

County Buildings
Wellington Square
AYR KA7 1DR
Tel No: 01292 612189

14 June 2022

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

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held on **Tuesday, 21 June 2022 at 2.00 p.m.** for the purpose of considering the undernoted business.

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

Please note that a briefing meeting will take place for all Board Members at 1.15 p.m., online and in the Dundonald Room.

Yours sincerely

Catriona Caves
Head of Legal, Human Resources and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. New Case for Review - 21/00944/PPP – Application for Planning Permission in principle for erection of 2 dwellinghouses at Land to the North of the Pottery C13 from Assel Road Pinmore via Tormitchel and Penwhapple Glen to B734 Junction at Penkill North from Pinmore, Girvan, South Ayrshire.

[Application Summary](#)

3. New Case for Review - 21/01026/APP – Application for Planning Permission for alterations and extension to dwellinghouse at 5 Clochranhill Road, Ayr, South Ayrshire, KA7 4PZ.

[Application Summary](#)

For more information on any of the items on this agenda, please telephone
Committee Services on 01292 612189, at Wellington Square, Ayr or
e-mail: localreviewbody@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE of CURRENT POSITION

Site Address:	21/00944/PPP LAND TO THE NORTH OF THE POTTERY C13 FROM ASSEL ROAD PINMORE VIA TORMITCHEL AND PENWHAPPLE GLEN TO B734 JUCNTION AT PENKILL NORTH FROM PINMORE GIRVAN SOUTH AYRSHIRE
Application:	PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF 2 DWELLINGHOUSES

Appointed Officer's Decision:	Refused
Date Notice of Review Received:	26 th January 2022

Current Position:	New Case For Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 8 – Report of Handling Pages 9 to 27 – Notice of Review and Supporting Documentation Pages 28 to 47 – Planning Application and Supporting Plans Pages 48 to 49 – Decision Notice Pages 50 to 55 – Site Photographs and Appointed Officers Comments Pages 56 to 57 – Agent's Response to Site Photographs
New Material:	No
Additional Material:	N/A
Dated:	14 th June 2022

South Ayrshire Council

Place Directorate

Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received.
The Council's Scheme of Delegation can be viewed at <http://www.south-ayrshire.gov.uk/committees/>

Reference No:	21/00944/PPP
Site Address:	Land To The North Of The Pottery C13 From Assel Road Pinmore Via Tormitchel And Penwhapple Glen To B734 Juction At Penkill North From Pinmore Girvan South Ayrshire
Proposal:	Planning permission in principle for the erection of 2 dwellinghouses
Recommendation:	Refusal

REASON FOR REPORT

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

1. Site Description:

The application site is located in the countryside to the north-east of the hamlet of Pinmore and lies adjacent to an unclassified road. More specifically, the site extends to approximately 1280 sq metres (0.12 ha) and comprises a portion of a larger agricultural field which extends to approximately 6 ha. A hedgerow extends along the western boundary of the site, with the field access forming the south-western and southern boundary, beyond which lies the Old Schoolhouse and the hamlet of Pinmore. The remaining boundaries of the site are undefined due to forming part of a larger agricultural field. The topography of the application site is undulating, and rises to the east before sloping down to the Water of Assel. Two mature trees are located within the south-western corner of the site where it meets the field access and public road. The application site is visible from outwith the confines of the application site.

The application site is understood to be associated with the agricultural enterprises at Dalfask, Pinminnoch, and Pinmacher Farms. The aforementioned properties are located approximately 1.3 km, 3 km and 2.3 km to the north-east, and north-west of the site of the current application, respectively. Together the steadings at Dalfask, Pinminnoch, and Pinmacher are understood to provide the operational base for an extended family farming operation and hill farming enterprise which is understood to comprise of a mixed enterprise of suckler cows and sheep farming. The steadings at Dalfask, Pinminnoch and Pinmacher are each understood to accommodate a dwellinghouse, with Dalfask Farm also having a cottage in addition to a farmhouse. Each of the 4 existing properties are understood to be occupied by family member/s, in addition to various agricultural out-buildings. The aforementioned steadings, along with the application site, are understood to extend to approximately 680 ha, with the landholding being split into two areas. Geographically, the largest area of farmland covers a singular, and extensive area to the north, north-east, and north-west of the application site, while the application site, which is referred to by the applicant as 'Shalloch Park Hill', comprises of the smallest area of farmland at approximately 6 ha.

2. Planning History:

The following planning history relating to the application site is noted;

Planning permission was refused under application 09/00556/OUT for the erection of a dwellinghouse on the site of the current application. The proposed erection of a dwellinghouse on the site was considered to be contrary to policy provisions of the development plan policies in place at this time, and also due to concerns regarding the landscape and visual impact of the proposals. The decision to refuse planning

permission under application 09/00556/OUT was also dismissed at appeal by the Scottish Ministers through the DPEA. The Reporter for the Scottish Ministers concluded that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group." The Reporter also noted that the proposals would result in a form of ribbon development by extending Pinmore along the road into the undeveloped countryside, and also that "there is no evidence of any economic benefit that would overcome the proposal's adverse impact on the landscape".

The above planning history is considered to be materially significant in the assessment of the current application in so far as it establishes the principle of the siting residential accommodation, at the application site, as being unacceptable in planning terms.

3. Description of Proposal:

Planning permission in principle is sought for the erection of two dwellinghouses. The submission confirms that the proposals are for the erection of new farm workers dwellings, which will facilitate the re-organisation of the business and compensate for the shift to part time managerial/ partial retirement of two of the existing family members, and reinstating the employment at the farm to 5 full-time workers. One of the proposed houses will be occupied by one of the existing family members who currently resides at Pinmacher Farm, with Pinmacher Farm then be occupied by a farm worker. The second proposed house is suggested in the submission to be occupied by an additional farmworker. The submission suggests that the proposed site is beneficial as it is central to the 3 steadings, and is grouped with existing structures to minimise its visual impact, and that there are no buildings suitable for conversion at the existing steadings.

Given the nature of this application, details for the siting and design of the dwellinghouses would require to be established by the submission of further applications for matters specified in conditions, if planning permission in principle is granted. Notwithstanding, the submitted drawings show two dwellings positioned to the north and north-east of the Old Schoolhouse and accessed via the existing field access to/ from the adjacent public road, and suggest that the proposed dwellings are to be single storey in height, and finished in traditional materials.

4. Consultations:

Ayrshire Roads Alliance – no objection, subject to conditions.

Scottish Water – no objection.

Sustainable Development (Landscape And Parks) – has noted the potential for the visual impact of the proposals on the landscape to be significant, and therefore the retention of the existing trees in the corner of the site, and mitigatory landscaping should be sought.

5. Submitted Assessments/Reports:

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

The applicant/ agent has submitted a planning justification report and separate labour requirement report in support of the development proposal, which are summarised below as follows;

- The proposals for 2 cottages are fully supported and justified through a labour assessment report.
- The erection of 2 cottages will help safeguard the existing 4 jobs whilst creating 3 further jobs within the rural community.
- The proposed site is sited adjacent to an existing settlement and is not sporadic or disjointed.
- The application is for planning permission in principle only however an indicative layout has been shown. This layout can be developed to create a full design proposal which shall be in keeping with the rural vernacular and surrounding architectural style and layout.
- The proposals are in full compliance with SAC LDP - Rural Housing.
- The proposals will assist with animal welfare, security and safety.
- The proposals do not result in a loss of prime quality agricultural land, or cause damage to features of environmental interest.
- There are no other available farm buildings which could be utilised as residential accommodation.
- The submitted labour requirement is noted as concluding that the proposed new dwellinghouses

are required for two new fulltime workers.

6. S75 Obligations:

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

None.

7. Scottish Ministers Directions:

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

None.

8. Representations:

One representation has been received, which neither objects, nor supports the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. The representation is summarised, and responded to as follows;

Impact on privacy and potential overlooking of adjacent property, and the proposed houses should be repositioned to ensure privacy and amenity of neighbouring property.

Given the nature of this application, details for the siting and design of the dwellinghouses would require to be established by the submission of further applications for matters specified in conditions, if planning permission in principle is granted.

9. Development Plan:

Section 25 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 following policies are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- Spatial Strategy;
- Carrick Investment Area;
- Sustainable Development;
- Rural Housing;
- Landscape Quality;
- Protecting the Landscape;

The Spatial Strategy of the LDP sets out the settlement strategy for South Ayrshire and can be viewed as the foundation framework which provides the vision for how the Council wishes to see the towns and countryside areas develop over the duration of the plan.

The Spatial Strategy of the LDP states that; we will not support development outwith the boundaries of settlements (towns and villages), except where we believe it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. Notwithstanding the provisions of the Spatial Strategy, the LDP Carrick Investment and Rural Housing Policies allow for housing to be built within rural areas, in accordance with their provisions, and the related provisions of the Council's supplementary planning guidance entitled Rural Housing. The

Sustainable Development policy of the LDP seeks to consider the details of development proposals.

Of particular relevance in the consideration of the proposal are the terms of the LDP Rural Housing Policy. Criterion e. of this policy requires that where a home is essential to a rural business, the developer, must satisfy (the Council) through the submission of a sound business plan, that the business is economically viable and could not be run without residential accommodation. The accompanying text relating to limited extensions to existing and clearly defined nucleated housing clusters is also considered to be relevant in the assessment of the current application. In all instances, the LDP policy confirms that proposals for rural housing must comply with the policy guidance as set out in the associated Rural Housing Planning Guidance note in terms of being appropriately sited and designed.

For the reasons noted elsewhere within this report there are policy concerns in relation to the development proposal, in so far as it is not considered that the proposal is in accordance with the provisions of the LDP and in particular the Policy in relation to Rural Housing, nor are the proposals considered to represent an addition to a cluster. Further consideration of the proposal against the provisions of the Council's Rural Housing SPG, and also site specific aspects relating to the proposal are considered further below.

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

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

The provisions of the Proposed Replacement South Ayrshire Local Development Plan (PLDP2) remain largely unchanged from the Adopted South Ayrshire Local Development Plan in so far as the application site continues to be identified as being within a rural area, where proposals for rural housing are acceptable, subject to criteria. The application has been considered in this context.

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

- Scottish Planning Policy:

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The above SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions. In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification. Notwithstanding, the SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments. The policy emphasis of the SPP is noted, however, it is also important to note that the SPP maintains a plan-led approach to assessing development proposals with a primacy on Development

Plans to provide a framework for assessing planning applications. This application is determined on this basis. Further consideration of the proposal against the provisions of the Council's Rural Housing SPG, site specific aspects, and the planning history of the site are considered further below.

- Planning Advice Note (PAN) 72 - Housing in the Countryside (2005);

PAN 72 sets out the key design principles which need to be taken into account by prospective applicants' and agents' responsible for the preparation of development proposals. PAN 72 provides advice in relation to the siting and design of rural housing and seeks to ensure that rural housing is of a good quality and which respects the Scottish landscape and building traditions. Therefore, PAN 72 is considered to be relevant in the consideration of this application.

In particular, PAN 72 (page 7) acknowledges that buildings in rural areas can often be seen over long distances, and that buildings are there for a long time. For these reasons, PAN 72 concludes that careful design is essential, and that single houses need to be planned, with the location carefully selected and designed so as to be appropriate to the locality. In terms of fitting new development into the landscape, location and the context of a landscape setting is a key consideration, and therefore PAN 72 expects new developments to fit into or nestle within the landscape (page 11). Even where sites are less visible, PAN 72 states that such sites will still require a significant level of skill to assimilate buildings into the landscape. The application has been considered in this context, and for the reasons noted elsewhere in this report, there are concerns in relation to the siting of the development proposal.

- South Ayrshire Council Supplementary Planning Guidance - Adopted Rural Housing Policy;

The Rural Housing supplementary guidance sets out the policy requirements which new houses serving rural based businesses are required to fulfil, and states that "The Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, providing that;

- a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
- b) There is no other existing accommodation that could be used to serve the business; and
- c) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
- d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

Note: the requirement for on-site accommodation may be either as a result of the continuous operation of the existing business, or due to proposed expansion or diversification of that business.

In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.

In considering the proposed development against the above policy of the SPG, the following is noted;

In this instance the requirement for additional residential accommodation is derived from the existing farming business and the applicant/ agent has submitted a supporting labour requirement report on this basis. It is accepted that the farming enterprise would benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations, however, proposals for an additional residential dwelling would require to be appropriately sited so as to consolidate and reinforce the farming operations, and to accord with the Council's Rural Housing design guidance. An assessment of the proposal against the provisions of the Council's Rural Housing design guidance is set out further below.

There are concerns in relation to the proposed siting of the dwellinghouse due to it not being located so as to consolidate and reinforce any one of the three existing steadings at Dalfask, Pinminnoch or Pinmacher Farms. With regard to the extent of land farmed, it is noted that the farmland associated with the aforementioned farming operations covers an area of approximately 680 ha, with the landholding being split into two areas. Geographically, the largest area of farmland covers a singular, and extensive area to the north, north-east, and north-west to the application site, while in contrast, the application site, referred to by the applicant as 'Shalloch Park Hill', stands alone and is isolated from either of the other three farm steadings, and comprises of the smallest area of farmland at approximately 6 ha, which, as noted above, is a small fraction of the extent and area of the landholding as a whole. The steadings and

operational buildings associated with the farming activities at Dalfask, Pinminnoch or Pinmacher Farms are entirely concentrated on the largest area of land to the north of the application site. The aforementioned steadings currently provide residential accommodation for family members in addition to various out-buildings, with one of the steadings (Dalfask) understood to have two residential properties. The existing steadings and their associated operational buildings are considered form compact building groupings which are well-located to meet the operational needs of the farming enterprise. Under the current proposals, the applicant seeks to form a fourth, and disparately located operational location by erecting two dwellinghouses away from the main existing operational locations.

Where a dwellinghouse is required in connection with the operation of an existing rural based business, then it is expected that any new dwelling would be sited adjacent to the existing steading so as to form and/ or reinforce a compact operational base. In this instance, the proposed new house is not located adjacent to any of the applicant's aforementioned existing steadings and operational bases at Dalfask, Pinminnoch, and Pinmacher Farms, which are located approximately 1.3 km, 3 km and 2.3 km to the north-east, and north-west of the site of the current application, respectively. It is also noted that the site comprises a portion of a field where no agricultural buildings are currently present.

The submission does not demonstrate, to the satisfaction of the planning authority that there is a locational need for a dwellinghouse in the location proposed, and that the applicant's needs could not be equally fulfilled by locating an additional dwelling the vicinity of Dalfask, Pinminnoch or Pinmacher Farms. Therefore, for the purposes of assessing this application, it is not considered that the proposal is justified on the basis of the need for a dwellinghouse to be provided in the location proposed. In this regard, it is considered that there is sufficient land around the existing steadings and operational buildings so as to enable the applicant to provide for an additional dwelling, as required. The application has been considered in this context.

It is noted that the existing steadings at Dalfask, Pinminnoch or Pinmacher Farms which are already characterised by existing steadings which comprise of rural building groupings, unlike the application site, which comprises of a portion of a larger field where there are currently no services or agricultural buildings. Additionally, unlike the afore-mentioned steadings, the principle of the erection of residential accommodation on the application site has already been considered and has been refused under application 09/00556/OUT. The proposed erection of a dwellinghouse on the site was considered to be contrary to policy provisions of the development plan policies in place at this time, and also due to concerns regarding the landscape and visual impact of the proposals. The decision to refuse planning permission under application 09/00556/OUT was also dismissed at appeal by the Scottish Ministers through the DPEA. The Reporter for the Scottish Ministers concluded that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group."

The above planning history is considered to be materially significant in the assessment of the current application in so far as it establishes the principle of the siting residential accommodation, at the application site, as being unacceptable in planning terms. Under the current proposals, the proposals now relate to the erection of two dwellinghouses, on a site which has been previously considered to be inappropriate for residential development. In this context, and given the planning history, it is unclear why the proposed erection of two dwellinghouses on the application site would be any more appropriate than the erection of a single house which has previously been refused.

Additionally, it is understood that the application site has changed ownership since the previous application under 09/00556/OUT. It is therefore noted that the applicant acquired the site of the current application for use as agricultural land in the knowledge that the site did not have a dwellinghouse, and that planning permission for the erection of a dwellinghouse had been refused. The application is considered in this context.

In addition, the current proposals would result in the loss of two mature trees which are positioned in the corner of the site. The trees are considered to form a natural conclusion to the village at this location, and to contribute to the visual amenity of the locality. The landscape impact of the proposals under application 09/00556/OUT was also considered by the Scottish Government Reporter which concluded that the proposals would result in a form of ribbon development by extending Pinmore along the road into the undeveloped countryside, and also that "there is no evidence of any economic benefit that would overcome the proposal's adverse impact on the landscape".

Given the above concerns, the positioning of additional buildings at, or in close proximity of the steadings, is considered to offer the best opportunity to consolidate and reinforce the existing building grouping at the steading as the operational locus of farming activities. In this context, a revised application with an alternatively sited dwellinghouse at either Dalfask, Pinminnoch or Pinmacher Farm steadings is also

considered to be preferential from a planning and landscape setting perspective. The aforementioned existing steadings are noted to be largely covered by the same rural policy designations which affect the site of the current application, and in this context, the existing steadings are no more visually, or environmentally sensitive than the site of the current application.

Given the above concerns, the applicant/ agent has been recommended to withdraw the current application so as to explore with the applicant, the potential to re-site a dwellinghouse on land adjacent to the either Dalfask, Pinminnoch or Pinmacher Farm steadings, so as focus and reinforce the operational base of the steading, and so as to be less visually obtrusive. As the application has not been withdrawn, it requires to be determined as submitted.

11. Assessment (including other material considerations):

The application seeks planning permission in principle for the erection of two dwellinghouses for farm workers/ part-time farm manager.

As noted above, the applicant/ agent has submitted a supporting labour requirement report, which considers that the need for an additional dwellinghouse is predicated on the afore-mentioned existing activities from the farming enterprise at The application seeks planning permission in principle for the erection of a dwellinghouse for a farm worker and also the erection of an agricultural shed.

As noted above, the applicant/ agent has submitted a supporting labour requirement report, which considers that the need for an additional dwellinghouse is predicated on the afore-mentioned existing activities from the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms. It is accepted that the farming enterprise could benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations however, proposals for an additional residential dwelling would require to be appropriately sited so as to consolidate and reinforce the farming operations, and to so accord with the Council's Rural Housing design guidance. Under the current proposals, the applicant seeks to form a fourth, and disparately located operational location by erecting a dwellinghouse away from the existing operational locations and on the smallest portion of land farmed. Other concerns regarding the planning history of the site, and the impact of the proposals on the landscape setting of the site are considered above.

For completeness, the proposals have also been considered against the Council's policies in relation to extensions to a cluster of existing residential properties. In this regard it is noted that, the application site stands is bound by agricultural land on two sides, and by a public road and hedgerow to the west, and by a farm track, and existing trees to the south-west and south. While there is a residential property on the opposite side of the track, it is separated from the site by the existing farm track. It is also considered that the previous conclusions of the Reporter for the Scottish Ministers in relation to the appeal regarding the refusal of planning permission under application 09/00556/OUT remain relevant in that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group." Given the afore-mentioned, the proposed development does not represent the sensitive in-filling of an existing cluster. Therefore, it is not considered that the proposed site could be considered to represent a cluster for the purposes of considering this application.

