

County Buildings
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24 February 2025

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

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Wednesday 5 March 2025 at 10.00 a.m.** for the purpose of considering the undernoted business.

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

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

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meeting of:-
 - (a) 25 June 2024;
 - (b) 11 December 2024; and
 - (c) 6 February 2025 (Special)(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith)

For more information on any of the items on this agenda, please telephone June Chapman, Committee Services on at 01292 272015, at Wellington Square, Ayr or e-mail: june.chapman@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL (PLANNING)

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

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

Present
Remotely: Councillor Craig Mackay.

Apologies: Councillors Alec Clark and Mark Dixon.

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

Chair's Remarks.

The Chair

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

1. Sederunt and Declarations of Interest.

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

2. Hearings relating to Applications for Planning Permission.

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

The Panel considered the following applications:-

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

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

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

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

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

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

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

The Panel

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

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

- (2) [22/00302/PPPM](#) – AYR – Land to the east of A77T From Holmston Roundabout to Bankfield Roundabout – Planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works.

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

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

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

Upon reconvening, Councillor Kilpatrick, seconded by Councillor Lamont moved

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

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

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

Decided:

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

The meeting ended at 1.07 p.m.

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 11 December 2024 at 10.00 a.m.

Present
in County Buildings: Councillors Alan Lamont (Chair), Ian Cavana, Alec Clark, Martin Kilbride and Mary Kilpatrick.

Present
Remotely: Councillors Lee Lyons, Craig Mackay and Duncan Townson.

Apology: Councillor Mark Dixon.

Attending
in County Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; D. Harman, Landscape Adviser; R. Dominy, Planning Assistant; G. Senior, Ayrshire Roads Alliance; J. McClure, Committee Services Lead Officer, and E. Moore, Clerical Assistant.

Chair's Remarks.

The Chair

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

1. Sederunt and Declarations of Interest.

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

2. Minutes of previous meetings.

The [Minutes](#) of previous meeting of 14 November 2024 (issued) were submitted and approved (issued).

Decided: to approve the minutes.

3. **Hearings relating to Applications for Planning Permission.**

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

The Panel considered the following application: -

24/00063/APP- LAND ADJACENT TO OLYMPIC BUSINESS PARK A759 FROM AUCHINGATE INTERCHANGE TO B730 DRYBRIDGE ROAD DUNDONALD DUNDONALD SOUTH AYRSHIRE - Erection of 2 wind turbines (of up to 150m in height to tip), formation of access tracks and associated infrastructure

Having heard from the applicant's agent, the Chair of Dundonald Community Council, and from various objectors, the Panel

Decided: to refuse the application on the following grounds:-

Reasons:

Impact on Landscape

1. The proposed development is contrary to NPF4 Policy 11: Energy and LDP2 Policies: Strategic Policy 1: Sustainable Development, LDP2 Policy: Wind Energy and LDP Policy: Landscape Quality in that the proposed development would introduce significant landscape and visual effects to nearby receptors, compromise the undeveloped setting of the nearby village of Dundonald, compromise the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational Glaxo Smith Kline wind turbines, result in the introduction of a visually dominant wind farm landscape to the locality, does not protect important views, skylines and landmarks – particularly those to and from the nearby lowland hills to the south of the site and that the proposal would introduce development which would result in overbearing cumulative landscape and visual effects.

Impact on Historical and Cultural Heritage

2. The proposed development is contrary to NPF4 Policies: 7- Historic Assets and Places and 11: Energy, LDP2 Policies: Strategic Policy 1: Sustainable Development, LDP2 Policy: Wind Energy and LDP2 Policy Historic Environment and The Historic Environment Policy for Scotland in that the proposed development would have a detrimental impact to the landscape setting of Dundonald Castle Scheduled Monument and the views and visual amenity of large numbers of visitors to this nationally important Monument.

Impact on Aviation Interests

3. The proposed development is contrary to NPF4 Policy 11: Energy and LDP2 Policy: Wind Energy in that the proposed development has the potential to adversely affect aviation interests and this has not been addressed.

List of Determined Plans:

Drawing - Reference No (or Description): 501-DRW-0004-Dundonald-Site Plan – v4.0
 Supporting Information - Reference No (or Description): PAC Report
 Supporting Information - Reference No (or Description): Planning Statement
 Supporting Information - Reference No (or Description): Transport Statement
 Supporting Information - Reference No (or Description): Design and Access Statement
 Supporting Information - Reference No (or Description): Television and Telecommunications Impact Assessment
 Supporting Information - Reference No (or Description): Flood Risk and Drainage Assessment
 Supporting Information - Reference No (or Description): Shadow Flicker Impact Assessment
 Supporting Information - Reference No (or Description): Environmental Impact Assessment (EIA) Report and associated Figures and Appendices

Background Papers:

- Application form, plans and supporting documents.
- Environmental Impact Assessment Report (and associated figures and appendices)
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- South Ayrshire Landscape Wind Capacity Study 2018
- Scottish Government's 'Onshore Wind Turbines: Planning Advice'
- Historic Environment Policy for Scotland
- Representations received.
- Consultation responses received.
- 22/00594/EIASCR - EIA Screening Opinion request to determine whether an Environmental Impact Assessment (EIA) is required to be submitted for a proposed wind turbine development and related infrastructure
- 22/00827/EIASCO - EIA Scoping request for proposed construction and operation of 2 wind turbines (blade tip height approx. 150m) and associated infrastructure. The generating capacity of the proposed development is not expected to exceed 20MW

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

The meeting ended at 10.55 a.m.

REGULATORY PANEL (SPECIAL) PLANNING

Minutes of a hybrid webcast meeting
on 6 February 2025 at 2:30 p.m.

Present
In County
Buildings: Councillors Martin Kilbride (Chair), Ian Cavana, Alec Clark, Mark Dixon and Craig Mackay.

Present
Remotely: Councillor Lee Lyons.

Apologies: Councillors Mary Kilpatrick, Alan Lamont and Duncan Townson.

Attending
in County
Buildings: F. Ross, Co-ordinator, Legal Services (Property and Contracts), G. Senior, Team Leader - Traffic, Ayrshire Roads Alliance, J. Chapman, Committee Services Officer; and C. McCallum, Clerical Assistant.

Chair's Remarks.

The Chair

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

1. Sederunt and Declarations of Interest.

The Co-ordinator Legal Services (Property and Contracts) called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. 20 & 30 MPH Settlement Orders for the settlements of Symington, Dunure and Tarbolton.

There was submitted a report ([issued](#)) of 4 February 2025 by the Head of Roads - Ayrshire Roads Alliance

- (1) seeking to approve the making of three Traffic Regulation Orders (TRO's) which would make speed limit changes under the Road Traffic Regulation Act 1984 in three local communities, namely Symington, Dunure and Tarbolton;
- (2) advising that these proposals had come forward following requests from the communities, with the objective of improving road safety and enhancing the quality of life in residential and high-pedestrian areas; and

- (3) concluding that these would include reducing the speed limit to 20mph in multiple residential roads with the addition of “buffer zones” with a speed limit of 30mph where deemed appropriate to do so.

Following discussion, the Panel

Decided: to approve the making of the three Traffic Regulation Orders imposing 20mph and 30 mph speed limits, as described in paragraph 4.1 of the report and shown in the plans in appendices 1, 2 and 3 respectively to the report.

The meeting ended at 2:46pm

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South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 5 March 2025

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/00302/PPPM Alastair McGibbon (Objections) (Application Summary)	Land To The East Of A77T From Holmston Roundabout To Bankfield Roundabout Ayr South Ayrshire	Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works	James Craig Ltd	Refusal
2.	24/00795/APP David Clark (Objections) (Application Summary)	10D Barassiebank Lane Troon South Ayrshire KA10 6RW	Change the use of dwellingflat to form short term let	Mrs Amy Scala	Approval with Condition(s)
3.	24/00864/PPP Fiona Sharp (Objections) (Application Summary)	Land At Hillhead Coylton South Ayrshire	Planning permission in Principle for the erection of 5 dwellinghouses and associated development	Mr Brian Jordan	Approval with Condition(s)

REGULATORY PANEL: 5 MARCH 2025

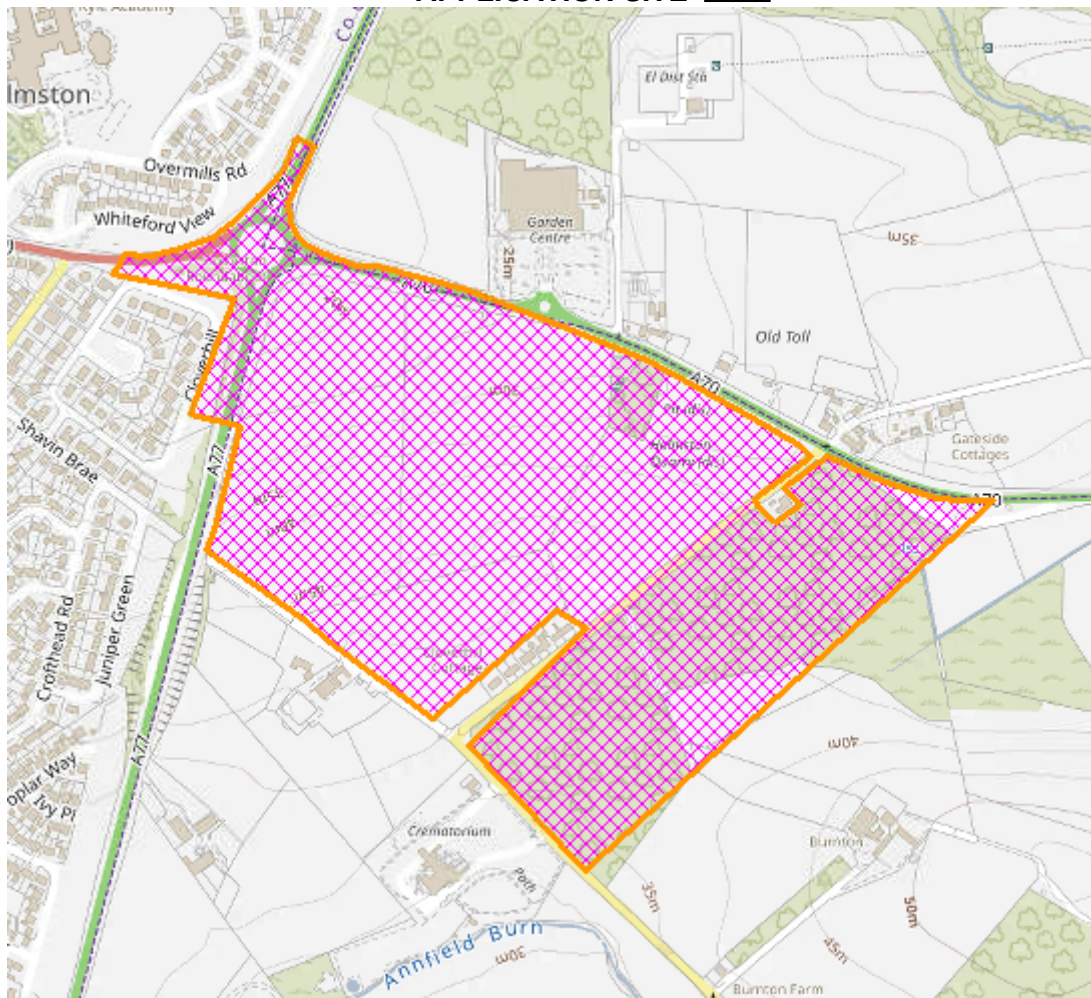
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

22/00302/PPPM

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

Location Plan

APPLICATION SITE 



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

[\(Application Summary\)](#)

Summary

This application was previously reported to the Council's Regulatory Panel (Planning) on 25 June 2024 with a recommendation of refusal. The Panel was 'Minded to Grant' the application, subject to identification of appropriate conditions and identification of legal requirements, with the matter to be referred back to the Panel for further consideration once those issues had been identified.

The Planning Service recommendation remains unchanged; is recommended that the application is refused for the reasons set out within the earlier Report of 25 June 2024.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 5 MARCH 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00302/PPPM
SITE ADDRESS:	Land to the East of A77T from Holmston Roundabout to Bankfield Roundabout Ayr South Ayrshire
DESCRIPTION:	<p>Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works</p> <p>Refuse - for the reasons outlined in the report dated 25 June 2024 and that Policy 16 of NPF4 should be included within the reasons for refusal 1.</p>
RECOMMENDATION:	Note - Should Members maintain their 'minded to grant' position the application will be referred to the Scottish Ministers who may 'call in' the application for their own determination or clear the Council to continue to determine the application.

