. The points of objection are summarised in the sub-sections below (in bold) and responded to below as follows:

**Application proposals are contrary to the development plan (NPF4 and the adopted South Ayrshire Local Development Plan) with reference made to DPEA appeal decisions (PPA-180-2071 & PPA-340-2155) whereby the Scottish Government reporter(s) refused to grant planning permission for a change of use of dwelling(s) to form a short term let(s) in Dundee City and Perth and Kinross Council areas respectively.**

An assessment of the proposal against the provisions of the development plan is set out elsewhere in this report.

Planning appeal decisions by Scottish Government reporters are not binding precedents, but can provide useful indications of the approach to be taken. Both Scottish Government DPEA decisions considered that the proposed STL accommodation use would be incompatible with the residential use; however, both the application sites/ surrounding areas cannot be compared with the current application proposals which are in South Ayrshire which has a different Local Development Plan and ultimately requires to be considered on its own merits.

The application site has two bedrooms, one lounge, two bathrooms, and is relatively modest in size. It would therefore be incapable of satisfactorily accommodating large groups of individuals and would be more suited to use by small families. It is highly unlikely that for a property of this size, within Trenchard Court which contains 20 other flats who all share a common entrance and lift, that there would be a noticeable difference in the average daily number of occupants' movements in and out of the property between the existing use and the proposed use. These factors significantly reduce the likelihood of disturbance arising from guests whether inside, or outside the flat. Furthermore, there is no record of any other STL's within Trenchard Court.

**Noise and amenity concerns with reference made to the “Research into the Impact of STLs on Communities Across Scotland”.**

The research document referenced considers the positive and negative impacts associated with STLs in Scotland, with a focus on communities, particularly on neighbourhoods and housing

It is considered that appropriate usage and management of the proposal should not adversely affect residential amenity. An assessment of the proposal’s amenity impact is set out elsewhere in this report.

**Loss of housing.**

NPF4 precludes the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. An assessment of the proposals demonstrable local economic benefit is set out elsewhere in this report.

It should also be noted that there is no record of any other STL’s operating within Trenchard Court.

**Parking concerns.**

One designated parking space exists for the property. The proposal would in essence retain a residential use despite the commercial aspect, and it is considered that the parking implications associated with the development proposals would not significantly differ to that which exist at the existing residential dwellingflat, taking account of its modest size, being only a two bed property.

**The STL Licensing Scheme cannot control the over-provision of STLs.**

Noted. There is no evidence to suggest that approval of the proposal would have a significant impact on the availability of residential accommodation in the local area, nor would it represent the over-provision of STLs in the surrounding area. That said, the Council could designate a STL Control Area if it felt there was over-provision/ lack of residential accommodation within a particular area. A STL Control Area is designation by local authorities in Scotland to manage high concentrations of secondary lettings by restricting or preventing short term lets that affect the availability of residential housing and the character of the local community. While this is an option open to the Council, there are no plans for a STL Control area currently.

**Anti-social behaviour, vandalism and security concerns.**

Anti-social behaviour/ vandalism/ security issues, should they occur, are matters for the police/ anti-social behaviour/ Short Term Let teams.

**Proposal represents a business use within a residential area.**

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 tourist accommodation, as opposed to its historic private use.

**Prospective guests should be vetted to ensure that are suitable.**

This is a matter for the operator of the STL as opposed to being a material planning consideration.

**Waste disposal concerns.**

The submitted operating statement notes states that ‘a shared bin-store is available which has facilities for general waste, glass and cardboard which users of the property will have access to and will be made aware of. In any case, the STL Licence holder must provide adequate information on, and facilities for, the storage, recycling, and disposal of waste.

**Wildlife concerns due to potentially unacceptable behaviour from guests.**

The impact of the proposed change of use in regard to wildlife impact would be negligible as no external changes are proposed to the property itself.

### **Increased Maintenance Costs/ Fire Risk/ Non-compliance with Title Deeds**

These matters are not material considerations which can be taken into consideration in the assessment of this planning application.

#### **(iv) 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.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

As noted previously in the report, NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF 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)).

In this instance, in the absence of any specific policy on short term lets in the Local Development Plan, NPF4 Policy 30e Tourism is relevant and states -

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The application site is located within the settlement of Ayr and guests of the STL will have easy access to services and amenities located in-and-around Ayr. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. In respect of criterion (i) above, it is considered that the proposed change of use of the residential flat to a short-term let property would be compatible with the amenity and character of the surrounding area.

In respect of criterion (ii), the proposal would result in the loss of a 2-bedroom flat to short term let accommodation. There is no evidence to suggest that approval of the proposal would have a significant impact on the availability of residential accommodation in the local area.

