

REGULATORY PANEL: 5 MARCH 2025

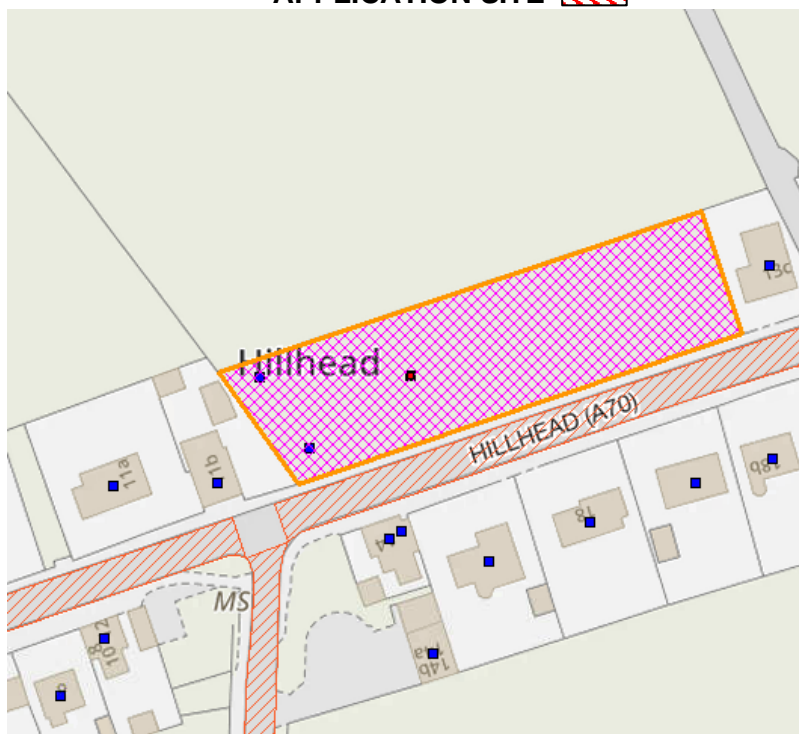
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

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:

Fiona Sharp, Supervisory Planner (Development Management) - Telephone 01292 616 147