ADDENDUM TO APPLICATION REPORT

This addendum report together with the original report to Regulatory Panel on 25 June 2024 fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Purpose:

On 25 June 2024 the Council's Regulatory Panel was 'Minded to Grant' application Ref. 22/00302/PPPM contrary to the recommendation of Officers of the Planning Service, which was to refuse the application. In planning terms, 'minded to grant' indicates an intention to approve a planning application, pending other processes being concluded. The 'minded to grant' position does not amount to a concluded decision.

In this case, Members of the Panel were 'minded to grant' the planning application and as the minutes recorded, for Officers of the Planning Service to *"identify appropriate conditions and subject to legal agreements as required...and that the matter be referred back to Panel for further consideration."*

The purpose of this report is to present Members of the Panel with the draft schedule of conditions and draft headline terms of a S75 legal agreement but also to inform them of a letter dated 26 June 2024 from the Scottish Government's Chief Planner with respect to Policy 16 – Quality Homes of NPF4 and the letter dated 12 November 2024 from the Chief Planner and Minister for Public Finance (which introduces the document 'Planning and the Housing Emergency – Delivery Plan') which are new material considerations relevant to this application. Any decision maker on a planning application requires to consider all material planning considerations right up to the time that a formal decision is made to either grant the planning application or to refuse the planning application.

2. Planning Process

Preparation of the draft schedule of conditions and draft Headline terms of a legal agreement required further consultation with the Council's Education Service and the Ayrshire Roads Alliance. Input from these consultees and the subsequent draft schedule of conditions and headline terms for a S75 legal agreement is provided within this report. Also provided is a summary and explanation of the letters from the Scottish Government's Chief Planner dated 26 June 2024 and the letter dated 12 November from the Chief Planner and Minister for Public Finance, which are also materially relevant to this case. As per the content of the Regulatory Panel report dated 25 June 2024, Council Officers maintain their recommendation that the application be refused for the reasons set out within that report and that Policy 16 of NPF4 should be included within reason for refusal 1.

Once Members of the Panel have considered the further information contained within this report, some of the options available are to:

a) continue their 'minded to grant' position subject to the finalisation of the draft conditions and signing of a legal agreement, as set out in Heads of Terms. Noting that the matter would then be notified to the Scottish Government; this is explained further below.

Or;

b) refuse the application in accordance with officer recommendation.

Referral process – with regards a) above, planning authorities are required under section 46(1) of the Town and Country Planning (Scotland) Act 1997 to notify Scottish Ministers if they are minded to grant planning permission in respect of certain categories of development as specified in The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. Following this notification, Scottish Ministers may 'call in' the application for their own determination.

One of the categories requiring notification to the Scottish Ministers is development in which planning authorities have a financial or other interest **and** where the proposed development would be significantly contrary to the development plan. In this instance, the development would involve a S75 Legal Agreement in respect of the applicant providing financial contributions to the Council towards education provision. In addition to the above, the Council would incur ongoing transportation costs to transport pupils from the proposed development to the primary and potentially also the secondary school. It is therefore considered that there is a financial interest. The second consideration is whether the application is significantly contrary to the Development Plan.

As noted in the report of 25 June 2024, paragraph 4.77 of Circular 3/2022 (Development Management Procedures) notes that while the judgement as to whether a proposal is significantly contrary to the development plan lies with the Planning Authority, and ultimately the Courts, Scottish Ministers' general expectation is that if the proposal is contrary to the vision or wider spatial strategy of the Plan then it should be considered significantly contrary to said plan. These considerations are planning judgements undertaken by the Chief Planning Officer of the Council.

In this case, as the application site is not allocated for housing and commercial development in the Local Development Plan, it is the judgement of the Chief Planning Officer of the Council that the proposal for housing and commercial development is significantly contrary to the vision and spatial strategy of the Plan.

Given that there is a financial interest in this development and the proposal is significantly contrary to the Development Plan, should Members be minded to maintain their 'Minded to Grant' position, contrary to recommendation of Officers, then the application would require to be notified to the Scottish Ministers under section 46(1) of the Town and Country Planning (Scotland) Act 1997 who can then choose to 'call in' the application for their own determination, or alternatively, instruct the Planning Authority to determine the application as they see fit.

If the application is 'called in' for determination by Scottish Ministers, or if Scottish Ministers clear the Planning Authority to continue to determine the application, the s75 would require to be finalised, in line with the Draft Heads of Terms. The draft headline terms of the S75 as set out in this report are therefore not final and may be subject to change by either the Scottish Ministers or in response to matters deemed to require further clarity. The draft conditions may also be subject to change if the Scottish Ministers 'call in' the application for their determination and are minded to approve the application.

As the application is a 'major' development that is significantly contrary to the development plan, a pre-determination hearing is required to be held. The purpose of this is to allow the views of applicants and those who have made representations to be heard before a planning decision is taken. A pre-determination hearing for this application took place on 25 June 2024. A further hearing is not required to take place in relation to this further, addendum report.

3. Background

The Regulatory Panel report of 25 June 2024 is attached as an annex to this report. In this report, the Planning Service recommended refusal of the application. However, the Regulatory Panel at their meeting of 25 June 2024 were minded to grant the application (extract) "...subject to identification of appropriate conditions and subject to legal agreements as required... and that the matter be referred back to Panel for further consideration."

4. Draft S75 headline terms

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.

Approval of this planning application would require the applicant to enter into a section 75 legal agreement. This agreement would cover education contributions for the proposed development, with notional secondary education contributions currently standing at £4,000 per home and notional primary education contributions at £7,000 per home, taking the total education contributions to £11,000 per home. The proposed development is for 350 residential units, which results in a required education contribution by the developer of £3.85 million. This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

This full education impact assessment would be undertaken, and the total amount of contributions would be finalised through the S75 process and contributions would require to be secured before development starts on site.

The draft headline terms of the S75 agreement are discussed above and in Section 5 of this report. The table below has been produced for ease of reference.

Section 75 Legal Agreement Headline Terms

Indicative Education Contributions*	Indicative Cost	Arrangements
Primary contribution	£7,000 per home	Contribution on pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution.
Secondary contribution	£4,000 per home	Contribution on a pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution,
Total contribution per home	£11,000	
Total education contribution that would require to be secured through S75 legal agreement	£11,000 x 350 (homes) = £3,850,000 (less affordable housing)	

*This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

5. Assessment

The assessment of this application remains as outlined in the report put before the Regulatory Panel on 25th June 2024 (attached as an annex to this report).

The purpose of this addendum report is to outline proposed conditions and the content of a section 75 legal agreement together with providing supplementary information including consultation responses that informed this work. A Scottish Government Chief Planner letter was issued on 26 June 2024 and together with the Minister for Public Finance, a further letter was issued on 12 November and are also relevant to this case and are considered further below.

Education considerations

As noted in the report dated 25 June 2024, St John's Primary School, Whitletts Road, Ayr and Queen Margaret Academy, Dalmellington Road, Ayr are the denominational catchment schools for the application site; both currently have capacity to accommodate anticipated primary and secondary denominational pupils arising from the proposed development.

Forehill Primary School, Cessnock Place Ayr and Kyle Academy, Overmills Road, Ayr are the non-denominational catchment schools for the application site. Following the Regulatory Panel meeting on 25 June 2024, Education Services have confirmed that these schools are at capacity and cannot accommodate pupils anticipated to arise from the proposed development. These schools are not considered eligible for extension or for the siting of temporary accommodation.

Education Services has concluded that the 99 anticipated non-denominational primary pupils arising from the proposed development could be accommodated at Coylton Primary School, which is approximately 5.3 kilometres (3.2 miles) to the east of the application site, accessed along the A70. The anticipated 61 non-denominational secondary pupils could be accommodated at Ayr Academy secondary school which is approximately 4.2 kilometres (2.6 miles) to the west, at the opposite side of the A77 and River Ayr. Education Services advise that to accommodate the 99 anticipated non-denominational primary school aged pupils arising from the proposed development would require a four-classroom extension, or modular accommodation, at Coylton Primary School – with the cost estimated to be in the region of £2 to £2.5 million. This would require a minimum contribution from the applicant of £7,000 per home, once other factors such as Early Years accommodation are also factored in, to mitigate the impact of the proposed development on non-denominational primary school provision.

Although Ayr Academy non-denominational school has available capacity, as noted in section 4 of this report, the Service still needs to secure secondary financial contributions to mitigate the impact of the proposed development on non-denominational secondary schools in the wider Ayr catchment area. Adding 350 homes from this proposed development to the other planned sites listed in the 2023 South Ayrshire Council Housing Land Audit and LDP2 allocated sites means there would be approximately 5,445 new homes in total delivered over the plan period (until August 2032). This increase could affect the three non-denominational secondary schools: Ayr Academy, Kyle Academy, and Belmont Academy. The proposed development accounts for 6.5% of this figure.

The projected number of non-denominational secondary school aged pupils arising from 5445 homes would be 941 pupils, with the current available spaces within the three non-denominational secondary schools totalling only 562. Should all of the development sites in the Ayr catchment area progress, the shortfall in spaces across the 3 non-denominational secondary schools would total circa 380. Therefore, notwithstanding there being current capacity at Ayr Academy, secondary school contributions will be required.

Advice from Property Services is that the cost per m² of extending an existing secondary school would be £4542 and that 12m² of accommodation per secondary school pupil would be required. Therefore, to extend any of the secondary schools in the Ayr catchment area to accommodate, at the very minimum 380 additional pupils, would cost at the very least £20,711,520, subject to indexation. Attributing 6.5% of this figure to the proposed 350 home development produces the sum of £1,346,248.80, or circa, minimum £4,000 contribution per home to mitigate the impact of the development on non-denominational secondary school provision for the projected 61 pupils. As noted in Section 4 of this report, this figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

Based on the primary and secondary contribution requirements mentioned above, the Council will require to seek an estimated minimum of £11,000 per home to address the impact on education provision in South Ayrshire. 350 homes x £11,000 equals education contributions of approximately £3,850,000 for this proposed development. This would require to be secured through a S75 legal agreement. It is important to note that affordable housing provided through Scottish Government Grant provisions are not able to make a contribution towards developer contributions. As a consequence, there would be a shortfall of 25% in overall contributions that the Council would require to provide. No allowance for this has been made in the Council's Capital budget setting.

The total amount of contributions would be finalised through the S75 legal agreement process and would require to be secured before development starts on site; this would be written into and secured through the legal agreement.

It is key to note that in addition to the above, the Council would incur ongoing transportation costs to transport pupils from the proposed development to the primary and potentially also the secondary school. All Scottish Local Authorities have approved distance criteria for free school transport, with 2 miles for primary and 3 miles for secondary being the most common – it is a Council decision and one which the Council is bound by, with a requirement to provide, and to which children are entitled, transportation to and from school.

As the proposed development is located further than 2 miles from Coylton Primary School, transportation would require to be paid for and provided by the Council. In respect of secondary education, any property located 3 miles or more from the school would be entitled to transportation. The proposed development is approximately 2.6 miles from Ayr Academy. While this is within the aforementioned 3 miles, the route to the school must be a safe walking route, otherwise children within 3 miles may also be eligible for transportation. Factors such as an active travel route across the A77 (see condition 19) would determine whether a safe walking route can be identified between the site and Ayr Academy.

At this moment it is difficult to apportion a cost to the transport as provisions are tendered based on eligibility, pupil numbers and pick up points and the detail of condition 19 with respect to active travel networks has not been provided with this Planning Permission in Principle application. The Council's Education Service has advised however that transporting children out of the catchment area to another school would be absorbed by existing Education budgets.

It is important to emphasise that the closest non-denominational schools to the application site (Forehill and Holmston Primaries and Kyle and Belmont Academies) do not have the capacity or ability to accommodate pupils arising from the proposed development and that the catchment schools would therefore be Coylton Primary School and Ayr Academy.

Although not a material planning consideration, if this application were to be approved, prospective buyers should be made aware that children arising from the development would not be attending the closest geographical non-denominational primary and secondary school. Unfortunately, this proposal by Education Services does not fulfil the criteria of forming a competent planning condition and the Council does not have the powers to notify prospective buyers on this matter.