There are economic benefits to the provision of small-scale holiday let accommodation. Indeed, the Council's Tourism Service (Destination South Ayrshire) has previously advised that 'holiday lets contribute hugely to the SA economy and have become more and more popular since covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited in number of hotels. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events such as The Open and will continue to do so especially with the International Ayr Show - Festival of Flight.

The proposal is therefore considered to satisfy NPF4 Policy 30e Tourism.

In terms of the South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites 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 flat's primary and lawful use from residential to commercial short term visitor self-catering accommodation would be acceptable in principle. The South Ayrshire Local Development Plan 2 does not preclude the short term lets uses outright. A key policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be negligible as no external changes are proposed to the property itself. However, in certain circumstances, the introduction of a commercial use in a primarily residential area can negatively impact residential character. An example of this is where the scale of usage associated with the numbers of lets, patrons and cars is excessive and unreasonable.

It is noted that the access to the application site is shared with 20 other residential properties located at Trenchard Court Street. It is considered that the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, is not considered to compromise the residential amenity of the properties located within the immediate locale to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself, currently two-bed, the applicant is proposing a maximum occupancy of four people which is no more than the property could potentially house if it were utilised on a full time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, 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 the Short Term Lets Licensing Team. 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 often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

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 tourist accommodation, 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 no 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 the area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

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:**

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

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

**9. Recommendation:**

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

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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 accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to retain proper planning control over the development.

**9.1 Advisory Notes:**

N/A

**9.2 List of Determined Plans:**

Drawing - Reference No (or Description): Floor Plan (No change)

Drawing - Reference No (or Description): Location Plan

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

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

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers.

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

**Background Papers:**

1. Application form, plans and submitted documentation.
2. Representations.
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. National Planning Framework 4 (NPF4).
5. Research into the Impact of STLs on Communities Across Scotland
6. DPEA appeal decisions (PPA/180-2071 & PPA-340-2155)

**Regulatory Panel (Planning): 12 September 2024**

Report by Housing, Operations and Development Directorate (Ref: 24/00324/APP)

**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:**

David Clark, Supervisory Planner (Development Management) - Telephone 01292 616 118

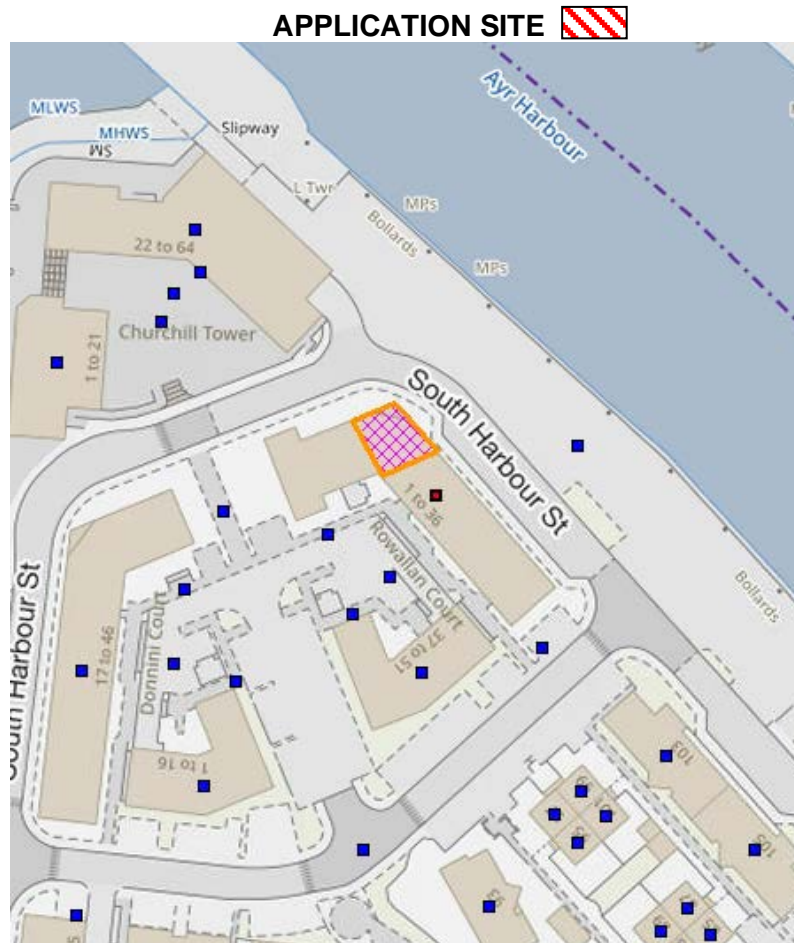
## REGULATORY PANEL: 12 SEPTEMBER 2024

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00486/APP

8 ROWALLAN COURT SOUTH BEACH ROAD AYR SOUTH AYRSHIRE KA7 1JR

#### 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

Planning permission is sought for the change of use of a three bedroom first floor dwellingflat to form short term letting accommodation at a flatted residential block located at 8 Rowallan Cort, Ayr. A total of 11 dwellingflats are located within the residential block. The application site is located within the settlement boundary of Ayr, as prescribed by the South Ayrshire Local Development Plan 2. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

9 representations have been received which objects to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. Following consideration, the points raised do not merit refusal of this application.