Given the above concerns, the applicant/ agent has been recommended to withdraw the current application so as to explore with the applicant, the potential to re-site a dwellinghouse and shed on land adjacent to either of the existing steadings, so as focus and reinforce the existing steadings as the operational base of the farming enterprise. As the application has not been withdrawn, it requires to be determined as submitted.

For the reasons noted above, there are policy concerns in relation to the proposal, and the principle of the proposed erection of two dwellinghouses on this site is not considered to meet with the provisions of the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Rural Housing and Landscape Quality, or the provisions of the Council's Supplementary Planning Guidance in relation to Rural Housing. The primacy of the development plan is noted above. An assessment of the development proposal is set out in this report, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Local Development Plan, and also the Council's Supplementary Guidance in relation to Rural Housing which supplements formal policy, and that there are no material planning considerations that would out-weigh these provisions. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019) is to manage the development and use of land in the long term public interest. Given the above assessment and having balanced the applicants' rights against the general interest, it is

recommended that the application be refused, for the reasons below.

12. Recommendation:

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

Reasons:

- (1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Sustainable Development policy due to having an inappropriate impact on the visual amenity of the area due to being visually prominent, to the detriment of the rural setting of the locality, and no justification having been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to not being sited so as to reinforce the existing operational base of the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms, and no justification having been provided for a departure from this policy.
- (3) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no justification having been provided for a departure from the Rural Housing planning guidance.
- (4) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Landscape Quality policy, and the provisions of Scottish Planning Advice Note PAN 72 in relation to Housing in the Countryside due to having an inappropriate impact on the visual amenity of the area due to the loss of existing established trees, being visually prominent, and representing a form of ribbon development which does not relate to the established development pattern and would increase the size and visual impact of the housing group, to the detriment of the rural setting of the locality, and no justification having been provided for a departure from this policy.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** PP01

Drawing - Reference No (or Description): **Refused** Ownership plan

Equalities Impact Assessment:

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

Decision Agreed By:	<i>Appointed Officer</i>
Date:	<i>13 December 2021</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100472474-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Pinmacher Farm"/>
First Name: *	<input type="text" value="M"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Logan"/>	Address 1 (Street): *	<input type="text" value="Girvan"/>
Company/Organisation	<input type="text" value="J H Logan & Co"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="S Ayrshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA26 0HX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="michael.logan@hotmail.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="South Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land of Shalloch Hill Farm adjacent The Pottery Pinmore Girvan"/>

Northing	<input type="text" value="592112"/>	Easting	<input type="text" value="220429"/>
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Description of Proposal

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

Erection of 2no farm workers cottages

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Notice of review attached in supporting documents

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

Yes No

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

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

0743 Location Plan, 0743 supporting statement, labour assessment report, report of handling, 0743 notice of review statement.

Application Details

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

21/00944/PPP

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

15/09/2021

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

22/12/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Alistair Mair

Declaration Date: 25/01/2022

NOTICE OF REVIEW STATEMENT

Application: 21/00944/PPP

'Proposed erection of 2no Farm Workers Cottages'

at

Land of Dalfask Farm,

Pinmore,

S Ayrshire.

Client

J H Logan & Co.

Client: J H Logan & Co
Dalfask Farm,
Girvan,
South Ayrshire.
KA26 0TS

Agent: Stairhill Architecture Ltd
Stairhill
Mauchline
Ayrshire
KA5 5HN

Planning History

09/00556/OUT Planning permission in principle for erection of dwelling house

Status Refused – DPEA refused

21/00944/PPP Planning permission in principle for the erection of 2 farm workers dwelling houses.

Status Application Refused.

Reason for Review.

We have reviewed the report of handling and are of the opinion that the chosen site best fits our applicant's requirements whilst meeting with planning policy.

The council are supportive of additional dwellings and have accepted the justification for such. The council are only minded to refuse the application based on the siting of the dwellings.

Appropriately designed dwellings shall fit within the landscape and have a minimal impact on visual amenity. The historic maps show the existence of the scout hall which categorically demonstrates the hamlet being wider spread historically. Any new addition shall be more reflective of the historic settlement.

Policy states that buildings should be grouped together but does not state anywhere that it should consolidate the existing farm grouping.



Description of Proposal:

Planning permission is sought in principle for the erection of 2 farm workers cottages on the basis of an agricultural labour justification relative to the host agricultural holding comprising Dalfask, Pinminnoch and Pinmacher Farms. Full details are set out in the submitted plans and documentation.

Consultations:

Ayrshire Roads Alliance - offer no objection subject to conditions.

Scottish Water - offer no objection.

Sustainable Development - has noted the potential for the visual impact of the proposals on the landscape to be significant, and therefore the retention of the existing trees in the corner of the site, and mitigatory landscaping should be sought.

No objections from ARA or Scottish Water.

Comment from Sustainable Development has been noted and accepted.

A further application for Approvals of Matters Specified will include the full detailed design of the dwellings and include a landscaping proposal which will retain the existing trees and landscape features with the benefit of supplementary planting to compliment the proposed site.



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.

The applicant/ agent has submitted a planning justification report and separate labour requirement report in support of the development proposal, which are summarised below as follows;

- The proposals for 2 cottages are fully supported and justified through a labour assessment report.
- The erection of 2 cottages will help safeguard the existing 4 jobs whilst creating 3 further jobs within the rural community.
- The proposed site is sited adjacent to an existing settlement and is not sporadic or disjointed.
- The application is for planning permission in principle only however an indicative layout has been shown. This layout can be developed to create a full design proposal which shall be in keeping with the rural vernacular and surrounding architectural style and layout.
- The proposals are in full compliance with SAC LDP - Rural Housing.
- The proposals will assist with animal welfare, security and safety.
- The proposals do not result in a loss of prime quality agricultural land, or cause damage to features of environmental interest.
- There are no other available farm buildings which could be utilised as residential accommodation.
- The submitted labour requirement is noted as concluding that the proposed new dwellinghouses

Representations:

One representation received.

Representation received neither supported or objected to the proposals and only commented on proposals being design and sited to ensure privacy and amenity to neighbouring property.

This shall all be detailed and agreed within a further full application for Approval of Matters Specified.



Development Plan:

Section 25 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 following policies are relevant in the assessment of the application

- Spatial Strategy;
- Carrick Investment Area;
- Sustainable Development;
- Rural Housing;
- Landscape Quality;
- Protecting the Landscape;

The Spatial Strategy of the LDP sets out the settlement strategy for South Ayrshire and can be viewed as the foundation framework which provides the vision for how the Council wishes to see the towns and countryside areas develop over the duration of the plan.

The Spatial Strategy of the LDP states that; we will not support development outwith the boundaries of settlements (towns and villages), except where we believe it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy. Notwithstanding the provisions of the Spatial Strategy, the LDP Carrick Investment and Rural Housing Policies allow for housing to be built within rural areas, in accordance with their provisions, and the related provisions of the Council's supplementary planning guidance entitled Rural Housing. The Sustainable Development policy of the LDP seeks to consider the details of development proposals.

Of particular relevance in the consideration of the proposal are the terms of the LDP Rural Housing Policy. Criterion e. of this policy requires that where a home is essential to a rural business, the developer, must satisfy (the Council) through the submission of a sound business plan, that the business is economically viable and could not be run without residential accommodation.

The accompanying text relating to limited extensions to existing and clearly defined nucleated housing clusters is also considered to be relevant in the assessment of the current application. In all instances, the LDP policy confirms that proposals for rural housing must comply with the policy guidance as set out in the associated Rural Housing Planning Guidance note in terms of being appropriately sited and designed. For the reasons noted elsewhere within this report there are policy concerns in relation to the development proposal, in so far as it is not considered that the proposal is in accordance with the provisions of the LDP and in particular the Policy in relation to Rural Housing, nor are the proposals considered to represent an addition to a cluster. Further consideration of the proposal against the provisions of the Council's Rural Housing SPG, and also site specific aspects relating to the proposal are considered further below.

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



The Development plan is supportive of houses within rural areas if it is demonstrated that the proposals are fully justified because it will benefit the economy and there is a need for it in that particular area.

As detailed above the application for an additional dwelling in relation is for 2 farm workers cottages and the planning officer has stated that they are in acceptance of the principal of the development.

Other Relevant Policy Considerations (including Government Guidance):

Scottish Planning Policy;

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government in June 2014. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The above SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this application. Scottish Planning Policy advocates the need for planning to direct the "right development to the right place", and not to allow development at any cost (para. 28). This approach is to be implemented by the spatial strategies within development plans and subsequent development management decisions.

In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas and is broadly supportive of rural development which promotes economic activity and diversification. Notwithstanding, the SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments. The policy emphasis of the SPP is noted, however, it is also important to note that the SPP maintains a plan-led approach to assessing development proposals with a primacy on Development Plans to provide a framework for assessing planning applications. This application is determined on this basis. The proposal requires further consideration against the policy provisions of the Local Development Plan, which set out the criteria to be applied to new rural based dwellings, and related supplementary guidance in relation to Rural Housing. Further consideration of the proposal against the provisions of the Council's Local Development Plan and Rural Housing SPG, and also site-specific aspects relating to the proposal are considered elsewhere in this report.

SPP is supportive of rural development which supports economic growth, the proposed cottages allow for our client's business to grow and prosper in line with policy.

It should also be noted that the application is for planning permission in principle only and that a further detailed application shall be submitted to cover the design of the dwelling together with landscaping in line with SAC rural design guidance.



Planning Advice Note (PAN) 72 - Housing in the Countryside (2005);

PAN 72 sets out the key design principles which need to be taken into account by prospective applicants' and agents' responsible for the preparation of development proposals. PAN 72 provides advice in relation to the siting and design of rural housing and seeks to ensure that rural housing is of a good quality and which respects the Scottish landscape and building traditions. Therefore, PAN 72 is considered to be relevant in the consideration of this application.

In particular, PAN 72 (page 7) acknowledges that buildings in rural areas can often be seen over long distances, and that buildings are there for a long time. For these reasons, PAN 72 concludes that careful design is essential, and that single houses need to be planned, with the location carefully selected and designed so as to be appropriate to the locality. In terms of fitting new development into the landscape, location and the context of a landscape setting is a key consideration, and therefore PAN 72 expects new developments to fit into or nestle within the landscape (page 11). Even where sites are less visible, PAN 72 states that such sites will still require a significant level of skill to assimilate buildings into the landscape. The application has been considered in this context, and for the reasons

The proposals are for planning permission in principle only, a further application shall be submitted to cover the design and landscaping of the dwellings in line with SAC rural design guidance. The design shall be in keeping with the surrounding rural architecture and fit within the landscape.

The proposed site is made of the historic community hall which has been demonstrated on the historic maps submitted. This clearly shows the historic boundary of the existing settlement which has more recently been reduced. The proposals will have little impact on the visual amenity of this rural settlement, rather they shall return the settlement to be more akin to its historic setting.



South Ayrshire Council Supplementary Planning Guidance - Adopted Rural Housing Policy

The Rural Housing supplementary guidance sets out the policy requirements which new houses serving rural based businesses are required to fulfil, and states that "The Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, providing that;

- a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
- b) There is no other existing accommodation that could be used to serve the business; and
- c) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
- d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

Note: the requirement for on-site accommodation may be either as a result of the continuous operation of the existing business, or due to proposed expansion or diversification of that business.

In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.

In considering the proposed development against the above policy of the SPG, the following is noted.

In this instance the requirement for additional residential accommodation is derived from the existing farming business and the applicant/ agent has submitted a supporting labour requirement report on this basis. It is accepted that the farming enterprise would benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations, however, proposals for an additional residential dwelling would require to be appropriately sited so as to consolidate and reinforce the farming operations, and to accord with the Council's Rural Housing design guidance. An assessment of the proposal against the provisions of the Council's Rural Housing design guidance is set out further below. There are concerns in relation to the proposed siting of the dwellinghouse due to it not being located so as to consolidate and reinforce any one of the three existing steadings at Dalfask, Pinminnoch or Pinmacher Farms. With regard to the extent of land farmed, it is noted that the farmland associated with the aforementioned farming operations covers an area of approximately 680 ha, with the landholding being split into two areas. Geographically, the largest area of farmland covers a singular, and extensive area to the north, north-east, and north-west to the application site, while in contrast, the application site, referred to by the applicant as 'Shalloch Park Hill', stands alone and is isolated from either of the other three farm steadings, and comprises of the smallest area of farmland at approximately 6 ha, which, as noted above, is a small fraction of the extent and area of the landholding as a whole. The steadings and operational buildings associated with the farming activities at Dalfask,



Pinminnoch or Pinmacher Farms are entirely concentrated on the largest area of land to the north of the application site. The aforementioned steadings currently provide residential accommodation for family members in addition to various out-buildings, with one of the steadings (Dalfask) understood to have two residential properties. The existing steadings and their associated operational buildings are considered form compact building groupings which are well-located to meet the operational needs of the farming enterprise. Under the current proposals, the applicant seeks to form a fourth, and disparately located operational location by erecting two dwellinghouses away from the main existing operational locations.

Where a dwellinghouse is required in connection with the operation of an existing rural based business, then it is expected that any new dwelling would be sited adjacent to the existing steading so as to form and/ or reinforce a compact operational base. In this instance, the proposed new house is not located adjacent to any of the applicant's aforementioned existing steadings and operational bases at Dalfask, Pinminnoch, and Pinmacher Farms, which are located approximately 1.3 km, 3 km and 2.3 km to the north-east, and north-west of the site of the current application, respectively. It is also noted that the site comprises a portion of a field where no agricultural buildings are currently present.

The submission does not demonstrate, to the satisfaction of the planning authority that there is a locational need for a dwellinghouse in the location proposed, and that the applicant's needs could not be equally fulfilled by locating an additional dwelling the vicinity of Dalfask, Pinminnoch or Pinmacher Farms. Therefore, for the purposes of assessing this application, it is not considered that the proposal is justified on the basis of the need for a dwellinghouse to be provided in the location proposed. In this regard, it is considered that there is sufficient land around the existing steadings and operational buildings so as to enable the applicant to provide for an additional dwelling, as required. The application has been considered in this context. It is noted that the existing steadings at Dalfask, Pinminnoch or Pinmacher Farms which are already characterised by existing steadings which comprise of rural building groupings, unlike the application site, which comprises of a portion of a larger field where there are currently no services or agricultural buildings.

Additionally, unlike the afore-mentioned steadings, the principle of the erection of residential accommodation on the application site has already been considered and has been refused under application 09/00556/OUT. The proposed erection of a dwellinghouse on the site was considered to be contrary to policy provisions of the development plan policies in place at this time, and also due to concerns regarding the landscape and visual impact of the proposals. The decision to refuse planning permission under application 09/00556/OUT was also dismissed at appeal by the Scottish Ministers through the DPEA. The Reporter for the Scottish Ministers concluded that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group."



The above planning history is considered to be materially significant in the assessment of the current application in so far as it establishes the principle of the siting residential accommodation, at the application site, as being unacceptable in planning terms. Under the current proposals, the proposals now relate to the erection of two dwellinghouses, on a site which has been previously considered to be inappropriate for residential development. In this context, and given the planning history, it is unclear why the proposed erection of two dwellinghouses on the application site would be any more appropriate than the erection of a single house which has previously been refused.

Additionally, it is understood that the application site has changed ownership since the previous application under 09/00556/OUT. It is therefore noted that the applicant acquired the site of the current application for use as agricultural land in the knowledge that the site did not have a dwellinghouse, and that planning permission for the erection of a dwellinghouse had been refused. The application is considered in this context.

In addition, the current proposals would result in the loss of two mature trees which are positioned in the corner of the site. The trees are considered to form a natural conclusion to the village at this location, and to contribute to the visual amenity of the locality. The landscape impact of the proposals under application 09/00556/OUT was also considered by the Scottish Government Reporter which concluded that the proposals would result in a form of ribbon development by extending Pinmore along the road into the undeveloped countryside, and also that "there is no evidence of any economic benefit that would overcome the proposal's adverse impact on the landscape".

Given the above concerns, the positioning of additional buildings at, or in close proximity of the steadings, is considered to offer the best opportunity to consolidate and reinforce the existing building grouping at the steading as the operational locus of farming activities. In this context, a revised application with an alternatively sited dwellinghouse at either Dalfask, Pinminnoch or Pinmacher Farm steadings is also considered to be preferential from a planning and landscape setting perspective. The aforementioned existing steadings are noted to be largely covered by the same rural policy designations which affect the site of the current application, and in this context, the existing steadings are no more visually, or environmentally sensitive than the site of the current application.

Given the above concerns, the applicant/ agent has been recommended to withdraw the current application so as to explore with the applicant, the potential to re-site a dwellinghouse on land adjacent to the either Dalfask, Pinminnoch or Pinmacher Farm steadings, so as to focus and reinforce the operational base of the steading, and so as to be less visually obtrusive. As the application has not been withdrawn, it requires to be determined as submitted.

As detailed above the application for an additional dwelling in relation is for 2 farm workers cottages and the planning officer has stated that they are in acceptance of the principal of the development.



SAC Rural Design Guidance States “Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive” nowhere does it state that new dwellings must be sited to consolidate and reinforce the farming operations.

The proposals are grouped with the existing hamlet on Pinmore and with careful design shall not be visually intrusive.

The site has been selected as it encompasses the historic site of the community hall and therefor is not likely to have a negative effect on the visual amenity replacing a building that once stood on site.

Services ahs been a material consideration when analysing the farm holding to identify the best possible site. The existing steadings are all served by spring water wells. Our client is keen to avoid this if possible. The proposed site benefits from being adjacent the existing hamlet and can be served by mains water.

There has been no mention of and no plans to remove trees on site. This has been an incorrect assumption from the planning officer. A full detailed landscaping proposal will be included in the Approval of Reserved Matters application which will detail the retention of the existing trees and will include designs for additional planting and landscaping.

This will ensure the proposals minimise any potential for negative impact on the visual amenity.

The site adjacent Pinmore is located on a parcel of land which currently has no associated farm dwelling or residence. The proposals will allow for better supervision of the livestock which are at most risk from the general public including the rise of dog worrying. The position of the site will allow for more regular checking and a presence on the land will help to deter potential threats.

The planning officer has made reference to the previous refusal and subsequent appeal. Application 09/00556/OUT was assessed under planning policy for the extension of a hamlet and found to not meet with the requirements. This application is fully justified and should be accessed under separate policy requirements.

The appeal referred to the site not different planning policies and was found to have potential for landscape and visual impact. Our application has addressed these concerns with the retention of trees and proposed landscaping which will be part of further applications. As previously stated and demonstrated the site also includes the historic site of the Community Hall. These proposals will reinstate the historic character to the edge of the settlement site.



Assessment (including other material considerations):

The application seeks planning permission in principle for the erection of two dwellinghouses for farm workers/ part-time farm manager.

As noted above, the applicant/ agent has submitted a supporting labour requirement report, which considers that the need for an additional dwellinghouse is predicated on the afore-mentioned existing activities from the farming enterprise at The application seeks planning permission in principle for the erection of a dwellinghouse for a farm worker and also the erection of an agricultural shed.