Ayrshire Roads Alliance (ARA) consultation

The Ayrshire Roads Alliance were re-consulted to obtain proposed conditions in relation to roads and transportation matters. The ARA recommend various conditions and note that the proximity of Dobbie's Garden Centre to the proposed development suggests that this may be a popular local resource for residents. However, the indicative layout and detail within the Transport Assessment does not provide any insight into how pedestrian trips generated by the development proposals seeking to cross the A70 would be safely accommodated.

The proposed access to the site is via the augmentation of the existing Dobbie's access roundabout to create a new 4-arm roundabout. However, the A70 is an arterial route linking Ayr with neighbouring local authorities (East Ayrshire Council, South Lanarkshire Council, etc.) as well as providing a strategic link to the M74 and as a result not only carries a significant volume of traffic but also a higher proportion of HGV traffic than is generally typical on our local roads.

It should also be noted that an Active Travel route spans the northern side of the A70 between the A77(T) and the village of Coylton – again, residents of the proposed development would require to cross the A70 in order to access this facility.

The ARA are therefore of the view that consideration of safe and convenient crossing facilities on the A70 requires to be incorporated into the overall development proposals at the detailed application stage, should this application for planning permission in principle be approved. It therefore remains the case that it is not known if the development is capable of providing safe means of access for non-vehicular traffic.

In addition to the above, recommended conditions include the following: submission of travel packs, public transport strategy, infrastructure improvement, parking provision, vehicle turning and servicing, footways and street management, construction management and flooding and drainage matters.

The consultation response from Transport Scotland that was received through the processing of this application included recommended conditions in the event the application is approved. Transport Scotland were subsequently made aware of the draft schedule of conditions and offered no objection to these.

Letter from Scottish Government Chief Planner dated 26 June 2024

The purpose of this letter is to provide further clarification on the application of National Planning Framework 4, including Policy 16 'Quality Homes.' Scottish Ministers have reinforced that policies in NPF4 should be read as a whole and that conflicts between policies are normal and to be expected. Recent court judgements, notably *Miller Homes vs Scottish Ministers*, XA41/23 confirmed that NPF4 moves housing policy away from disputes over numbers to an approach which seeks to provide homes in suitable locations and that looking at the policies as a whole there is an emphasis on quality, diversity and sustainability.

The letter is a reminder that the intent of NPF4 Policy 16 is to “to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.”

Policy 16 has four different parts with some aspects relating to location and other to types of homes. The letter confirms that they should be weighed up as relevant to the proposal: there is no hierarchy and no one part of the policy should always outweigh others, a balanced planning judgement should be reached in each case.

A summary of the clarity the letter provides on the different parts of NPF4 Policy 16 is provided below in bold. Parts a. and f. relate to locational considerations and therefore have been grouped, with considerations on types of homes (parts b-e) following thereafter.

Commentary by the Planning Service is provided after each part of the policy clarification provided.

NPF4 Policy 16 parts a and f - locational considerations

On land allocated for housing in local development plans, there is support for development in principle from NPF4 Policy 16-part a).

Planning Service comment: The application site is not allocated for housing in Local Development Plan 2 and therefore does not comply with Policy 16-part a.

Policy 16-part f) includes a limited exception that can allow proposals of less than 50 affordable homes on unallocated sites, where they accord with criteria relating to build-out and the plan's spatial strategy and other relevant policies.

Planning Service comment: A significant element of the previously mentioned legal case (in the report of 25 June 2024) related to Policy 16-part f) and a deliverable housing land pipeline.

Scottish Ministers advised in their letter of 26 June 2024 to Planning Authorities that action programmes associated with local development plans be reviewed, up dated and re-published as delivery programmes, and for this to be done by 31 March 2025. Under transitional arrangements, this will ensure they include the sequencing of, and timescale for, the delivery of housing sites allocated in local development plans. This is currently underway by the Planning Service in South Ayrshire and will demonstrate that there is a sufficient pipeline of housing for open market and affordable needs in South Ayrshire through allocated sites.

The proposal does not accord with the spatial strategy of the plan and the only locational exception (development not on an allocated site) that the policy offers is in circumstances where the proposal is for 100% affordable housing and units do not exceed 50. The proposal is however for 350 units of which approximately 263 will be houses for open market sale and approximately 87 for affordable needs.

The proposal is therefore contrary to NPF4 policy 16-part f.

NPF4 policy 16 parts b to e – type of homes considerations

NPF4 provides at Policy 16-part b) for proposals to explain how they will contribute positively to meeting local housing requirements, to local infrastructure services and facilities, and to residential amenity, using new Statements of Community Benefit.

Planning Service comment: Reference should be made to the earlier Report of Handling dated 25 June 2024. The applicant asserts that the proposed development would support investment in and around Ayr and would contribute to community benefit in the following ways: provision of homes (including 25% affordable on site), delivery of road and transport improvements to accommodate the proposed development and enhance the existing infrastructure, deliver an active travel route across the A77, provision of new neighbourhood amenities for new and existing surrounding residents, support aspirations of the Ayrshire Growth Deal by providing new homes to attract skilled workforce and enhance the green network and provide high quality open space for the enjoyment of new residents and the existing community.

As assessed in the earlier report of 25 June 2024, the proposal relates to the development of a greenfield site at a time when there is no justification for any additional greenfield release sites for the purposes of housing. With regards to the Growth Deal, the spaceport is no longer being taken forward and Mangata are no longer delivering the satellite manufacturing facility. While other growth deal projects are expected to progress, these are of a much smaller scale and do not justify a release of greenfield land for 350 homes. In summary, the applicant's case around the Ayrshire Growth Deal relative to South Ayrshire is unfounded and premature, at this time. Furthermore, there is no shortfall in housing land or the provision of new homes as defined either through the provision of NPF4 or LDP2 and there is no evidence to suggest that the development of the site would do anything other than undermine the delivery of pre-existing housing land supply, i.e. no net economic benefit of the proposed development has been demonstrated. The development of the application site would undermine the Plan led process. Considering the above, the proposal is contrary to NPF4 policy 16-part b.

Policy 16-part c) supports proposals that improve affordability and choice, and address identified gaps in provision.

Planning Service comment: The proposed development includes 25% on site affordable housing provision but this does not outweigh parts a and b of Policy 16 as affordable housing requirements can be met on existing allocated sites – there are no identified gaps in provision.

Policy 16-part d) relates to development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards and is therefore not relevant to this development proposal.

Policy 16-part e) supports proposals for new homes where they make provision for affordable homes to meet an identified need and it strengthens contributions to affordable housing from market sites to 'at least 25%.

Planning Service comment: The proposed development includes 25% on site affordable housing provision; however, this does not outweigh parts a and b of policy 16 as affordable housing requirements can be met on existing allocated sites – there are no identified gaps in provision.

The letter from the Chief Planner of the Scottish Government, dated 26 June 2024, provides useful clarification on Policy 16 of NPF4 and this has been reconsidered by the Service in the context of the current application. After reviewing all aspects of the policy criteria again, the overall conclusion is that the proposal cannot be reasonably supported under policy 16.

In the report of 25 June 2024, the Planning Service recommended 5 reasons for refusal. Recommended reason for refusal 1 has been amended to include specific reference to the proposal being contrary to Policy 16 of NPF4 and this is captured directly below.

Reason for refusal 1: The proposed development is contrary to NPF4 Policies: 5: Soils, 9: Brownfield, Vacant and Derelict Land and Empty Buildings and 14: Design, Quality and Place and Policy 16: Quality Homes and LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Rural Housing and Agricultural Land Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no shortfall in effective housing land supply and allocated sites are not being built out more quickly than expected and it has not been demonstrated that there is a need for residential development in the area concerned. Moreover, there is no evidence to suggest that the development would result in a net economic benefit or contribute significantly to the implementation of the Ayrshire Growth Deal, the regeneration of Ayr or result in overriding community interest. Furthermore, the development of the application site for housing could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. There are no over-riding reasons to depart from the policies as detailed in NPF4 and the South Ayrshire Local Development Plan.

Letter from the Chief Planner and Minister for Public Finance dated 12 November 2024

This letter introduced the document 'Planning and the Housing Emergency Delivery Plan' which outlines that a housing emergency has emerged as a result of a number of factors in Scotland, including that planning permission has been granted for many more homes than are currently being built. The document outlines an intention to identify a mechanism to stimulate the build-out of housing sites with planning permission, in line with a plan led approach and to improve the efficiency of the planning system.

It should be noted that this letter and accompanying document from the Scottish Government does not alter the Planning Service assessment. The document reiterates that that planning system should be plan led.

Summary

All material considerations from June 2024 to present have been considered as part of this addendum report. Following the additional Education consultation post Regulatory Panel of 25th June 2024, it is evident that pupils will require to be transported to the non-denominational educational provision at Coylton Primary School and Ayr Academy. It is therefore considered that this application represents an unsustainable proposal and does not accord with the sustainability requirements of NPF4 and LDP2. In addition, the Chief Planner letter dated 26th June 2024 and Chief Planner and Minister for Public Finance letter dated 12 November 2024 (which introduced the document 'Planning and the Housing Emergency Delivery Plan') emphasise that notwithstanding the declared National Housing Emergency, the Planning system is a plan led system and that development proposals should be considered primarily against the development plan. In this case, the proposal is significantly contrary to the development plan and material considerations do not outweigh the primacy of the development plan in this case. Finally, Transport Scotland requires the development to provide an active travel connection across the A77 and this is also required to ensure a sustainable development in accordance with the Development Plan. The applicant has proposed an underpass however no design details of an underpass or an alternative active travel connection has been provided (note- an overbridge cannot be considered under this application). Therefore, it has not been demonstrated that an underpass or alternative active travel connection is capable of being delivered and therefore this may inhibit the delivery of this development.

6. Recommendation

None of the reasons for refusal set out in the report dated 25 June 2024 (as set out in Appendix 2) have been satisfactorily resolved or mitigated by draft conditions or Heads of Terms. It is recommended that the application is refused for the reasons set out in Appendix 2. Reason for refusal 1 has been revised to include specific reference to Policy 16 following the Chief Planners letter of the 26th June 2024.

Note - Should Members maintain their 'minded to grant' position the application will be referred to the Scottish Ministers who may 'call in' the application for their own determination or instruct the Council to determine the application as they see fit. In this case, proposed conditions and associated reasons are outlined in section 7 of this report below together with advisory notes for the applicant and a table detailing the draft headline terms of a S75 legal agreement.

7. Draft schedule of conditions (C) and reasons (R) and draft S75 headline terms

Timing of permission

1C – The development to which this permission relates must be commenced no later than five years from the date of this permission.

1R- Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.

Matters to be included in Approval of Matters Specified in Conditions (AMSC) Applications

2C - That applications for Approval of Matters Specified in Conditions (AMSC) shall include full details of the proposed development, including the siting, design and external appearance of all buildings, ground engineering works including existing and proposed cross sectional drawings, means of access, roads, footpaths and cycleways, landscaping measures, SUDS drainage and any other matters specified in conditions below.

2R - To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning etc. (Scotland) Act 2006. In order to retain proper control over the development proposal.

Approved Plans

3C - That this planning permission in principle relates to the plans listed below unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

3R - To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning etc. (Scotland) Act 2006.

Scale of Development

4C – That the total number of dwellings to be developed throughout the site shall not exceed 350 residential units, unless otherwise agreed in writing by the Council as Planning Authority through consultation with Transport Scotland.

4R – To define the terms of this permission and to ensure that the scale of the development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

Development Brief

5C - The first Application for Approval of Matters Specified in Conditions shall include a Development Brief / Design Code for the site. The Development Brief / Design Code shall have full regard to the Scottish Government's published guidance "Creating Places: A Policy Statement on Architecture and Place for Scotland" or any subsequent updated policy guidance.

5R - In the interest of good design and promoting a sense of place.

Programme for Development of the Site

6C - The first Application for Approval of Matters Specified in Conditions shall include a detailed phasing plan showing the exact sequences of development for each proposed land use, land engineering works, the provision of infrastructure, hard and soft landscaping, open space, equipped play areas, footpaths, cycleways, SUDS features and the distribution of the 262 market homes and 88 (25% of 350) affordable homes within the current application site. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Council as Planning Authority.

6R - In order to ensure that the green and community infrastructure is provided timeously and that the development is progressively landscaped at the earliest opportunity during the construction phase.

