

County Buildings
Wellington Square
AYR KA7 1DR
Tel No: 01292 612075

February 2025

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

All other Members for Information Only

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held in County Hall, County Buildings, Ayr on **Tuesday, 25 February 2025 at 2.00 p.m.** for the purpose of considering the undernoted business.

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/>

Please note that a briefing meeting will take place for all Local Review Body Members at 1.30 p.m., online and in the Prestwick Committee Room.

Yours sincerely

Catriona Caves
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Minute of previous meeting of 28 January 2025.
3. Continued Case for Review – 24/00431/APP – Application for Formation of Access, Replacement of wall, railings, and gate at 38 Park Circus, Ayr, South Ayrshire, KA7 2DL.

[Application Summary](#)

For more information on any of the items on this agenda, please telephone
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e-mail: localreviewbody@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held on
28 January 2025 at 2.00 p.m.

Present: Councillors Alan Lamont (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride and Mary Kilpatrick.

Remote: Councillor Craig Mackay.

Apologies: Councillor Lee Lyons and Councillor Duncan Townson.

Attending: M. Vance, Solicitor, Legal and Licensing (Legal Adviser); J. Hall, Planning Strategy Co-ordinator (Planning Adviser); R. Anderson, Committee Services Assistant and C. McCallum, Committee Services Assistant.

Opening Remarks.

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Declarations of Interest.

The Legal Adviser called the sederunt and, having called the roll, confirmed that there were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of Previous Meetings.

The [minutes](#) of 3 December 2024 (issued) were submitted and approved.

3. Continued Case for Review – 24/00127/APP - Application for Planning Permission for the Erection of a Dwellinghouse And Replacement Of Animal Isolation Unit At Laigh Kyleston Farm, A719 From Dunure Road, Ayr to Ayr Road, Fisherton, Ayr, South Ayrshire, KA7 4LD.

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to refuse Planning Permission for the Erection of a Dwellinghouse and Replacement Of Animal Isolation Unit At Laigh Kyleston Farm, A719 From Dunure Road, Ayr to Ayr Road, Fisherton, Ayr, South Ayrshire, KA7 4LD.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

The Body

Decided:

To overturn the Appointed Officer's decision and grant Planning Permission for the Erection of a Dwellinghouse and Replacement Of Animal Isolation Unit At Laigh Kyleston Farm, A719 From Dunure Road, Ayr to Ayr Road, Fisherton, Ayr, South Ayrshire, KA7 4LD subject to the following conditions:-

Conditions

- 1.) The development to which this permission relates must be commenced no later than **five years** from 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.) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- 4.) That prior to the commencement of development, samples, or a brochure of all materials to be used on external surfaces including building elevations, roofs and driveway, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority. Thereafter, the development shall be finished in the materials approved under the terms of this condition.
- 5.) That prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval and thereafter shall be implemented as approved.
- 6.) The recommended ecological mitigation measures set out within the Ecology Survey by jkecollogy dated October 2023 shall be implemented in full during the construction phase of the development and operation of the development hereby permitted.
- 7.) In addition to the planting as illustrated on drawing no.SL002, an enhanced scheme of biodiversity planting shall be submitted for the approval in writing of the Planning Authority and shall include proposals for native tree/ shrub planting to enhance and improve the existing network of tree lines/ hedgerows to the north of the site. Thereafter, the planting illustrated within drawing no. SL002 and the enhanced scheme of biodiversity planting to the north of the site shall be implemented in full within the first planting season following occupation of the development, unless otherwise agreed in writing. All planting required under the terms of this condition

shall be permanently retained and any planting which, within a period of 5 years from the occupation of the development, in the opinion of the Planning Authority, is dying, damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

- 8.) Prior to the commencement of development, a lighting plan and design statement shall be submitted for the approval in writing of the Planning Authority and thereafter shall be implemented as approved. The lighting plan and design statement shall include details of the siting and design of all lighting and demonstrate that it will not artificially illuminate the disused railway area to the north of the site.
- 9.) Prior to the commencement of development, existing and proposed cross section drawings and finished floor levels shall be submitted for the approval in writing of the Planning Authority and thereafter shall be implemented as approved.
- 10.) The integral garage hereby permitted shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.
- 11.) The animal isolation unit shall be used solely for this purpose and shall not be used for commercial activities or be accessible to visiting members of the public.

Reasons:

- 1.) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended by The Planning etc. (Scotland) Act 2006.
- 2.) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- 3.) This application site lies in an area of archaeological sensitivity based on the presence of recorded sites and monuments in the surrounding landscape of prehistoric and medieval date. With the recorded extensive and multi-phase evidence for prehistoric activity in the surrounding landscape the area has potential to produce buried archaeology.
- 4.) To ensure that materials are appropriate for the site and in the interests of visual amenity.
- 5.) To ensure that the design, height and materials are appropriate for the site and in the interests of visual amenity.
- 6.) To ensure no adverse impact on European Protected Species including bats and other native mammals.
- 7.) To ensure compliance with Policy 3 – Biodiversity of National Planning Framework 4 and to provide an improved biodiversity network and links to nearby Sites of Scientific Interest and Local Wildlife.
- 8.) To protect the ecologically green corridor to the north of the site from disturbance.
- 9.) To demonstrate any level changes within the site and any associated retention is acceptable and does not adversely impact the surrounding area or landscape.

- 10.) To define the terms of this permission.
- 11.) To define the terms of this permission.

List of Approved Plans

Plan Type	Reference	Version No.	Received Date
Drawing	P001	rev A	22.02.2024
Drawing	P002		22.02.2024
Drawing	SL001	rev A	22.02.2024
Drawing	SL002	rev A	22.02.2024
Drawing	SL003	rev A	22.02.2024
Supporting Information	Design & Access Statement + Appendix		22.02.2024
Supporting Information	Development Context Statement		22.02.2024
Supporting Information	Ecology Survey		22.02.2024

Advice Notes:

- 1.) Scottish Water: There is currently capacity at the BRADAN Water Treatment Works to service the development however Scottish Water are unable to reserve capacity. A formal connection application requires to be submitted to Scottish Water.
- 2.) Scottish Water: They will not accept any surface water connections to their combined sewer system unless in exceptional circumstances. Scottish Water should be contacted if a connection request is being made.
- 3.) Surface water from the development should be treated through Sustainable Urban Drainage Systems (SUDS).

Reason for Decision

The development hereby approved is considered to accord with the provisions of the development plan and there are no significant adverse impacts on the local character and landscape setting.

4. **New Case for Review – 24/00431/APP- Application for Formation of Access, Replacement of wall, railings, and gate at 38 Park Circus, Ayr, South Ayrshire, KA7 2DL.**

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to refuse Application for Formation of Access, Replacement of wall, railings, and gate at 38 Park Circus, Ayr, South Ayrshire, KA7 2DL.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

The Body

Decided:

1. To hold an accompanied site visit, to assess the application site in its setting and the surrounding area; and
2. that, thereafter, the review be continued to a future meeting of the Local Review Body for further consideration and decision.

The meeting ended at 2:42pm.

SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	38 PARK CIRCUS, AYR, SOUTH AYRSHIRE, KA7 2DL
Application:	FORMATION OF ACCESS, REPLACEMENT OF WALL, RAILINGS AND GATES

Appointed Officer's Decision:	Refused
Date Notice of Review Received:	5 November 2024

Current Position:	Continued case from meeting on 28 January 2025 for an accompanied site visit.
Documentation:	<p>The following documents in relation to the review are attached:</p> <p>Pages 1 to 6 - Report of Handling</p> <p>Pages 7 to 11 - Notice of Review (November 2024)</p> <p>Pages 12 to 19 - Review Statement – (October 2024)</p> <p>Pages 20 to 31 - Original Planning Application and plans (June 2024)</p> <p>Pages 32 to 46 - Supporting statement and plans (May 2024)</p> <p>Pages 47 to 48 - Decision Notice</p> <p>Pages 49 to 50 - Consultation responses (ARA)</p> <p>Pages 51 to 52 - Interested Parties Representations on Planning Application</p> <p>Pages 53 to 56 - Case Officer Photographs and Comments.</p>

	Pages 57 to 58 - Applicant's Representations Following Case Officer Photographs and Comments. Pages 59 to 60 - Draft Conditions
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	February 2025

Report of Handling of Planning Application

The Council's Scheme of Delegation can be viewed at <https://www.south-ayrshire.gov.uk/planning-application-process>

Reference No:	24/00431/APP
Site Address:	38 Park Circus Ayr South Ayrshire KA7 2DL
Proposal:	Formation of access, replacement of wall, railings and gates
Recommendation:	Refusal

REASON FOR 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 has been determined 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 7 June 2024.
- The application was validated on 7 June 2024.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 12 June 2024.
- A Site Visit was carried out by the Planning Authority on 26 June 2024.
- A Site Notice was posted in the locality under Section 65 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) by the Planning Authority on 18 June 2024.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 18 June 2024.

1. Site Description:

The application site relates to a two-storey end of terrace traditional sandstone dwellinghouse located at 38 Park Circus Ayr. The site forms part of a historic continuous uniform terrace which extends to number 22 and is characterised by undeveloped front gardens and continuous boundary treatment. The site is bound to the north by a carriageway with residential dwellings beyond, by residential dwellings to the east and west and by an access lane to the south with residential properties beyond. The lane in situ to the south allows access to the garage which is situated to the rear of the property.

The site is located within the Ayr II Conservation Area.

2. Planning History:

18/00867/APP - Formation of vehicular access, removal of boundary wall, erection of gates/fence and associated hardstanding – Refused November 2018 – Application was then subsequently appealed to the Council's Local Review Body – The Local Review Body upheld the reasons for refusal in May 2019.

3. Description of Proposal:

Planning permission is sought for the formation of a vehicular access, the removal of a section of boundary wall, the erection of a replacement boundary wall, gates and railings and the formation of hardstanding. The works are proposed to accommodate an electric vehicle charging point to the front of the property, although this does not form part of the application proposal. Full details of the proposals are set out within the submitted plans.

The applicant has submitted a supporting statement which states that the existing boundary wall is comprised of a brick wall rendered to give the appearance of sandstone but not original to the property. It is being proposed to replace this with a sandstone wall with metal railings. The reduction in general CO2 emissions stated by the Scottish Government is also detailed, with the use of electric vehicles aiding this target. It is stated that there are examples within Park Circus and neighbouring Bellevue Crescent with off street parking in situ.

4. **Consultations:**

Ayrshire Roads Alliance – No objections, subject to conditions.

5. **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.

6. **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.

7. **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.

8. **Representations:**

2 representations have been received. 1 in support of and 1 which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, the objector has expressed concerns relating to the proposed vehicular access, primarily the:

- Adverse impact on the character and appearance of the terrace within the Conservation Area and potential to create a dangerous precedent.
- The property is served by a lane which allows access to the rear which could be utilised by the applicant.

The following response is offered in relation to the objection raised:

- *Adverse impact on the character and appearance of the terrace within the Conservation Area and potential to create a dangerous precedent* – this point is addressed elsewhere within this report.
- *The property is served by a lane which allows access to the rear which could be utilised by the applicant.* – noted.

The representation in support of the application relates to the proposed erection of railings along the front boundary of the application site. The representee is of the view that this element of the proposals would enhance the appearance of the conservation area.

9. Development Plan:

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 (The 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.

National Planning Framework 4 (NPF4)

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

With regard to development in conservation areas, Policy 7(d) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

With regard to householder development proposals, Policy 16(g) outlines that such proposals will be supported where they:

- I. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- II. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

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

The development proposal has been assessed against the above policies and is considered to be in accordance with NPF4, as outlined further below.

South Ayrshire Local Development Plan 2

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

- LDP 2 Policy: Strategic Policy 1: Sustainable Development
- LDP 2 Policy: Strategic Policy 2: Development Management
- LDP 2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
- LDP 2 Policy: Historic Environment

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

The development proposal has been assessed against the above policies and is considered to be in accordance with LDP2, as outlined further below.

10. Other Relevant Policy Considerations (including Government Guidance):

Historic Environment Policy for Scotland (HEPS)

Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Historic Scotland also offers guidance through its 'Managing Change' series.

The Managing Change document on Setting defines setting as the way in which the surroundings of a historic asset contributes to how it is experienced, understood and appreciated, and indicates that the setting of a historic structure often extends beyond the immediate property boundary of that structure into the broader landscape. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. Planning authorities are expected to take into account the setting of historic assets in the determination of applications for planning permission.