As noted above, the applicant/ agent has submitted a supporting labour requirement report, which considers that the need for an additional dwellinghouse is predicated on the afore-mentioned existing activities from the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms. It is accepted that the farming enterprise could benefit from an additional residential property, and therefore, in principle, the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the farming operations however, proposals for an additional residential dwelling would require to be appropriately sited so as to consolidate and reinforce the farming operations, and to so accord with the Council's Rural Housing design guidance. Under the current proposals, the applicant seeks to form a fourth, and disparately located operational location by erecting a dwellinghouse away from the existing operational locations and on the smallest portion of land farmed. Other concerns regarding the planning history of the site, and the impact of the proposals on the landscape setting of the site are considered above.

For completeness, the proposals have also been considered against the Council's policies in relation to extensions to a cluster of existing residential properties. In this regard it is noted that, the application site stands is bound by agricultural land on two sides, and by a public road and hedgerow to the west, and by a farm track, and existing trees to the south-west and south. While there is a residential property on the opposite side of the track, it is separated from the site by the existing farm track. It is also considered that the previous conclusions of the Reporter for the Scottish Ministers in relation to the appeal regarding the refusal of planning permission under application 09/00556/OUT remain relevant in that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group." Given the afore-mentioned, the proposed development does not represent the sensitive in-filling of an existing cluster. Therefore, it is not considered that the proposed site could be considered to represent a cluster for the purposes of considering this application.

Given the above concerns, the applicant/ agent has been recommended to withdraw the current application so as to explore with the applicant, the potential to re-site a dwellinghouse and shed on land adjacent to either of the existing steadings, so as focus and reinforce the existing steadings as the operational base of the farming enterprise. As the application has not been withdrawn, it requires to be determined as submitted.



For the reasons noted above, there are policy concerns in relation to the proposal, and the principle of the proposed erection of two dwellinghouses on this site is not considered to meet with the provisions of the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Rural Housing and Landscape Quality, or the provisions of the Council's Supplementary Planning Guidance in relation to Rural Housing. The primacy of the development plan is noted above. An assessment of the development proposal is set out in this report, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Local Development Plan, and also the Council's Supplementary Guidance in relation to Rural Housing which supplements formal policy, and that there are no material planning considerations that would out-weigh these provisions. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019) is to manage the development and use of land in the long term public interest. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

The planning office refers to an agricultural shed within the second paragraph. This is incorrect and appears to be a copy and paste error from a previous report by the planning officer.

To be clear there is NO agricultural shed proposed.

The planning officer has agreed that the application is justified and the requirement for additional dwellings demonstrated. The only concerns that remain are the proposed site.

The development pattern will reflect the historic setting of the site with the access road between the new dwellings and the old school. This development pattern can be seen in the historic maps and befitting of the rural landscape.

We have detailed the benefits of the site and demonstrated that the proposals are able to fit within the landscape and a carefully considered dwelling and landscape proposal will reflect the historic visual amenity once enjoyed by the local parish.



Conclusion

It is our professional opinion that the requirement for additional houses have been fully justified and has been accepted by the planning officer.

The siting has been specifically chosen as the most practical position with a design to replicate the historic development pattern in line with supplementary design guidance for rural dwellings.

The proposed site allows for the adjacent land to be overseen and inspected regularly whilst also being central to the 3 existing farm steadings.

The site is close to all required services and connections.

The site is situated within the land parcel of the existing farm and utilises a small parcel of land that's loss has no detrimental impact on the running of the farming enterprise.

The above statement clearly identifies and demonstrates the reasoning behind the siting of the proposed site which utilises an existing access.

It is for the above reasons and explanations that we feel this application should have the decision overturned and the application approved.





County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100472474-001

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of 2no Farm Workers Cottages

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Stairhill Architecture Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Stairhill
Last Name: *	Mair	Building Number:	<input type="text"/>
Telephone Number: *	01292591500	Address 1 (Street): *	Stair
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Mauchline
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	KA5 5HN
Email Address: *	alistair@stairhill.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Pinmacher Farm
First Name: *	M	Building Number:	<input type="text"/>
Last Name: *	Logan	Address 1 (Street): *	Girvan
Company/Organisation	J H logan & Co	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	S Ayrshire
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KA26 0HX
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Title:	<input type="text" value="Ms"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Fiona"/>	Last Name:	<input type="text" value="Sharp"/>
Correspondence Reference Number:	<input type="text" value="21/00483/preapp"/>	Date (dd/mm/yyyy):	<input type="text" value="17/06/2021"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1278.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

grazing land

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

planning permission in principle only at this time. Further application will detail sizing of appropriate suds and package sewage treatment plant.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Alistair Mair

On behalf of: J H logan & Co

Date: 15/09/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Alistair Mair

Declaration Date: 15/09/2021



Supporting Statement

Erection of 2no Farm Workers Cottages.

**Land of Dalfask Farm,
Pinmore,
S Ayrshire.**

Client

J H Logan & Co

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0.1 Introduction

- 01.01 The following information is provided as a supporting statement in relation to the planning application for 2 no farm workers dwelling houses on lands of Dalfask Farm.
- 01.02 All information relating to the business has been supplied by Mr M Logan and correlated with SAC Labour Requirement Report.
- 01.03 The Statement should be read in conjunction with all submitted plans, surveys, reports, and photos that form part of the planning application.

0.2 Background Info

02.01 Applicant: J H Logan & Co
Dalfask Farm,
Girvan,
South Ayrshire.
KA26 0TS

02.02 Agent: Stairhill Architecture Ltd
Mauchline
East Ayrshire.
KA5 5HN

02.03 Planning application 09/00556/OUT for planning permission in principle for erection of dwelling house was refused by both council and subsequently DPEA on behalf of the Scottish ministers. The application was contrary to planning policy of the time on the basis of negative impact on landscape and visual impact.

02.04 A pre planning application 21/00483/PREAPP was submitted to SAC for erection of 2 no cottages.

Advice given was that the proposal for a limited addition to a nucleated cluster were not deemed to be in accordance with the local plan (Rural Housing – infill development within existing clusters or groups of housing) and there was no evidence of an economic benefit that would overcome the proposals adverse impact on the landscape.

0.3 Farming Practice

03.01 The farm business is made up of 4 hill farms;

Dalfask Farm

Pinminoch Farm

Pinmacher Farm

Shalloch Park Hill (no farm steading)

Of the 4 farms above, only 3 have farm steadings.

In total the farm business has 3 farmhouses and 1 cottage spread over the 4 farms.

03.02 Currently the dwellings are occupied as follows;

Dalfask farm - Johnny Logan (69)

Dalfask Cottage - David Logan (52)

Pinmacher Farm - William Logan (78)

Pinminoch Farm - Michael Logan

03.03 The business currently farms 682.65 hectares with a mixed enterprise of 231 suckler cows and 1390 sheep which are run as 4 separate flocks over the separate land holdings.

03.04 William currently works part time in a managerial roll, due to his maturing age William no longer wishes to be up in the middle of the night (anti-social hours) tending to livestock.

03.05 Johnny is now at an age where he is also looking to approach life at a more relaxed pace. Johnny along with William are critical members of the farm team with many years' experience working with the livestock and land their knowledge and experience is invaluable.

0.4 Proposals

- 04.01 It is proposed to erect 2 no cottages for additional farm workers.
- 04.02 William shall move to one of the cottages which will facilitate a farm worker to be located at Pinmacher Farm that can tend to livestock during the night when required.
- 04.03 The second worker shall reside in the second proposed cottage.
- 04.04 These moves will allow for a better-balanced work force located across the farms able to deal with all eventualities that can occur on such a farm.
- 04.05 The farm unit currently justifies a labour requirement of 11.06 labour units.
- 04.06 This work is currently undertaken by only 5 people one of which is part time (to become 2 part time).
- 04.07 The proposals and re organisation of the business structure will allow for an additional 2 full time workers to be employed and live on site (1 at Pinmacher Farm and the second in new cottage) with the business looking to also employ a further farm worker (living off site)
- 04.08 This will take the employment of the farm to 5 full time workers with William and Johnny being part time and overseeing the management.
- 04.09 The proposed site will be beneficial as it is central to all 3 steadings to allow for ease of access and is grouped with existing structures to minimise any visual impact on the surrounding landscape. Whilst having an outlook towards Shalloch Park Hill Farm (no steading)
- 04.10 The application is for planning permission in principle only at this stage. A further application shall be submitted which shall detail the full design to be compliant with SAC LDP and Rural Design Guidance.
- 04.11 Design of cottages to be single storey, white roughcast finish with slated roofs. Boundaries to be stob and wire fences planted with hawthorn hedge. Driveway to be free draining permeable gravel with level access paved paths.
- 04.12 The proposals are fully in line with SA LDP policy: rural housing (d) a home that is essential to a rural business. The developer must satisfy us, through a sound business plan that the business is economically viable and could not be run without residential accommodation.
- 04.13 There are no buildings suitable for conversion at either of the farm steadings.

0.5 Site and Context

- 05.01 The farms land holding has been studied to identify potential sites for the proposed cottages. Identifiers included, ease of access, close to utilities, grouped with existing buildings central to land holding.
- 05.02 After discussions with our client the proposed site was identified to best fit their needs. Whilst the site has been previously rejected by the council we believe that the proven economic benefit to the farming business outweighs any possible impact on the landscape.
- 05.03 The additional Labour Assessment report submitted alongside the application fully justifies the requirement for an additional 2 dwellings. We have already stated previously within section 04.07 as to how the dwellings will be of economic benefit allowing the farm to operate more efficiently, securing 4 jobs and creating 3 new jobs within the rural economy.
- 05.04 The site is located directly to the North of The Old School House, Pinmore.
- 05.05 Part of the proposed site formed the historic Community Hall. The building no longer exists on site but there is record of it on old OS maps along with evidence of foundations etc on stie.
- 05.06 The site gently slopes up to the East away from the road.
- 05.07 There is readily accessible power connections to the rear of the site with mains water connection at the roadside.
- 05.08 The proposed site is bounded to the south and west by existing stock proof fencing with a mature hedgerow being prevalent along the west boundary adjacent the existing public road. It is open to the north and east.
- 05.09 The site has views East towards Shallochpark Hill Farm.

0.6 Conclusion

The application is supported by the following documents;

Labour assessment report.

Proposed Plans

Supporting Statement

The proposals for 2no cottages are fully supported and justified through a labour assessment report.

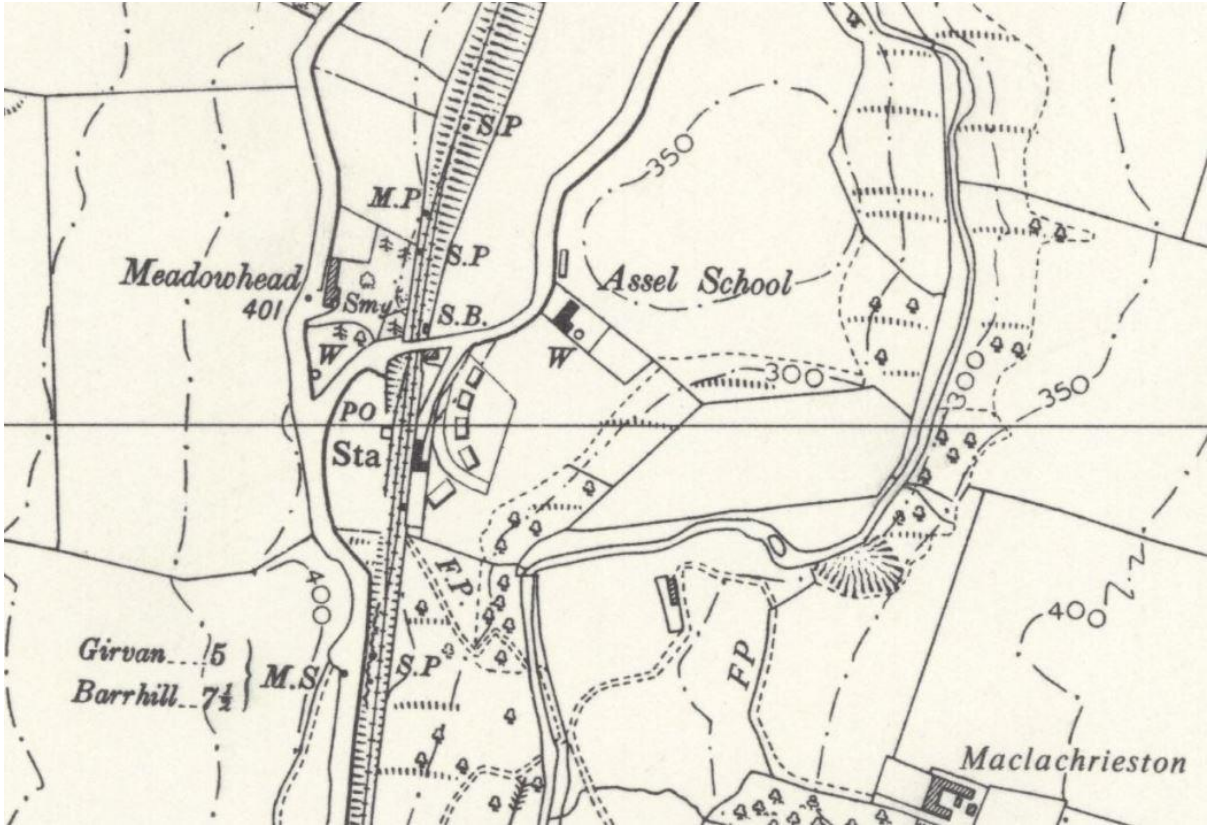
The erection of 2 cottages will help safeguard the existing 4 jobs whilst creating 3 further jobs within the rural community.

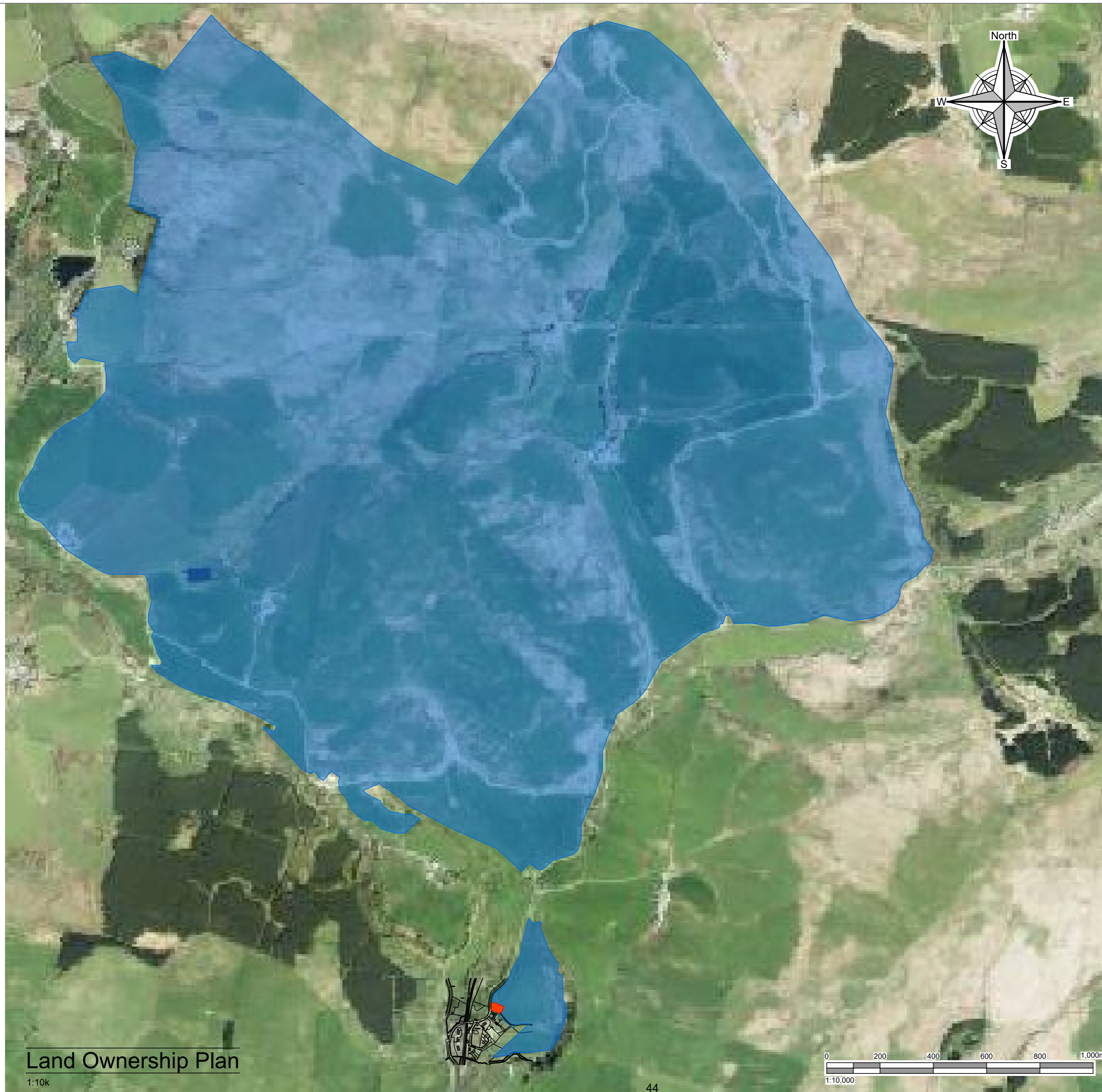
The proposed site is sited adjacent to an existing settlement and is not sporadic or disjointed.

The application is for planning permission in principle only however an indicative layout has been shown. This layout can be developed to create a full design proposal which shall be in keeping with the rural vernacular and surrounding architectural style and layout.

The proposals are in full compliance with SAC LDP – Rural Housing.