Affordable Housing

7C – The first Application for Approval of Matters Specified in Conditions shall include a detailed scheme for: the provision of 88 (25% of 350) affordable homes on site. The affordable housing to be provided on site shall be in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely good quality homes that are affordable to people on low incomes) in the Scottish Government's National Planning Framework 4 or any future government policy that replaces it. The scheme shall be designed to take account of the Council's current guidance on affordable housing (or any subsequent replacement guidance) 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:

- a) the timing of the delivery of the market homes within each phase or sub-phase of the site and the timing of delivery of the affordable homes in the relevant phase or sub-phase of the site;
- b) the arrangements for the transfer of affordable homes to an affordable housing provider e.g., registered social landlord or for the management of the affordable homes;
- c) the factoring and/or common maintenance regime (including charges) for affordable homes;
- d) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
- e) the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

Thereafter, affordable housing shall be provided and maintained in perpetuity on site in accordance with the terms of the detail approved under this condition.

7R - To ensure the delivery of and satisfactory arrangements are made for the provision of affordable housing on the site.

Archaeology

8C - That 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.

8R - To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

Cross Sections, Ground Levels and Finished Floor Levels

9C - That at the Approval of Matters Specified in Conditions stage the detailed plans for each phase of development shall include suitably scaled block layout plans and cross sections showing;

- a) Existing ground levels;
- b) Proposed ground levels;
- c) Existing and proposed cross sections drawings through the site and extending to the surrounding area including the A77 and A70, Cloverhill Farm Stables and Livery, Sandyhill Terrace and the dwellinghouse known as 'Treborlea' Old Toll; and
- d) Finished floor levels of each proposed dwellinghouse.

Thereafter, the development shall be completed in accordance with the terms of the detail approved under this condition.

9R - In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive level changes to the site and surrounding landscape and underbuilding.

Flood Risk Management

10C – That the recommendations contained within the submitted Flood Risk Assessment prepared by Kaya Consulting Ltd dated March 2022 shall be adhered to in full throughout the development of the site.

10R - In order to ensure no increased flood risk within and outwith the development.

Noise Nuisance

11C – Prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted as to determine the likelihood of noise nuisance on the noise sensitive receptors. The assessment shall include all relevant noise sources that may impact on the noise sensitive receptors using the current British Standard (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:

The noise impact assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, in accordance with the principals outlined in Technical Advice Note (TAN) Assessment of Noise.

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

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB outside to inside with window open. The submitted assessment shall identify any mitigation measures required to achieve the above ratings and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site and therefore be implemented as approved.

11R – To avoid noise disturbance in the interests of residential amenity.

12C - Prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted to determine the impact of noise from aircraft on the new development.

In terms of Planning Advice Note 1/2011 (PAN) The noise impact assessment shall be carried out in accordance by a suitably qualified acoustic consultant or other competent person, with the principals outlined in Technical Advice Note (TAN) Assessment of Noise. All Noise sensitive receptors in the high and medium category (table 2.1 TAN) shall be identified and the level of significance determined.

Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination:

LAEQ 16hrs	30dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	52dB	(0700-2300)	outside amenity space

The internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site and therefore be implemented as approved.

12R - To avoid noise disturbance in the interests of residential amenity.

Natural Heritage

13C – That an updated version of the Biodiversity Enhancement Plan April 2024, Brindley Associates shall be submitted with the first AMSC application which shall include proposals for native trees to be planted as scattered trees as opposed to Scots Pine, details of the numbers of wildlife refugia shall also be proposed together with details of compensatory tree planting for each tree to be felled. Thereafter the approved plan shall be implemented in full to the satisfaction of the Planning Authority and prior to the completion of development.

13R – To ensure that the development results in biodiversity enhancement of the area.

14C - Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.

14R - In the interest of nature conservation.

15C – That the recommendations contained within the Updated Ecological Appraisal (April 2024, Brindley Associates) shall be implemented in full to the satisfaction of the Council as Planning Authority. Notwithstanding the content of the Updated Ecological Appraisal, prior to the lopping topping or felling of any of the trees within the site or prior to any land engineering works or construction works taking place within 30m of any of the trees within the site, an initial ground level daytime Preliminary Bat Roost Assessment will be undertaken by a suitably qualified ecologist. Any tree that is identified as containing Potential Roost Features will require a subsequent aerial inspection survey to be undertaken. Should suitability be confirmed, or a feature is not able to be fully assessed during the preliminary surveys, then emergence/re-entry bat activity surveys will be undertaken during the bat activity season (May to September inclusive). The results of the survey shall be reported to the Planning Authority prior to the planned works being carried out and no work shall be undertaken until such time as written consent is provided by the Planning Authority.

15R - In the interest of nature conservation.

16C – That the first Application for Approval of Matters Specified in Conditions shall include an updated Ecological Appraisal which considers the potential effects of the development on nature conservation sites and to include mitigation measures and set out any licencing requirements as necessary. Thereafter, all actions and mitigation identified under the terms of this condition shall be implemented in full.

16R – In the interest of nature conservation.

17C – That the first Application for Approval of Matters Specified in Conditions shall include a detailed lighting design for the site, which should be devised in collaboration with a suitably qualified ecologist. The development shall thereafter be implemented in accordance with the approved lighting scheme and strategy at both construction and operational stages of development to the satisfaction of the Council as Planning Authority.

17R – In the interest of nature conservation.

Landscaping

18C – The Approval of Matters Specified in Conditions for each phase of the development shall include a detailed landscaping plan with information on the plant genus, species, variety, pot size, planting density, mulch material, and maintenance programme. The landscaping scheme shall include:

- I. Public Open Space and Amenity Areas as defined in the Council's published guidance "Open Space and Designing New Residential Developments".
- II. Details of all play equipment to be installed including safety surfacing materials. Such details shall show a range of play equipment to cater for children of all ages, including dynamic items that are specifically designed for older children/teens. The play equipment should also include a number of 'inclusive' items installed to enable children of different levels of ability to play together.

- III. where possible, the retention of native hedgerows. Where it is not possible to retain native hedgerows, these shall be replaced with native species hedgerow enhancements, consisting of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
- IV. the use of native nectar rich species and fruiting species of plants in the soft landscaping areas including Blackthorn, Hazel, Holly, Rowan and Silver Birch.
- V. Additional tree planting and native hedging along the northern boundary to create a structural framework for the site and provide screening and landscape corridor with the surrounding area.

18R - In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality including adequate public open space provision.

19C - Prior to the commencement of development, a phasing plan for the implementation of the landscaping scheme approved under condition 18 of this permission for each phase of the development shall be submitted to and approved by the Planning Authority. The phasing plan shall show implementation of the landscaping works in a staged manner, with the landscaping being completed within any particular area of the development within the first planting season following the completion of construction works within the phase concerned. The open space/landscaped area shall be retained as open space and to this approved standard to the satisfaction of the Council as Planning Authority.

19R - In the interest of visual amenity to ensure that the development is progressively landscaped.

A77 Trunk Road Improvements

20C – That prior to commencement of residential and commercial units a grade-separated active travel crossing of the A77(T), shall be designed, constructed and completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland, and in compliance with the Design Manual for Roads and Bridges (DMRB), and Transport Scotland's Interim Amendments, Roads For All, and the Manual of Contract Documents for Highway Works (MCHW). The active travel crossing will require to be suitable for use by pedestrians and cyclists. For the avoidance of doubt, pre-construction compliance with the DMRB will include, but not be restricted to:

- (i) Approval in Principle
- (ii) Category 3 structural design check
- (iii) Geotechnical Check (Proposal to be considered as Category B)
- (iv) Assessment in accordance with GG142 Walking, Cycling and Horse-Riding Assessment
- (v) Construction Management Plan including Risk Assessment and Method Statement (RAMS)"

For the avoidance of doubt, details of the proposed active travel crossing shall be submitted to and approved in writing by the Council as Planning Authority through the first AMSC application and thereafter implemented and completed as approved prior to the occupation of any of the development. This active travel crossing cannot be an overbridge under the terms of this permission.

20R – To ensure that the proposed design complies with current standards and also to ensure that a safe active travel link is provided to allow for the safe crossing of the A77 (T) by pedestrians of cyclists without affecting the safety and free flow of traffic on the trunk road.

21C – Prior to occupation of any part of the proposed development hereby permitted, details of the modifications required to the A77 (T) Holmston Roundabout junction shall be submitted to and approved in writing by the Council as Planning Authority, following consultation with Transport Scotland. Thereafter, the agreed modifications shall be implemented as approved prior to occupation of any part of the proposed development hereby permitted.

21R – To ensure that the proposed design complies with the current standards and also to ensure that the safety and free flow of traffic on the trunk road is not diminished.

22C - Prior to the occupation of any part of the proposed development hereby permitted, the works /arrangements for:

- a) Improvement of the A77(T) trunk road infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity shall be agreed, constructed, and completed to the satisfaction of the Planning Authority following consultation with Transport Scotland;

Or

- b) An alternative scheme of mitigation in compliance with the DMRB (Design Manual for Roads and Bridges), shall be agreed, constructed, and completed to the satisfaction of the Planning Authority in consultation with the Ayrshire Roads Alliance and Transport Scotland. Any alternative scheme shall require to be based on a scoped traffic impact assessment including sensitivity testing of all development trips associated with South Ayrshire Council Local Development Plan 2 allocated sites;

Or

- c) a Section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed proportionate contribution to the cost of the Whitletts / Holmston A77 Dualling as per point "a" above, or an alternative scheme of mitigation as per point "b" above, must be concluded.

22R – To ensure that appropriate mitigation is put in place, to the satisfaction of the Trunk Authority, to accommodate the impact of the development on the trunk road network, recognising the possibility that there may be alternative mitigation solutions to the dualling of the Whitletts – Holmston link.

23C – Prior to the commencement of development, details of the lighting within the site shall be submitted for the written approval of the Planning Authority, following consultation with Transport Scotland and thereafter implemented as approved.

23R – To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road shall not be diminished.

24C – Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development site without requiring access to the trunk road.

24R – To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

25C – Prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland and thereafter implemented as approved prior to commencement of development. The fencing/barrier proposals shall be located such that they can be erected and maintained from within the development site without requiring access to the trunk road.

25R – To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

26C – That there shall be no drainage connections to the trunk road drainage system.

26R – To ensure that the efficiency of the existing trunk road drainage network is not adversely affected.

Roads and Transportation

Travel Plan (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office):

27C - That before occupation of the development, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the travel plan shall be implemented as approved.

27R - To encourage sustainable means of travel.

School Travel Pack:

28C - That before occupation of any residential units a School Travel Pack shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The School Travel Pack shall promote sustainable travel to and from the catchment schools of the development, and shall include information on walking, cycling and public transport facilities and services between the development and schools. The School Travel Pack shall be distributed to all new residents within the development on occupation of homes.

28R - To encourage sustainable means of travel.

Residential Travel Pack:

29C - That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the approval of the Planning Authority in consultation with ARA. The Residential Travel Pack shall promote travel to and from the site via sustainable modes of travel, and include information on walking, cycling and public transport facilities and services within the vicinity of the development. This information shall include journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development on occupation of homes.

29R - To encourage sustainable means of travel.

Public Transport Strategy:

30C - That at the first formal application for Approval of Matters Specified in Conditions, a public transport strategy setting out that either every residential development located within the development is located a walking distance of no greater than 400m, or sets out a package of enhancements to the public transport offer associated with the development to help mitigate any shortfall in achieving this standard. The Strategy shall require to be submitted for the consideration and detailed approval of the Planning Authority in discussion with SPT and thereafter implemented as approved.

30R - In order to maximise the use of public transport and sustainable travel patterns.

Infrastructure Improvement:

31C - Prior to occupation of any part of the proposed development an at grade pedestrian crossing facility of the A70 shall be designed, constructed and completed. The precise details and specifications of all infrastructure improvements shall be submitted for the approval of the Planning Authority as part of the first formal AMSC application and shall be considered in consultation with Ayrshire Roads Alliance and thereafter be implemented as approved.

31R - For the purposes of road safety and the functional operation of the local road network.

Junction Layout:

32C - That at the Approval of Matters Specified in Conditions stage plans detailing all junction layouts, both within the curtilage of the development and with the adjacent public road network to create means of site access/egress, shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The junction layouts shall require to accord with the standards as set out in the SCOTS National Roads Development Guide and shall be implemented as approved.

32R - In the interest of road safety and to ensure an acceptable standard of construction.

New Roads Infrastructure to Adoptable Standards (Residential):

33C - That all new roads infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified by the SCOTS National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance at the Approval of Matters Specified in Conditions stage. All roads infrastructure shall be constructed, as approved by condition and in conjunction with any necessary Roads Construction Consents and/or Permits.