In respect of 'Boundaries' the Managing Change document considers that boundaries;

- Create a sense of place,
- Create a sense of enclosure,
- Have formal design relationships with buildings or garden/landscape, and
- Street characteristics - continuity or uniformity of a boundary can characterise a whole street or area of the same period, style - showing historical development or original ownership.

It is considered that the formation of hardstanding within the front garden of the property does not meet the requirements set out within Historic Environment Policy for Scotland and the aforementioned Managing Change documents. The proposed formation of hardstanding would require the removal of a section of boundary wall from the continuous boundary wall which extends from 22 Park Circus to the application site at number 38, which creates a uniform terrace comprising a continuous frontage of front gardens and a low boundary wall. It is considered that the proposal would have a detrimental visual impact on the character and appearance of the Ayr II Conservation Area due to no other property within the terrace having undertaken such works. It is regarded that the development is incongruous and unsympathetic to the character and setting of the area and would adversely alter the character and setting of the streetscape, which is defined by the terraced properties in the locale having no off-street parking to the front, which retains the uniformity and character of this part of the Conservation Area.

11. Assessment (including other material considerations):

The proposal under consideration is for the formation of a vehicular access, the removal of a section of boundary wall, the erection of a replacement wall, railings and gates and the formation of hardstanding to the front of the dwellinghouse. The proposal involves the removal of the existing brick front wall and the installation of a replacement sandstone wall with metal railings. An opening of approximately 2.8 metres would be gated. The applicant has submitted a supporting statement which outlines that the proposed off-street parking is proposed to accommodate an electric vehicle to the front of the property.

It is considered that the formation of an area of hardstanding to accommodate a driveway to the front of the property would be at odds with the character of this part of the conservation area, with the application site forming part of an attractive uniform historic terrace in which no other property has undertaken development of this nature. It is regarded that if approved, the application would be to the detriment of the character and setting of the conservation area. It is noted that no other property within the uniform terraced block of which the application site forms part has been altered in such a manner. Further, this is also the case within the uniform terrace on the opposite side of Park Circus from numbers 5-25 and within Bellevue Crescent, which continues from Park Circus, from numbers 27-63 and 18-52. Whilst the applicant states that other properties within Park Circus and Bellevue Crescent have off street parking, these properties are not comparable to the application site as they are either semi-detached or located to the side of the property where there is sufficient space for a garage.

It is noted that the supporting statement has made reference to two other vehicular accesses at end-terraced properties in the locale, in particular at 3 Park Circus and 27 Bellevue Crescent. Other vehicular accesses have been referenced on both Park Circus and Bellevue Crescent but, as these properties are

either detached or semi-detached, it is not considered that these are relevant to the application being considered. The vehicular access formed at 3 Park Circus was formed in 1958, which is some 11 years prior to the designation of Ayr II Conservation Area. As the formation of this access pre-dates the designation of the conservation area, it is considered that this cannot be held up as a comparable example in the consideration of the current planning application. With regard to the vehicular access formed at 27 Bellevue Crescent, the Planning Service have been unable to establish whether planning permission exists, and note that this conclusion has similarly been drawing within the applicant's supporting statement. However, according to Google Streetview, this access has been in-situ since at least 2009 and would therefore be immune from enforcement action. Notwithstanding, the Planning Service are of the view that this access cannot be held up as a comparable example of a vehicular access insofar as the vehicular access at 27 Bellevue Crescent appears to serve as the pedestrian access from the street as well, and the parking arrangements at this property differ from that proposed at the application site.

It is acknowledged that the proposal is intended to facilitate parking for an electric vehicle. However, the formation of hardstanding within the front garden of the property is considered to create irreversible damage and have an adverse impact on the character and setting of the conservation area. It is noted that the property is served by a garage to the rear, and it is considered that this could be utilised for the purpose of installing a charging point for an electric vehicle, and for providing off-street parking. The applicant has been advised of the concerns of the Planning Service wishes to proceed with the current proposals to determination. The Council as Planning Authority recognise the benefits of securing new technologies in the interest of promoting sustainable transport; however, this requires to be balanced against other objectives and it should be made clear that there is no objection to the installation of a charging point (which forms no part of this application).

Additionally, as noted above, planning permission was previously refused at this address – ref. 18/00867/APP - for the formation of vehicular access, removal of boundary wall, erection of gates/fence and associated hardstanding. This decision was then subsequently upheld at appeal by the Council's Local Review Body. Both decisions are considered to be materially significant in the assessment of the current application. It is considered that the proposals remain largely unchanged from this previous application and there have been no material changes which would address the concerns raised and warrant a different recommendation in this instance.

Overall, it is therefore considered that the proposal does not meet the policy provisions NPF4, LDP2, Historic Environment Policy for Scotland and the HES Managing Change documents on Setting and Boundaries. Given the above assessment, and having balanced the applicant's rights against the general interest, it is recommended the application be refused for the reasons below.

12. **Recommendation:**

It is recommended that the application is refused.

Reasons:

- (1R) That the proposal is contrary to National Planning Framework 4 National Policy 7: Historic Assets and Places and Policy 16: Quality Homes, the South Ayrshire Local Development Plan 2 Policies: Sustainable Development and Historic Environment as the formation of an opening within the boundary wall to form the proposed access on the front public elevation of the property and formation of hardstanding will result in a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and would be incongruous within and unsympathetic to the setting of the locale.
- (2R) The proposal is contrary to Historic Environment Policy for Scotland and Historic Environment Scotland's Managing Change in the Historic Environment documents on Boundaries and Setting, as the formation of an opening and removal of the boundary wall to form the proposed access disrupts the uniformity of the existing boundary wall within the uniform terrace which contributes towards the character and setting of the street and Ayr II Conservation Area, thus resulting is a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and the existing boundary which defines the curtilage and streetscape.

Advisory Notes:

None.

List of Plans Determined:

Plan Type	Reference	Version No.	Received Date
Drawing	23021/01		07.06.2024
Drawing	23021/02		07.06.2024
Drawing	23021/03		07.06.2024
Drawing	23021/04		07.06.2024
Drawing	23021/05		07.06.2024
Drawing	23021/06		07.06.2024
Supporting Information	Design Statement		07.06.2024

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.

<i>Decision Agreed By:</i>	<i>Appointed Officer</i>
<i>Date:</i>	<i>2 August 2024</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] 107 Email: [REDACTED]

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100673773-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Donald Hunter Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Donald	Building Name:	<input type="text"/>
Last Name: *	Hunter	Building Number:	41a
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Beresford Terrace
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Ayr
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	KA7 2HD
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Andrew	Building Number:	38
Last Name: *	Williamson	Address 1 (Street): *	Park Circus
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Ayr
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KA7 2DL
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

38 PARK CIRCUS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 2DL

Please identify/describe the location of the site or sites

Northing

621248

Easting

233673

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of access, replacement of wall, railings and gates at 38 Park Circus, Ayr, KA7 2DL

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to separate Review Request Statement submitted as supporting document.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

23021-01 Location Plan, 23021-02 Houses With Driveways, 23021-03 Existing Site Plan, 23021-04 Existing Drive Plan, 23021-05 Proposed Site Plan, 23021-06 Front Wall Elevations, 240603 38 Park Circus Design Statement, 241024 38 Park Circus Review Statement.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00431/APP

What date was the application submitted to the planning authority? *

07/06/2024

What date was the decision issued by the planning authority? *

06/08/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit should be undertaken to review the surrounding context of the conservation area in the absence of a formal South Ayrshire Council Conservation Character Appraisal for the area. Example photos given in supporting statement of neighbouring boundary walls and the existing driveways to terraced properties contradict the site description in the planning officer's report of handling which suggest the character of the area has been incorrectly represented.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Donald Hunter

Declaration Date: 05/11/2024

PLANNING APPLICATION

CLIENT:
Mr & Mrs Williamson

PROJECT TITLE:
Proposed Formation of Vehicular Access,
Replacement boundary wall, reinstatement
of railings and new gates,
38 Park Circus,
Ayr,
KA7 2DL

DOCUMENT:
Review Request Statement

DATE:
October 2024

1. Client:

Mr & Mrs Williamson
38 Park Circus,
Ayr,
KA7 2DL

2. Purpose:

2.1 This Review Request Statement has been prepared by Donald Hunter Architects on behalf of Mr & Mrs Williamson who are “the Applicants” and owners of 38 Park Circus, Ayr, KA7 2DL (“the property”).

2.2 This statement has been prepared in support of a request to review the decision of the Appointed Planning Officer in relation to planning application reference number 24/00431/APP for a proposed new vehicle access, replacement front boundary wall, erection of new gates/fence and changes to the landscaping at the above address. This review statement is to be read in conjunction with the supporting design statement and all other supporting information submitted as part of the planning application, which have been re-uploaded as part of this review request.

2.3 We dispute the planning officer’s reasons for refusing the application and respectfully request the Council’s Local Review Body overturn the decision and approve the application.

3. Summary of Applicant’s Reason For Review:

1. Reasons for refusal deemed to be that the proposed works would impact on the character and appearance of the local Ayr II conservation area. No conservation area appraisal is available for Ayr II Conservation Area, or a character appraisal for Park Circus in particular therefore we do not have a formal agreed character appraisal of the conservation area to assess the proposals against.
2. The Site description in the report of handling is incorrect in its description of the Park Circus Terraces including the boundary walls as “uniform” and has been copied over from the previous report of handling from application reference 18/00867/APP. In the absence of a conservation area or character appraisal of Park Circus for reference, and despite our supporting statement providing evidence to show the continuous wall is not uniform, this site description has been used as the basis of the area character in the refusal.
3. Example provided in supporting statement of neighbouring end of terrace property at 3 Park Circus being granted planning approval for a driveway ruled out as justification by planning officer due to the approval being granted and work being completed prior to conservation area status. If this driveway was in place prior to the designation of conservation area, then it is part of the character of the area.
4. Reason 1 for refusal states that proposed works are not in accordance with NPF4 Policies 7 and 16 however report of handling Section 9 states the proposals are in accordance with these policies.
5. Reason 1 for refusal states that proposed works are not in accordance with South Ayrshire Council LDP2 policies however report of handling section 9 states the proposals are in accordance with LDP2.
6. Works proposed have been designed to improve the overall look of the boundary wall of the property and the terrace. The proposed design is specifically in keeping with the original wall designs of the immediately neighbouring properties, which the current boundary wall at the property is not. The opening for vehicle access has been positioned at the end of the boundary wall so the wall maintains the character of the continuous wall and in reference to that at 3 Park Circus. The proposed vehicle access creates a new end to the boundary wall rather than a new opening in the middle of the wall as suggested in the report of handling.

7. The proposed landscaping materials including gravel area for parking are in line with neighbouring properties in the terrace as has been shown in our supporting statement. Report of handling continually refers to hardstanding that is out of character with the area which suggests paving or tar finish, however this is incorrect in its assessment.
8. The applicant seeks to upgrade their home to meet the energy efficient policies that are being brought in regarding car ownership. Following the previous refusal of application ref 18/00867/APP they have been trying to work around the issues of the rear lane access to get to their charger however constant blockages of the lane by vehicles and other obstacles mean the rear access is not suitable for day to day access. Consideration should be given towards sensitive alterations in conservation areas to allow for ease of electric car charging if update is to increase.

4. Response to Report of Handling

4.1 The supporting design statement prepared as part of this planning application set out to address the issues identified in the report of handling for the applicant's previous planning application as well as assessing the proposals against the latest planning policies. Due to there being no character appraisal available for Park Circus or the wider conservation area, it also went in depth to the history and development of the terrace to ensure that the character of the area was established for the planning officer to assess against.

4.2 Upon receiving the refusal of this application we reviewed the report of handling and found issues identified in the previous report had not been corrected, instead being copied and pasted across which we would argue has contributed to the refusal of the application. This section highlights those areas we would dispute and ask to be reviewed.

Site description

"The application site relates to a two-storey end of terrace traditional sandstone dwellinghouse located at 38 Park Circus Ayr. The site forms part of a historic continuous uniform terrace which extends to number 22 and is characterised by undeveloped front gardens and continuous boundary treatment. The site is bound to the north by a carriageway with residential dwellings beyond, by residential dwellings to the east and west and by an access lane to the south with residential properties beyond. The lane in situ to the south allows access to the garage which is situated to the rear of the property."

4.3 The above text is the Site Description from the report of handling which has been copied and pasted from the previous application ref 18/00867/APP report of handling despite being highlighted as incorrect within sections 3 and 5 of our supporting statement. We disagree with this description which has been used as the basis for assessing the proposals.