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: 12 SEPTEMBER 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00486/APP</b>
	<b>8 Rowallan Court</b>
	<b>South Beach Road</b>
<b>SITE ADDRESS:</b>	<b>Ayr</b>
	<b>South Ayrshire</b>
	<b>KA7 1JR</b>
<b>DESCRIPTION:</b>	<b>Change of use from flat to short term let</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 1 July 2024.
- The application was validated on 4 July 2024.
- The case officer visited the application site on 23 August 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 25 July 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### **1. Proposal:**

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation.

The site of the proposed development comprises an first floor dwellingflat located at 8 Rowallan Court, Ayr. The flatted block is finished in brick and render with concrete roof tiles and reaches 5 storeys in height. The properties including No.8 have small external balconies. A total of 9 dwellingflats are located within the residential block which accommodates 8 Rowallan Court. The application site is located within the settlement boundary of Ayr, as prescribed by the South Ayrshire Local Development Plan 2.

The application seeks planning permission to allow the dwellingflat to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

The application submission is accompanied by an Operating Plan which confirms the following: -

- The applicant is the sole owner of the property, would let the property as a private individual and does not live in the property. It is proposed that the property be let out on a short term basis via Airbnb.
- The maximum number of individuals per let would be restricted to 4 adults and 2 children.
- The property is to be let all year round with the minimum stay duration being 3 days while the maximum stay duration is 30 days.
- The property comprises 3 bedrooms, a single bathroom with WC and a kitchen.
- The property has a shared common front door to the flatted block with a secure gated allocated parking space provided underground.
- Guests of the proposed STL welcomes via a 'meet and greet', while a professional cleaning company will maintain the property.
- All complaints will be investigated quickly, and any guests found to be anti-social will be banned and reported to the relevant authorities.
- The property will be restricted to adults over the age of 30.

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

**2. Consultations:**

No consultations were undertaken for this application.

**3. Submitted Assessments/Reports:**

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

None.

**4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

**5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

**6. Representations:**

9 representations have been received which objects to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. All representations can be viewed online: ([Application 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), objector concerns and the impact of the proposal on the amenity of the locality.

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

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

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

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

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

Policy 30 of the revised Draft National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.

In considering the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' 2019 document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located within the settlement of Ayr and guests of the STL will have easy access to services and amenities located in-and-around Ayr town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a cleaning company which is considered to support local economic benefit. Overall, it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

(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):

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Tourism; and
- o LDP Policy: Residential policy within settlement, release sites and windfall sites.

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) Objector Concerns

9 representations have been received which objects to the proposed development, including objection by the Fort, Seafield and Wallacetown Community Council. The points of objection are summarised in the sub-sections below (in bold) and responded to below as follows:

**Application proposals are contrary to the development plan (NPF4 and the adopted South Ayrshire Local Development Plan) with reference made to DPEA appeal decisions (PPA-180-2071 & PPA-340-2155) whereby the Scottish Government reporter(s) refused to grant planning permission for a change of use of dwelling(s) to form a short term let(s) in Dundee City and Perth and Kinross Council areas respectively.**

An assessment of the proposal against the provisions of the development plan is set out elsewhere in this report.

Planning appeal decisions by Scottish Government reporters are not binding precedents, but can provide useful indications of the approach to be taken. Both Scottish Government DPEA decisions considered that the proposed STL accommodation use would be incompatible with the residential use; however, both the application sites/surrounding areas cannot be compared with the current application proposals which are in South Ayrshire which has a different Local Development Plan and ultimately requires to be considered on its own merits.

The application site has three bedrooms, one lounge, one bathroom, and is relatively modest in size. The applicant indicates that the flat is most suitable for and would be restricted to 4 adults and 2 children. It is highly unlikely that for a property of this size within the flatted block which contains 10 other flats who all have a common entrance, there would be a noticeable difference in the average daily number of occupants' movements in and out of the property between the existing use and the proposed use. While there are other STL's within Rowallan Court, there are no others within the block accommodating No. 8. These factors significantly reduce the likelihood of disturbance arising from guests whether inside, or outside the flat.

**Noise and amenity concerns with reference made to the "Research into the Impact of STLs on Communities Across Scotland".**

The research document referenced considers the positive and negative impacts associated with STLs in Scotland, with a focus on communities, particularly on neighbourhoods and housing. 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.