33R - In the interest of road safety and to ensure an acceptable standard of construction.

Discharge of Water:

34C - 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 approval of the Planning Authority in consultation with Ayrshire Roads Alliance, before any work commences on site.

34R - In the interest of road safety and to avoid the discharge of water onto the public road.

Parking Provision:

35C - That the levels of parking provision within the curtilage of the site shall be required to fully comply with the standards as defined within the SCOTS National Roads Development Guide. This shall include, where relevant, specific details on general parking provision levels, disabled parking facilities and visitor parking.

35R - In the interest of road safety and to ensure adequate off-street parking provision.

Parking Dimensions:

36C - That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council.

36R - In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

Integral/ Detached Garages:

37C - That integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle.

37R - In the interest of road safety and to ensure adequate off-street parking provision.

Cycle Parking Provision:

38C - That cycle parking facilities shall be provided within the site boundary in line with the standards as set out in Cycling by Design. Precise details of the siting and specifications of cycle parking facilities shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The approved cycle parking facilities shall require to be installed prior occupation of any class 1 retail, class 2 professional services, class 3 food and drink, or class 4 office element of the development.

38R - To ensure adequate provision of cycle parking on site and encourage sustainable means of travel.

Turning Areas:

39C - That at the Approval of Matters Specified in Conditions stage, plans shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The turning areas shall require to accord with paragraph 3.1.3 and figure 18, of the SCOTS National Roads Development Guide.

39R - To reasonably avert the reversing of vehicles onto the main road and in the interests of road safety.

Bin Collection Points:

40C - That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site. Thereafter the bin collection points shall be provided on site.

40R - In the interests of road safety.

Footway/Footpath link to A77 Crossing:

41C - That a new footway/ footpath designed to be fully compliant with the standards as set out in Cycling by Design shall be provided linking the development site with the required grade-separated crossing facility of the A77(T). Details and specification of the proposed footway/ footpath link shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site. The footway/ footpath shall be constructed, as approved, prior to occupation of any element of the development.

41R - In the interest of road safety and to ensure that adequate provision is made for pedestrians.

Construction Traffic Management Plan:

42C - No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with Ayrshire Roads Alliance. The CTMP shall be required to include:

1. Full confirmation of the approved/agreed routes for use by construction traffic movements;
2. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
3. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
4. Full details of video condition surveys of all public roads under the control of the ARA forming part of the delivery route(s) for construction traffic. The CTMP shall require to include details of a schedule for video condition surveys including prior to the commencement of works on site, at the mid-point of the construction programme, and following the conclusion of construction traffic movements;
5. Details of measures/ contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
6. Details of all public road signing and lining arrangements to be put in place during both the construction period, and for the operation of the site thereafter. This detail shall include any additional advisory/warning signage and/or temporary traffic control measures which may be required during the construction period;
7. Full details of all arrangements for emergency vehicle access;
8. Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
9. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
10. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
11. Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;
12. Full details on the process for the identification and undertaking of any necessary repairs to the construction traffic route, including the mechanism for coordination with the Roads Authority.

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

42R - In the interests of road safety.

Surface Water Management Plan:

43C - That at the Approval of Matters Specified in Conditions stage, the developer shall be required to submit a Surface Water Management Plan for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The plan shall require to demonstrate how surface water will be managed, detailing the retention/attenuation/SUDS sized to accommodate the 1:200 year rainfall event + climate change for the site. The Surface Water Management Plan will also detail the flood routes during the 1 in 200 year + climate change, to the retention such that no property on or off the site is put at risk of flooding. Thereafter, the development shall be undertaken in accordance with the details approved under the terms of this permission.

43R - In order to ensure the development is protected against flooding in an acceptable manner.

Flood Protection:

44C - That at the Approval of Matters Specified in Conditions stage, the following detail shall be provided for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site:

1. If discharge is to a watercourse (open/piped/culverted) the discharge from this retention will be limited to 4.5ltrs/sec/ha (retention sized to suit). If the discharge is to a Scottish Water asset they will determine the discharge rate. This appears to be the case for Catchment 1. If so written proof of Scottish Water acceptance of the discharge rate is required;
2. Verification that the developer has permissions to install or use an existing outfall pipe in place to discharge the Catchment 2 detention basin to the Annfield Burn.
3. Demonstration required that the recommendations contained within the Kaya Consulting Flood Risk Assessment are implemented and specifically those relating to surface water ponding areas, finished floor levels in relation to overtopping of the A70 and ground levels are designed to shed away from buildings towards landscaped areas and drainage outlets are taken into account in the detailed design of the site.

44R - In order to ensure the development is protected against flooding in an acceptable manner.

Flood Risk Assessment:

45C - That at Approval of Matters Specified in Conditions stage a detailed flood risk assessment report shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with SEPA, before any work commences on site.

45R - In order to ensure the development is protected against flooding in an acceptable manner.

Drainage Impact Assessment:

46C - That at Approval of Matters Specified in Conditions stage an updated drainage impact assessment shall be submitted for the prior written approval of the Planning Authority, in consultation with SEPA and Scottish Water, to assess drainage capacity within the network. The implications of the drainage impact assessment on the strategic landscape plan for the site shall be fully addressed as part of this submission.

46R - In order to ensure the development is protected against flooding in an acceptable manner.

SUDS:

47C - That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in 2015. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.

47R - *To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.*

Bird Mitigation Plan

48C – That prior to commencement of development, a Bird Mitigation Plan / Risk Assessment shall be submitted to and approved in writing by the Planning Authority, following consultation with Glasgow Prestwick Airport. Thereafter, the approved Bird Mitigation Plan / Risk Assessment shall be implemented to the satisfaction of the Council as Planning Authority.

48R – *In the interest of aviation safety.*

Gas Pipeline

49C – That no works shall commence on site until such time that the developer/applicant has further discussed the detailed design of the development with SGN, confirming that it will not compromise The Deeds of Servitude or The Major Accident Hazard Pipelines' Integrity. This includes agreement of the proposed groundworks / topography and any required SUDS ponds, altering the design if required.

49R – *In the interest of public safety and to protect the infrastructure of SGN.*

Section 75 Legal Agreement Headline Terms

Indicative Education Contributions*	Indicative Cost	Arrangements
Primary contribution	£7,000 per home	Contribution on pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution.
Secondary contribution	£4,000 per home	Contribution on a pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution,
Total contribution per home	£11,000	
Total education contribution that would require to be secured through S75 legal agreement	£11,000 x 350 (homes) = £3,850,000 (less affordable housing)	

*This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

Advisory Notes

Road Opening Permit:

That a Road Opening Permit is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.

Roads (Scotland) Act:

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.

Costs of TROs:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.

Signage to TSRGD 2016:

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

Roads Construction Consent:

Please note that in addition to planning consent, Roads Construction Consent (RCC) shall be required from ARA as Roads Authority for the formation of any new road to be considered for future adoption. The formation of any new road shall require to comply with the specifications of the SCOTS National Roads Development Guide and Designing Streets as National Policy.

RSA Stage 2:

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

RSA Stage 3:

The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA by no later than 1 month after completion of the development, unless an alternative time period is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

Background Papers:

- Regulatory Panel Report 22/00302/PPPM dated 25 June 2024.
- Scottish Government Chief Planner letter dated 26 June 2024.
- Scottish Government Chief Planner and Minister for Public Finance letter dated 12 November 2024
- Draft S75 legal agreement headline terms

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

Person to Contact:

Mr Alastair McGibbon, Supervisory Planner – Development Management - Telephone 01292 616 177

REGULATORY PANEL: 5 MARCH 2025

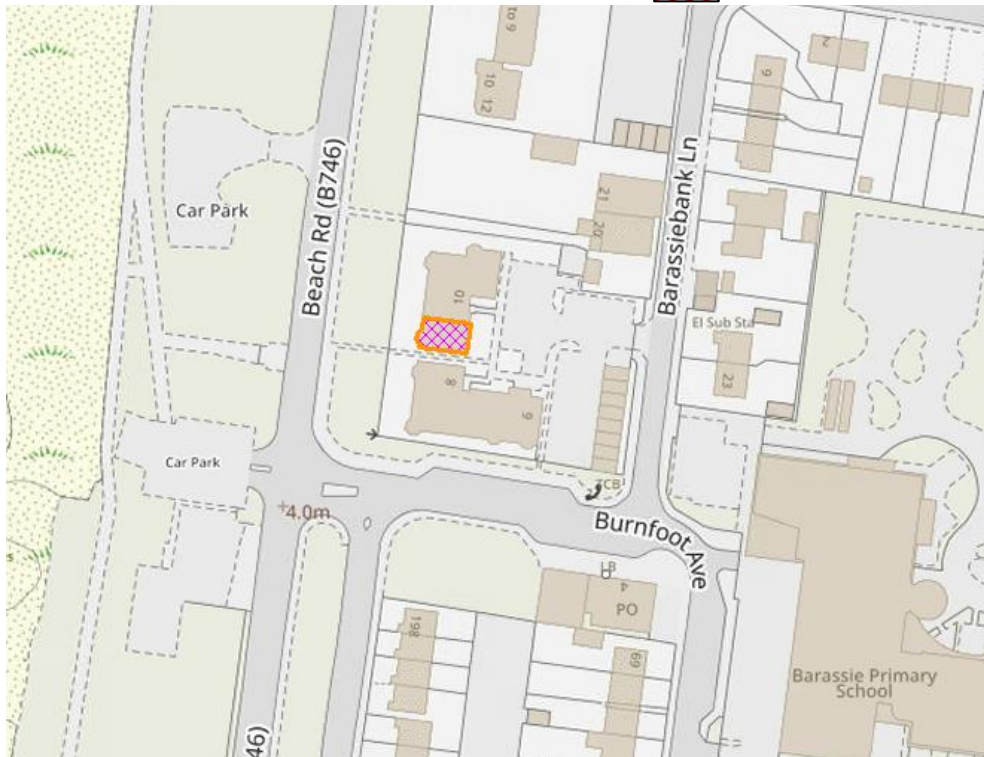
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00795/APP

10D BARASSIEBANK LANE TROON SOUTH AYRSHIRE KA10 6RW

Location Plan

APPLICATION SITE 



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

[\(Application Summary\)](#)

Summary

Planning permission is sought for the change of use of a dwelling flat to short-term letting accommodation at a flatted residential block located at 10D Barassiebank Lane, Troon. The building consists of a total of 9 dwelling flats, situated within the settlement boundary of Barassie/Troon, as outlined in the South Ayrshire Local Development Plan 2. The dwelling flat has historically been occupied on a permanent residential basis, and the current application seeks permission to allow it to be used for short-term letting purposes, in compliance with the licensing scheme introduced in Scotland for short-term letting properties.

The application does not propose any changes to the internal layout or the exterior appearance of the building; it solely seeks permission for the change of use.

A total of 10 objections have been received. Following consideration of the objections, the points raised do not warrant refusal of the application.

On balance, the proposed development has been assessed against the relevant policies of the National Planning Framework 4 (NPF4), alongside the South Ayrshire Local Development Plan 2. It is considered that the proposal aligns with the terms, criteria, and requirements of the applicable statutory planning policy framework. Other material planning considerations have also been evaluated, and it is determined that none of these matters would justify a recommendation other than approval, given the proposals compliance with the statutory development plan.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 5 MARCH 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	24/00795/APP 10D Barassiebank Lane
SITE ADDRESS:	Troon South Ayrshire KA10 6RW
DESCRIPTION:	Change the use of dwellingflat to form short term let
RECOMMENDATION:	Approval with conditions

APPLICATION REPORT

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

Key Information:

- The application was received on 23 October 2024.
- The application was validated on 27 November 2024.
- The case officer visited the application site on 14 February 2025.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 28 November 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

Planning permission is sought for the change of use of a dwelling flat to form short-term letting accommodation. The site of the proposed development comprises a first-floor dwelling flat located at 10D Barassiebank Lane, Troon. The flatted block is finished in brick with concrete roof tiles and reaches three storeys in height. A total of nine dwelling flats are located within the residential block at 10 Barassiebank Lane. The application site is situated within the settlement boundary of Barassie/Troon, as prescribed by the South Ayrshire Local Development Plan 2.