4.4 The assessment within the report of handling has been written on the basis that the terrace houses are uniform and the continuous boundary walls are all uniform, with this being the only proposed change on the street.

4.5 The Oxford dictionary defines uniform, used in this context as an adjective as; *"not varying; the same in all parts and at all times."* It then gives an example of the word in use with; *"uniform lines of terraced houses (= they all looked the same)"*.

4.6 Section 5 of the supporting statement with reference to figures 6, 7, 8 and 9, shows in detail how the existing boundary wall running along the terrace from 22 to 38 Park Circus varies in material choice, material finish, cope detail, fence design above the wall, wall height, wall form, gate post design and gate position relative to the house entrance. In summary; they do not look the same therefore,

while the wall is “continuous” in plan, it is not uniform in appearance.

4.7 As noted in section 3 of the supporting statement, the house designs within the terrace running from 22-38 are also not uniform in appearance, with the terrace being built in four sections. These four sections differ in scale, ornamentation, floor levels, window heights, eaves height, and roof design.

4.8 In our opinion it has been clearly demonstrated in the supporting statement submitted that the houses and their respective boundary walls vary in design, finish, opening positions and materials so do not look “the same in all parts at all times”. Therefore by definition the terrace houses and boundary walls are not uniform. We assume the planning officer for this application will have noted this on their site visit on the 26th June 2024 as noted in the key information section of the report of handling.

4.9 In addition to the boundary walls, and houses, the site description also refers to the terrace being “characterised by undeveloped front gardens”. As can be seen in figures 6, 7, 8 and 9 and as noted in the supporting statement, the front gardens from 22-36 from 22-36 have a mix of landscaping finishes; some with lawn and planting, others purely gravel but all have a hard landscaped path to the front door. The location of the paths relative to the front doors of the houses also varies. The proposals indicate that gravel has been chosen for the area to park due to the amount of gravel used in neighbouring properties. This also allows for ease of reinstatement if it were ever desired.

4.10 The reason for detailing the surrounding houses, boundary walls and front garden finishes was to establish the character of the area for the planning officer to assess in the absence of a character appraisal for Park Circus. In our opinion the “character” as defined in the Site Description and then subsequent assessment areas of the report of handling taken from the previous application, has been misrepresented. The result of this is that the proposals are then deemed to not be sympathetic to the character of the area which is used as the basis for refusal. If the proposals were assessed against the character evidence we have shown we believe it would show it they are in keeping with the area, the policy documents referenced and therefore should be approved.

Assessment (including other material considerations)

“It is considered that the formation of an area of hardstanding to accommodate a driveway to the front of the property would be at odds with the character of this part of the conservation area, with the application site forming part of an attractive uniform historic terrace in which no other property has undertaken development of this nature. It is regarded that if approved, the application would be to the detriment of the character and setting of the conservation area. It is noted that no other property within the uniform terraced block of which the application site forms part has been altered in such a manner. Further, this is also the case within the uniform terrace on the opposite side of Park Circus from numbers 5-25 and within Bellevue Crescent, which continues from Park Circus, from numbers 27-63 and 18-52. Whilst the applicant states that other properties within Park Circus and Bellevue Crescent have off street parking, these properties are not comparable to the application site as they are either semi-detached or located to the side of the property where there is sufficient space for a garage.”

4.11 This text has been directly copied from the previous report of handling from application reference 18/00867/APP and pasted into the report for application reference 24/00431/APP despite evidence being provided that the numbering of the terraces in Park Circus go from 3 to 25, not 5 to 25. 3 Park terrace is the end of terrace property which as shown in our supporting statement, has an existing driveway access. This was completely disregarded from the assessment of the applicant’s previous planning application. Evidence is provided within section 6 of our supporting statement of the planning

application being approved for the driveway at 3 Park Circus in 1958, including figures 12 and 13 which are photos of the original approved plans. This is addressed briefly in the following paragraph:

“It is noted that the supporting statement has made reference to two other vehicular accesses at end-terraced properties in the locale, in particular at 3 Park Circus and 27 Bellevue Crescent....The vehicular access formed at 3 Park Circus was formed in 1958, which is some 11 years prior to the designation of Ayr II Conservation Area. As the formation of this access pre-dates the designation of the conservation area, it is considered that this cannot be held up as a comparable example in the consideration of the current planning application.”

4.12 We would argue that as the approval was granted and the work completed at 3 Park Circus prior to the designation of the conservation area, then this would have been an existing feature of the street at that time and therefore part of the character of the conservation area. At the time of designation, the end of terrace from 3-25 Park Circus featured a drive way access that is at the end of the continuous boundary wall as can be seen in figure 14 of our supporting statement. The opening at 3 Park Circus is located to the side of the terrace property in a wider plot; our proposed opening is located to the side of 38 Park Circus which sits in a wider plot as detailed in Section 6 and 7 of our supporting statement. In the absence of a character appraisal for Park Circus disputing this, we would consider this to be held up as a comparable example in the consideration of the planning application.

4.13 It is worth noting that the proposed opening at 38 Park Circus is designed to be in-keeping and a narrower width than that at 3 Park Circus therefore will have less of an impact on the area than the existing example on the street. The car would not sit in front of the house like it would were it to be located mid-terrace.

5. Response to Refusal Reasons

5.1 The application was refused by the appointed planning officer for two reasons as noted below in reference to the decision notice.

Reason 1

“(1R) That the proposal is contrary to National Planning Framework 4 National Policy 7: Historic Assets and Places and Policy 16: Quality Homes, the South Ayrshire Local Development Plan 2 Policies: Sustainable Development and Historic Environment as the formation of an opening within the boundary wall to form the proposed access on the front public elevation of the property and formation of hardstanding will result in a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and would be incongruous within and unsympathetic to the setting of the locale.”

5.2 In response to reason 1, while the refusal reason sets out that the proposal is contrary to the NPF4 policies 7(d) and 16(g), in Section 9 of the report of handling it states the proposals are in accordance with these policies; *“The development proposal has been assessed against the above policies and is considered to be in accordance with NPF4, as outlined further below.”*

5.3 National Planning Framework (NPF) Policy 7- Historic Assets and Places seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the regeneration of places. In respect of development in conservation areas (Policy 7(d) as referenced above) proposals will only be supported where the character and appearance of the conservation area and its setting is preserved.

5.4 As is covered in section 4 of this review statement and throughout the supporting statement submitted with the planning application, we argue that our proposals including vehicle access are in

keeping with the character of Park Circus. The proposals to replace the boundary wall to match that of the neighbouring property in terms of scale, form and material finishes improves the existing situation. The landscaping changes proposed are minimal and are in reference to the neighbouring properties in the terrace therefore confirm with policy 7(d).

5.5 NPF Policy 16(g) - In respect of householder development proposals will be supported where they do not have a detrimental impact on the character or environmental impact of the home in respect of size, design and materials, and do not have a detrimental impact on neighbouring properties in terms of physical impact, overshadowing or overlooking. This is addressed in items 5.6 to 5.8 below.

5.6 As noted elsewhere in this review statement and throughout the supporting statement submitted with the planning application, the proposals are a positive development for the property as they bring the design and materials of the boundary wall in line with those of neighbouring properties. The proposals for the boundary wall, landscaping and vehicle access do not any detrimental impact on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

5.7 The landscaping to the front of the house has been designed to have minimal impact on the character of the house and the surrounding area. Loss of soft landscaping is kept to a minimum while materials are in reference to the surrounding area.

5.8 The parking area, referred to as hardstanding in the planners assessment, will not create irreversible damage due to it being formed of gravel that could be easily lifted and replaced if it were ever needed to be. The gravel will also not have an adverse effect on the character and setting of the conservation area as many neighbouring properties have a full gravel front garden. The house will not be impacted by the formation of the parking space as it is located to the side of the wider plot, minimising any instance of the parked car blocking the ground floor of the house from view.

5.9 Reason 1 also states that the proposals are contrary to South Ayrshire Council LDP2 policies on Sustainable Development and Historic Environment however in section 9 of the report of handling it states the proposals are in accordance with LDP2 policies:

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

The development proposal has been assessed against the above policies and is considered to be in accordance with LDP2, as outlined further below."

5.10 The contradictions between the report and the refusal reason outcomes raises concerns at the overall assessment which we feel are suitable grounds for review in this instance.

5.11 An assessment of our proposals against the LDP2 Policy on Historic Environment is included in Section 7 of the supporting statement submitted with the planning application. The defined character of the area and example of other properties given also impact the assessment of this policy.

5.12 The proposed works to facilitate ease of charging the applicants electric car, with the long term view of being able to change more of the family vehicles to electric vehicles, fit within the LDP2 Strategic Policy 1: Sustainable Development, in particular standard; *"Helps mitigate and adapt to the effects of climate change."*

Reason 2

“(2R) The proposal is contrary to Historic Environment Policy for Scotland and Historic Environment Scotland’s Managing Change in the Historic Environment documents on Boundaries and Setting, as the formation of an opening and removal of the boundary wall to form the proposed access disrupts the uniformity of the existing boundary wall within the uniform terrace which contributes towards the character and setting of the street and Ayr II Conservation Area, thus resulting in a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and the existing boundary which defines the curtilage and streetscape.”

5.13 In response to Reason 2, the proposals are assessed against the Historic Environment Scotland’s Managing Change documents on Boundaries in section 7 of the supporting statement submitted with the planning application.

5.14 In section 10 of the report of handling, when assessing the work against the HES Managing Change documents on Boundaries and Setting, the planning officer again references impact on the uniform terrace from 22-38 and the associated boundary walls. As addressed in items 4.3-4.10 of this review statement, the terrace including boundary walls and landscaping to front gardens is incorrectly described as “uniform”. The example of 3 Park Circus as an end of terrace with wider plot and vehicle access also is relevant justification for this point. The design of the opening is in line with the surrounding properties and the openings are to be made in a non-original wall therefore meet the requirements of the HES additional guidance.

5.15 Historic Environment Scotland document “INTERIM GUIDANCE ON THE DESIGNATION OF CONSERVATION AREAS AND CONSERVATION AREA CONSENT APRIL 2019” was published by Historic Environment Scotland in 2019 to provide detailed guidance on the application of Historic Environment Policy for Scotland. It sets out the principles HES recommends are followed in implementing the requirements of Scottish Planning Policy and is a material consideration in the planning process. It should be read alongside HEPS and the Managing Change Guidance Notes series.

5.16 Guidance point 5 from the guidance document states:

*“5. National planning policy sets out that local authorities are expected to ensure that local development plans and supplementary guidance provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. In this regard, local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed Article 4 Directions. **This should be supported by Conservation Area Appraisals and Management. As part of this process, planning authorities are encouraged undertake a thorough appraisal of any area before designation to ensure that its character or appearance is understood.**”*

As noted already within this review, no appraisal is available for public access for Ayr II conservation area or Park Circus in particular for the proposals to be assessed against by either applicant, agent or planning officer.

6. Conclusion

6.1 This Review Statement has highlighted misrepresentation of the Site Description across both this and the previous planning applications which in the absence of a formal character appraisal, has been used as the basis for the area character. The result of this is that the proposals are then deemed to not be sympathetic to the character of the area which is used as the basis for refusal. If the proposals were assessed against the character evidence we have shown we believe it would show they are in keeping with the area, the policy documents referenced and therefore should be approved.

6.2 This review statement has highlighted contradictions in the assessment of compliance of the proposals between the report of handling and the reasons for refusal that require to be clarified and addressed.

6.3 This Review Statement has reviewed the proposals against the policies referred to by the Planning Officer in their report of handling and Reasons for Refusal. Based upon the correct character assessment, the proposals are found to comply with the aims of the LDP2 and NPF4 in respect of work within Conservation Areas and meet the guidance in the Historic Environment Scotland Managing Change documents.

6.4 The proposed scheme represents small scale alterations to the boundary wall and landscaping which have been designed to improve the appearance of the existing property and the surrounding conservation area.

6.5 As such we respectfully request that the Local Review Body overturn the Planning Officers decision and approve the proposal.



County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100673773-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed Formation of Vehicular Access, Replacement boundary wall, reinstatement of railings and new gates at 38 Park Circus.