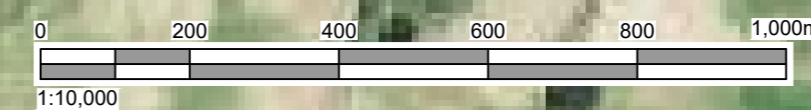
0.7 Appendix A





Land Ownership Plan

1:10k



NOTES

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REVISION SCHEDULE		

SKETCH DWG	BUILDING WARRANT DWG
PLANNING DWG	TENDER DWG
PRESENTATION	AS BUILT DWG

Stairhill
ARCHITECTURE LTD
STAIRHILL, MAUCLINE AYRSHIRE KA5 5HN
WWW.STAIRHILL.CO.UK e: INFO@STAIRHILL.CO.UK t: 01292 591500

CLIENT **Mr M Logan**
ADDRESS **Pinmacher Farm
Girvan. KA26 0HX**

PROJECT **Proposed Farm Workers Cottages**
SITE **Land adjacent Old School House, Pinmore**

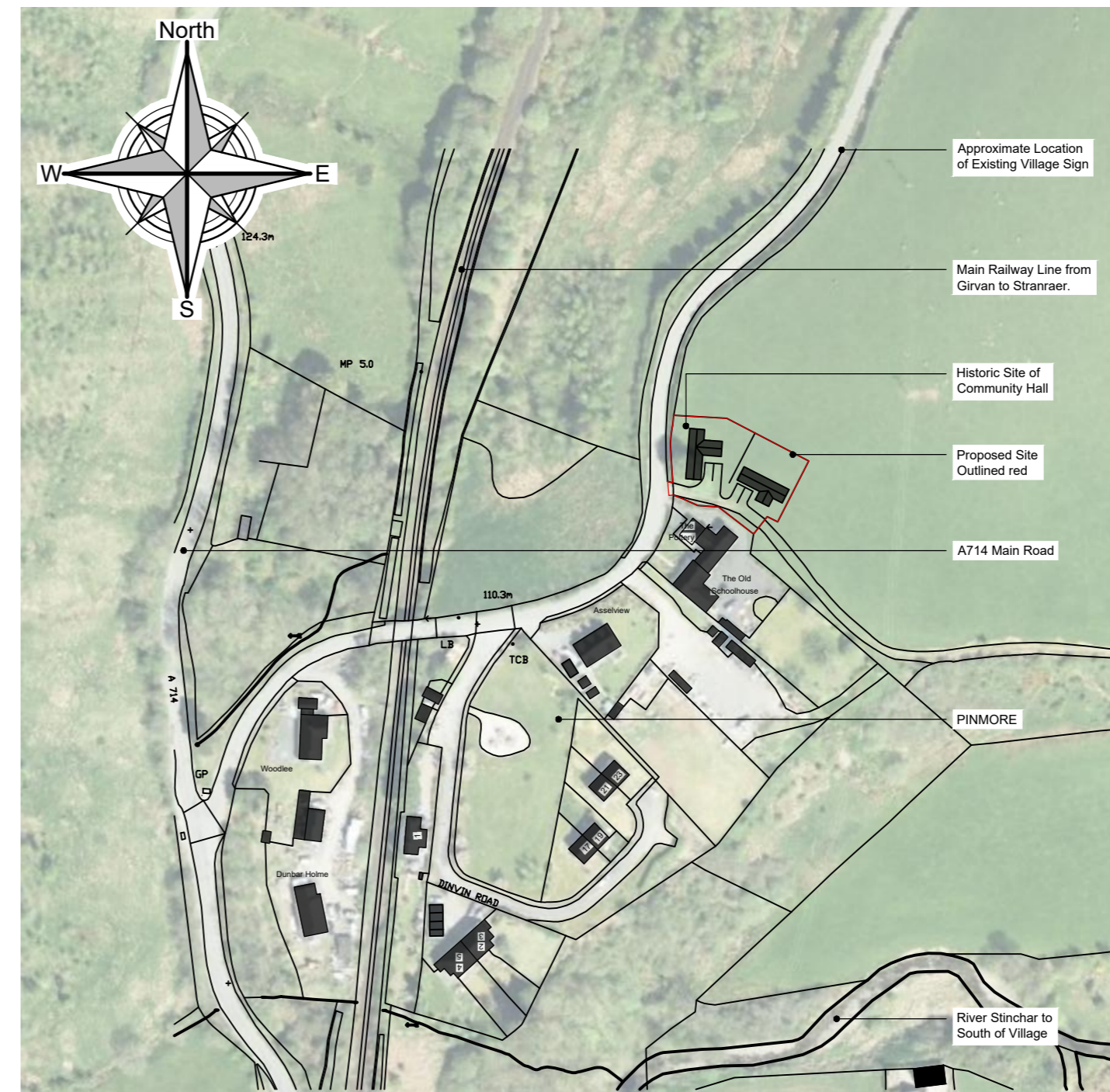
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DWG NO. **0743 PP 02**

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DRAWN BY A.Mair	DATE Sep 2021	

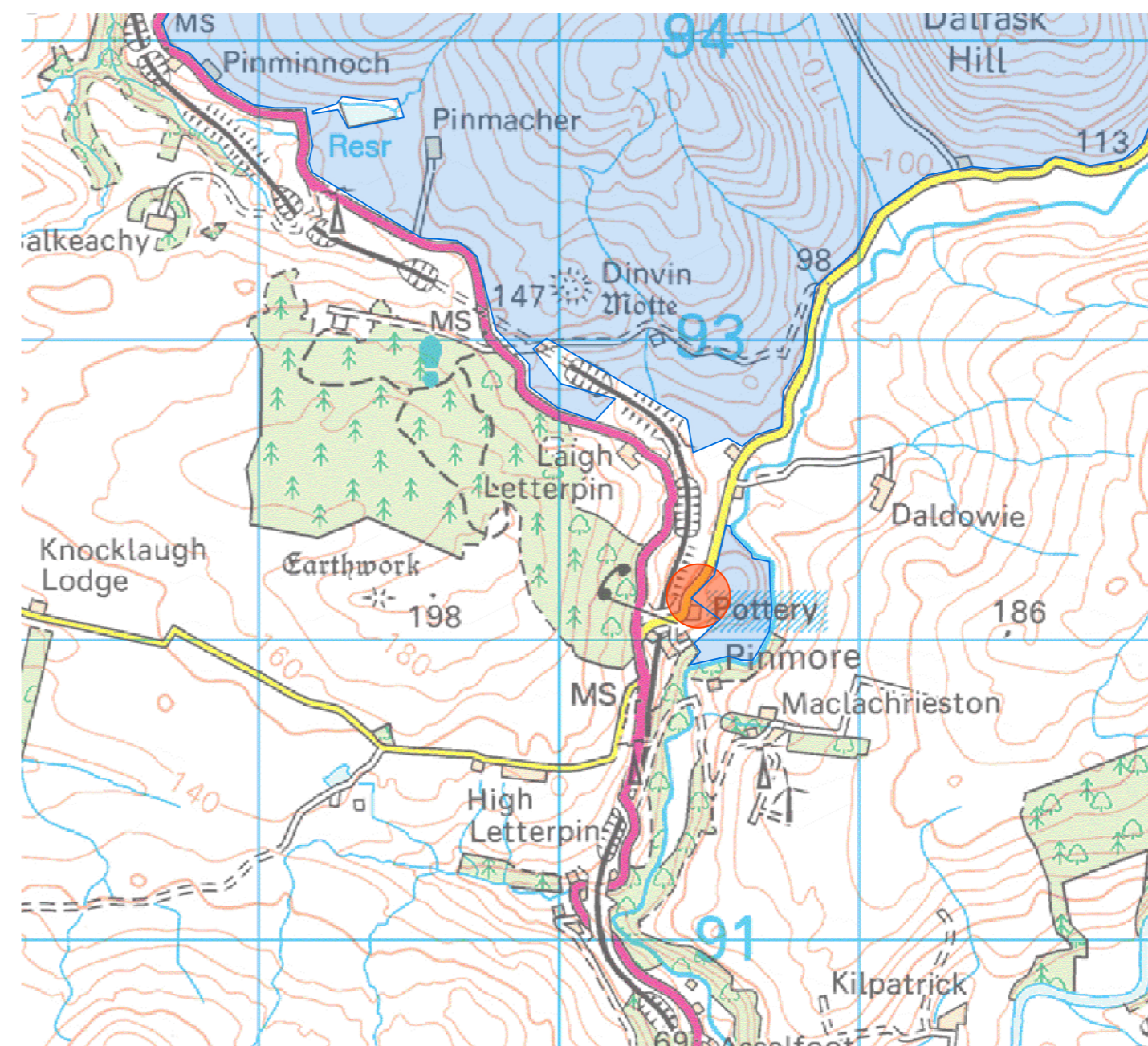


Proposed Site Plan



Proposed Location Plan

1:2000



Rural Location Plan

1:20k

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ARCHITECTURE LTD

STAIRHILL, MAUCLINE AYRSHIRE KA5 5HN
WWW.STAIRHILL.CO.UK e: INFO@STAIRHILL.CO.UK t: 01292 591500

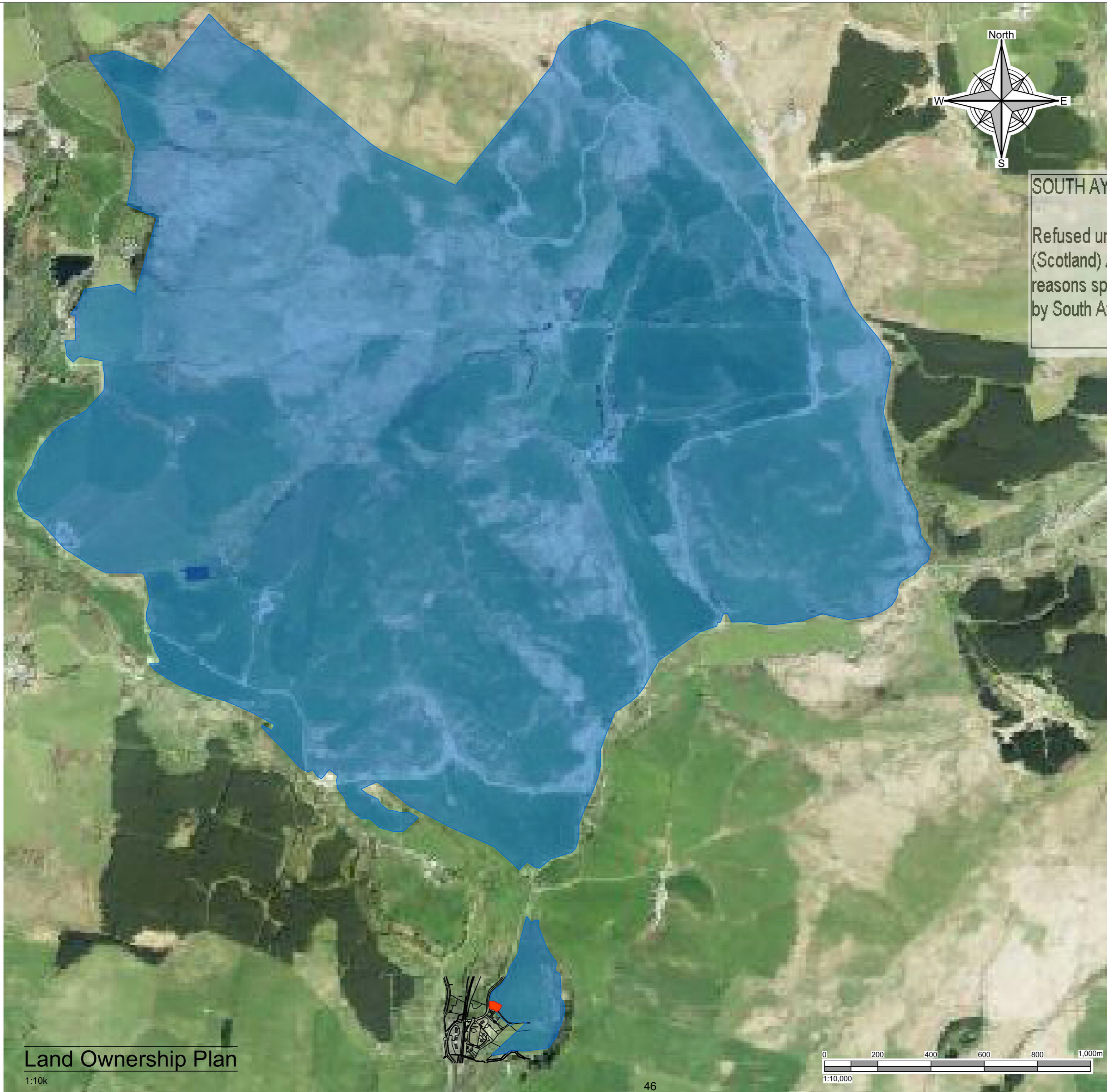
CLIENT	Mr M Logan
ADDRESS	Pinmacher Farm Girvan. KA26 0HX

PROJECT	Proposed Farm Workers Cottages
SITE	Land adjacent Old School House, Pinmore

TITLE	Site Plans
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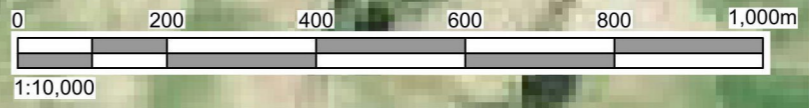
DWG NO.	0743 PP 01
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DRAWN BY	A.Mair	DATE	Sep 2021	



Land Ownership Plan

1:10k



NOTES

SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

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REVISION SCHEDULE		

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PLANNING DWG	TENDER DWG
PRESENTATION	AS BUILT DWG



STAIRHILL, MAUCLINE AYRSHIRE KA5 5HN
 WWW.STAIRHILL.CO.UK e: INFO@STAIRHILL.CO.UK t: 01292 591500

CLIENT **Mr M Logan**

ADDRESS **Pinmacher Farm
 Girvan. KA26 0HX**

PROJECT **Proposed Farm Workers Cottages**

SITE **Land adjacent Old School House, Pinmore**

TITLE **Land Ownership**

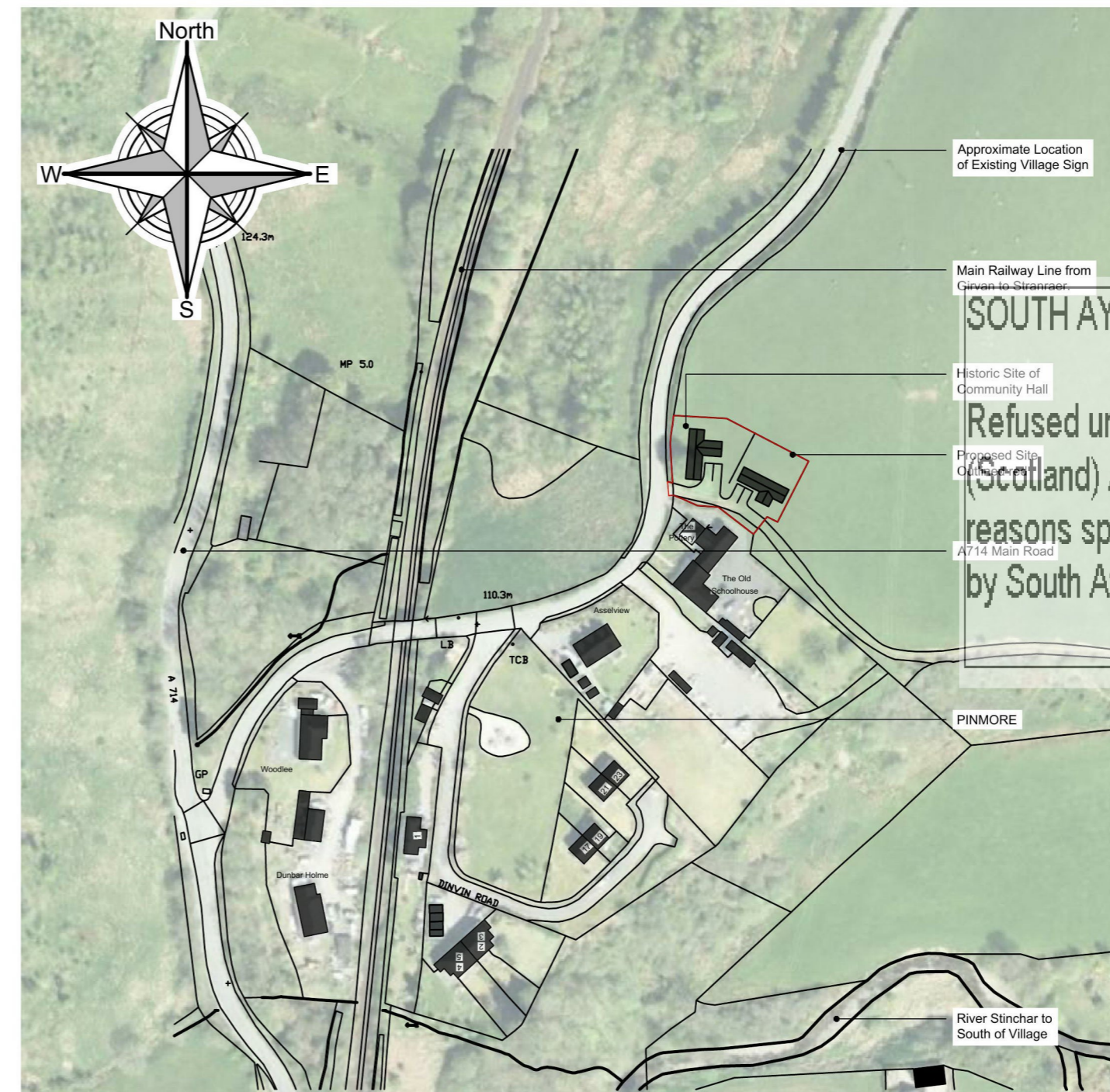
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DRAWN BY A.Mair	DATE Sep 2021	



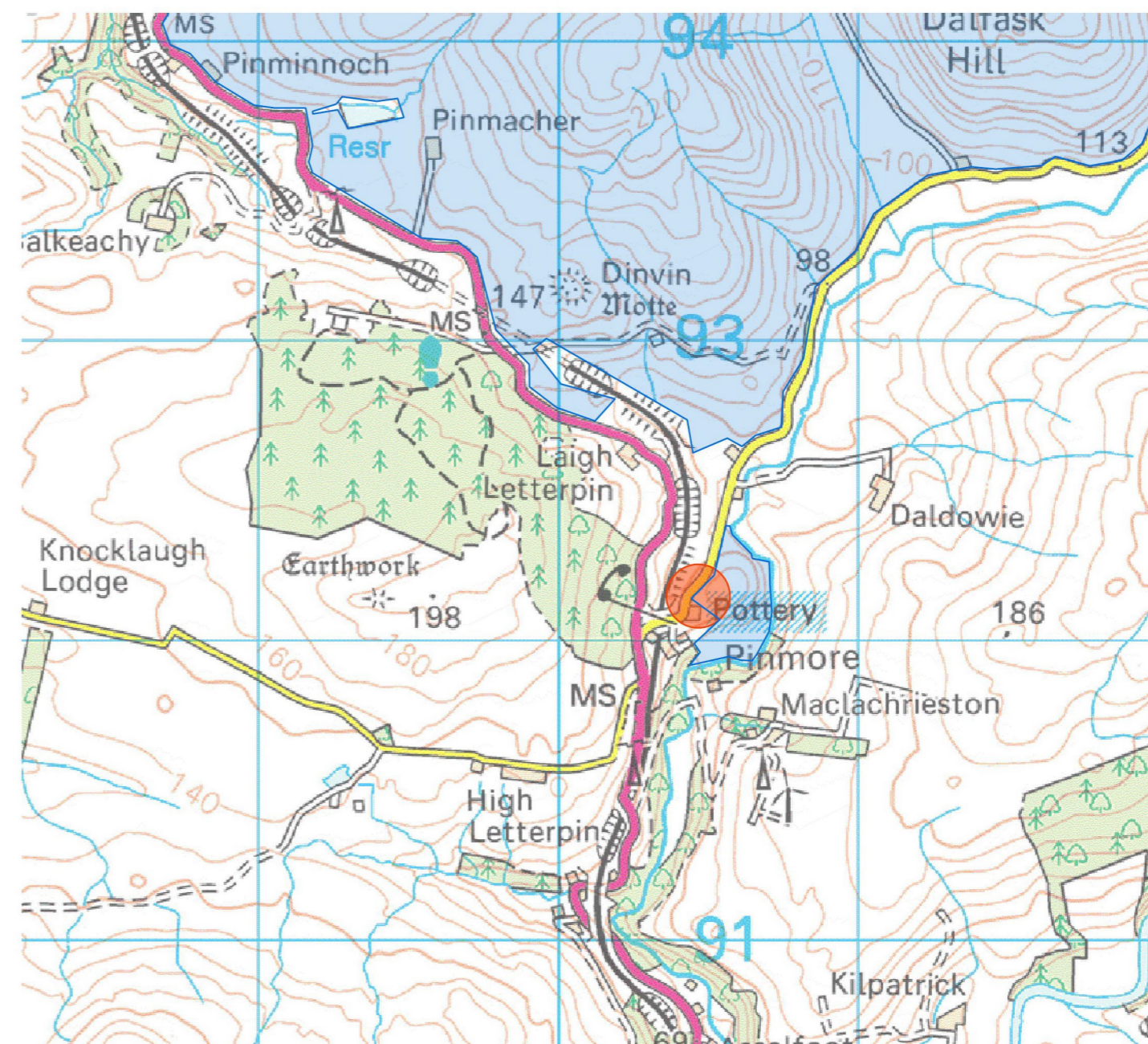
Proposed Site Plan

1:500



Proposed Location Plan

1:2000



Rural Location Plan

1:20k

NOTES

SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

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REVISION SCHEDULE	

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ARCHITECTURE LTD

STAIRHILL, MAUCLINE AYRSHIRE KA5 5HN
WWW.STAIRHILL.CO.UK e: INFO@STAIRHILL.CO.UK t: 01292 591500

CLIENT **Mr M Logan**

ADDRESS **Pinmacher Farm
Girvan. KA26 0HX**

PROJECT **Proposed Farm Workers Cottages**

SITE **Land adjacent Old School House, Pinmore**

TITLE **Site Plans**

DWG NO. **0743 PP 01**

SHEET SIZE A2	SCALE As Shown	REVISION
DRAWN BY A.Mair	DATE Sep 2021	

LOCAL DEVELOPMENT

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE
(Delegated)**

Ref No: 21/00944/PPP

SOUTH AYRSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended by the PLANNING ETC. (SCOTLAND) ACT 2006**