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

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

- The applicant is the sole owner of the property and does not live in it as their permanent private residence. The applicant is personally liable for the council tax and all utility bills associated with the property. The leasing of the property for short-term letting does not form part of a wider business. The maximum occupancy level for the property is four people (children under 10 do not count).
- The property will be available for short-term let from January to June and from August to December. The minimum booking duration is three days, with no maximum booking duration per stay. The property will be available for a total of 365 days annually.
- The property shares common areas with eight other properties, including a common entrance, shared landing(s), and bin store. The property has two bedrooms, and the occupancy level aligns with the number of bedrooms. There are no external areas or features (e.g., no balconies or conservatories). The property has one allocated parking space, with additional guest parking available.
- A management company provides a meet-and-greet service to ensure proper guest arrival and departure. The management company will meet guests on arrival and is responsible for all aspects of servicing, including cleaning, laundry, deliveries, and other services. A guest profile check is conducted before booking, and any complaints are handled by the management company, with escalation to the applicant if necessary.
- The applicant has consulted the Council's waste management service, and the apartment has an adequate waste collection system. Measures to prevent nuisance to neighbours include house rules (including no parties), guest profile checks, usage questionnaires, and additional floor soundproofing installed during renovation.

2. Consultations:

No consultations were undertaken for this application.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

10 representations has/have been received, 10 of which object to the proposed development. All representations can be viewed online at ([Application Summary](#))

The issues raised by Representees can be summarised as follows.

Precedent from Previous Refusal: A recent application for a change of use at 8 Rowallan Court (Ref: 24/00486/APP) was refused on the grounds that the change of use could create unacceptable impacts on local amenity due to increased activity, movement within the block, and pressure on parking provision. This decision sets a precedent for refusals of similar applications in flatted developments of comparable size, such as the one at Barassiebank Lane, with similar concerns over the effect on residents and local amenity.

National Planning Framework (NPF4): Under the National Planning Framework 4 (NPF4), Policy 30, part e), the reuse of buildings for short-term holiday letting will not be supported if it results in an unacceptable impact on local amenity or the character of the neighbourhood. This application raises concerns about such impacts, including noise, parking, and security, which would harm the residential amenity of the development and surrounding area.

Conflict with Deeds of Conditions: The Deeds of Conditions for the development at Barassiebank Lane explicitly prohibit the use of any flats for business purposes. Clauses 2.1, 2.18, and 2.23 restrict the use of flats to private residential purposes and prohibit activities that could cause disturbance or disruption to other residents. These legal restrictions make the proposed change of use unlawful.

Increased Parking Pressure: Barassiebank Lane has limited parking, with only five visitor spaces for 21 flats. The proposed change of use could lead to overflow parking onto surrounding streets, especially near Barassie Primary School, where parking is already tight. This could exacerbate congestion and pose safety risks, particularly for children and parents accessing the school.

Security Concerns: Sharing access codes with short-term renters could compromise building security. The constant turnover of guests, including strangers, could result in anxiety for residents who do not know who is entering the building. This could also increase the risk of vandalism or security breaches, as guests may retain access to the building after their stay.

Noise and Disturbance: The introduction of short-term renters could lead to increased noise and disruption, especially during late-night arrivals or social gatherings. The timber-framed construction of the building is likely to amplify noise between floors, causing significant distress to long-term residents seeking a quiet and peaceful environment.

Wear and Tear on Common Areas: The frequent turnover of guests is likely to cause additional wear and tear on communal areas, such as stairwells and entrances. Short-term renters, who are less invested in the property, may contribute to damage or neglect that long-term residents would typically avoid.

Lack of Control Over Waste Disposal: The communal waste management system relies on residents adhering to specific recycling guidelines. Short-term renters may not be familiar with these rules and could improperly dispose of waste, potentially resulting in fines for residents or disruption to waste collection.

Insufficient Evidence of Economic Benefit: There is no evidence provided to demonstrate how the short-term let would contribute to the local economy. Without this information, any potential economic benefit is speculative and does not outweigh the negative impacts on the residential amenity of the development.

Impact on Residential Amenity: The change of use could significantly harm the residential character of the area. The potential for increased noise, security concerns, and parking issues could disrupt the peaceful living environment that current residents value. The change would also reduce the availability of the flat for long-term residential use.

Lack of On-Site Management: The absence of an on-site management company for the short-term rental means that complaints or issues would not be addressed promptly. This lack of oversight further exacerbates concerns about noise, security, and general disturbance.

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

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, objector concerns and the impact of the proposal on the amenity of the locality.

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

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

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

(i) National Planning Framework 4 (NPF4)

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

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

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

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

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

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

(ii) South Ayrshire Local Development Plan 2

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

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

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

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

(iii) Objector Concerns

The points of objection are summarised in the sub-sections below (in bold) and responded to below as follows:

Precedent from Previous Refusal

In response to the objection raised regarding the precedent set by the refusal of the application at 8 Rowallan Court (Ref: 24/00486/APP), it is important to carefully consider the differences between that application and the current proposal at Barassiebank Lane, as these differences significantly affect the potential impacts on local amenity.

The application at 8 Rowallan Court, which was refused, involved a three-bedroom property with a balcony. This was a larger property, and its change of use to a short-term let accommodation raised concerns about increased activity and movement within the block, parking pressures, and the potential for disturbance to surrounding residents. The scale of the property as a three bed, combined with the presence of a balcony, led to a heightened risk of noise, activity, and increased pressure on parking and infrastructure.

However, the current application at Barassiebank Lane involves a smaller, two-bedroom property with no external space such as a balcony. This key difference in scale and that there is no balcony significantly reduces the potential for negative impacts on local amenity. The proposed flat is modest in size, with a proposed maximum occupancy of four people, which is consistent with what the property can accommodate for long-term residential purposes.

It is also important to note that Barassiebank Lane is situated within the settlement boundary of Barassie/Troon, which provides easy access to local services, amenities, and transportation options. This further reduces the potential for the proposed short-term let to put undue pressure on parking or infrastructure, as guests will have access to a wide range of services in the immediate area.

In terms of the potential impact on local residents, the proposed short-term let at Barassiebank Lane is a much smaller operation than the one at 8 Rowallan Court. With a maximum occupancy of four people, the proposed use is unlikely to result in the same level of movement, activity, or pressure on local amenities and parking that led to the refusal of the Rowallan Court application. The current proposal will not lead to a significant change in the residential character of the area, and the applicant has committed to ensuring the property is managed appropriately to address any concerns related to noise, security, or other disturbances.

While the refusal at 8 Rowallan Court is acknowledged, it is essential to recognise that each planning application must be assessed on its own merits. In this case, the proposal at Barassiebank Lane represents a more modest proposal, which will not result in the same level of impact on local amenity. The differences in the scale of the properties, the absence of external features such as a balcony, and the relatively low maximum occupancy all serve to mitigate the concerns raised in the Rowallan Court refusal.

Overall, while the refusal of the application at 8 Rowallan Court is noted, the differences between that proposal and the current one at Barassiebank Lane are significant. The smaller scale of the Barassiebank Lane property, its lack of external space, and its more limited occupancy all mean that it is unlikely to create the same level of impact on local amenity as the Rowallan Court application. The current proposal is therefore not bound by the precedent set by the refusal at 8 Rowallan Court and should be considered on its own merits, with due regard given to the smaller, more manageable scale of the proposed short-term let.

National Planning Framework (NPF4)

An assessment of the application proposals against NPF4 is set out elsewhere in this report (Impact on Locality section).

Conflict with Deeds of Condition

In response to the objection regarding the conflict with the Deeds of Conditions for the development at Barassiebank Lane, it is important to clarify that title deed restrictions, while relevant to property ownership and private legal matters, are not a material planning consideration when assessing a planning application.

Planning decisions are made based on the provisions of the development plan and other material considerations, such as the potential impact of the proposed development on local amenity, the character of the area, and relevant planning policies. Title deed restrictions, such as those prohibiting business use or activities that may cause disruption to other residents, fall under the domain of private legal agreements between property owners. These legal matters are outside the scope of planning law and do not form the basis for determining the acceptability of a planning application.

The planning authority is required to consider the application in relation to the development plan policies and other material planning considerations, including the suitability of the proposed use for short-term letting, its potential impact on the surrounding area, and its compatibility with residential amenity. The fact that title deed restrictions may exist does not preclude the planning authority from considering the application on its own merits in line with planning policy.

Therefore, while the concerns regarding the title deed restrictions are noted, they do not affect the assessment of the planning application itself. The planning decision will be made based on the relevant planning policies and considerations, which take precedence over private legal agreements such as title deed restrictions.

Increased Parking Pressures

In response to the objection regarding increased parking pressure at Barassiebank Lane, it is important to highlight that the proposed change of use to a short-term let (STL) is not considered to intensify the parking requirements beyond what is already expected for a residential dwelling.

The proposed property at Barassiebank Lane is a two-bedroom flat with a maximum occupancy of four people. In a residential setting, such a property would typically accommodate a similar number of occupants, and the parking requirements associated with short-term let use are unlikely to differ significantly from those of a standard residential use.

While it is acknowledged that Barassiebank Lane has limited parking provision with only five visitor spaces for 21 flats, the proposal for a short-term let would not result in a dramatic increase in parking demand. The expected level of parking demand for short-term visitors is typically less than that of permanent residents, as guests often rely on public transport or alternative means of transport, such as taxis or rideshare services, especially when staying in areas like Barassiebank Lane, which benefits from its proximity to local amenities and transport links in the nearby Barassie and Troon areas.

Furthermore, given the modest scale of the proposed short-term let, with a maximum occupancy of four people, the additional parking demand is unlikely to be significant enough to cause an unacceptable impact on the local area or exacerbate existing parking congestion.

The concerns about parking, particularly near Barassie Primary School, are acknowledged. However, it is important to note that the parking pressures in this area are not a direct result of the proposed short-term let but rather an issue of broader demand and parking management within the locality. The proposed STL is not expected to contribute to a significant increase in parking pressures compared to what would be expected from normal residential occupancy.

To further mitigate any potential concerns, the applicant is committed to ensuring that the STL is properly managed, with clear guidance provided to guests regarding the availability of local parking options and the importance of minimising any impact on the surrounding area.

In conclusion, the proposed short-term let at Barassiebank Lane is not expected to intensify parking demand beyond the level typically associated with a residential use. Given the scale of the proposal and its location, the impact on local parking and congestion is not considered to be significant, and any potential issues can be effectively managed through appropriate guest management and engagement with local authorities.

Security Concerns

While it is acknowledged that the turnover of guests in a short-term rental could raise concerns about security and access to the building, appropriate management strategies can be put in place to address these concerns, and this would be the responsibility of the applicant to implement these strategies.

The applicant can ensure that access control measures are well maintained and operated effectively to mitigate any risks. For instance, access to the building can be controlled by using modern, secure entry systems, such as key fobs or electronic door codes, which can be changed between each guest's stay. This would ensure that former guests no longer have access to the building after their stay has ended, addressing the concern about guests retaining access codes. Additionally, access to the specific property could be restricted to only those guests staying in the short-term let, preventing non-residents from gaining access to private areas or disrupting the security of the building.

The applicant can also commit to providing guests with clear instructions on the use of the entry system and ensuring that access codes are provided securely. This can be managed through a booking platform or directly by the property owner, ensuring that only verified guests are provided with access codes, further reducing any security risks.

Moreover, the proposed STL would be subject to the requirements of the Short-Term Lets Licensing process, which is designed to ensure that such properties are operated in a safe and responsible manner. Licensing conditions can be implemented that ensure appropriate security protocols are in place and that the building's residents and their safety remain a priority.

Noise and Disturbance

In response to the concern regarding noise and disturbance caused by short-term renters, it is important to acknowledge that the potential for noise does exist in any type of residential setting. However, there are several measures that can be implemented to effectively mitigate such issues and ensure that the short-term let (STL) at Barassiebank Lane does not result in significant disturbance to long-term residents.

Firstly, the proposed short-term let is for a two-bedroom flat, with a maximum occupancy of four people, which is consistent with what the property could accommodate if it were used for long-term residential purposes. This relatively small number of occupants reduces the potential for excessive noise. It is also noteworthy that the absence of external space such as a balcony further limits the likelihood of social gatherings or activities that could cause disturbances, particularly those that might spill over into shared spaces or outside areas.

To further minimise noise impacts, the property can be managed in a way that ensures guests are made aware of the need to respect the residential nature of the building and be mindful of their neighbours. A clear set of house rules can be provided to guests, including guidelines on quiet hours, and rules regarding noise levels, especially during late hours. This would help prevent late-night arrivals or social gatherings from becoming a source of disturbance.