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Donald Hunter Architects"/>	
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *
First Name: *	<input type="text" value="Donald"/>	Building Name: <input type="text"/>
Last Name: *	<input type="text" value="Hunter"/>	Building Number: <input type="text" value="41a"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): * <input type="text" value="Beresford Terrace"/>
Extension Number:	<input type="text"/>	Address 2: <input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: * <input type="text" value="Ayr"/>
Fax Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
		Postcode: * <input type="text" value="KA7 2HD"/>
Email Address: *	<input type="text" value="██"/>	

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="A"/>	Building Number: <input type="text" value="38"/>
Last Name: *	<input type="text" value="Williamson"/>	Address 1 (Street): * <input type="text" value="Park Circus"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Ayr"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KA7 2DL"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="██"/>	

Site Address Details

Planning Authority:

South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

38 PARK CIRCUS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 2DL

Please identify/describe the location of the site or sites

Northing

621248

Easting

233673

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Donald Hunter

On behalf of: Mr A Williamson

Date: 02/06/2024

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Donald Hunter

Declaration Date: 06/06/2024

Payment Details



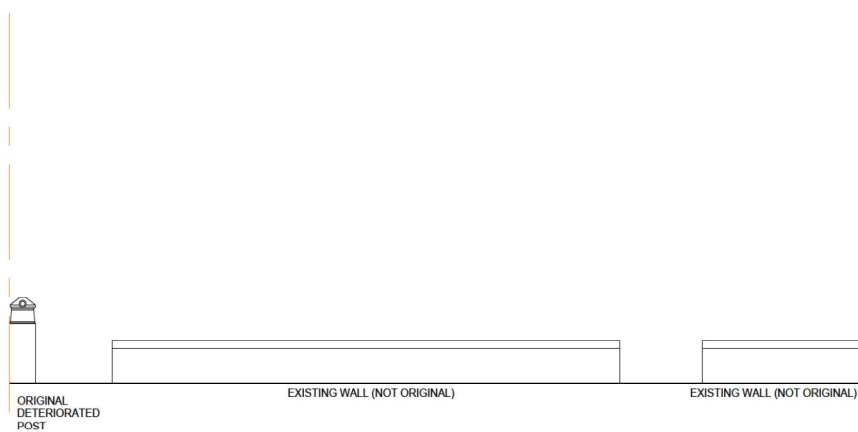
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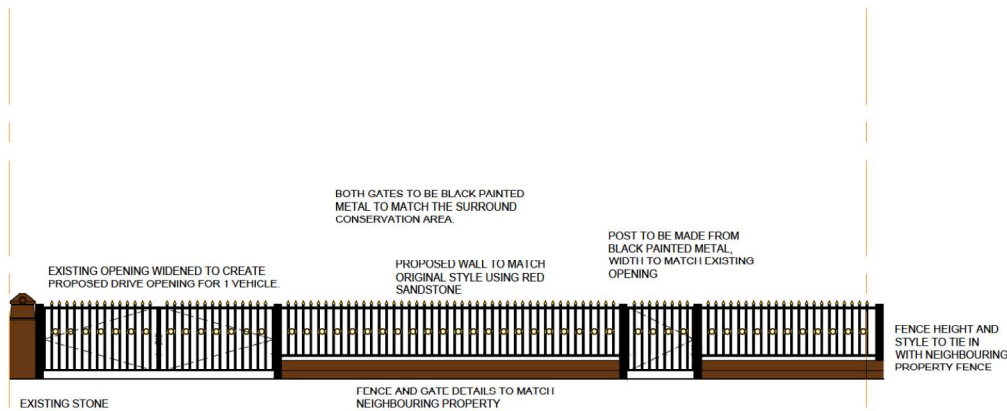
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DRAWING STATUS:
 PLANNING APPLICATION



23021/06/01 - Existing Front Wall



23021/06/02 - Proposed Front Wall

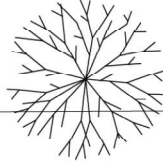
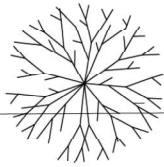
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CLIENT: Mr & Mrs Williamson
 PROJECT TITLE:
 Proposed Formation of Vehicular Access,
 Replacement boundary wall, reinstatement
 of railings and new gates.
 38 Park Circus,
 Ayr
 KA7 2DL

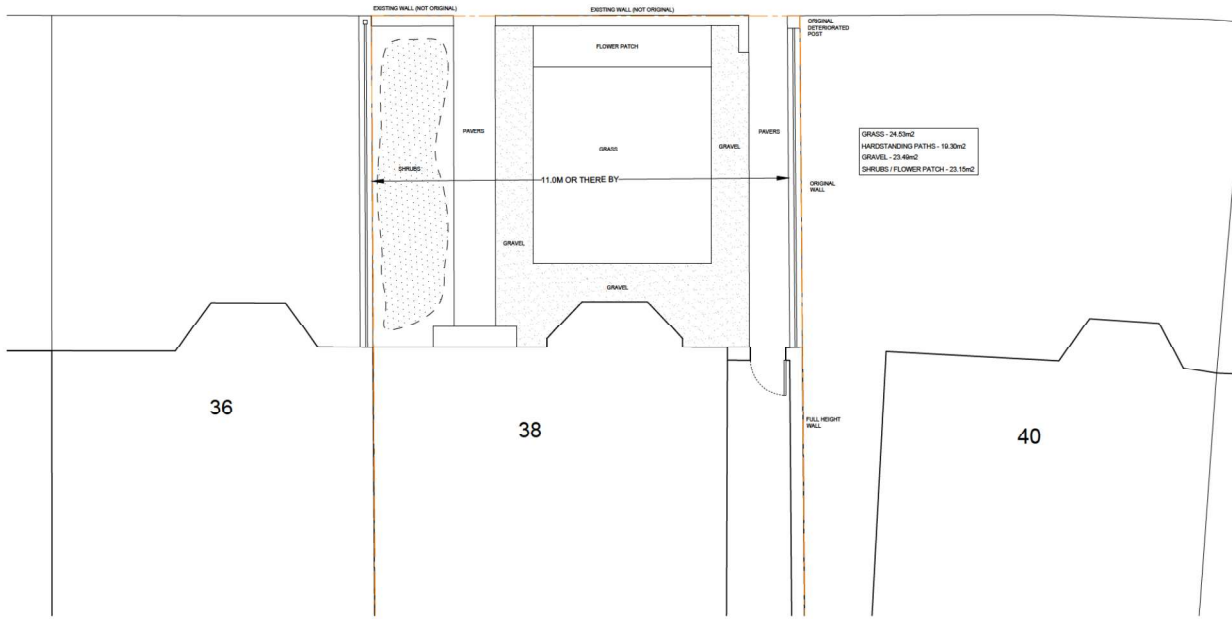
DRAWING TITLE:
 Front Wall Elevations
 DRAWING NUMBER: 23021/06 SCALE: 1:50 at A3
 DATE: Sept 2023



PARK CIRCUS



EXISTING UNLOCATED ON STREET PARKING



GRASS - 24.53m²
 HARDSTANDING PATHS - 19.30m²
 GRAVEL - 23.49m²
 SHRUBS / FLOWER PATCH - 23.15m²



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DRAWING TITLE: Existing Drive Plan
DRAWING NUMBER: 23021/04
SCALE: 1:100 at A3
DATE: Sept 2023



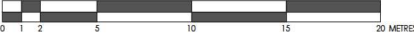


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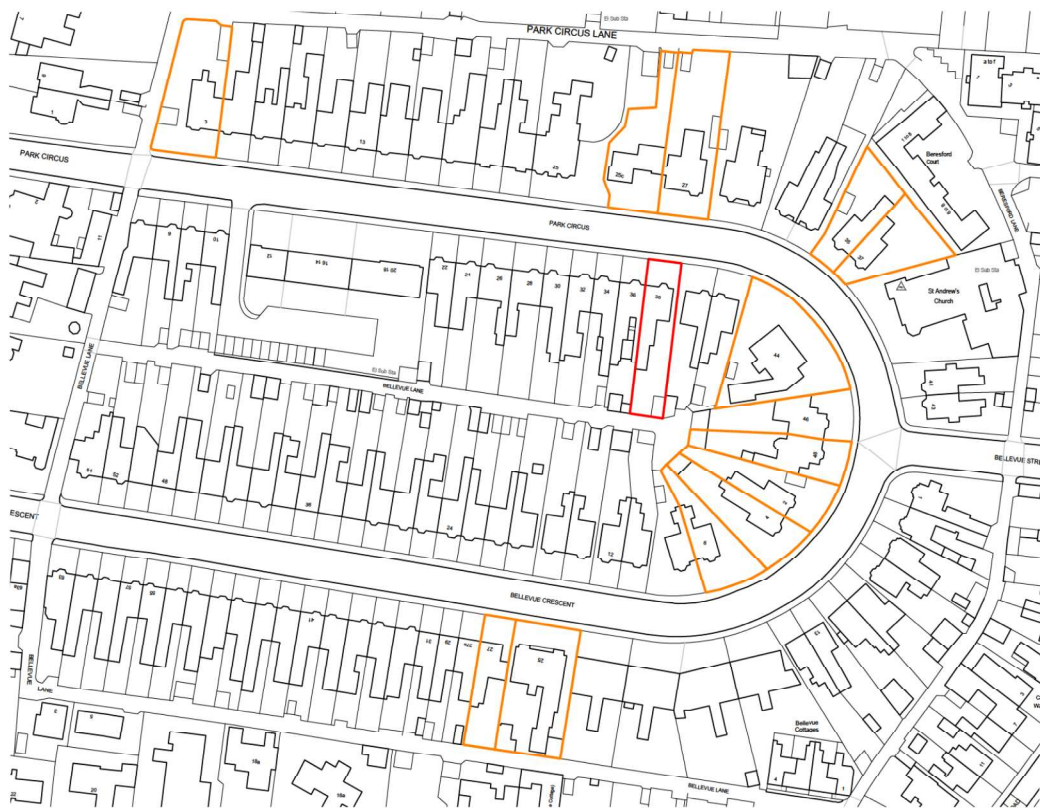
DRAWING STATUS:
 PLANNING APPLICATION



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DRAWING TITLE: Existing Site Plan
DRAWING NUMBER: 23021/03
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DRAWING STATUS:
 PLANNING APPLICATION

- Site Boundary.
- Neighbouring sites with driveways and vehicle access to the front of the house.


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CLIENT: Mr & Mrs Williamson
PROJECT TITLE: Proposed Formation of Vehicular Access, Replacement boundary wall, reinstatement of railings and new gates.
 38 Park Circus,
 Ayr
 KA7 2DL
DRAWING TITLE: Houses with Driveways

DRAWING NUMBER: 23021/02 **SCALE:** 1:1250 at A3
DATE: Sept 2023




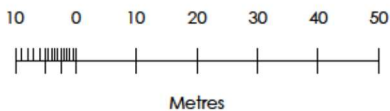
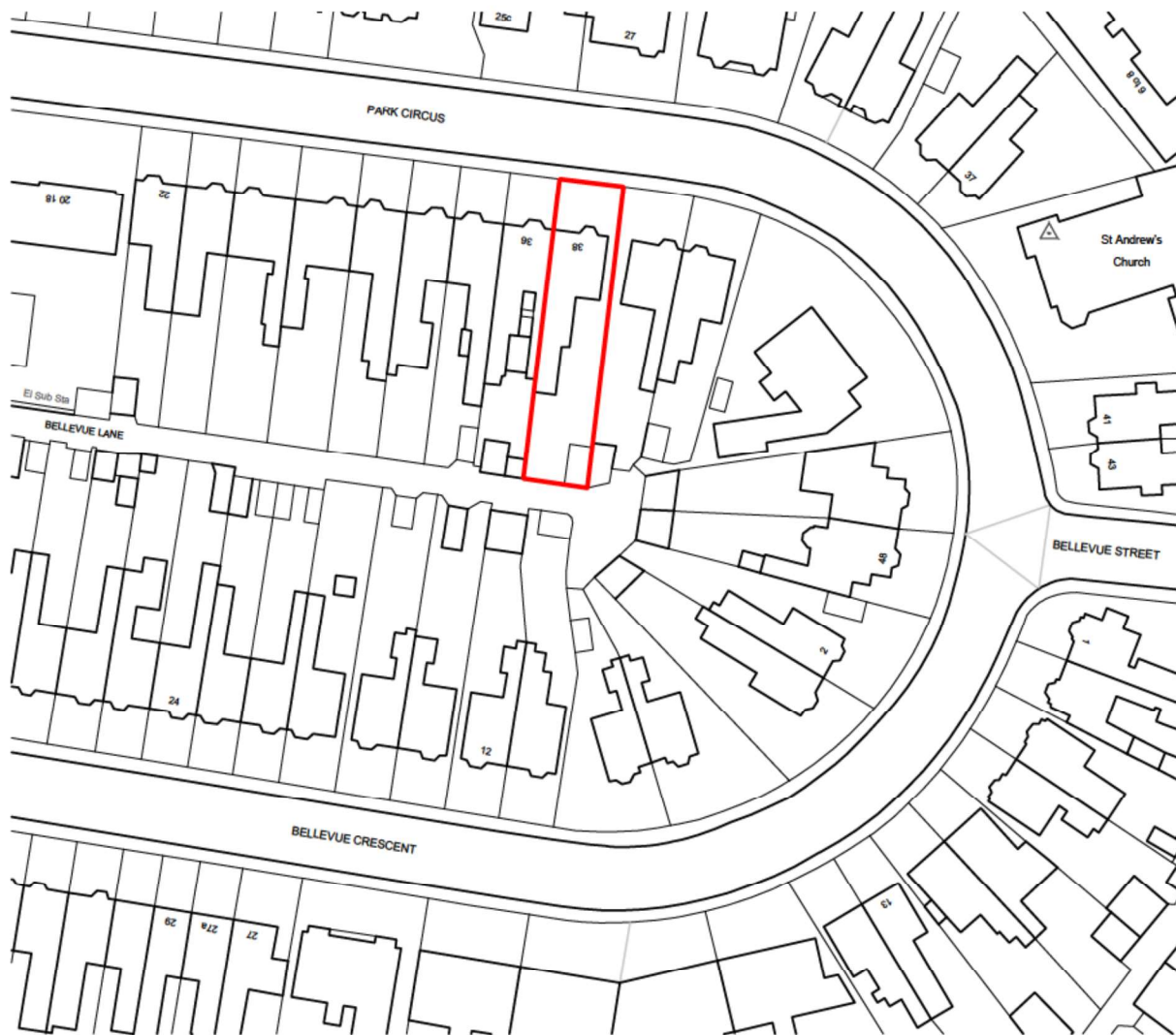
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DRAWING STATUS:
PLANNING APPLICATION