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

**To: J H Logan & Co
per Stairhill Architecture Ltd
Alistair Mair
Stairhill
Stair
KA5 5HN**

With reference to your application dated **29th September 2021** for Planning permission in principle under the aforementioned Acts and Orders for the following development, viz:-

Planning permission in principle for the erection of 2 dwellinghouses

**at: Land To The North Of The Pottery C13 From Assel Road Pinmore Via Tormitchel And
Penwhapple Glen To B734 Juction At Penkill North From Pinmore Girvan South Ayrshire**

The Council in exercise of their powers under the aforementioned Acts and Orders hereby **refuse** Planning permission in principle for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/Planning/

The reasons for the Council's decision are:

- (1) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Sustainable Development policy due to having an inappropriate impact on the visual amenity of the area due to being visually prominent, to the detriment of the rural setting of the locality, and no justification having been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Rural Housing policy due to not being sited so as to reinforce the existing operational base of the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms, and no justification having been provided for a departure from this policy.
- (3) That the development proposal is contrary to the Planning Guidance in relation to Rural Housing due to not being sited so as to reinforce the existing operational base of the farming enterprise at Dalfask, Pinminnoch, and Pinmacher Farms, and due to not constituting development within an existing cluster or the sensitive in-filling of an available gap site which consolidates existing properties within a cluster, and no justification having been provided for a departure from the Rural Housing planning guidance.
- (4) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan Landscape Quality policy, and the provisions of Scottish Planning Advice Note PAN 72 in relation to Housing in the Countryside due to having an inappropriate impact on the visual amenity of the area due to the loss of existing established trees, being visually prominently, and representing a form of ribbon development which does not relate to the established development pattern and would increase the size and visual impact of the housing group, to the detriment of the rural setting of the locality, and no justification having been provided for a departure from this policy.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** PP01

Drawing - Reference No (or Description): **Refused** Ownership plan

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

Dated: 22nd December 2021

Craig Iles

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

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

Site Photographs and Appointed Officers Comments

Planning application 21/00944/PPP – Land To The North Of The Pottery, Pinmore

Section 25 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 Planning Service considered the planning application on this basis, and against the provisions of the Adopted South Ayrshire Local Plan, and also the Council's Adopted Rural Housing Policy.

Planning application 21/00944/PPP sought planning permission in principle for the erection of 2 dwellinghouses to be occupied by farm workers. The assessment of the application is fully set out and clarified in the Report of Handling that accompanies the decision to refuse planning permission under application 21/00044/PPP. Any reference to an agricultural shed being included within the proposals in the Report of Handling is erroneous; the proposal is for two additional dwellinghouses only. The determining factor in the consideration of this application is the proposed location of the dwellinghouses relative to the existing farmsteadings and their operational bases at Dalfask, Pinminnoch, and Pinmacher Farms, and whether the applicant has made a reasoned and evidential justification for the siting of the proposed development. The onus is on the applicant to submit a robust case that is supported by evidential information that clearly indicates that the chosen location is the only possible location for the development. The Planning Service does not consider that the case has been sufficiently evidenced and notes that the location chosen, otherwise provides for a most exposed location for dwellinghouses in terms of its visual impact within the countryside.

The planning history of the site was also considered to be materially significant in the consideration of the application, and remains relevant in the consideration of the appeal. The following planning history relating to the application site is noted;

Planning permission was refused under application 09/00556/OUT for the erection of a dwellinghouse on the site of the current application. The proposed erection of a dwellinghouse on the site was considered to be contrary to policy provisions of the development plan policies in place at this time, and also due to concerns regarding the landscape and visual impact of the proposals. The decision to refuse planning permission under application 09/00556/OUT was also dismissed at appeal by the Scottish Ministers through the DPEA. The Reporter for the Scottish Ministers concluded that "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group." The Reporter also noted that the proposals would result in a form of ribbon development by extending Pinmore along the road into the undeveloped countryside, and also that "there is no evidence of any economic benefit that would overcome the proposal's adverse impact on the landscape".

The above planning history establishes the principle of the siting residential accommodation, at the application site, as being unacceptable in planning terms.

As part of the consideration of the application, it was noted that the aforementioned farmsteadings at Dalfask, Pinminnoch, and Pinmacher Farms are located approximately 1.3 km, 3 km and 2.3 km to the north-east, and north-west of the site of the current application, respectively. Together the steadings at Dalfask, Pinminnoch, and Pinmacher are understood to provide the operational base for an extended family farming operation and hill farming enterprise. The steadings at Dalfask, Pinminnoch and Pinmacher are each understood to accommodate a dwellinghouse, with Dalfask Farm also having a cottage in addition to a farmhouse. Each of the 4 existing properties are understood to be occupied by family member/s, in addition to various agricultural out-buildings. The aforementioned steadings, along with the application site, are understood to extend to approximately 680 ha, with the landholding being split into two areas. Geographically, the largest area of farmland covers a singular, and extensive area to the north, north-east, and north-west to the application site, while the application site, which is referred to by the applicant as 'Shalloch Park Hill', comprises of the smallest area of farmland at approximately 6 ha.

In considering the proposals, it was noted in the Report of Handling which accompanies the application that the Service could be minded to support the applicant's case for an additional dwellinghouse to serve the business. However, it was considered that proposals for an additional dwelling require to be appropriately sited so as to form or complement a coherent group of buildings and not to be visually obtrusive, as per the requirements of the Council's Adopted Rural Housing policy. Together the steadings at Dalfask, Pinminnoch, and Pinmacher Farms are understood to comprise of the operational base for the family farming operations and enterprise. Therefore, it was considered by the Service that it would be locationally preferential to site any new dwelling and additional operational buildings at one of the existing aforementioned steadings, so as to consolidate and reinforce the existing steadings as the existing operational hubs of the enterprise.

Where a dwellinghouse is required in connection with the operation of an existing rural based business, then it is reasonable to expect that any new dwelling would be sited adjacent to the existing steading so as to form and/ or reinforce a compact operational base. In contrast, the proposed new house is not located within or adjacent to the existing steading and operational bases at Dalfask, Pinminnoch, and Pinmacher Farms. It is further noted that the site comprises a portion of a field where no agricultural buildings are currently present. The former Schoolhouse to the south of the site is a private residential property which forms the eastern limit of development associated with the hamlet of properties at Pinmore.

Additionally, with regard to the extent of land farmed, it is noted that the farmland associated with the aforementioned farming operations covers an area of approximately 680 ha, with the landholding being split into two areas. Geographically, the largest area of farmland covers a singular, and extensive area to the north, north-east, and north-west to the application site, while in contrast, the application site, referred to by the applicant as 'Shalloch Park Hill', stands alone and is isolated from either of the other three farm steadings, and comprises of the smallest area of farmland at approximately 6 ha, which, as noted above, is a small fraction of the extent and area of the landholding as a whole. The steadings and operational buildings associated with the farming activities at Dalfask, Pinminnoch or Pinmacher Farms are entirely concentrated on the largest area of land to the north of the application site. The aforementioned steadings currently provide residential accommodation for family members in addition to various out-buildings, with one of the steadings (Dalfask) understood to have two residential properties. The existing steadings and their associated operational buildings are considered form compact building groupings which are well-located to meet the operational needs of the farming enterprise. Under the current proposals, the applicant seeks to form a fourth, and

disparately located operational location by erecting two dwellinghouses away from the main existing operational locations. In this context, the applicant/ agent therefore fail to recognise the potential benefits from a farm workers dwelling being located at the operational base of the steadings.

For the purposes of assessing the application, it was not considered that the proposal was justified on the basis of the need for a dwellinghouse to be provided in the location proposed. An appropriately sited dwellinghouse at one of the existing steadings would also be preferential from a landscape setting perspective, due to being less sensitive and less exposed than the site proposed under the current application site. In particular, the current proposals would result in the potential loss of two mature trees which are positioned in the corner of the site. The trees are considered to form a natural conclusion to the village at this location, and to contribute to the visual amenity of the locality. The landscape impact of the proposals under application 09/00556/OUT was also considered by the Scottish Government Reporter which concluded that the proposals would result in a form of ribbon development by extending Pinmore along the road into the undeveloped countryside, and also that "there is no evidence of any economic benefit that would overcome the proposal's adverse impact on the landscape". The appeal submission by the agent incorrectly asserts that the only concerns relate to siting.

It is noted that the agent now suggests that the trees will not be removed, however, the submitted drawings show one of the proposed dwellings to be located towards the western boundary of the site, and in close proximity to the existing trees. However, the applicant/ agent fail to have cognisance of the potential for the proposals to adversely impact on the tree roots which will naturally extend outwards and occupy a larger area below ground than the current tree canopies. Given the aforementioned, the proposals have the potential to encroach onto the root systems and to cause damage to the existing trees within the site. In order to avoid any potential damage to, or loss of the existing trees, the proposals would require to be set further back into the site, which would result in a form of development which would be at odds with the layout and positioning of the properties to the south of the site by virtue of not maintaining a presence along the road frontage.

Under the current proposals, the proposals now relate to the erection of two dwellinghouses, on a site which has been previously considered to be inappropriate for residential development. In this context, and given the planning history, it is unclear why the proposed erection of two dwellinghouses on the application site would be any more appropriate than the erection of a single house which has previously been refused.

Additionally, as part of the assessment of the application, it was also noted that the application site has changed ownership since the previous application under 09/00556/OUT. It is therefore evident that the applicant acquired the site of the current application for use as agricultural land in the knowledge that the site did not have a dwellinghouse, and that planning permission for the erection of a dwellinghouse had been refused.

Given the above, the applicant/ agent has not demonstrated why the proposed additional dwellinghouses could not be sited in the locality of the existing steadings Dalfask, Pinminnoch or Pinmacher Farms, and information available to the Planning Service suggests that the proposed development does not need to be as remotely located as the applicant/ agent suggests. The aforementioned existing steadings at Dalfask, Pinminnoch or Pinmacher Farms are noted to be largely covered by the same rural policy designations which affect the site of the current application, and in

this context, the existing steadings are no more visually, or environmentally sensitive than the site of the current application.

For completeness, the Service also considered if the proposal could be considered to represent development within a cluster of existing properties. As noted in the Report of Handling, given the physical characteristics of the site, the planning history of the site and the Reporter's conclusion that the "the site appears from the road to be part of the larger field that surrounds it, rather than of the cluster of houses to the south, which clearly ends at The Pottery. The construction of a house on this site would not relate logically to the established development pattern and would increase the size and visual impact of the housing group." Given the afore-mentioned, the proposed development was not considered to represent the sensitive in-filling of an existing cluster for the purposes of considering this application/ appeal.

It is noted that the agent refers to the site having previously been occupied by a former Scout Hall. However, photographs (from the case officer and Google Maps) of the site confirm the site to comprise of a portion of a field. Any previous building(s) at the site would therefore have been historic. In considering the application and subsequent appeal, it is necessary to consider the current condition and characteristics of the site.

Overall, the LRB will wish to give careful consideration to whether the applicant has provided a locational justification for the erection of 2 dwellings in the location proposed which is remote from the existing and established operational steadings, and also whether the applicant's needs could not be equally fulfilled by locating an additional dwelling the vicinity of Dalfask, Pinminnoch or Pinmacher Farms.

The following photo's show the site in more detail;



View of site from access track adjacent to public road (officer photo)



View of site from Dinvin Road to south (officer photo)



View of site from Dinvin Road to south (Google image)



View of site from Dinvin Road to north (Google image)

Planning application 21/00944/PPP

Land To The North Of The Pottery, Pinmore

Appointed Officers Comments and Photos

Agent Response

Siting – The site has been chosen as it sits adjacent the existing hamlet of Pinmore grouping the proposed dwellings with the existing settlement. It is also adjacent the farmland holding which currently has no onsite presence, this is beneficial in terms of checking livestock which is paramount with the proximity to the settlement to help avoid dog worrying which is more susceptible in this location. The site is also centrally located for accessing the farms along the A714 and Dinvin Road.

Planning policy does not state that any new dwellings require to be sited adjacent the existing farm steading or consolidate operational base. This is the planners' own words that do not appear in any guidance. Policy states that any new dwellings should be grouped with existing buildings. The proposals comply with this.

Planning officer comments *that*

'the applicant / agent therefore fail to recognise the potential benefits from a farm workers dwelling being located at the operational base of the steading'

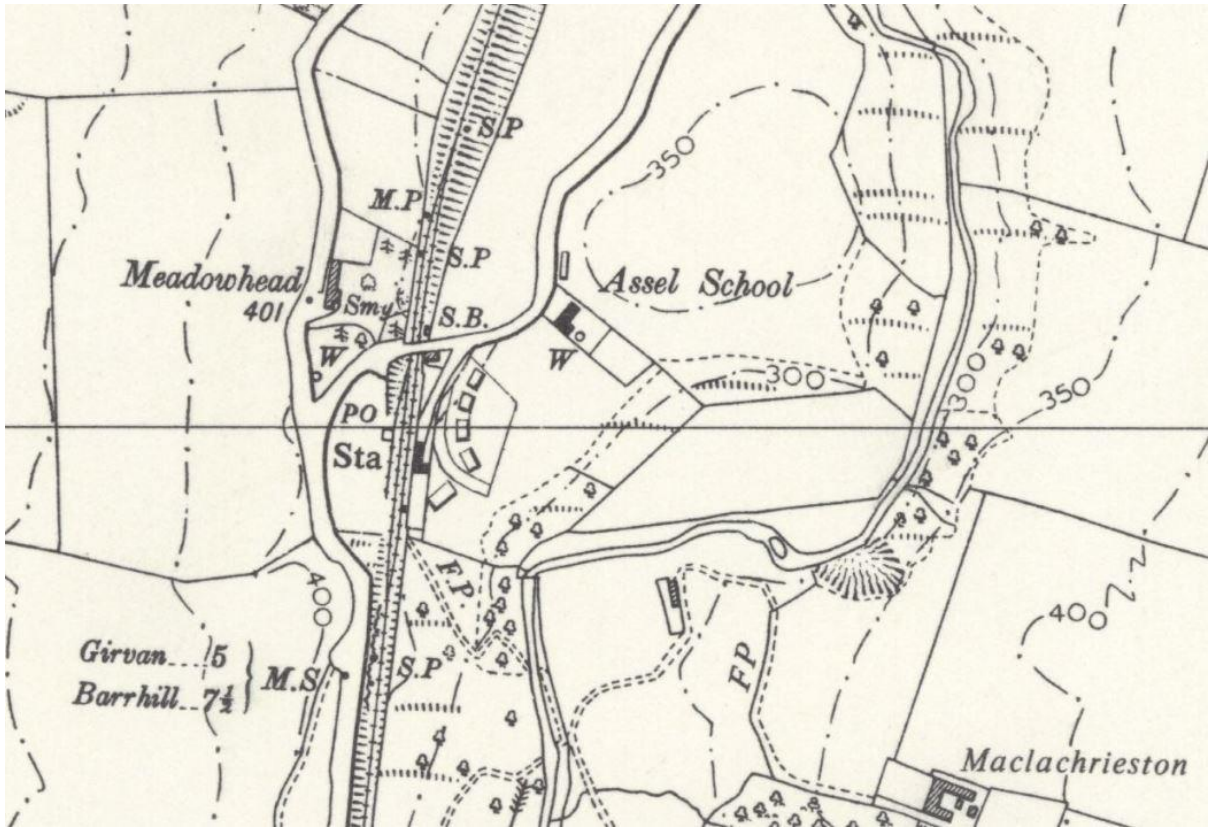
Our client is fully aware of their business operations and benefits of the chosen site which has been fully justified. It is not for the planner to advise our clients on their business operations.

As noted in the original application, one of the new houses shall be occupied by William to allow a new member of staff to be on site in his current house at Pinmacher as William is not fit to deal with out of hour emergencies.

Landscape impact –

No trees are to be felled, original plans showing house roofs were simply to demonstrate scale and possible layout. No trees will be felled and no root protection zones disturbed. No mention or suggestion has been made that we would be felling trees. A further application with the dwelling designs shall be required and will show existing trees together with any additional planting proposed.

As stated in the original supporting documentation the site was formally a community hall which no longer exists on site but is visible on OS map of 1957 as per below.



This is a material consideration as the proposals will reflect the historic setting of the settlement returning it to a form more closely aligned with its recent past.

The fact that there was previously a building on site we are of the opinion that there will be very little to no negative impact with a carefully designed single storey bungalow as our client proposes.

Previous application 09/00556/OUT was an application submitted by a previous owner under planning policy for the extension to a hamlet. This was refused at officer level and again at appeal. The refusal stated that 'there is no evidence of economic benefit that would overcome the proposal's adverse impact on the landscape'

Application 21/00944/PPP has been submitted with a full justification and supporting labour assessment detailing the requirement for two dwellings for the existing rural business. The planner has accepted and agreed the justification and the reason for refusal is based on the siting and impact on the landscape.

It is of our opinion that the proposed dwellings can be designed to have a minimal impact on the surrounding landscape with the retention of tree as can be seen in photo. Any minimal visual impact is offset by the economic benefit from introduction of two new families to the rural community along with the economic benefit to the rural enterprise associated with the application.