The short-term let at Barassiebank Lane would also be subject to the Short-Term Lets Licensing process, which includes conditions to ensure that the property is operated in a way that minimises disruption to the local area. Should any complaints arise regarding noise or disturbance, they can be addressed promptly through communication with the property owner or management. Furthermore, if any anti-social behaviour or persistent noise issues do occur, local authorities, including Environmental Health or the Council's Licensing Team, can intervene to ensure that the issue is resolved.

While the potential for noise and disturbance is acknowledged, the proposed STL can be managed in a way that limits its impact on long-term residents. By setting clear expectations for guests, employing noise-reduction measures, and ensuring effective management of the property, the risks of noise and disruption can be significantly minimised, ensuring that a suitable environment of the building is maintained.

Wear and Tear

The concern regarding wear and tear on common areas due to short-term renters is understood; however, it is important to note that this is not a material planning consideration when assessing the application. The management and upkeep of communal areas fall under the responsibilities outlined in the property's Deeds of Conditions and the terms of any shared ownership or lease agreements. These matters are not directly regulated through the planning process.

Lack of Control Over Waste Disposal

The concern regarding waste disposal is noted. Short-term renters can be provided with clear instructions on waste disposal and recycling guidelines to ensure compliance. It is common for property owners of short-term lets to include these instructions as part of the check-in process.

Insufficient Evidence of Economic Benefit

The economic benefits of the proposed short-term let have been addressed elsewhere in the report, where it is considered that the proposal would contribute positively to the local economy, particularly through increased tourism spend and support for local businesses. This is explained in more detail elsewhere in this report.

Impact on Residential Amenity

The proposed change of use has been carefully assessed and it is considered that the impact on residential amenity will be minimal. The scale of the property, with a maximum occupancy of four people, and the absence of external space such as a balcony, means that the potential for noise, security concerns, and parking issues is significantly reduced. This is explained in more detail elsewhere in this report.

Lack of On-Site Management

While there is no on-site management company, the property will be managed by a party who will be available to handle any issues, including noise, security, or disturbances. Additionally, the property will be subject to the regulations of the Short-Term Let Licensing Scheme, which provides an additional layer of oversight to ensure compliance with noise, security, and other operational requirements.

(iv) Impact on the Locality

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

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

As noted previously in the report, NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

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

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

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

The proposed change of use of the flat at 10D Barassiebank Lane from a dwelling to a short-term let (STL) should be considered in relation to its potential impact on local amenity and the character of the neighbourhood. The property is located in a primarily residential area within the settlement boundary of Barassie/Troon, and the development consists of 9 flats in total. As there are no other short-term lets within the block, the proposed change of use would be an isolated case within the context of the wider building.

In terms of local amenity, several factors must be considered, including noise, security, parking, and the potential for disturbance. Noise is often a concern with short-term lets, particularly due to the higher turnover of guests and activities associated with check-ins and check-outs. However, the proposed flat is a two-bedroom property without external space such as a balcony, which limits the potential for noise to be generated. The flat's smaller scale and maximum occupancy of four people also mean that any disturbance is likely to be minimal. The applicant could implement house rules for guests that address noise, which would help mitigate potential issues.

Security concerns are also frequently raised when introducing short-term tenants into a residential block. However, this can be managed by ensuring that access codes are not shared indiscriminately, and proper guest vetting is carried out.

Parking is another consideration, especially as there are only limited spaces available for residents in the block. However, with only nine flats and the property's location close to local amenities and transport links, the demand for parking from a short-term let is not expected to be excessive. The flat is relatively small, accommodating a maximum of four guests, and is unlikely to lead to parking overflow or significant pressure on the surrounding area.

In terms of the neighbourhood character, the proposed change of use is unlikely to significantly affect the residential nature of the area. As there are no other short-term lets in the block, this proposal would not result in a wider trend of transient tenants and would not significantly alter the overall character of the neighbourhood. The proposed use is modest, with only a small number of guests expected at any given time, and is unlikely to generate the level of activity that could alter the character of the area.

Given the absence of other STLs within the block, any potential impact would be confined to this single flat. The operational statement provided outlines how the short-term let will be managed, including addressing concerns about noise, security, and other disturbances. With proper management, the risks associated with the proposed STL can be minimised.

Overall, while concerns have been raised regarding potential noise, security, and parking issues, these can be effectively managed with appropriate controls. The scale of the proposal is small, and its potential impact on local amenity and the character of the neighbourhood is limited. Therefore, the change of use from a dwelling to a short-term let at 10D Barassiebank Lane is not considered to have an unacceptable impact on local amenity or the character of the surrounding area.

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

The proposed short-term let accommodation at Barassiebank Lane offers clear, demonstrable economic benefits to South Ayrshire, particularly in the context of the area's tourism sector and the increasing demand for alternative accommodation options.

The self-catering and holiday let sector is a vital contributor to South Ayrshire's economy, generating over £50 million annually. This contribution is especially significant in light of the limited number of traditional hotel accommodations in the area. The growth of holiday lets since the COVID-19 pandemic reflects a broader shift in consumer preferences, with more visitors opting for self-catering options to accommodate small to medium groups, such as families and friends, seeking more flexible and private accommodation solutions. This shift has been supported and encouraged by the Council's Tourism Service (Destination South Ayrshire), which recognises the sector's positive impact on local businesses, attractions, and services.

Holiday lets have gained increasing popularity in recent years, offering a diverse range of accommodation options that cater to a wide variety of visitors. With the rise of platforms like Airbnb, more people are seeking out smaller, more intimate stays rather than large hotels. This trend has been particularly notable since the pandemic, with a marked increase in demand for self-catering properties that allow groups to stay together in private spaces. By providing such accommodation, the proposed STL would help meet the growing demand for this type of lodging, ensuring that South Ayrshire remains a competitive and attractive destination for both domestic and international visitors.

South Ayrshire regularly hosts major events that attract significant numbers of visitors. For example, the International Ayrshow and the Festival of Flight will draw thousands of people to the region. Such events create a demand for accommodation, and the self-catering sector, including STLs, has proven to be an essential component in meeting this demand. Unlike traditional hotels, short-term lets can provide more flexible, affordable, and readily available accommodation options for visitors attending events. This means that local businesses, from restaurants and cafes to shops and transport services, benefit from the increased footfall and spending generated by these visitors. The proposed STL would provide a direct economic contribution by helping to meet this demand during peak times, supporting the local economy during high-profile events.

In addition to meeting the accommodation needs of event-goers, short-term lets also cater to the growing market of independent travellers and families looking for more personalised stays. The provision of additional self-catering accommodation options through STLs enhances the diversity of tourism offerings, helping to position the region as a more attractive destination for a wider range of tourists. By attracting visitors who may have otherwise bypassed South Ayrshire due to a lack of accommodation options, the STL would help boost the profile of the area as a desirable place to visit and stay.

The economic impact of a short-term let extends far beyond the property itself. Visitors staying in short-term lets spend money on various services and products in the local area. This includes dining out, purchasing local goods, using transport services, visiting local attractions, and participating in activities such as outdoor recreation or cultural events. Every booking brings additional income to these local businesses, which in turn support jobs and stimulate the wider economy. Furthermore, guests at short-term lets may extend their stay or return in the future, fostering repeat business and longer-term economic relationships.

Short-term lets contribute to the growing trend of sustainable tourism by offering visitors an authentic, local experience. With self-catering properties, tourists often shop locally for food and supplies, further supporting small businesses in the area. This form of tourism also tends to have a smaller environmental footprint compared to large hotels, as it requires fewer resources and infrastructure.

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

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

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

It is noted that the access to the application site is shared with 8 other residential property located at 10 Barassiebank Lane. It is considered that the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, is not considered to compromise the residential amenity of the properties located within the immediate locale to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself, currently two-bed, the applicant is proposing a maximum occupancy of four people which is no more than the property could potentially house if it were utilised on a full time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team. Furthermore, given the property would no longer be considered as a residential dwelling, it would not benefit from householder permitted development rights. Should future owners therefore seek to undertake any external alterations or development often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

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

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

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

Given its siting within the settlement boundary of Barassie/ Troon, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as no external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to the surrounding area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

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

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

8. Conclusion:

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

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

9. Recommendation:

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

- (1C) That the development hereby permitted must be begun within three years of the date of this permission.
- (1R) 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.
- (2C) 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.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3C) That the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.
- (3R) To define the terms of this planning permission, and to retain proper planning control over the development.

9.1 Advisory Notes:

To support the safe and responsible management of the property, it is recommended that a security management plan and house guest rules be implemented.

A security management plan should be developed to ensure the safety and security of both guests and the surrounding neighbourhood. This plan may include procedures for check-in and check-out, contact information for a local property manager or responsible person, ensuring proper locks and security systems on entry points, and clear protocols for addressing noise or disruptive behaviour.

It is also recommended that a set of house rules be clearly communicated to guests. These rules might include guidelines on noise levels, quiet hours, restrictions on the number of guests allowed to stay, proper waste disposal, and how to address any concerns during their stay.

9.2 List of Determined Plans:

Drawing - Reference No (or Description): Floor Plan

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Operational Statement

9.3 Reason for Decision (where approved):

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

Background Papers:

1. Application form, plans and submitted documentation.
2. Representations.
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. National Planning Framework 4 (NPF4).
5. Planning application 24/00486/APP.

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

Person to Contact:

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

REGULATORY PANEL: 5 MARCH 2025

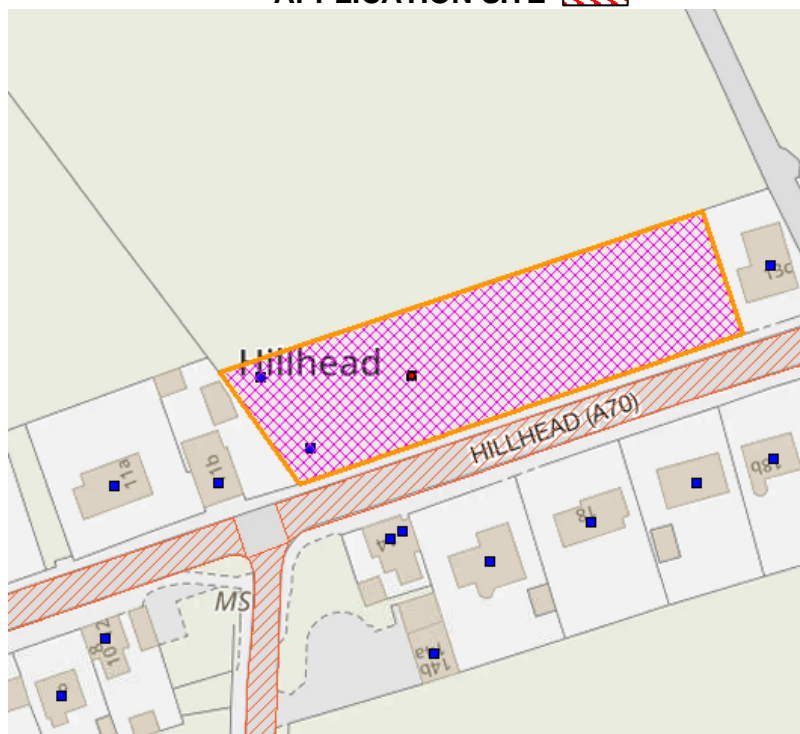
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00864/PPP

LAND AT HILLHEAD COYLTON SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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

[\(Application Summary\)](#)

Summary

Planning permission in principle is sought for the erection of 5 dwellinghouses and associated development to the north of the A70 Ayr/ Coylton Road at Hillhead, close to the junction of the A70 and the B742. The site comprises of an elongated broadly rectangular portion of land which presents a frontage onto the A70 to the south-east, and forms a gap site in-between existing residential properties at 11b and 13c. Given the nature of the application i.e planning permission in principle, full details for the siting and design of any dwellinghouses would require to be established by the submission of further applications for matters specified in conditions.

The site is designated in the Adopted South Ayrshire Local Development Plan 2 (LDP2) as being within a residential area. The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, planning history, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, and therefore it is recommended that the application is approved subject to conditions.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for the handling planning applications and Scheme of Delegation, as an objection has been received from Coylton Community Council, and the recommendation is for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 5 MARCH 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	24/00864/PPP
SITE ADDRESS:	Land At Hillhead Coylton South Ayrshire
DESCRIPTION:	Planning permission in Principle for the erection of 5 dwellinghouses and associated development
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

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

Key Information:

- The application was received on 22 November 2024.
- The application was validated on 25 November 2024.
- A Site Visit was carried out by the Planning Authority on 28 November 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 26 November 2024.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 3 December 2024.