 Site Boundary.



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PROJECT TITLE:
Proposed Formation of Vehicular Access,
Replacement boundary wall, reinstatement
of railings and new gates.
38 Park Circus,
Ayr
KA7 2DL

DRAWING TITLE:
Location Plan

DRAWING NUMBER: 23021/01
SCALE: 1:1250 at A4
DATE: Sept 2023



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PLANNING APPLICATION

CLIENT:
Mr & Mrs Williamson

PROJECT TITLE:
Proposed Formation of Vehicular Access,
Replacement boundary wall, reinstatement
of railings and new gates,
38 Park Circus,
Ayr,
KA7 2DL

DOCUMENT:
Supporting Statement

DATE:
May 2024

1. Client:

Mr & Mrs Williamson
38 Park Circus,
Ayr,
KA7 2DL

2. Purpose:

The following information has been prepared to provide a Supporting Design Statement for the planning application submitted for a proposed new vehicle access, replacement front boundary wall, erection of new gates/fence and changes to the landscaping at the above address. This supporting statement is to be read in conjunction with the existing and proposed drawings also submitted as part of the application.

3. Site and context:

38 Park Circus is a two storey end of terrace sandstone dwellinghouse located within the Ayr 2 Conservation Area. The house was built in the early 1900s and sits at the East end of the terrace which runs from 22 to 38 Park Circus as can be seen in fig 1. While continuous in plan, the terrace was not designed and built as one, instead it was done in what appears to be four stages; 22 to 24, 26 to 28, 30 to 36 then 38 as a final addition. The design of the four sections differ in scale, ornamentation, floor levels, window heights, eaves height, roof design and boundary treatment which is explored in more detail in the following pages.

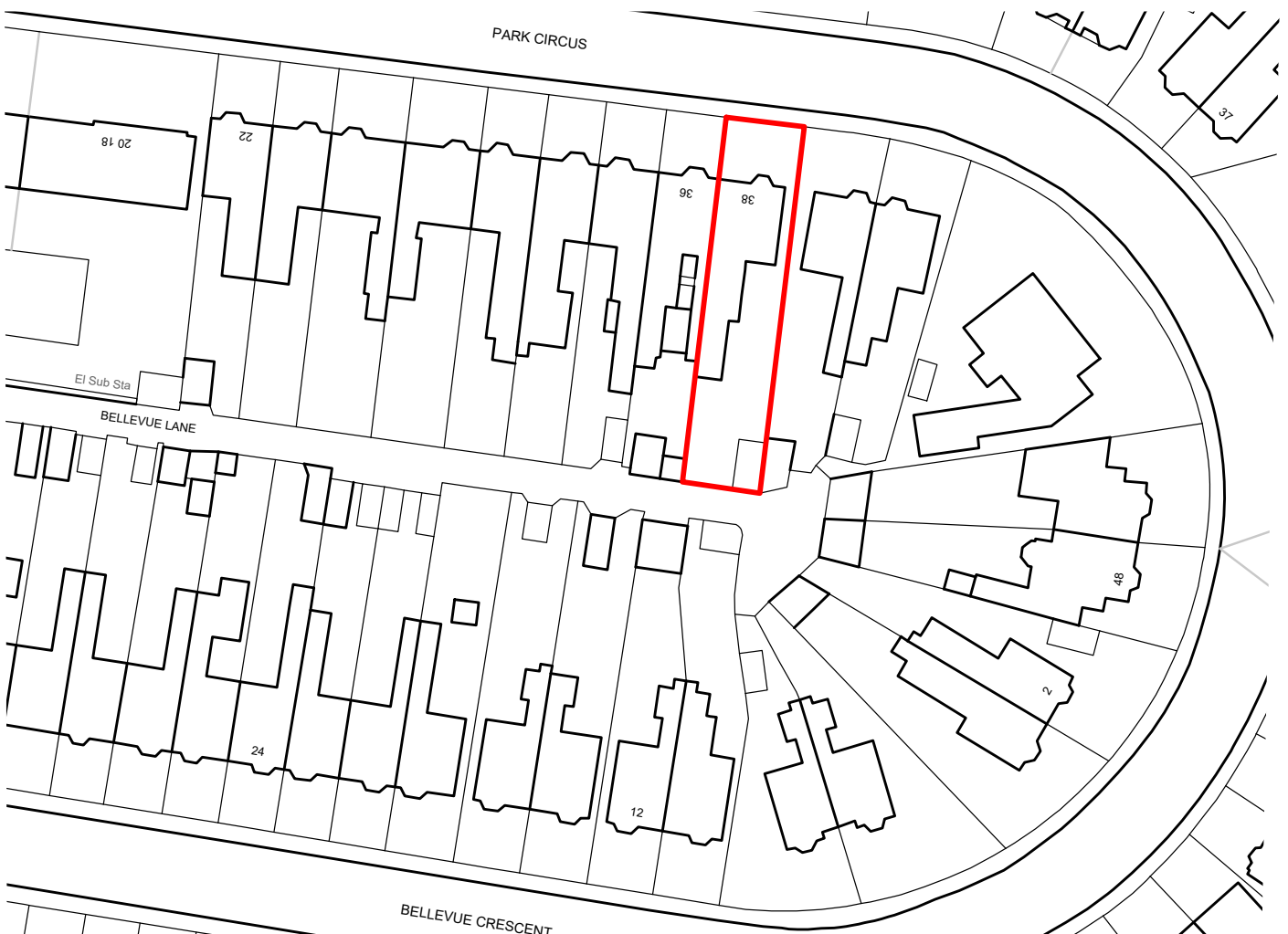


Fig. 1 - Extract from Location Plan

Number 38 is very similar in external design to neighbouring 30-36 however sits within a wider plot than the rest of the terrace and has a slightly different layout. Evidence that the house was a later addition to the end of the terrace is provided by fig 2 which shows OS data sourced from Past Map dated from 1900s. On the map four mirrored blocks can be seen; 22-24, 26-28, 30-32 and 34-36.

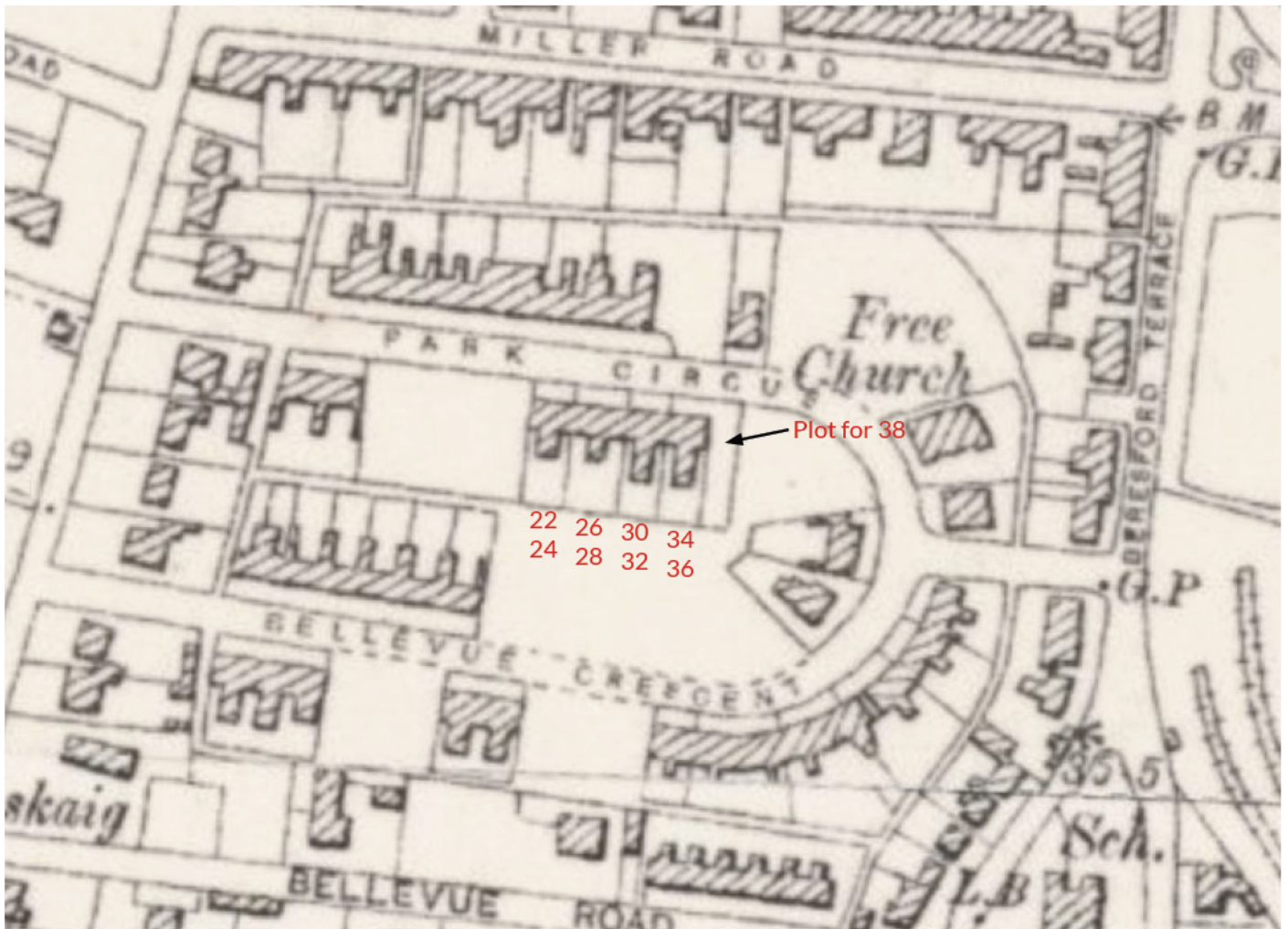


Fig. 2 - OS map dated 1900s from Pastmap website with house numbers added in red for reference.

4. Planning History:

Planning was sought by the applicant for a previous version of the scheme to provide a new front drive under application reference number 18/00867/APP. This application was refused as the proposals were deemed to be detrimental to and unsympathetic to the setting of the locale. This application attempts to address and satisfy the areas of concern raised in the previous application with revised proposals and further evidence relating to the history of the surrounding context to the site.

Other planning applications relating to the house include alterations and extension approved under application reference number 19/00395/APP.