Comments for Planning Application 21/00944/PPP

Application Summary

Application Number: 21/00944/PPP

Address: Land To The North Of The Pottery C13 From Assel Road Pinmore Via Tormitchel And Penwhapple Glen To B734 Jucntion At Penkill North From Pinmore Girvan South Ayrshire

Proposal: Planning permission in principle for the erection of 2 dwellinghouses

Case Officer: Ms Fiona Sharp

Customer Details

Name: Mr David Hall

Address: The Pottery Pinmore Girvan

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:With regards to this outline planning application, although we have no overall objection to this application we feel it important to voice our concerns over the location of the two dwellings. While we realise that this is an outline planning application it should be noted that the location of the dwellings on the application has a privacy impact on our property.

The first dwelling which is nearest the to the road will be overlooking both our bedroom window and our shower room window, both of which are situated on the ground floor of our property.

The second dwelling will overlook the same bedroom. Both of these we consider an invasion of our privacy.

We would ask that when a full application is submitted that both dwellings are moved sufficiently to ensure our continued privacy.

Wednesday, 13 October 2021



Local Planner
Planning Service
South Ayrshire Council
Ayr
KA7 1UT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land To The North Of The Pottery, North From Pinmore, Girvan, KA26 0TY
Planning Ref: 21/00944/PPP
Our Ref: DSCAS-0050446-2XK
Proposal: Planning permission in principle for the erection of 2 dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in PENWHAPPLE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development

complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Services Analyst

Tel: 0800 389 0379

planningconsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org
ARA Case Officer: AP
Planning Case Officer: F Sharp
Planning Application No: 21/00944/PPP
Location: Land To The North Of The Pottery C13, Pinmore

Date Received: 12/10/2021
Date Returned: 25/10/2021
Recommendation: No Objection subject to Conditions

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

Expository Statement (if applicable):

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

Advisory Notes:

Road Opening Permit:

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.

Roads (Scotland) Act:

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

New Roads and Street Works Act 1991:

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

Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

Conditions:

Access Construction (single access or small development):

That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide. The access shall be constructed, as approved, prior to completion of the development.

Reason:

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

Private Access Surfacing:

That the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.

Reason:

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

Junction Visibility Splays:

That junction access visibility sightline splays as per the Council's adopted National Roads Development Guide shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.

Reason:

In the interest of road safety and to ensure an acceptable standard of construction. To avoid the possibility of unnecessary reversing of vehicles onto the public road.

Discharge of Water:

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

Reason:

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

Off Road Parking Provision (PPP):

That off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy.

Reason:

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

From: [Bogicevic, Mira](#)
To: [Sharp, Fiona](#)
Subject: 21/00944/PPP, Land to the N of the Pottery, Pinmore
Date: 14 October 2021 15:53:18

Hi Fiona,

I refer to the above Planning Application consultation and can advise as follows.

The red-line site is positioned in a visually prominent location, characterized by a small cluster of trees. The site itself is not covered by any natural heritage or specific landscape designations, however due to the position and potential visibility of the development I am concerned that the visual impact of the proposals upon the landscape could be significant.

If the application is approved, the applicant should propose a planting plan in order to mitigate the impact of the development on the surrounding area. The group of trees currently growing on the site should be retained and protected during the construction period.

Regards,
Mira

Mira Bogicevic | NS Open Space and Technical Officer | Sustainable Development | Place | mira.bogicevic@south-ayrshire.gov.uk | Direct line: 01292616672 | South Ayrshire Council, Operations Centre, Walker Road, Ayr, KA8 9LE

SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE of CURRENT POSITION

Site Address:	5 CLOCHRANHILL ROAD AYR SOUTH AYRSHIRE KA7 4PZ
Application:	21/01026/APP ALTERATIONS AND EXTENSION TO DWELLINGHOUSE

Appointed Officer's Decision:	Approval subject to Conditions
Date Notice of Review Received:	23 rd February 2022

Current Position:	New Case For Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 6 – Report of Handling Pages 7 to 41 – Notice of Review and Supporting Documentation Pages 42 to 54 – Planning Application and Supporting Plans Pages 55 to 57 – Decision Notice Pages 58 to 63 – Site Photographs and Appointed Officers Comments Page 63 – Interested Parties comments on Site Photographs Page 64 – Interested Parties comments on Original Planning Application Page 65 - Agent comments on Interested Parties comments on Site Photographs
New Material:	No
Additional Material:	N/A
Dated:	14th June 2022

South Ayrshire Council

Place Directorate

Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received.
The Council's Scheme of Delegation can be viewed at <http://www.south-ayrshire.gov.uk/committees/>

Reference No:	21/01026/APP
Site Address:	5 Clochranhill Road Ayr South Ayrshire KA7 4PZ
Proposal:	Alterations and extension to dwellinghouse
Recommendation:	Approval with Condition(s)

REASON FOR REPORT

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

1. Site Description:

The application site relates to a single storey semi-detached dwellinghouse at 5 Clochranhill Road, Ayr.

2. Planning History:

No relevant planning history in the assessment of the application.

3. Description of Proposal:

Planning permission is sought to alter and extend the dwellinghouse. Full details of the proposals are set out within the submitted plans.

4. Consultations:

No consultations were undertaken.

5. Submitted Assessments/Reports:

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

The application is accompanied by a supporting statement which describes the location of the site, explains how the design solution is sensitive to the original dwellinghouse and compliant with local policy guidance.

6. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. None.

7. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions

requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

8. Representations:

One objection has been received in relation to the proposal. The representation can be viewed online at www.south-ayrshire.gov.uk/planning.

In summary, the following concerns have been raised:

- Adverse impact on residential amenity due to overlooking/overshadowing

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

- *Adverse impact on residential amenity due to overlooking/overshadowing* – The potential impact of the proposal on neighbouring properties is discussed elsewhere in this report.

9. Development Plan:

Section 25 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 following policies are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
LDP Policy: Sustainable Development

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

The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

The application site is designated as a residential area within the Adopted South Ayrshire Local Development Plan and this remains unchanged with the Proposed Replacement South Ayrshire Local Development Plan. The application has been considered in this context.

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

South Ayrshire Council's Supplementary Planning Guidance (SPG) on House Alterations and Extensions indicates that alterations and extensions should be of a size and design which respect the existing building and surrounding street scene. In terms of the scale of an extension, this should normally be subsidiary in height and size to the original property. In assessing planning applications for alterations and extensions to residential buildings, the main points considered are:

- The height, width and general size should normally be smaller than the house, and, whilst in proportion, clearly subsidiary so as not to dominate the character of the original.

In terms of the form and detailing, the main points considered are:

- Generally, roofs should be pitched at an angle that reflects the original building; and
- Normally be similar in all respects to the existing building in terms of style, shape and proportion including windows of similar proportion and design and materials similar in colour or texture.

In considering proposals for rear extensions, especially extensions on or close to mutual boundaries some consideration must be given to the amenity of adjoining properties. The aim is to achieve a reasonable balance between the applicant's aspirations to achieve more living accommodation and the interests of their neighbour's amenity by ensuring that an extension would not seriously affect a neighbour's outlook or daylight.

It is expected that a single storey extension should not cross a 45 degree line from the mid-point of the window in the nearest habitable room of the adjoining house. In order to try and achieve a reasonable balance the Council has been prepared to look favourably on extensions of no greater depth than 3.5m (roughly the depth of an average habitable room) even if this crosses the 45 degree line.

Continuous access between the front and rear of the property should also be retained to enable wheelie bins to be stored at the rear of the property.

It is considered that the proposed extension generally accords with the provisions of the SG on House Alterations and Extensions. This is outlined further in section 11 below.

In terms of dormer windows the supplementary guidance states:-

- o The size and number of dormer windows should be kept to a minimum to avoid dominating the appearance of the roof.
- o Large areas of cladding on the front should be avoided and dormers should be set away from the gables, hips and down from the roof ridge in order that the roofline might be retained unaltered. The dormer should not project above the ridge of the roof.
- o Continuous box dormers (Le. two or more rooms linked) will not generally be permitted, especially on front elevations.
- o Dormers should be so placed as to form a definite relationship with the main features in the building's facade and should normally line through and be symmetrical with other windows and doors.
- o Windows forming part of the dormer should reflect the style and proportion of existing windows and notwithstanding the desired internal layout, the windows should be positioned at the dormer extremities.
- o Where dormers exist in adjoining semi-detached/ terraced properties new dormers should generally match.
- o Dormer windows on adjacent semi-detached and terraced properties should be sited at least one metre from the boundary of the attached dwellinghouse(s).
- o Where roofs of low pitch are involved it is most important to ensure that the dormer window height is kept to a minimum.

The proposed front dormer windows are considered to comply with the aforementioned guidance. The proposed rear dormer window and balcony are not considered to comply with the aforementioned guidance. This is outlined further below.

Planning Guidance (SPG): Open Space and Designing New Residential Developments

The guidance is relevant in the assessment of the application, which states that detached, semi-detached and terraced properties should be provided with garden ground in proportion to their size. Rear gardens will be expected to be a minimum of 1½ times the size of the ground floor area for detached and semi-detached dwellings and no less than 100sqm. This will generally include rear and side dwellinghouse gardens enclosed by fence/ wall/ hedge. A minimum garden depth of 9 metres shall be required. This distance may be relaxed in the case of corner plots and on plots, with two or more frontages onto roads

subject to the minimum areas being satisfactorily provided. A minimum of 18 metres between habitable windows (including kitchens) shall be provided.

The remaining private garden ground at the property is considered commensurate with the immediate neighbouring properties and it is considered adequate to ensure that an appropriate level of amenity is retained.

11. Assessment (including other material considerations):

A site visit has not been undertaken as it is considered that sufficient information is available to determine the application; in accordance with the Council's agreed protocol and the advice of the Scottish Government in containing the spread of Coronavirus. The agent has provided photographs of the application site in this instance. The photographs provided alongside the plans submitted, are considered sufficient to complete the assessment of the current application.

The proposal under consideration is to alter and extend the dwellinghouse by way of the erection of a single storey rear extension, the erection of a front canopy porch, the formation of two front dormer windows and the formation of an enlarged rear dormer window with balcony. The development proposals include external alterations to the original dwelling, including the installation of an additional doorway and rooflights. These works do not require the benefit of planning permission under Class 2B, of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and are therefore not considered as part of the planning application assessment.

Single storey rear extension

The proposed rear extension is subsidiary to the original dwellinghouse in terms of height, general size and appearance. The proposed single storey rear extension does not compromise the character of the original dwelling, or that of the streetscape, and therefore meet with the Council's Guidance on House Alterations and Extensions.

The proposed rear extension shall infill and enlarge the existing extension to the rear of dwelling, while retaining the same depth, height and roof style. The existing rear extension is situated on the mutual boundary with the neighbouring dwelling at no. 3 and, as outlined, the positioning of the extension, as enlarged, along this mutual boundary shall remain unaltered. The extension, as enlarged, shall be positioned approximately 1.8 metres from the mutual boundary with no.7 and approximately 13 metres from the rear boundary. Therefore, due to the separation distances outlined and the depth, height and roof style the proposed extension matching the existing rear projection, it is not considered that the proposed development shall adversely impact on the amenity of neighbouring properties in terms of loss of light or sense of enclosure.

In terms of privacy impact, the proposed rear extension includes bi-fold doors and a window which aspects the rear garden ground of the dwelling. Due to the separation distances outlined and the existing boundary treatment, it is considered that the proposals shall not adversely impact any neighbouring properties in terms of privacy or amenity.

As set out above, the dwelling will have sufficient private rear garden ground to ensure that an acceptable level of amenity is provided. Access for bins to be stored to the rear of the property shall also be retained.

Front porch canopy

A wooden front porch canopy is proposed to be erected at the front entrance to the dwellinghouse. It is considered that the proposal is subsidiary to the original dwellinghouse in terms of height general size and appearance and does not compromise the character of the original dwelling, or that of the streetscape, and therefore meets with the Council's Guidance on House Alterations and Extensions.

In respect of residential amenity, the front canopy porch is sufficiently distant from other residential properties so as not to give rise to any adverse amenity concerns.

Front dormer windows

The proposed dormer windows are considered to accord with the design guidance, as per the SPG outlined under Section 10, above. The proposed dormers are set down from the roof ridge, set back from the eaves and away from the gable. The siting, design and scale of the proposed dormers are not considered to dominate the existing roof and are generally comparable to dormer windows formed on neighbouring properties. Overall, the front dormer windows are not considered to be out of character for the appearance or locality and shall not have a detrimental impact on the streetscape of the area.

The proposed front dormer windows have an aspect over Clochranhill Road and do not directly oppose any neighbouring windows. Overall, it is not considered that any neighbouring properties would be adversely impacted by the development proposals.

Rear dormer window with balcony

With regard to the dormer window and balcony proposed with the rear elevation, it is considered that the proposed dormer window is contrary to the relevant provisions of the SG (outlined in section 10 above) due to the overall size of the dormer dominating the appearance of the roof space of the dwelling. With regard to the balcony element of the dormer, it is noted that the balcony is recessed into the dormer window itself so shall be screened on either side allowing only unobstructed views of the rear garden of the dwelling, which has a depth of approximately 22 metres. Therefore, it is acknowledged that the proposed dormer window with balcony shall not adversely impact any neighbouring properties in terms of privacy or amenity. However, due to the aforementioned issues raised in respect of the overall size of the dormer window being contrary to the provisions of the SG and in order for control over this aspect of the development proposed, it is considered necessary to 'condition out' the rear facing dormer window and balcony.

There are no policy objections to this proposal and it is considered that, subject to conditions, this proposal does not have an adverse impact on the character or residential amenity of the surrounding area. Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

12. Recommendation:

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

- (1) 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.
- (2) That notwithstanding the plans hereby approved, no permission is granted for the rear facing dormer window and balcony. Prior to the commencement of development on site, a revised rear elevation showing the deletion of the aforementioned enlarged rear dormer window and balcony shall be submitted for the prior written approval of the Planning Authority.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interest of amenity and to define the terms of this planning permission.

List of Plans Determined:

Drawing - Reference No (or Description): **Approved** PLA001

Drawing - Reference No (or Description): **Approved** PLA002

Drawing - Reference No (or Description): **Approved** PLA003

Drawing - Reference No (or Description): **Approved** PLA004

Drawing - Reference No (or Description): **Approved** PLA005

Reason for Decision (where approved):

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

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

Equalities Impact Assessment

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

<i>Decision Agreed By:</i>	<i>Appointed Officer</i>
<i>Date:</i>	<i>29 November 2021</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100482829-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Eric & Jocelyn"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Greene"/>	Address 1 (Street): *	<input type="text" value="Clochranhill Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Alloway"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Ayr"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA7 4PZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="el@greenejems.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="South Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="5 CLOCHRANHILL ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="AYR"/>
Post Code:	<input type="text" value="KA7 4PZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="618626"/>	Easting	<input type="text" value="233575"/>
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Description of Proposal

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

Proposed internal alterations, new extension in place of conservatory with a new roof across entire extended area to the rear of the property. 2 pitched roof dormers to the front and 1 flat roof dormer to the rear. A new canopy to be formed at the front entrance of the house.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to the statement in support submitted with this notice of review request.

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

Yes No

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

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

PLA001 - Location, Site Plans & Block Plans PLA002 - Existing Drawings with Downtakings PLA003 - Ground Floor as Proposed
PLA004 - First Floor as Proposed PLA005 - Elevations, Section & Perspectives as Proposed Supporting Statement (As submitted with original application) Notice of Review - Statement in Support Site Photos

Application Details

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

21/01026/APP

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

13/10/2021

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

01/12/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Cameron Irving

Declaration Date: 22/02/2022

**NOTICE OF REVIEW
IN RELATION TO THE REFUSAL BY
SOUTH AYRSHIRE COUNCIL FOR
PLANNING PERMISSION FOR THE ERECTION
OF A REAR DORMER WINDOW WITH BALCONY
AT 5 CLOCHRANHILL ROAD, ALLOWAY, AYR, KA7 4PZ**



**PLANNING APPLICATION REF NO
21/01026/APP**

STATEMENT IN SUPPORT

Report Prepared by:

**MICHAEL S EVANS
BA (Econ); Dip TP, MRTPI, MCIM
PLANNING CONSULTANT
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AYR
KA7 1DG**



February 2022

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3.0 THE REASONS FOR SEEKING A REVIEW

4.0 RESPONSE TO THE COUNCIL'S CONDITION 2

5.0 SUMMARY / CONCLUSIONS

(i) SUMMARY / CONCLUSIONS

- In the Report of Handling in the Reasons for Decision, where approved, the Officer states:

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

In our opinion, the potential impact of the proposals for the rear dormer window and balcony, as described in Planning Application Drawing No PLA005, the subject of this Notice of Review should be similarly treated.

- The Report of Handling states that the proposed rear dormer with balcony would impact adversely on the amenity of neighbouring land and buildings.

In our opinion, for the reasons detailed later in this Statement, the proposals would not impact adversely, either on:

- streetscape
- nor the area, composed mainly of back gardens to the north/north east

because the proposals would, in effect, be virtually unsighted.

- Policy states that generally where dormers exist in adjoining semi-detached/terraced properties, new dormers should generally match

The use of the word 'generally' indicates that this is not intended to be prescriptive and, in this instance, this is a proposed rear dormer where

there is no guidance available from examples in adjoining or otherwise nearby properties.

- The Report of Handling states that, due to its overall size, it would dominate the appearance of the roof space of the building.

This is the only criticism of the proposals.

In fact, the drawings confirm that the proposed dormer steps down from the existing ridge and steps in from the gable wall to remain subsidiary to the original property.

In addition, in response, in design terms, it is in our opinion important to take into account the relationship between the rear dormer and the approved proposed extension. We would maintain that they effectively complement each other in design terms and should be viewed together.

While the proposals are not entirely traditional in concept, it is a solution, in our view, that actually works. They also achieve an actual balance/symmetry with the neighbouring extension.

- We are therefore of the opinion that the proposals do comply with the overall guidance provided by Supplementary Guidance: Alterations and Extensions to Houses and Supplementary Planning Guidance (SPG): Dormer Windows, and are thereby compliant with the requirements of:
 - LDP policy: residential policy within settlements, release sites and windfall sites
 - LDP policy: sustainable development, and
 - SPP 2014

1.0 INTRODUCTION / TERMS OF REFERENCE / THE PROPOSALS

Introduction/Terms of Reference

On 13 October 2021, application was made by Cameron Irving, Studio20Three Ltd, 23A Fort Street, Ayr, KA7 1DG on behalf of Mr Eric and Mrs Jocelyn Greene, 5 Clochranhill Road, Alloway, Ayr, KA7 4PZ, Planning Application Ref No 21/01026/APP.

The proposal was for 'Alterations and extension to dwellinghouse'. The proposals included a number of components, namely:

- (i) a single-storey rear extension
- (ii) a front porch canopy
- (iii) front dormer windows
- (iv) rear dormer window with balcony

This Notice of Review has been prepared by Michael S Evans, Planning Consultant, 'Ty-Newydd', 11 Murchie Drive, Kings Meadow, Prestwick, KA9 2ND and Cameron Irving, Studio20Three Ltd, and has been instructed by the Applicants.

The Request for Review is specifically in relation to the Council's decision to, in effect, refuse permission for the proposed rear dormer window with balcony, i.e. Condition (2) of the decision:

'That notwithstanding the plans hereby approved, no permission is granted for the rear-facing dormer window and balcony. Prior to the commencement of development on site, a revised rear elevation showing the deletion of the aforementioned enlarged rear dormer window and balcony shall be submitted for the prior written approval of the Planning Authority.'