1. Proposal:

Planning permission in principle is sought for the erection of 5 dwellinghouses and associated development. The application site is located to the north of the A70 Ayr/ Coylton Road at Hillhead, and close to the junction of the A70 and the B742 which is located to the south-west of the site. The site comprises of an elongated broadly rectangular portion of land, which extends to approximately 3,098 sq metres (0.3 ha), and which presents a frontage onto the A70 to the south-east. The site slopes from the frontage of the site to the rear, and is characterised by unmaintained grassland, and sporadic self-seeded trees. The site forms a gap site in-between existing residential properties at 11b and 13c, and as such residential properties and their curtilages are positioned to both sides of the site, with agricultural land lying to the north.

Given the nature of the application i.e planning permission in principle, full details for the siting and design of any dwellinghouses would require to be established by the submission of further applications for matters specified in conditions. Notwithstanding, the application being for planning permission in principle, an indicative site plan has been submitted showing the position of detached houses along the frontage of the site and parallel to the to A70. Each property is shown to have its own access off the A70, with 2 parking spaces per property, garden space, and circulation space around each dwelling. An indicative site section has been submitted which shows the potential for the position of the houses to be recessed within the sloping topography of the site. The submitted information also suggests that the properties will be 3 - 4 bedrooms, and suggests that 1 and a half storey dwellings might be acceptable within the site due to the sloping topography. Should planning permission in principle be granted, it would be for subsequent applications to establish the precise details of the proposals.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as an objection has been received from Coylton Community Council, and the recommendation is for approval, subject to conditions.

2. Consultations:

Ayrshire Roads Alliance (ARA) – no objection, subject to conditions/ advisory notes.

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

Council's ecology and biodiversity advisor, AECOM - no objection, subject to conditions/ advisory notes.

Scottish Power – no objection.

Scottish Water – no objection.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

Two representation(s) have been received, one of which being from Coylton Community Council. The two submitted representations received which object to the proposed development. All representations can be viewed online at ([Application Summary](#)).

The principal issues raised by Representees (including those from Coylton Community Council) are summarised as follows;

- Access arrangements and road safety;
- Processing arrangements regarding neighbour notification;

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

7. Assessment:

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

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

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

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

(i) National Planning Framework 4 (NPF4)

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

- Policies 1 and 2 - Tackling the Climate and Nature Crisis, and Climate Mitigation and Adaptation;
- Policy 3 - Biodiversity;
- Policy 5 – Soils;
- Policy 9 - Brownfield, vacant and derelict land and empty buildings;
- Policy 13 - Sustainable Transport;
- Policies 14 and 15 - Design, Quality and Place and Local Living and 20-minute neighbourhoods;
- Policy 16 - Liveable Places - Quality homes;

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as a key to reducing emissions.

Policy 3 states that development proposals will contribute to the enhancement of biodiversity, integrating nature-based solutions where possible and in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 5 purpose is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The application site is classified as 3.2 quality, and therefore not prime quality agricultural land. In addition, the site does not function as agricultural land, and more closely relates to the urban form of the village at this locale.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). While the application site comprises of undeveloped land, as noted above, the site is not utilised for agricultural purposes, and more closely relates to the urban form of the village at this locale. In addition, the site is prescribed as being within a residential area in the LDP2.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support sustainable travel, and travel by means other than private vehicle. Policies 14 and 15 seek to encourage and promote the 'Place Principle' through the creation of connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities and in terms of 16 f) ii and iii, in terms of facilitating local living, and in terms of providing for smaller scale opportunities within an existing settlement boundary. Given the aforementioned policies, it is considered that the proposals offer the opportunity to provide additional residential properties in a suitable and sustainable location.

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out in this report.

(ii) South Ayrshire Local Development Plan 2

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

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

- Sustainable Development;
- Development Management;
- Residential Policy within Settlements, Release Sites and Windfall Sites;
- Affordable Housing;
- Land Use and Transport;
- Natural Heritage;

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

The above policies direct development proposals to existing settlements, and in particular, the use of vacant, redundant or brownfield sites. The LDP Affordable Housing policy seeks an on-site target contribution of 25% of the total of units from new housing developments of over 15 units or more, or a site size equal to, or more than 0.6 ha. In this instance, the site area is less than 0.6 ha, and the submission suggests a development of less than 15 units, therefore the affordable housing policy does not apply to the current submission.

It is also noted that the principle of the development proposal at this location has already been established through the grant of planning permission under applications 02/00528/FUL, 04/00420/REM and 06/00482/FUL. While the provisions of the development plan have been updated since the consideration of the earlier applications, the site remains part of a residential area, and is therefore considered suitable for residential development. Further consideration of the proposals relative to the natural heritage policy of the LDP is considered below.

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

(iii) Other Policy Considerations (including Government Guidance)

Developing with Nature Guidance (NatureScot);

The above provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. The Council's ecological consultants (AECOM) has considered the proposed development and has recommended that an assessment of potential ecological impacts (including relevant surveys, and mitigation measures) associated with the proposed development be conditioned as part of any planning permission in principle. A suitable condition can be attached to address the comments from AECOM; the application is considered in this context.

South Ayrshire Council - Planning Policy Guidance - 'Open Space and Designing New Residential Developments';

The Council's Planning Policy Guidance entitled 'Open Space and Designing New Residential Developments' is also material to the consideration of the application. The guideline sets out what is considered to be appropriate garden sizes for new residential development. This ensures that residential properties are serviced by sufficiently sized gardens for their inhabitants and also provides for adequate distances from boundaries to protect the neighbours' privacy from overlooking. Additionally, appropriately sized gardens provide an appropriate setting for a dwellinghouse in its surroundings. The guideline states detached, semi-detached and terraced properties should be provided with rear gardens in proportion to their size. Rear gardens will be expected to be 1½ times the size of the ground floor area for detached and semi-detached dwellings and no less than 100m². In terms of garden ground provision, an appropriate planning condition can be attached to ensure that the proposals provide for in excess of one and a half times the ground floor area for the proposed houses. Therefore, it is considered that the proposals can meet with the requirements of the above policy guidance. The application has been considered in this context.

(iv) Planning History of the Site

Various earlier planning applications are noted to have established the principle of residential development at the site, as follows;

06/00482/FUL - planning permission was granted, subject to conditions, under this application for the erection of 2 detached, to the eastern portion of the site. This permission has not been implemented.

04/00420/REM - reserved matters application was approved, subject to conditions for the erection of a residential development consisting of 5 detached dwellings. This permission has not been implemented.

02/00528/FUL - planning permission was granted for the erection of a detached dwellinghouse at the western boundary of the application site. This permission has not been implemented.

While the aforementioned applications were not implemented and the permissions now lapsed, they nonetheless establish the principle of housing at the site as being acceptable. The approved drawings from the above noted applications show the dwellings to be formed over two levels, with a single storey elevation fronting on the A70, and with lower ground floor accommodation built into the slope of the site. While the provisions of the development plan have been updated since the earlier applications, with an assessment against the current development plan being set out above, the site nonetheless remains part of an area identified as being suitable for residential development in the LDP; the application is considered in this context.

(v) Objector Concerns

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

- Access arrangements and road safety:

The Ayrshire Roads Alliance has been consulted as part of the consideration of the application, with no objection having been offered to the principle of residential development of the site from a transport, access or servicing perspective. Therefore, it is not considered that the proposed development of the site raises issues in relation to road safety. As noted above, it will be for future application(s) to establish the precise details of the proposals, including the access, servicing and parking arrangements.

- Processing arrangements regarding neighbour notification:

The local authority has undertaken the neighbour notification of relevant properties, and owner/occupiers on 26 November 2024. In addition, an advertisement was placed in the local press on 3 December 2024. The aforementioned notification and advertisement arrangements meet with the requirements of the relevant planning legislation.

(vi) Impact on the Locality

Planning permission in principle is sought for the erection of 5 dwellinghouses and associated development. The erection of up to 5 residential properties at the site has previously and historically been assessed as being acceptable under applications 06/00482/FUL, 04/00420/REM and 02/00528/FUL. While the aforementioned applications were not implemented and the permissions now lapsed, they nonetheless establish the principle of housing at the site as being acceptable. While the provisions of the development plan have been updated since the earlier applications, with an assessment against the current development plan being set out above, the site nonetheless remains part of an area identified as being suitable for residential development in the LDP. In particular the site is considered to represent a gap site in between existing residential properties which extend along the road frontage, the suitable development of which would not be inconsistent with the character and pattern of development in the locale; the application is considered in this context. Given the provisions of the LDP2, and the previous planning history, it is considered that the principle of residential development at the site remains acceptable.

As noted above, given the nature of this application, details for the configuration and setting out of the dwellings would require to be established by the submission of further application(s). Notwithstanding, it is considered that appropriate planning conditions can be attached so as to ensure an acceptable form of residential development will be provided, as well as compliance with the Council's related planning policy guidance.

There are no policy objections and following the above assessment, it is considered that the proposal, subject to suitable conditions being attached, will not have a significant adverse impact on the setting, character and appearance of the area, or on the residential amenity of the neighbouring properties. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to the following conditions.

8. Conclusion:

The principle of the development is considered to accord with the provisions of the development plan, for the reasons and conditions as outlined above. In addition, subject to the submission, and approval of application(s) for the Approval of Matters Specified in Conditions, it is considered that the development of the site shall have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concerns. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. On this basis, it is considered that the application is approved with conditions.

9. Recommendation:

It is recommended that the application is approved, subject to conditions.

- (1C) The development to which this permission relates must be commenced no later than five years from the date of this permission.
- (1R) 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.
- (2C) A further application(s) for the following matters specified in conditions below shall be submitted for the requisite approval in writing of the Planning Authority. No works shall commence on site until the written permission of the Planning Authority has been obtained for the specific matter to which the works relate.
- (2R) 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.
- (3C) That full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission.
- (3R) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.
- (4C) That this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below.
- (4R) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.
- (5C) That at the Approval of Matters Specified in Conditions stage, a design statement shall be submitted, for the written approval of the planning authority, which demonstrates how the design and siting of the development takes cognisance of the character of the surrounding area, and including a proposed street elevation drawing showing the proposed development in relation to the neighbouring existing dwellings at 11b and 13 c Hillhead.
- (5R) In the interest of residential and visual amenity.
- (6C) That at the Approval of Matters Specified in Conditions stage details shall be submitted, for the written approval of the planning authority, of private garden ground for each dwelling, which shall be in accordance with the Council's planning policy guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas.
- (6R) To comply with the Council's planning policy guidance in relation to open space, and to ensure that the extent of land to be used as garden ground is commensurate with the locality.
- (7C) That at the Approval of Matters Specified in Conditions stage details shall be submitted of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.
- (7R) In the interest of visual amenity.
- (8C) That at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval.
- (8R) In the interest of residential and visual amenity.

- (9C) That at the Approval of Matters Specified in Conditions stage details shall be submitted of the proposed access, surfacing arrangements, and parking arrangements for the proposed houses, including any resultant footpath and carriageway repairs within the limits of the public road, all of which shall be to the satisfaction of the Ayrshire Roads Alliance, and in compliance with the National Roads Development Guide.
- (9R) In the interest of road safety.
- (10C) That at the Approval of Matters Specified in Conditions stage, an Ecological Impact Assessment (or similar document) shall be submitted for the written approval of the Planning Authority. The submitted document shall identify the presence of likely absence of ecological features, and prescribe mitigations measures to protect any such features, along with biodiversity measures to enhance biodiversity at the site.
- (10R) In the interests of the natural environment and biodiversity at the site.

9.1 Advisory Notes:

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.
2. That a Road Opening Permit is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.
3. 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.
4. 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.
5. The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
6. The Council as Roads Authority advises that the applicant/ developer will be responsible for the reinstatement of the public footway/ carriageway along the entire frontage of the site in compliance with the Council's National Roads Development Guide.
7. The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with paragraph 3.1.2 of the Council's National Roads Development Guide.

9.2 List of Determined Plans:

Drawing - Reference No (or Description): 0001

Drawing - Reference No (or Description): 0002

9.3 Reason for Decision (where approved):

The principle of the development hereby approved is considered to accord with the provisions of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

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

Regulatory Panel (Planning): 05 March 2025

Report by Housing, Operations and Development Directorate (Ref: 24/00864/PPP)

Background Papers:

1. Application form, drawings and supporting information
2. Representations
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. Consultation responses
6. Historic Planning Application references 06/00482/FUL, 04/00420/REM and 02/00528/FUL

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

Person to Contact:

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