5. Proposals:

The proposals included under this application are for formation of a new vehicle access through a replacement front boundary wall, erection of new gates/fence within a new wall and revised landscaping to provide a front drive way to 38 Park Circus. The front drive is required primarily to facilitate the use of the applicants' electric car. Parking on Park Circus and neighbouring Bellevue Crescent is by resident permit only. The applicant currently have the maximum two council permits for on street parking in addition to the garage at the rear of the property accessed from Bellevue Lane which covers the three cars currently at the address however due to both of the applicants' children

now having passed their driving tests and needing their own vehicles for work and study, they require additional parking provision. Bellevue Lane to the rear of the property provides access to the garage at the bottom of the garden. The lane is shared for access by properties 4-10, 22-48 of Park Circus and 2-53 of Bellevue Crescent, a total of at least 44 properties, excluding any properties divided into flats. In addition to vehicle access for garages, the lane is used for bin storage for these properties. While this access would have been suitable in years gone by, the increased number of rubbish and recycling bins being stored within the lane, plus the additional number of vehicles using the lane makes access in and out the lane very difficult. The applicant has to regularly move bins out of the path and if anyone has parked in the lane then access in or out of the lane is not possible. Fig 3 shows a photo taken by the applicant with bins strewn across the lane and a broken garage door obstructing access, while figs 4 and 5 show access being obstructed by vehicles regularly parked in the lane.

The applicant has recently purchased an electric car which is used for commuting on a daily basis. The issues with access in and out of the lane as noted above means that using the garage for parking and charging the electric car is not practical for daily use, particularly in the winter months. The size of the existing garage and the tight access to the garage has also limited what cars they could go for, ultimately having to settle for a smaller electric car than desired. Parking the electric car on street at the front of the house for charging poses two issues; being able to get a space outside their own house when parking is not allocated, and if they do get parked outside they would need to run the charging cable over the pavement which poses a health and safety risk for those walking on the pavement. Charging points are not readily available locally with cars often parked in the spaces or the charging points being used. The applicant had intended to charge at their workplace however as South Ayrshire Council have recently stated that charging points in the workplace car parks are now for use by council vehicles only this is no longer an option. The proposed front drive would provide the applicant with an easily accessed space to be able to safely charge their current electric car and would allow them to charge overnight to take advantage of off-peak pricing available through some suppliers rather than the more expensive public charging points. This improved facility would also mean the



Fig. 3 - Photo of Bellevue Lane showing bins strewn and broken gates obstructing access.



Fig. 4 & 5 - Photos of Bellevue Lane showing vehicles parked obstructing access (business names obscured).

applicant could replace their other cars with electric cars in due course. The issues they face currently with access and charging facilities is preventing them from moving towards a second electric car and making them reconsider the one they currently have. This is impacted by the expectation that traffic usage of Bellevue Lane is likely to increase as other owners from the properties noted above purchase electric vehicles and are not able to get drive way openings due to being located mid terrace on Park Circus and Bellevue Crescent.

The new wall, new railing and gates are proposed to bring the boundary treatment at the property more in line with the rest of the terrace. The existing front boundary wall at 38 Park Circus is formed of brickwork with a rendered finish to mimic sandstone which sits higher than the adjacent boundary wall. This is in contrast to the sandstone walls of the surrounding terrace properties. There is currently no railings on the wall at 38 Park Circus as can be seen in Figs 6 and 7.

Much like the houses themselves, while they are continuous in plan, the style and material finish of the boundary wall varies along the terrace in Park Circus unlike the boundary walls seen in Bellevue Crescent. The low level front wall at 22 - 24 Park Circus is made up of irregular small sized blonde sandstone with a blonde sandstone cope. Above the cope are replacement black railings, the originals having been removed during the second world war. 22 Park Circus has traditional style vertical black metal railings whereas 24 Park Circus has lower nontraditional railings. Black metal gates matching the railings are fitted to black metal posts. The wall at 26 Park Circus differs from 22-24 as it steps up in height from 24 and is formed from larger sections of dressed blonde sandstone. Traditional style railings, similar to 22, feature above the cope with a matching black gate fitted to black metal posts. The sandstone wall continues across the garden of 28 Park Circus however rather than metal railings a hedge sits above the cope which returns back towards the house on both sides of the front garden. The style of the boundary wall changes considerably at 30 Park Circus. Built apparently at a separate time, the wall steps down slightly in height and is made from red sandstone with a red sandstone cope rather than blonde sandstone. Above the wall are black traditional railings, similar but not exactly like those of numbers 22 and 26. One significant difference in the style of the boundary wall is the



Fig. 6 - Existing wall at 38 Park Circus and neighbouring front garden with hard landscaping.



Fig. 7 - Change of materiality, height and treatment above the wall from 38 and 40 Park Circus.



Fig. 8 - Change of materiality, form, height and treatment above the wall between 28 and 30 Park Circus.



Fig. 9 - Change of materiality, sandstone size, height and treatment above the wall between 22, 24 and 26 Park Circus.

sandstone piers either side of the black metal gates. The red sandstone wall and gate piers continues from 30 to 36 Park Circus, with matching black metal railings at numbers 34 and 36.

All the boundary walls on properties 22 to 36 feature a single pedestrian gate for access but like the wall styles, the position of the gate relative to the front door varies. At numbers 26 and 28 Park Circus the pedestrian gates line up with the front door with a straight path to the door from the gate, whereas 22-24 and 30-36 all have offset gates from the front door. Number 38 currently has two pedestrian access points, one lining up with the front door and a second one in line with the side access gate for the rear garden. This is the only property in the terrace to have a side access point to the rear garden as it sits within a wider plot than numbers 22-36. It is proposed that this second opening be the one that is enlarged to accommodate the new drive way access to keep the drive to the side of the property.

The proposed landscaping changes to the front garden are to accommodate the proposed driveway and to replace the existing path. The existing front garden features concrete paver paths, gravel, an area of lawn and border planters. The proposals are for a gravel drive and a replacement monoblock path replacing the concrete slabs which ties in with the general front garden designs of the neighbouring properties. The existing shrubs are to be retained along with a substantial area of the existing front lawn. The front gardens from 22-36 have a mix of landscaping finishes; some with lawn and planting, others purely gravel but all have a hard landscaped path to the front door.

Figs 8 and 9 on the previous page show the range of materiality, finish, and texture highlighted above in the boundary walls and landscaping of the terrace running from 22-38 Park Circus.

In summary the criteria for the proposals are:

- Being able to consistently charge their car at the house.
- Easier access to parking at front of house.
- Provision to accommodate additional electric vehicles.
- Improve appearance of boundary wall and make it more in line with character of the area.
- Minimal loss of front garden space.

6. Precedent:

In the report of handling from the previous application reference number 18/00867/APP, it was suggested that the proposed new drive entrance at 38 Park Circus would create a dangerous precedent to the creation of driveway access in the existing boundary wall. If the proposals as detailed in the accompanying plans were to form a new drive opening in the boundary wall of one of the mid terrace properties then this concern would be justified, however the precedents for a drive opening to the end of terrace properties in Park Circus and Bellevue Crescent already exist. It is important to note that in no way is the intention of this application to provide justification to a drive way opening being formed for a mid terrace house boundary wall, the likes of which do not exist currently in the street.

The previous report assessment section 11 stated the following as part of justification for the recommendation for refusal:

“It is considered that the formation of an area of hardstanding to accommodate a driveway to the front of the property would be at odds with the character of this part of the conservation area, with the application site forming part of an attractive uniform historic terrace in which no other property has undertaken development of this nature. It is regarded that if approved, the application would be to the detriment of the character and setting of the conservation area. It is noted that no other property within the uniform terraced block of which the application site forms part has been altered in such a manner. Further, this is also the case within the uniform terrace on the opposite side of Park Circus from numbers 5-25 and within Bellevue Crescent, which continues from Park Circus, from numbers 27-63 and 18-52. Whilst the applicant states that other properties within Park Circus and Bellevue Crescent have off street parking, these properties are not comparable to the application site as they are either semi-detached or located to the side of the property where there is sufficient

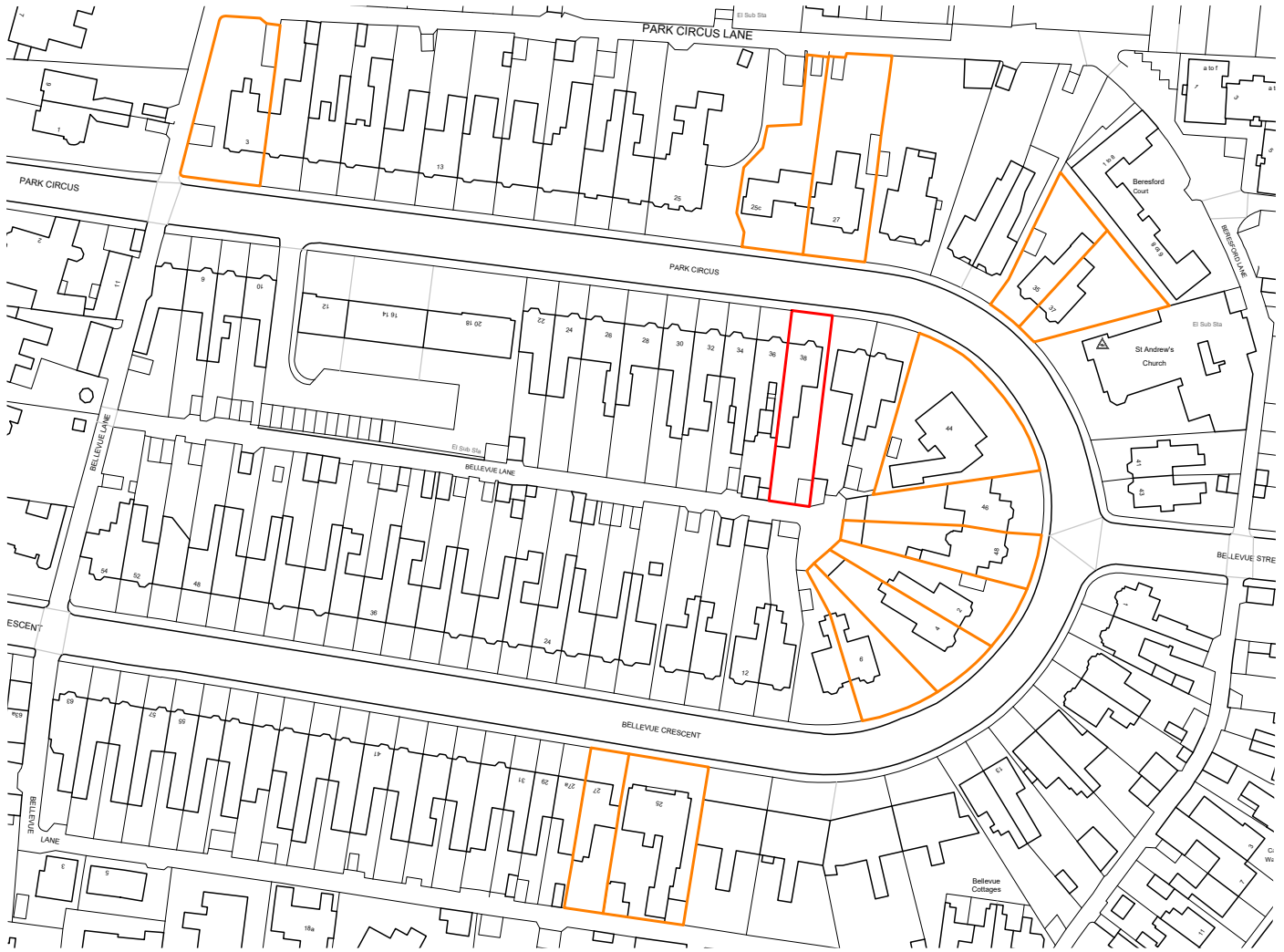


Fig. 10 - Plan showing surrounding properties with drive access including 3 Park Circus and 27 Bellevue Crescent.



Fig. 11 - 27 Bellevue Crescent drive entrance at end of uniform terrace.