The contents of the Appointed Officer's Report of Handling (a copy of which can be found in the Appendix) is viewed as a significant material consideration.

The Applicant

The Applicants live at 5 Clochranhill Road, Alloway, Ayr, KA7 4PZ.

The Site

The application site relates to a single-storey semi-detached dwellinghouse at 5 Clochranhill Road. This is shown on Planning Application Drawing No PLA001, a copy of which can be found on page 7. The application site is designated as a residential area in LDP1, a position retained in MPLDP2.

The Proposals

Planning Permission is being sought for a rear dormer window with balcony, as shown in Planning Application Drawing No PLA005.

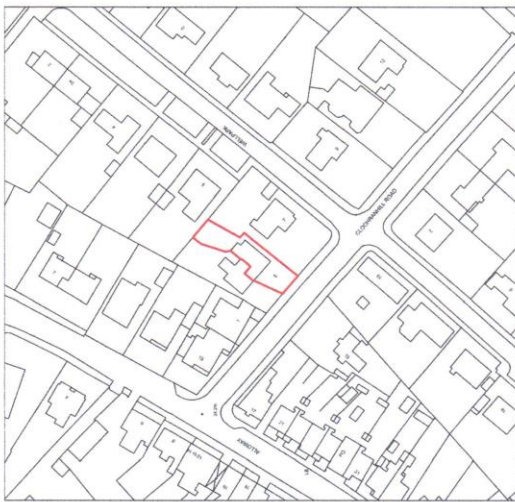
Planning Application Drawing No PLA001: Location, Site Plans and Block Plan

Studio
20THREE

This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not rely on this information for construction purposes. If there are any omissions on this document to the Originator, it is the responsibility of the Originator to clarify or amend the drawings. If in doubt, ASK.

SOUTH AYRSHIRE COUNCIL
Approved under the Town and Country Planning (Scotland) Act, 1997 (As Amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire.

5 CLOCHRANHILL ROAD



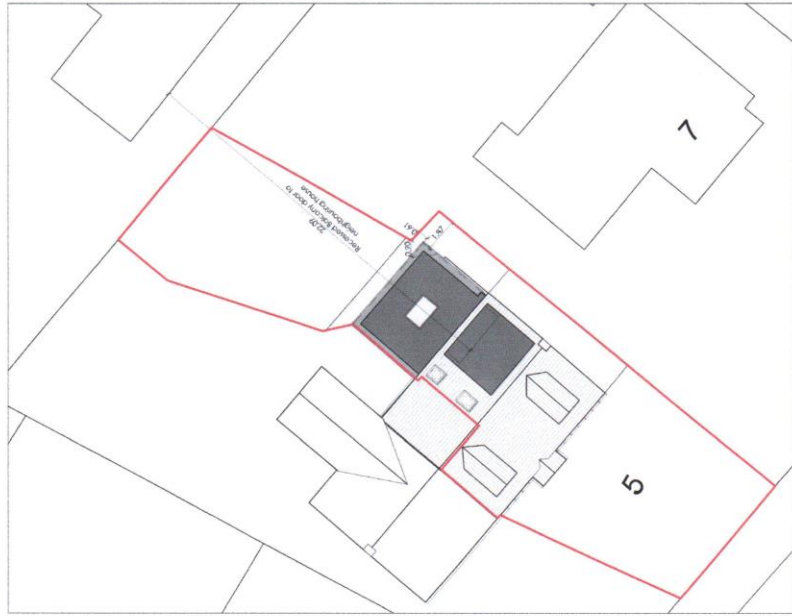
Location Plan 1:250



Site Plan Existing 1:500



Site Plan Proposed 1:500



Proposed Block Plan 1:200

REVISION NOTES	
STATUS	PLANNING
PROJECT NO.	2135
PROJECT	5 Clochrannahill Road Albany KA7 8PZ
CLIENT	Mr & Ms Greene
LAYOUT TITLE	Location, Site Plans & Block Plan
DRAWING NUMBER	PLA001
DRAWING SCALE (Scales of A3)	1:250 1:500 1:200
REVISION	

2.0 AREA CONTEXT AND SITE ANALYSIS

Broader Area Context

5 Clochranhill Road is located in Alloway, near the southern margins of the settlement of Ayr, as defined in LDP1 and as confirmed in the extract from the Plan on page 10, i.e. near the southern limit of the wider Prestwick/Ayr urban area. Much of Ayr south of the town centre is overwhelmingly residential/suburban in character. This designation applies to the immediate area also.

Local (Immediate Townscape) Context

The house sits within the corner of an area bounded by Clochranhill Road on the south, the B7024/Alloway on the west (the entire frontage of which is in the Alloway Conservation Area), Burness Avenue on the north and Wellpark to the east. Within the 'block', most of the older housing is in the west and south, with additional examples of more recent development to the north and east.

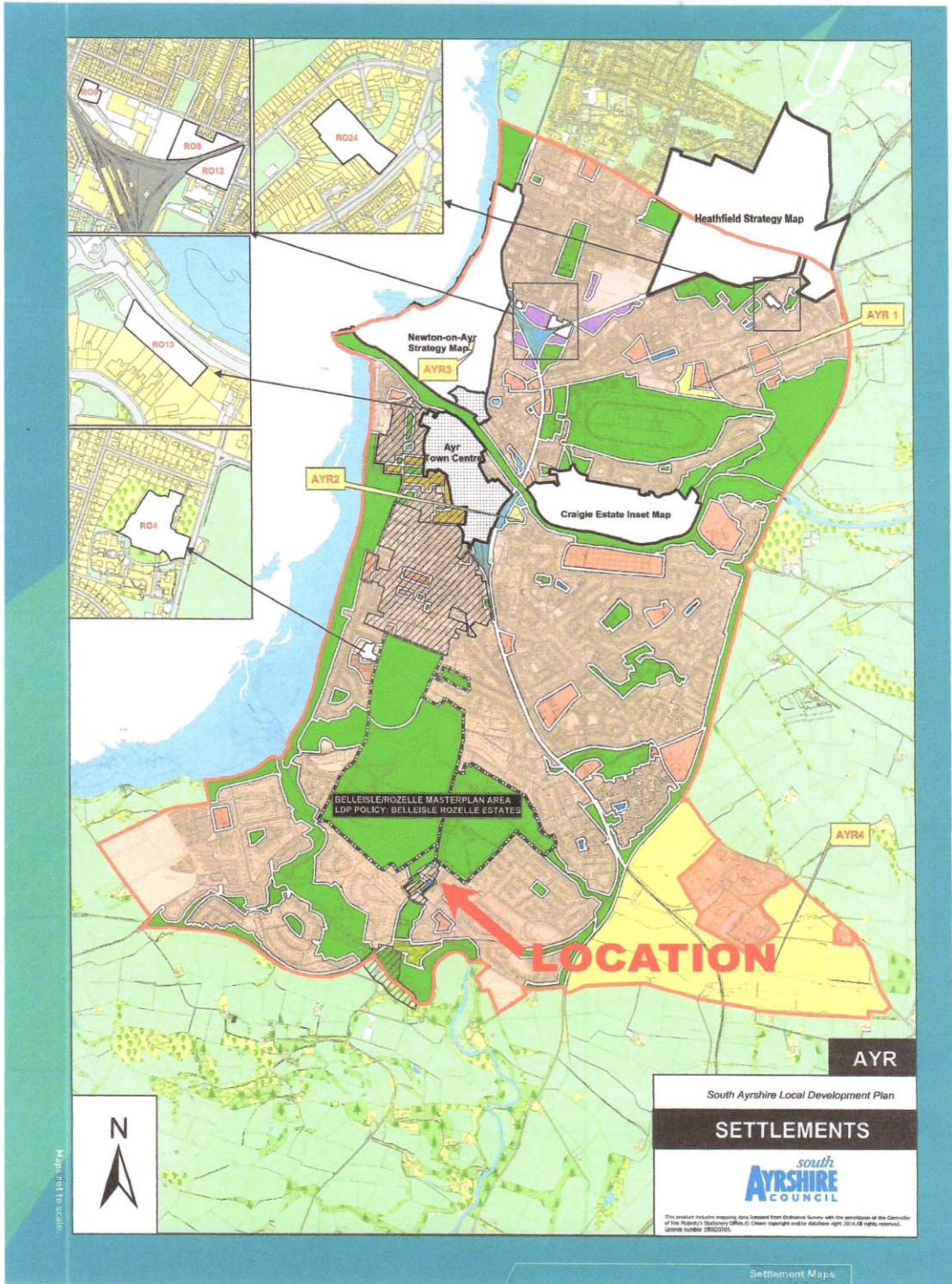
The extract from Google Map on page 11 shows that, in terms of scale, massing, form, materials, etc, the 'block' contains a wide variety of house types, as the photographs/images of a sample of house types with key plan showing locations show. This variety is, in fact, accentuated to the rear by changes made to a number of properties.

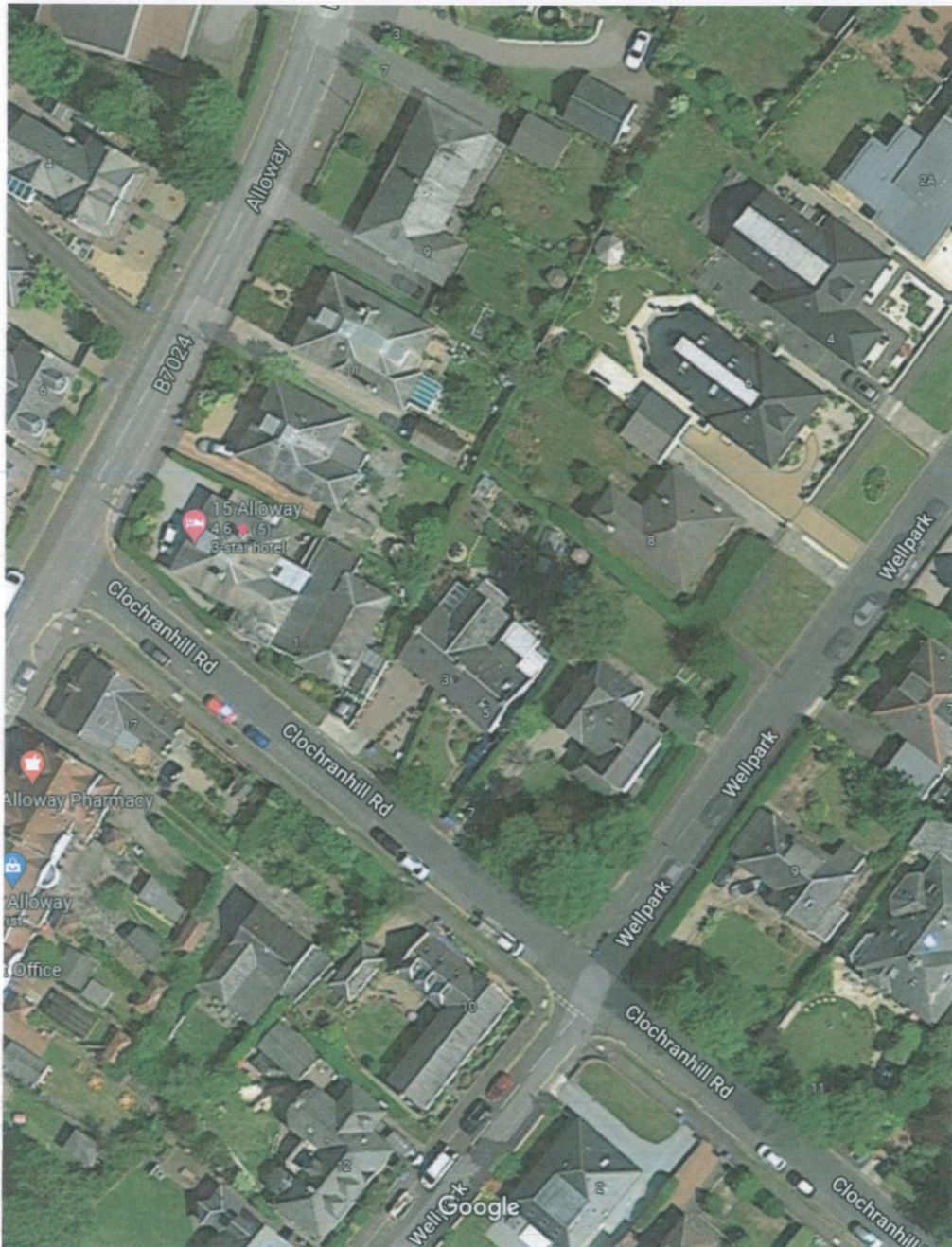
In addition, in the rear gardens there is a wide variety of different-sized outbuildings, etc.

Why is this important?

This is a matter that will be returned to later, but briefly this is about context and impact and especially potentially negative impact of these small-scale proposals on a neighbourhood that is characterised by variety.

In the case of the proposals therefore, the context, for assessment purposes, in our opinion is provided by the area of back garden surrounded by the rear of the properties in the four roads referred to earlier.





Imagery ©2022 Getmapping plc, Maxar Technologies, The GeoInformation Group, Map data ©2022 10 m

3.0 THE REASONS FOR SEEKING A REVIEW

In Planning Application Ref No 21/01026/APP, the proposals were for 'Alterations and extension to dwellinghouse', which included:

- (i) a single-storey rear extension
- (ii) a front porch canopy
- (iii) front dormer windows
- (iv) rear dormer window with balcony

In the event, item (iv) was 'conditional out'. Refer to Condition (2) below.

'That notwithstanding the plans hereby approved, no permission is granted for the rear-facing dormer window and balcony. Prior to the commencement of development on site, a revised rear elevation showing the deletion of the aforementioned enlarged rear dormer window and balcony shall be submitted for the prior written approval of the Planning Authority.'

In the Report of Handling, in the Reasons for Decision, where approved, the Officer states that:

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

In our opinion, the potential consequences of the proposals for the rear dormer window with balcony, as described in Planning Application Drawing No PLA005 should be similarly viewed.

While otherwise in agreement with the Decision, we are, however, requesting that the Local Review Body reviews the Officer's decision with a view to the removal of Condition (2).

We set out the case for this in Part 4.0 that follows.

4.0 RESPONSE TO THE COUNCIL'S CONDITION 2

The Design Process

Inevitably, in our opinion, the eventual outcome regarding any proposal is influenced by a number of considerations that have influenced the design principles.

The principal ones in this case are:

- (i) the implications of the characteristics of the site, its location and setting within the immediate townscape
- (ii) the characteristics of 5 Clochranhill Road itself, and
- (iii) the requirements of planning policy, guidance and advice

(i) **the implications of the characteristics of the site, etc**

Understanding and interpreting the characteristics of the site, etc within its setting are vitally important to the delivery of a successful outcome. Details of the immediate townscape context are described in Part 2.0 earlier.

Safeguarding Amenity

It is important that the characteristics of the site allow for the delivery of a sustainable outcome. One of the key requirements therefore is safeguarding amenity.

This can be viewed at two levels:

- (a) impact on the overall amenity of the area (visual impact, for example), and

- (b) are there any consequences for the more precise requirements regarding residential amenity, e.g. overlooking
- (a) The Planning Officer's opinion in advising the Council is that the proposed rear dormer window with balcony would impact adversely on the amenity of neighbouring land and buildings.

The Report of Handling does not provide any guidance as to how 'neighbouring land and buildings' might be defined but, earlier in this Statement, we have suggested that the 'local' immediate townscape context could be reasonably defined as the area forming very roughly a rectangle within boundaries defined by Clochranhill Road, the B7024 Alloway, Burness Avenue and Wellpark.

To measure potential impact, more especially visual impact, this possible context can be refined further and more realistically to that shown on the Google extract on page 11.

For the proposals to result in the implications suggested in the Report of Handling, they would, in our opinion, have to be of a scale and located in such a way as to cause this outcome. Policy is primarily concerned with impact on streetscape. Situated at the rear of No 5, the proposals obviously have no impact on streetscape, as confirmed by the images on page 16. Situated where they are, i.e. relative to the rear of the properties to the north and east, they will be substantially unseen. This is reinforced by the narrow and enclosed nature of the garden. Not that this kind of situation should mean lower standards of attention being paid to detail.



Photo 1



Photo 2



Virtually unseen from all directions, there will therefore be little impact on townscape.

- (b) The Report of Handling confirms that the rear dormer with balcony would not be problematic with regard to the matter of residential amenity. There was a representation from 8 Wellpark that the proposals would have an adverse impact on residential amenity due to overlooking/overshadowing. The Report of Handling confirmed that the proposed rear dormer with balcony was compliant with the requirements of policy in these regards.

(ii) **The characteristics of 5 Clochranhill Road**

Much of the detailed guidance provided by SG on House Alterations and Extensions relates to dormers on the front of a building. Guidelines that are relevant in this case include:

- ***When dormers exist in adjoining semi-detached/terraced properties, new dormers should generally match***

The use of the word 'generally' confirms that this is not intended to be prescriptive but, importantly and in this instance, this is a rear dormer where there is no guidance available from adjoining/surrounding properties.

The Report of Handling asserts that, due to its overall size, it would dominate the appearance of the roof space of the building.

This, in fact, is the only criticism of the proposals.

In response, in design terms however, it is, in our opinion, important to take into account the relationship between the rear dormer and the approved proposed extension. We would

maintain that they effectively complement each other in design terms. While not entirely traditional in concept, it is a solution which, in our view, **actually works**.

- ***Where roofs of low pitch are involved, it is most important to ensure that the dormer window height is kept to a minimum***

The drawings confirm that the proposed dormer steps down from the existing ridge line and steps in from the gable wall to remain subsidiary to the original property.

In summary, page 2 of the SG confirms that '***each planning application is determined on its own merits***'. We are not entirely convinced that this has been the case here.

Page 3 states that '***the appearance of dormer windows can significantly affect the visual amenity and architectural integrity of a building and/or area***'.

We would respectfully suggest that the proposals are not at odds with these aspirations.

As stated elsewhere, if determined on its merits, the proposed rear dormer should be assessed relative to the 'new' whole and not on a virtually standalone/partial basis.

(iii) **the requirements of planning police, guidance and advise**

The responses to points (i) and (ii) above, in our opinion, confirm that the proposals comply with the requirements of the relevant parts of SG: House Alterations and Extensions, and, as a consequence, are compliant with the requirements of:

- **LDP policy: residential policy within settlements, release sites and windfall sites** in that:
 - *the layout, scale, form and materials of the proposed development do not detract from the character of the surrounding buildings in the local area*
 - *the proposals do not affect the privacy and amenity of existing properties*

- **LDP policy: sustainable development** in that they:
 - *are appropriate in terms of their amenity impact, scale, massing, design and materials in relation to its surroundings*
 - *respect the characteristics of the townscape*
 - *are in an accessible location, with opportunities for the use of public transport and other sustainable transport modes, including cycling and walking*

and

- **Supplementary Planning Guidance (SPG): Dormer Windows**
Policy in relation to All Other Properties states:
 - ***Dormers should generally be located to the rear of the building outwith general public view.*** The proposed rear dormer complies with this.
 - ***Dormers should be clad to reflect the roof finish of the dwellinghouse in terms of material, colour, texture and size***

The Report of Handling confirms that there were no concerns re these matters.