**Loss of housing.**

NPF4 precludes the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. An assessment of the proposals demonstrable local economic benefit is set out elsewhere in this report.

It should also be noted that there is no record of any other STL's operating within the flatted block accommodating No.8 Rowallan Court.

### **Parking concerns.**

A designated parking space exists for the property. There is also unrestricted parking on South Harbour Street. The proposal would in essence retain a residential use despite the commercial aspect, and it is considered that the parking implications associated with the development proposals would not significantly differ to that which exist at the existing residential dwellingflat.

### **The STL Licensing Scheme cannot control the over-provision of STLs.**

Noted. There is no evidence to suggest that approval of the proposal would have a significant impact on the availability of residential accommodation in the local area, nor would it represent the over-provision of STLs in the surrounding area. That said, the Council could designate a STL Control Area if it felt there was over-provision/ lack of residential accommodation within a particular area. A STL Control Area is a designation by local authorities in Scotland to manage high concentrations of secondary lettings by restricting or preventing short term lets that affect the availability of residential housing and the character of the local community. While this is an option open to the Council, there are no plans for a STL Control area currently.

### **Anti-social behaviour, vandalism and security concerns.**

Anti-social behaviour/ vandalism/ security issues, should they occur, are matters for the police/ anti-social behaviour/ Short Term Let teams.

### **Proposal represents a business use within a residential area.**

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 tourist accommodation, as opposed to its historic private use.

### **Prospective guests should be vetted to ensure that they are suitable.**

This is a matter for the operator of the STL as opposed to being a material planning consideration.

### **Waste disposal concerns.**

It is that a shared bin-store is available which has facilities for general waste, glass, and cardboard. In any case, the STL Licence holder must provide adequate information on, and facilities for, the storage, recycling, and disposal of waste.

### **Increased Maintenance Costs/ Fire Risk/ Non-compliance with Title Deeds/ Impact on property prices**

These matters are not material considerations which can be taken into consideration in the assessment of this planning application.

#### **(iv) 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.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

As noted previously in the report, NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF 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)).

In this instance, in the absence of any specific policy on short term lets in the Local Development Plan, NPF4 Policy 30e Tourism is relevant and states -

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The application site is located within the settlement of Ayr and guests of the STL will have easy access to services and amenities located in-and-around Ayr. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. In respect of criterion (i) above, it is considered that the proposed change of use of the residential flat to a short-term let property would be compatible with the amenity and character of the surrounding area.

In respect of criterion (ii), the proposal would result in the loss of a 3-bedroom flat to short term let accommodation. There is no evidence to suggest that approval of the proposal would have a significant impact on the availability of residential accommodation in the local area.

There are economic benefits to the provision of small-scale holiday let accommodation. Indeed, the Council's Tourism Service (Destination South Ayrshire) has previously advised that 'holiday lets contribute hugely to the SA economy and have become more and more popular since covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also South Ayrshire is limited to number of hotels. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events such as The Open and will continue to do so especially with the International Ayr Show - Festival of Flight. The proposal is therefore considered to satisfy NPF4 Policy 30e Tourism.

In terms of the South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites 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 flat's primary and lawful use from residential to commercial short term visitor self-catering accommodation would be acceptable in principle. The South Ayrshire Local Development Plan 2 does not preclude the short term lets uses outright. A key policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be negligible as no external changes are proposed to the property itself. However, in certain circumstances, the introduction of a commercial use in a primarily residential area can negatively impact residential character. An example of this is where the scale of usage associated with the numbers of lets, patrons and cars is excessive and unreasonable.

It is noted that the access to the application site is shared with 10 other residential properties located at Rowallan Court. It is considered that the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, will not compromise the residential amenity of the properties located within the immediate locale to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself, currently three-bed, the applicant is proposing a maximum occupancy of six people which is no more than the property could potentially house if it were utilised on a full-time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, 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 the Short Term Lets Licensing Team. 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 often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

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 tourist accommodation, 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 no 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. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

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:**

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

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

## **9. Recommendation:**

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

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (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 accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to retain proper planning control over the development.

**9.1 Advisory Notes:**

N/A.

**9.2 List of Determined Plans:**

Drawing - Reference No (or Description): Floor Plan

Drawing - Reference No (or Description): Floor Plan

Drawing - Reference No (or Description): Floor Plan

Drawing - Reference No (or Description): Location Plan

Other - Reference No (or Description): Operating Statement

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

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers.

**Background Papers:**

1. Application form, plans and submitted documentation.
2. Representations.
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. National Planning Framework 4 (NPF4).
5. Research into the Impact of STLs on Communities Across Scotland
6. DPEA appeal decisions (PPA/180-2071 & PPA-340-2155)

**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:**

David Clark, Supervisory Planner (Development Management) - Telephone 01292 616 118