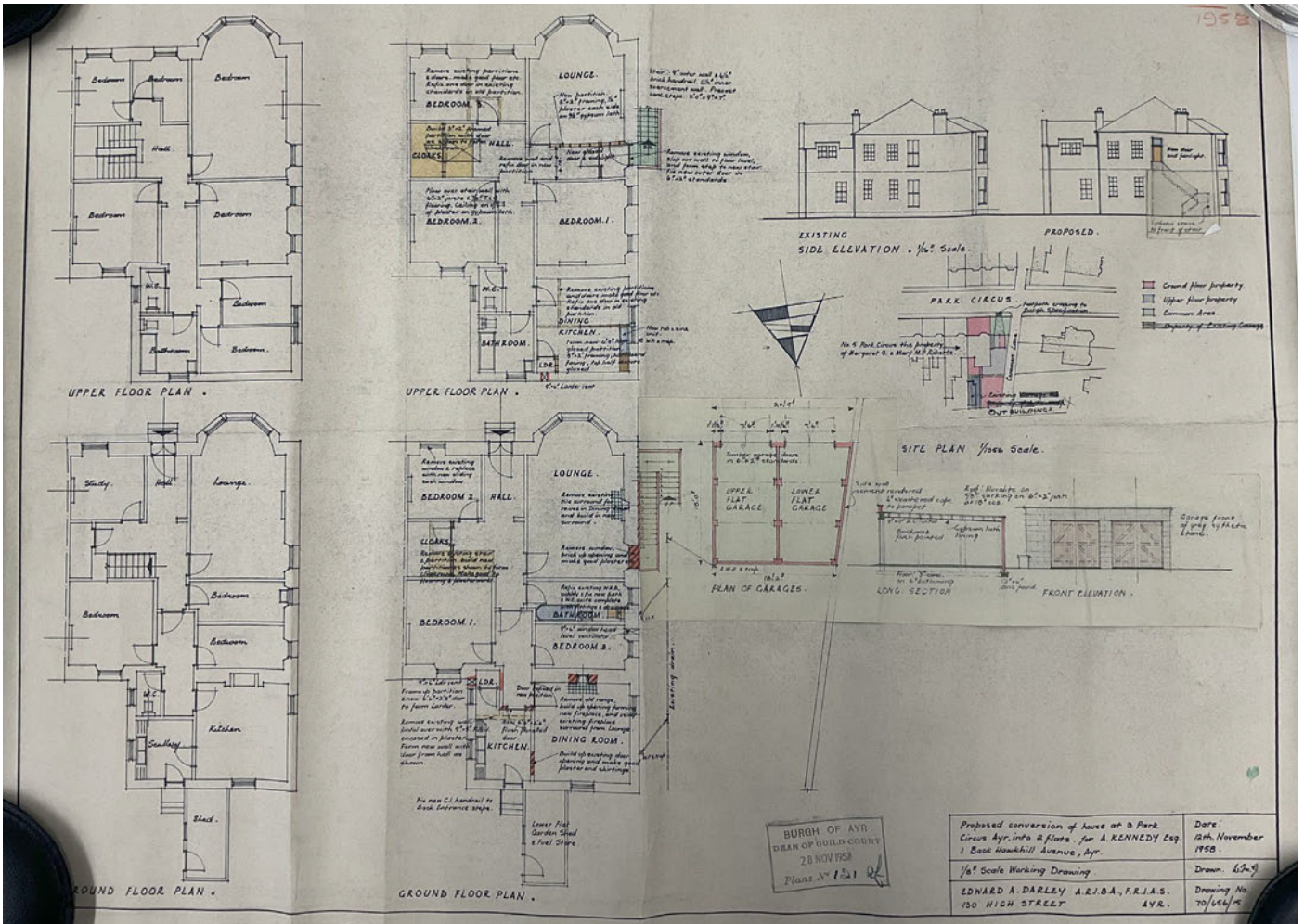


Fig. 12 - Planning approval at 3 Park Circus in 1958 for flats including new garage, drive access and hardstanding.

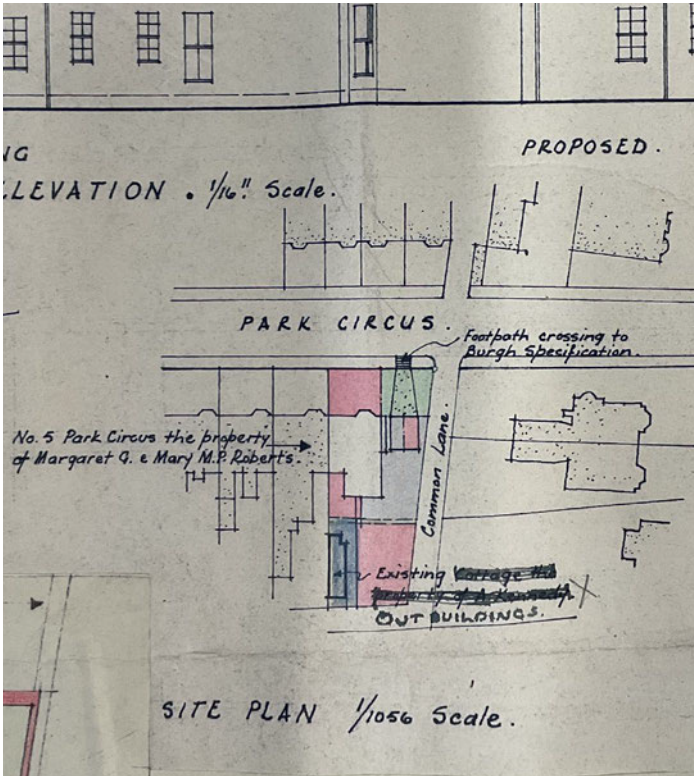


Fig. 13 - Site plan showing approved footpath crossing.



Fig. 14 - 3 Park Circus drive entrance at end of terrace.

space for a garage.

The proposal is intended to facilitate parking for an electric vehicle. However, the formation of hardstanding within the front garden of the property is considered to create irreversible damage and have an adverse impact on the character and setting of the conservation area.”

As noted previously in section 5, 38 Park Circus was built as an addition to the terrace running from 22-36 Park Circus and sits in a wider plot of approx 11m compared to the approx 8.5m wide plots of 30-36. Fig 10 is an overmarked location plan of the surrounding area including the above mentioned terraces on the opposite side of Park Circus and within Bellevue Crescent. The plan is annotated to show all the residential properties in the area that currently have openings in the boundary walls for driveway access including end of terrace properties 27 Bellevue Crescent and 3 Park Circus. Contrary to the above extract, number 27 Bellevue Crescent has an existing drive access formed at the end of the boundary wall with the scale of the wall stepping up to form the piers either side of the entrance as can be seen in Fig 11. Unlike the proposals for 38 Park Circus, at 27 Bellevue Crescent there is not a separate pedestrian access gate in the continuous boundary wall which runs along to 63 Bellevue Crescent but like 38 Park Circus, the property at 27 Bellevue Crescent sits in a wider plot than the other properties. No other property in the run of 27 to 63 has a drive access in the same context as is proposed by the opening at 38 Park Circus. It is also worth noting that the continuous boundary wall for the Bellevue Crescent properties varies in material, height, form, gate post design and a variety of railings and hedges above the walls like the terrace at Park Circus. Unlike the proposals for 38 Park Circus, the drive area at 27 Bellevue Crescent is finished entirely in gravel and extends across the front of the house.

In the above extract from the previous report it references the terrace; *“on the opposite side of Park Circus from numbers 5-25”* as also not having any similar openings or landscaping as proposed at 38 Park Circus, however the terrace actually runs from number 3-25 including the boundary wall as can be seen in Fig 14. Research undertaken at Ayrshire Archives uncovered planning approval from 1958 for the conversion of 3 Park Circus into two flats, the formation of a new double garage, hardstanding for driveway, driveway access through the front boundary wall, and dropped kerbing. Copy of the approved drawing is provided in Fig 12, with larger scale detail of the proposed footway crossing and new opening in the wall shown in Fig 13.

The above analysis of the surrounding neighbouring terraces on Bellevue Crescent and on the opposite side of Park Circus shows that there are clear precedents for a driveway access being provided at the end of the boundary wall for the end of terrace properties where they sit in wider plots. The position of the driveway openings are at the end of the continuous boundary walls in both examples, like what is being proposed for 38 Park Circus. The position of the proposed driveway at 38 Park Circus is located to the side of the plot (as is the case with the two examples) and would not obstruct the sight of the house from the road, unlike 27 Bellevue Crescent where vehicles can be parked across the front of the house. While no planning evidence could be found to confirm if the opening at 27 Bellevue Crescent is original, the above evidence for 3 Park Circus shows there is precedent of allowing a new opening in the continuous boundary wall and required hard landscaping to be formed in the front garden area for a driveway. The point was made that as there was no current example of this type of development to a terraced property, the proposals would be detrimental to the surrounding conservation area. As the above examples show two similar end of terrace properties with existing drive access and areas of hardstanding as we are proposing, this would indicate that the proposals are not detrimental to the area and are in fact in keeping with the surrounding context of the conservation area.

The proposed driveway area is finished in gravel to tie in with the existing landscaping within the front garden and many of the neighbouring properties in the terrace which have large areas of gravel in the front garden as can be seen in Figs 6, 8 and 11. The choice of gravel over a tar or monoblock drive also allows for ease of reinstatement if it were ever desired. The proposals will bring 38 Park Circus in line

with the other end of terrace properties as it is currently the only one on a wider end plot that does not have off street parking.

7. Planning Considerations and Policies:

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 (The 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.

The principle policy within LDP 2 affecting the determination for this application is the "LDP Policy historic environment", with further criteria set out in the "Supplementary Guidance: Historic Environment". The principle policy within NPF4 affecting the determination for the application are "Policy 7: Historic assets and places". Additional guidance is also provided by Historic Environment Scotland's Managing Change Series of Guidance Notes, in respect of 'Boundaries'.

The specific and relevant criteria applicable to this application are included below with the justifications highlighted in blue below.

LDP Policy: Historic Environment

Conservation Areas

New development should preserve and enhance the character and appearance of South Ayrshire's conservation areas and their settings. This should include the appropriate layout, design, materials, scale and siting of development affecting buildings and structures located within a Conservation Area. The proposals within this application have been considered against the character and appearance of the neighbouring properties in the terrace and the wider context of the conservation area. As noted in detail in section 5, the neighbouring walls are formed in low level sandstone and were originally finished with vertical black metal railings above. In order to preserve and enhance the character and appearance of the surrounding conservation area, the proposals show the existing unoriginal rendered brick wall being replaced with a new red sandstone low level wall with chamfered cope. Red sandstone has been selected to tie in with the red sandstone wall that runs from 30-36 Park Circus. Above the wall black painted vertical metal railings are proposed to tie in with the original design of the walls, and the modern replacement vertical black railings that have been fitted elsewhere on Park Circus and Bellevue Crescent.

The proposed gates at both openings will also be formed in black painted metal to match the railings and will be supported on black painted metal posts at either side. Replicating sandstone gate posts to match those at 30-36 Park Circus was considered however after obtaining quotes to prepared exact matches it became evident that this would be cost prohibitive to the project progressing. The proposed metal posts are in keeping with those seen at 22-28 Park Circus and in many other properties in the street.

The proposed driveway opening in the boundary wall is justified as in keeping with the other two similar end of terrace houses at 3 Park Circus and 27 Bellevue Crescent in section 6 of this document. The location of the drive will not detract from the house due to its location to the side of the front curtilage.

The proposed area of gravel for the driveway will replace an existing concrete slab path and adjacent area of gravel. It is proposed that the area of lawn removed to allow for the width of the drive will be moved and relaid in the location of the current gravel strip running parallel to the concrete path leading to the front door. This retains the existing area of lawn to the front of the house. The finish to the new path to the front door will be monoblock pavers, similar to those seen forming paths to other houses in the terrace. The landscape layout for the drive is shown on the accompanying drawings.

Supplementary Guidance: Historic Environment

Further guidance is provided in relation to what justification is required in the Supplementary Guidance: Historic Environment as follows, with responses below in blue:

Development proposals within or affecting conservation areas will require to comply with the following: -

- All new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance.

Justification of the design and material choices are included in the comments on the LDP 2 policy above.

- The Council will actively encourage and, where resources permit, implement upgrading and enhancement programmes for conservation areas.

N/A

- To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with "General Criteria for New Development" (as contained in Supplementary Guidance Policy 1) and the following "Design Principles for Development within a Conservation Area".

Design Principles for Development within a Conservation Area is broken down under the following headings; General, Redevelopment, Townscape Features, Building Materials, Views and Vistas, Alterations and Extensions, Repairs, Dormer Windows, Stone Cleaning, Painting Buildings and Retail/Commercial Buildings. The following headings are relevant towards the proposals in this application and the response is noted below:

General

Accompanying plans, and elevation drawings have been provided that detail the materials to be used, the external finishes, the proposed landscaping and the relation to the surrounding area.

Redevelopment

The existing wall is not inkeeping with the immediate neighbours and is being replaced with one that is more in keeping in material, form and height.

Building Materials

All proposed materials are in keeping with the boundary walls and landscaping seen in the neighbouring properties and further surrounding context.

Views and Vistas

The proposed new boundary design is more in keeping than the existing therefore it will improve the existing views and vistas on the street. The proposed new driveway access is similar in principle to the examples detailed under section 6 therefore will not have a negative impact on the surrounding area.

NPF4

NPF4 Historic assets and places policy principle notes under the Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.

The proposed driveway at 38 Park Circus is to allow for ease of access to an electric car charging point at the property as part of the client's proactive approach to contributing towards the move to net zero. The proposed formation of the driveway access and the overall design of the new boundary and landscaping has been done to achieve a balance between enhancing the property to meet the new requirements on transitioning to net zero while maintaining the character of the conservation area. It is hoped the council look favourably on the proposals as this will allow the client to process replacing other vehicles at the property with electric cars.

Policy 7 within NPF4 addresses Historic assets and principles and includes the following relevant subsections:

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

The impact on the surrounding conservation area is detailed in previous sections. The impacts of change are managed by ensuring the design and material choice for the boundary wall, railings and the landscaping is all in keeping with the surrounding properties.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

The site for the work and the surrounding area has been researched to establish its history and development over time as is noted in section 3 of this report. Following this a thorough visual study was done on the area and the more detailed design of the neighbouring houses in the terrace to identify consistencies and inconsistencies in the landscaping, house designs and boundary designs. This then allowed us to prepare the proposals to improve the existing boundary at the property but also lift the appearance of the existing continuous boundary wall. I believe the driveway opening can be accommodated in this site location without compromising the architectural and historical character of the area. We are proposing to reinstate missing railings and replace the wall in a more original style.

Historic Environment Scotland Managing Change Boundaries

New Openings

5.5 The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings. In some cases it might be

appropriate to introduce high-quality contemporary design to new fixtures like gates.

As noted elsewhere in this report, it is believed that the existing boundary at 38 Park Circus is not original as it does not match the style of the neighbouring 36 Park Circus but there is the remainder of a matching gate pier at the end of the wall where it meets the boundary of 40 Park Circus as seen in Fig 7. This post would suggest that there had been a matching style wall at one point, but also the position of the post would suggest the design of the wall was always different from the other properties in the terrace to reflect the wider plot.

Widening of openings

5.6 The widening of gateways should be avoided where it will adversely affect the coherence and proportion of a design or the relationship of the gateway to another building or planned layout. In other cases, particularly where historic gates are not part of the design or have been previously removed, careful dismantling and reconstruction of gate piers to provide a wider opening may be possible.

The proposed wider opening to form the drive does not affect the coherence of the existing opening or the wall. The proposed wider opening is located at the end of the boundary wall and brings a relationship with the other end of terraces properties highlighted in section 6.

Summary

As a result of the above analysis and precedents it is considered that this application for planning permission for a proposed new vehicle access through the replacement front boundary wall, erection of new gates/fence and revised landscaping at 38 Park Circus, meets the criteria set out in NPF4, the South Ayrshire Council LDP and Supplementary Guidance: Historic Environment.

The proposals are required to facilitate ease of charging for electric vehicles, additional parking at the property and bringing the property boundary in line with the context with minimal loss of front garden. The proposals have been considered in their context and align with the existing provisions of neighbouring end of terrace properties.

In view of the justification above in accordance with council policy, it is hoped that the council looks upon this application favourably.

REFUSAL OF APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 24/00431/APP

SOUTH AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Mr A Williamson
per Donald Hunter Architects
Donald Hunter
41A Beresford Terrace
Ayr
KA7 2HD

With reference to your **Application for Planning Permission** dated 7th June 2024, under the aforementioned Regulations, for the following development, viz:-

Formation of access, replacement of wall, railings and gates

at: **38 Park Circus Ayr South Ayrshire KA7 2DL**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above these and represent the refused scheme.

The reason(s) for the Council's decision are as follows:

NOTE: Reasons will be numbered and prefixed with an 'R'

- (1R) That the proposal is contrary to National Planning Framework 4 National Policy 7: Historic Assets and Places and Policy 16: Quality Homes, the South Ayrshire Local Development Plan 2 Policies: Sustainable Development and Historic Environment as the formation of an opening within the boundary wall to form the proposed access on the front public elevation of the property and formation of hardstanding will result in a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and would be incongruous within and unsympathetic to the setting of the locale.
- (2R) The proposal is contrary to Historic Environment Policy for Scotland and Historic Environment Scotland's Managing Change in the Historic Environment documents on Boundaries and Setting, as the formation of an opening and removal of the boundary wall to form the proposed access disrupts the uniformity of the existing boundary wall within the uniform terrace which contributes towards the character and setting of the street and Ayr II Conservation Area, thus resulting in a detrimental visual impact on the character and appearance of the Ayr II Conservation Area and the existing boundary which defines the curtilage and streetscape.

List of Refused Plans:

Plan Type	Reference	Version No.	Received Date
Drawing	23021/01		07.06.2024
Drawing	23021/02		07.06.2024
Drawing	23021/03		07.06.2024
Drawing	23021/04		07.06.2024
Drawing	23021/05		07.06.2024
Drawing	23021/06		07.06.2024
Supporting Information	Design Statement		07.06.2024

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

Dated: 6th August 2024

.....
Craig Iles
Service Lead – Planning and Building Standards

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

Contact: [REDACTED]
ARA Case Officer: AP
Planning Case Officer: E McKie
Planning Application No: 24/00431/APP
Location: 38 Park Circus, Ayr

Date Received: 13/06/2024
Date Returned: 27/06/2024
Recommendation: No Objection subject to Conditions

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

Expository Statement (if applicable):

Required for Major applications, or where the recommendation is for refusal or deferral.

Advisory Notes:

Road Opening Permit:

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.

Roads (Scotland) Act:

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.

New Roads and Street Works Act 1991:

In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

Costs of Street Furniture:

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.

Conditions:

Private Access Surfacing:

That the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing 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.

Reason:

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

Discharge of Water:

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.

Reason:

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

26 JUN 2024

20A Park Circus,

Ayr

KAT 2DL

22-6-24

Dear Sir,

Formation of access etc at 38 Park Circus

Application NO 24 / 00431 / APP

I am writing in connection with the above application which was advertised in the Public Notices of the Ayr Advertiser of Tuesday 18th June.

The main reason for the application appears to be the creation of an area of off-street parking for a motor vehicle. I wish to object in the strongest terms to this proposal. Park Circus is obviously a Conservation Area and to allow this would totally detract from the nature of the Conservation Area. It would create a dangerous precedent and lead to a plethora of further run-in applications.

There is a perfectly satisfactory rear service lane situated between Park Circus and Bellevue Crescent which would provide the applicant with access to the rear of their property.

I trust you will consider this letter when dealing with the application in due course.

Yours



(A. G. M. Sloss)

Comments for Planning Application 24/00431/APP

Application Summary

Application Number: 24/00431/APP

Address: 38 Park Circus Ayr South Ayrshire KA7 2DL

Proposal: Formation of access, replacement of wall, railings and gates

Case Officer: Ms Emma McKie

Customer Details

Name: Mr Kenny Macleod

Address: 34 Donnini crt Ayr

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to offer the application my support.

This application will return most of the original railings that were unduly removed during WW2 back to a similar original condition.

This can only enhance the conservation area.

From: McKie, Emma [REDACTED]
Sent: Tuesday, November 26, 2024 2:36 PM
To: Local Review Body [REDACTED]
Subject: RE: Local Review Body - 24/00431/APP - 38 Park Circus Ayr

Good afternoon,

Please see attached draft conditions and site photographs.

If you require anything further, please let me know.

Kind regards,

Emma

Emma McKie MRTPI | Planner (Development Management) | Housing, Operations and Development Directorate | [REDACTED] | [REDACTED] | County Buildings | Wellington Square | Ayr | KA7 1DP | www.south-ayrshire.gov.uk

Emma McKie | Planner (Riaghladh Leasachaidh) | Leasachadh Taigheadais agus Obraichean Togalaichean Siorrachd | [REDACTED] | [REDACTED] | www.south-ayrshire.gov.uk

Please Note:

Planning and Building Standards Staff are now working remotely .

The Planning Service currently has a short term reduction in available staff and there may be a resultant delay in the processing of your application/enquiry. We apologise for any inconvenience that this may cause and can assure you that our team are working hard to process cases as quickly as possible.



Image 20240626_104516



Image 20240626_104638



Image 20240626_104641

Local Review Body
Planning Service,
South Ayrshire Council,
County Buildings,
Wellington Square,
Ayr,
KA7 1DR

11th December 2024
Your ref: LRB/24/00431/APP
Our Ref:23021/03

Dear Sir/Madam,

LRB/24/00431/APP – Formation Of Access, Replacement Of Wall, Railings And Gates at 38 Park Circus, Ayr, South Ayrshire.

With regards to your letter dated the 26th November 2024 and accompanying photos submitted by the Case Officer, please find below our comments for consideration:

Image 20240626_104516

1. Photo does not show full extent of boundary wall along the terrace from 22 to 38 Park Circus due to position photo is taken from and parked cars. Photo shows part of wall from 28 onwards with areas of wall obscured. Report of handling references boundary wall from 22 to 38 Park Circus. Varying boundary treatment can be seen with different railings and walls without railings.
2. Gardens largely hidden from view, however photo shows that garden treatments vary along the terrace. Neighbouring terrace house front garden can be seen finished in gravel as is proposed for 38 Park Circus, yet planning report of handling states landscaping proposed for 38 Park Circus is out of character with the neighbouring properties.
3. Photo does not clearly show the terrace of houses referenced in supporting document / report of handling due to the trees.

Image 20240626_104638

1. Junction of 38 Park Circus wall with 36 Park Circus and current opening for path to door blocked by parked car. This junction shows differences between the boundary wall of 38 and 36. Junction with 40 Park Circus shown to the left hand side. In our opinion the photo confirms the boundary wall is not currently uniform contrary to the description in the report of handling.
2. The proposed larger opening for the car parking would be located to the left hand side where the second opening is currently, as shown on supporting drawings. This would provide a new end to the wall rather than an opening in the middle of it.
3. Neighbouring gravel finished front gardens at 36 and 34 Park Circus hidden by parked car. Reference to point 2 on above photo.
4. Photo shows that 38 Park Circus sits within a wider plot than the other properties in the terrace as referenced in supporting statements provided. House can be seen as a variation on the design of the terrace by not being a mirrored layout to the neighbouring property as is shown on the other pairs of houses along the terrace from 22 to 36.

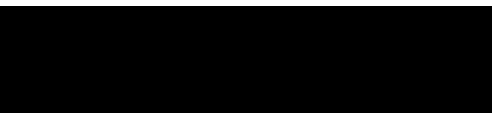
Image 20240626_104641

1. Boundary walls of neighbouring properties 40, 42 and 44 Park Circus largely obscured by parked cars. Walls are different in style, material and scale from those in the terrace of 22 to 38 Park Circus again questioning the assessment of the proposed alterations to the wall being out of character with the area. 44 Park Circus hidden by the black golf in the photo has a higher wall and drive way access.

The image reference numbers would suggest that additional photos were taken by the case officer on their visit to assist in their assessment of the area and the proposals within the context. In our opinion, the selected images provided do not fully represent the varied character of the boundary wall types within Park Circus and the wider character of the conservation area. We would refer to the images provided in our supporting statements and request that a site visit is undertaken as part of the review process.

I trust the above is in order however should you require any further information please do not hesitate to contact me.

Yours sincerely,



Donald Hunter
Director / Architect

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 notwithstanding the plans hereby approved, a detailed methodology statement of the proposed stonework repairs required for the existing post to form the proposed vehicular access shall be submitted to and agreed in writing by the Planning Authority prior to commencement of works on site.
- (4) That prior to the commencement of development, full details of the proposed boundary wall, railings and gates shall be submitted for the prior written approval of the Planning Authority.
- (5) That the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing 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.
- (6) 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.

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 safeguard the character and appearance of the conservation area.
- (4) To safeguard the character and appearance of the conservation area.
- (5) In the interest of road safety and to ensure an acceptable standard of construction.
- (6) In the interest of road safety and to avoid the discharge of water onto the public road.

Advisory notes:

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

List of Plans Determined:

Plan Type	Reference	Received Date
Drawing	23021/01	07.06.2024
Drawing	23021/02	07.06.2024
Drawing	23021/03	07.06.2024
Drawing	23021/04	07.06.2024
Drawing	23021/05	07.06.2024
Drawing	23021/06	07.06.2024
Supporting Information	Design Statement	07.06.2024