SPP, 2014

Para 38 emphasises the importance of a design-led approach, as further detailed in PAN 68: Design Statements, which has been the approach here. We would maintain also that the proposals are compliant with the requirements of Placemaking as set out in SPP.

5.0 SUMMARY / CONCLUSIONS

- In the Report of Handling in the Reasons for Decision, where approved, the Officer states:

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

In our opinion, the potential impact of the proposals for the rear dormer window and balcony, as described in Planning Application Drawing No PLA005, the subject of this Notice of Review should be similarly treated.

- The Report of Handling states that the proposed rear dormer with balcony would impact adversely on the amenity of neighbouring land and buildings.

In our opinion, for the reasons detailed later in this Statement, the proposals would not impact adversely, either on:

- streetscape
- nor the area, composed mainly of back gardens to the north/north east

because the proposals would, in effect, be virtually unsighted.

- Policy states that generally where dormers exist in adjoining semi-detached/terraced properties, new dormers should generally match

The use of the word 'generally' indicates that this is not intended to be prescriptive and, in this instance, this is a proposed rear dormer where

there is no guidance available from examples in adjoining or otherwise nearby properties.

- The Report of Handling states that, due to its overall size, it would dominate the appearance of the roof space of the building.

This is the only criticism of the proposals.

In fact, the drawings confirm that the proposed dormer steps down from the existing ridge and steps in from the gable wall to remain subsidiary to the original property.

In addition, in response, in design terms, it is in our opinion important to take into account the relationship between the rear dormer and the approved proposed extension. We would maintain that they effectively complement each other in design terms and should be viewed together.

While the proposals are not entirely traditional in concept, it is a solution, in our view, that actually works. They also achieve an actual balance/symmetry with the neighbouring extension.

- We are therefore of the opinion that the proposals do comply with the overall guidance provided by Supplementary Guidance: Alterations and Extensions to Houses and Supplementary Planning Guidance (SPG): Dormer Windows, and are thereby compliant with the requirements of:
 - LDP policy: residential policy within settlements, release sites and windfall sites
 - LDP policy: sustainable development, and
 - SPP 2014

APPENDIX

- ***Copy Report of Handling***

South Ayrshire Council

Place Directorate

Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received.
The Council's Scheme of Delegation can be viewed at <http://www.south-ayrshire.gov.uk/committees/>

Reference No:	21/01026/APP
Site Address:	5 Clochranhill Road Ayr South Ayrshire KA7 4PZ
Proposal:	Alterations and extension to dwellinghouse
Recommendation:	Approval with Condition(s)

REASON FOR REPORT

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

1. Site Description:

The application site relates to a single storey semi-detached dwellinghouse at 5 Clochranhill Road, Ayr.

2. Planning History:

No relevant planning history in the assessment of the application.

3. Description of Proposal:

Planning permission is sought to alter and extend the dwellinghouse. Full details of the proposals are set out within the submitted plans.

4. Consultations:

No consultations were undertaken.

5. Submitted Assessments/Reports:

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

The application is accompanied by a supporting statement which describes the location of the site, explains how the design solution is sensitive to the original dwellinghouse and compliant with local policy guidance.

6. S75 Obligations:

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. None.

7. Scottish Ministers Directions:

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions

1.

requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

8. Representations:

One objection has been received in relation to the proposal. The representation can be viewed online at www.south-ayrshire.gov.uk/planning.

In summary, the following concerns have been raised:

- Adverse impact on residential amenity due to overlooking/overshadowing

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

- *Adverse impact on residential amenity due to overlooking/overshadowing* – The potential impact of the proposal on neighbouring properties is discussed elsewhere in this report.

9. Development Plan:

Section 25 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 following policies are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites

LDP Policy: Sustainable Development

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

The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

The application site is designated as a residential area within the Adopted South Ayrshire Local Development Plan and this remains unchanged with the Proposed Replacement South Ayrshire Local Development Plan. The application has been considered in this context.

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

South Ayrshire Council's Supplementary Planning Guidance (SPG) on House Alterations and Extensions indicates that alterations and extensions should be of a size and design which respect the existing building and surrounding street scene. In terms of the scale of an extension, this should normally be subsidiary in height and size to the original property. In assessing planning applications for alterations and extensions to residential buildings, the main points considered are:

- The height, width and general size should normally be smaller than the house, and, whilst in proportion, clearly subsidiary so as not to dominate the character of the original.

In terms of the form and detailing, the main points considered are:

- Generally, roofs should be pitched at an angle that reflects the original building; and
- Normally be similar in all respects to the existing building in terms of style, shape and proportion including windows of similar proportion and design and materials similar in colour or texture.

In considering proposals for rear extensions, especially extensions on or close to mutual boundaries some consideration must be given to the amenity of adjoining properties. The aim is to achieve a reasonable balance between the applicant's aspirations to achieve more living accommodation and the interests of their neighbour's amenity by ensuring that an extension would not seriously affect a neighbour's outlook or daylight.

It is expected that a single storey extension should not cross a 45 degree line from the mid-point of the window in the nearest habitable room of the adjoining house. In order to try and achieve a reasonable balance the Council has been prepared to look favourably on extensions of no greater depth than 3.5m (roughly the depth of an average habitable room) even if this crosses the 45 degree line.

Continuous access between the front and rear of the property should also be retained to enable wheelie bins to be stored at the rear of the property.

It is considered that the proposed extension generally accords with the provisions of the SG on House Alterations and Extensions. This is outlined further in section 11 below.

In terms of dormer windows the supplementary guidance states:-

- o The size and number of dormer windows should be kept to a minimum to avoid dominating the appearance of the roof.
- o Large areas of cladding on the front should be avoided and dormers should be set away from the gables, hips and down from the roof ridge in order that the roofline might be retained unaltered. The dormer should not project above the ridge of the roof.
- o Continuous box dormers (Le. two or more rooms linked) will not generally be permitted, especially on front elevations.
- o Dormers should be so placed as to form a definite relationship with the main features in the building's facade and should normally line through and be symmetrical with other windows and doors.
- o Windows forming part of the dormer should reflect the style and proportion of existing windows and notwithstanding the desired internal layout, the windows should be positioned at the dormer extremities.
- o Where dormers exist in adjoining semi-detached/ terraced properties new dormers should generally match.
- o Dormer windows on adjacent semi-detached and terraced properties should be sited at least one metre from the boundary of the attached dwellinghouse(s).
- o Where roofs of low pitch are involved it is most important to ensure that the dormer window height is kept to a minimum.

The proposed front dormer windows are considered to comply with the aforementioned guidance. The proposed rear dormer window and balcony are not considered to comply with the aforementioned guidance. This is outlined further below.

Planning Guidance (SPG): Open Space and Designing New Residential Developments

The guidance is relevant in the assessment of the application, which states that detached, semi-detached and terraced properties should be provided with garden ground in proportion to their size. Rear gardens will be expected to be a minimum of 1½ times the size of the ground floor area for detached and semi-detached dwellings and no less than 100sqm. This will generally include rear and side dwellinghouse gardens enclosed by fence/ wall/ hedge. A minimum garden depth of 9 metres shall be required. This distance may be relaxed in the case of corner plots and on plots, with two or more frontages onto roads

subject to the minimum areas being satisfactorily provided. A minimum of 18 metres between habitable windows (including kitchens) shall be provided.

The remaining private garden ground at the property is considered commensurate with the immediate neighbouring properties and it is considered adequate to ensure that an appropriate level of amenity is retained.

11. Assessment (including other material considerations):

A site visit has not been undertaken as it is considered that sufficient information is available to determine the application; in accordance with the Council's agreed protocol and the advice of the Scottish Government in containing the spread of Coronavirus. The agent has provided photographs of the application site in this instance. The photographs provided alongside the plans submitted, are considered sufficient to complete the assessment of the current application.

The proposal under consideration is to alter and extend the dwellinghouse by way of the erection of a single storey rear extension, the erection of a front canopy porch, the formation of two front dormer windows and the formation of an enlarged rear dormer window with balcony. The development proposals include external alterations to the original dwelling, including the installation of an additional doorway and rooflights. These works do not require the benefit of planning permission under Class 2B, of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and are therefore not considered as part of the planning application assessment.

Single storey rear extension

The proposed rear extension is subsidiary to the original dwellinghouse in terms of height, general size and appearance. The proposed single storey rear extension does not compromise the character of the original dwelling, or that of the streetscape, and therefore meet with the Council's Guidance on House Alterations and Extensions.

The proposed rear extension shall infill and enlarge the existing extension to the rear of dwelling, while retaining the same depth, height and roof style. The existing rear extension is situated on the mutual boundary with the neighbouring dwelling at no. 3 and, as outlined, the positioning of the extension, as enlarged, along this mutual boundary shall remain unaltered. The extension, as enlarged, shall be positioned approximately 1.8 metres from the mutual boundary with no.7 and approximately 13 metres from the rear boundary. Therefore, due to the separation distances outlined and the depth, height and roof style the proposed extension matching the existing rear projection, it is not considered that the proposed development shall adversely impact on the amenity of neighbouring properties in terms of loss of light or sense of enclosure.

In terms of privacy impact, the proposed rear extension includes bi-fold doors and a window which aspects the rear garden ground of the dwelling. Due to the separation distances outlined and the existing boundary treatment, it is considered that the proposals shall not adversely impact any neighbouring properties in terms of privacy or amenity.

As set out above, the dwelling will have sufficient private rear garden ground to ensure that an acceptable level of amenity is provided. Access for bins to be stored to the rear of the property shall also be retained.

Front porch canopy

A wooden front porch canopy is proposed to be erected at the front entrance to the dwellinghouse. It is considered that the proposal is subsidiary to the original dwellinghouse in terms of height general size and appearance and does not compromise the character of the original dwelling, or that of the streetscape, and therefore meets with the Council's Guidance on House Alterations and Extensions.

In respect of residential amenity, the front canopy porch is sufficiently distant from other residential properties so as not to give rise to any adverse amenity concerns.

Front dormer windows

The proposed dormer windows are considered to accord with the design guidance, as per the SPG outlined under Section 10, above. The proposed dormers are set down from the roof ridge, set back from the eaves and away from the gable. The siting, design and scale of the proposed dormers are not considered to dominate the existing roof and are generally comparable to dormer windows formed on neighbouring properties. Overall, the front dormer windows are not considered to be out of character for the appearance or locality and shall not have a detrimental impact on the streetscape of the area.

The proposed front dormer windows have an aspect over Clochranhill Road and do not directly oppose any neighbouring windows. Overall, it is not considered that any neighbouring properties would be adversely impacted by the development proposals.

Rear dormer window with balcony

With regard to the dormer window and balcony proposed with the rear elevation, it is considered that the proposed dormer window is contrary to the relevant provisions of the SG (outlined in section 10 above) due to the overall size of the dormer dominating the appearance of the roof space of the dwelling. With regard to the balcony element of the dormer, it is noted that the balcony is recessed into the dormer window itself so shall be screened on either side allowing only unobstructed views of the rear garden of the dwelling, which has a depth of approximately 22 metres. Therefore, it is acknowledged that the proposed dormer window with balcony shall not adversely impact any neighbouring properties in terms of privacy or amenity. However, due to the aforementioned issues raised in respect of the overall size of the dormer window being contrary to the provisions of the SG and in order for control over this aspect of the development proposed, it is considered necessary to 'condition out' the rear facing dormer window and balcony.

There are no policy objections to this proposal and it is considered that, subject to conditions, this proposal does not have an adverse impact on the character or residential amenity of the surrounding area. Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

12. Recommendation:

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

- (1) 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.
- (2) That notwithstanding the plans hereby approved, no permission is granted for the rear facing dormer window and balcony. Prior to the commencement of development on site, a revised rear elevation showing the deletion of the aforementioned enlarged rear dormer window and balcony shall be submitted for the prior written approval of the Planning Authority.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interest of amenity and to define the terms of this planning permission.

List of Plans Determined:

Drawing - Reference No (or Description): **Approved** PLA001

Drawing - Reference No (or Description): **Approved** PLA002

Drawing - Reference No (or Description): **Approved** PLA003

Drawing - Reference No (or Description): **Approved** PLA004

Drawing - Reference No (or Description): **Approved** PLA005

Reason for Decision (where approved):

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

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

Equalities Impact Assessment

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

<i>Decision Agreed By:</i>	<i>Appointed Officer</i>
<i>Date:</i>	<i>29 November 2021</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100482829-001

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed internal alterations, new extension in place of conservatory with a new roof across entire extended area to the rear of the property. 2 pitched roof dormers to the front and 1 flat roof dormer to the rear. A new canopy to be formed at the front entrance of the house.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Studio20Three Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Cameron	Building Name:	
Last Name: *	Irving	Building Number:	23A
Telephone Number: *	07936084763	Address 1 (Street): *	Fort Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Ayr
Fax Number:		Country: *	United Kingdom
		Postcode: *	KA7 1DG
Email Address: *	cameron@studio20three.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Eric & Jocelyn	Building Number:	5
Last Name: *	Greene	Address 1 (Street): *	Clochranhill Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Alloway
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA7 4PZ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

South Ayrshire Council

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

Address 1:

5 CLOCHRANHILL ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 4PZ

Please identify/describe the location of the site or sites

Northing

618626

Easting

233575

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

324.50

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Dwelling

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Existing arrangement retained.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Cameron Irving

On behalf of: Mr & Mrs Eric & Jocelyn Greene

Date: 12/10/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Perspective Views

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Supporting Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Cameron Irving

Declaration Date: 13/10/2021

Payment Details



Created: 13/10/2021 12:16

Proposed Alterations and Extension at 5 Clochranhill Road – Supporting Statement

South Ayrshire Supplementary Guidance: House Alterations and Extensions:

“Alterations and extensions should be of a size and design which respect the existing building and surrounding street scene. In terms of the scale of an extension, this should normally be subsidiary in height and size to the original property. In assessing planning applications for alterations and extensions to residential buildings, the main points considered are:

- *The setting down and setting back of a two-storey side extension will usually achieve a subsidiary appearance; The height, width and general size should normally be smaller than the house, and, whilst in proportion, clearly subsidiary so as not to dominate the character of the original.*
- *Generally, roofs should be pitched at an angle that reflects the original building. Flat roofed extensions are rarely encouraged as they have potential to adversely impact on the character of the dwelling and the surrounding area; and*
- *Normally be similar in all respects to the existing building in terms of style, shape and proportion including windows of similar proportion and design and materials similar in colour or texture;”*

Design

Although the property is out with the conservation zone for Alloway village it is noted that Clochranhill Road remains a more traditional streetscape, with this in mind any alterations to the front (street side) of the property have been designed to reflect the existing character of the property and the surrounding buildings.

The 2 new dormer windows to the front are to be finished with a pitched slate roof and slated dormer cheeks. The windows themselves are to be timber and the dormers sit down from the existing ridge line to remain subsidiary.

The canopy over the entrance is to have a slate roof similar to that of the dormers and existing roof. The posts and beams to the canopy are to be made of timber.

The extension to the rear of the property incorporates the existing extension wall line. The existing flat roof is to be redone to cover the full new area. This has a minimal impact on the existing building. The extension walls are to be finished with a vertical timber cladding.

The new dormer with recessed balcony to the rear of the property is to be finished in GRP(Glass reinforced Plastic). The recess itself is to be finished with timber cladding to tie in with the extension below. The dormer steps down from the existing ridge line and steps in from the gable wall to remain subsidiary to the original property. The new door is over 22 meters from the neighbouring property wall at 8 Wellpark.

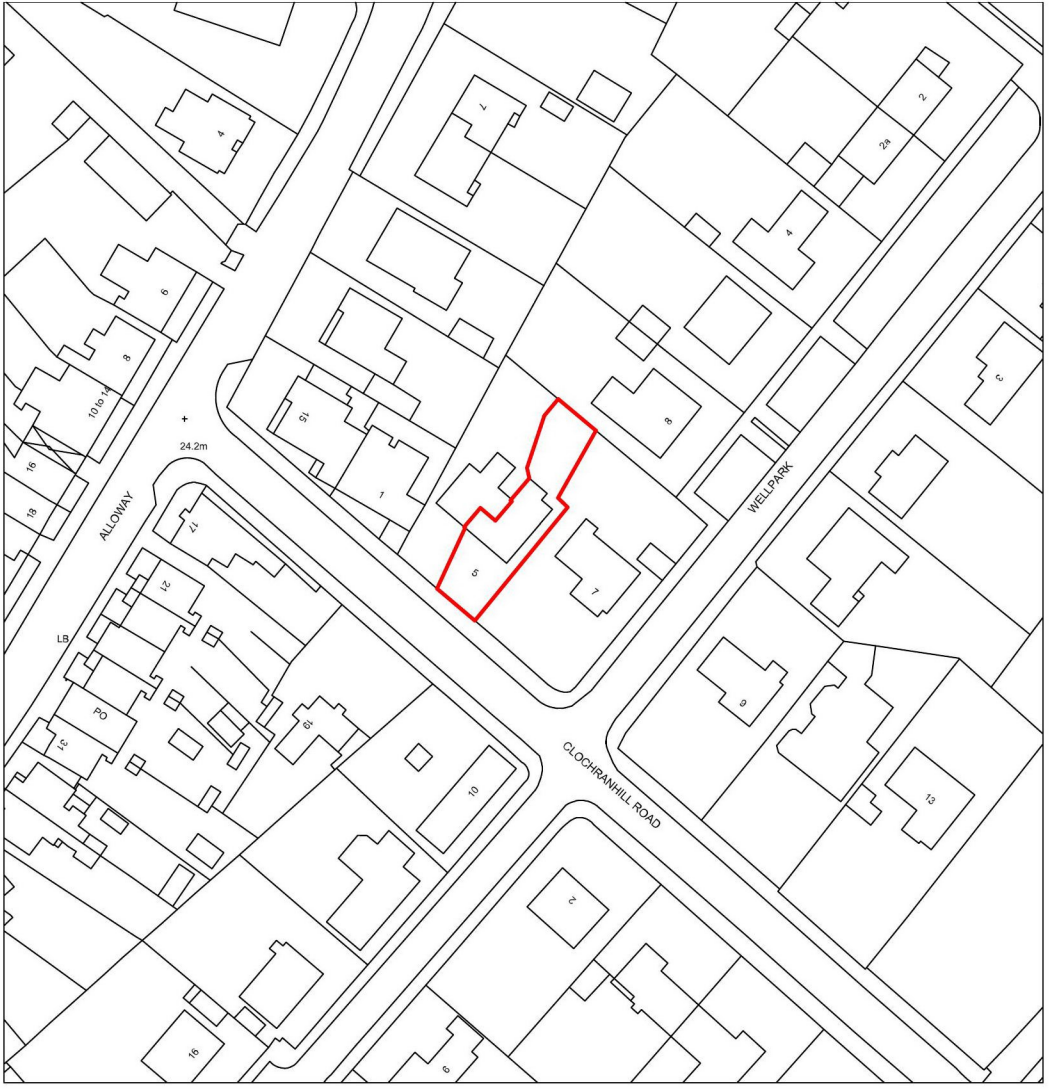
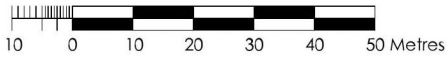
5 CLOCHRANHILL ROAD

SOUTH AYRSHIRE COUNCIL

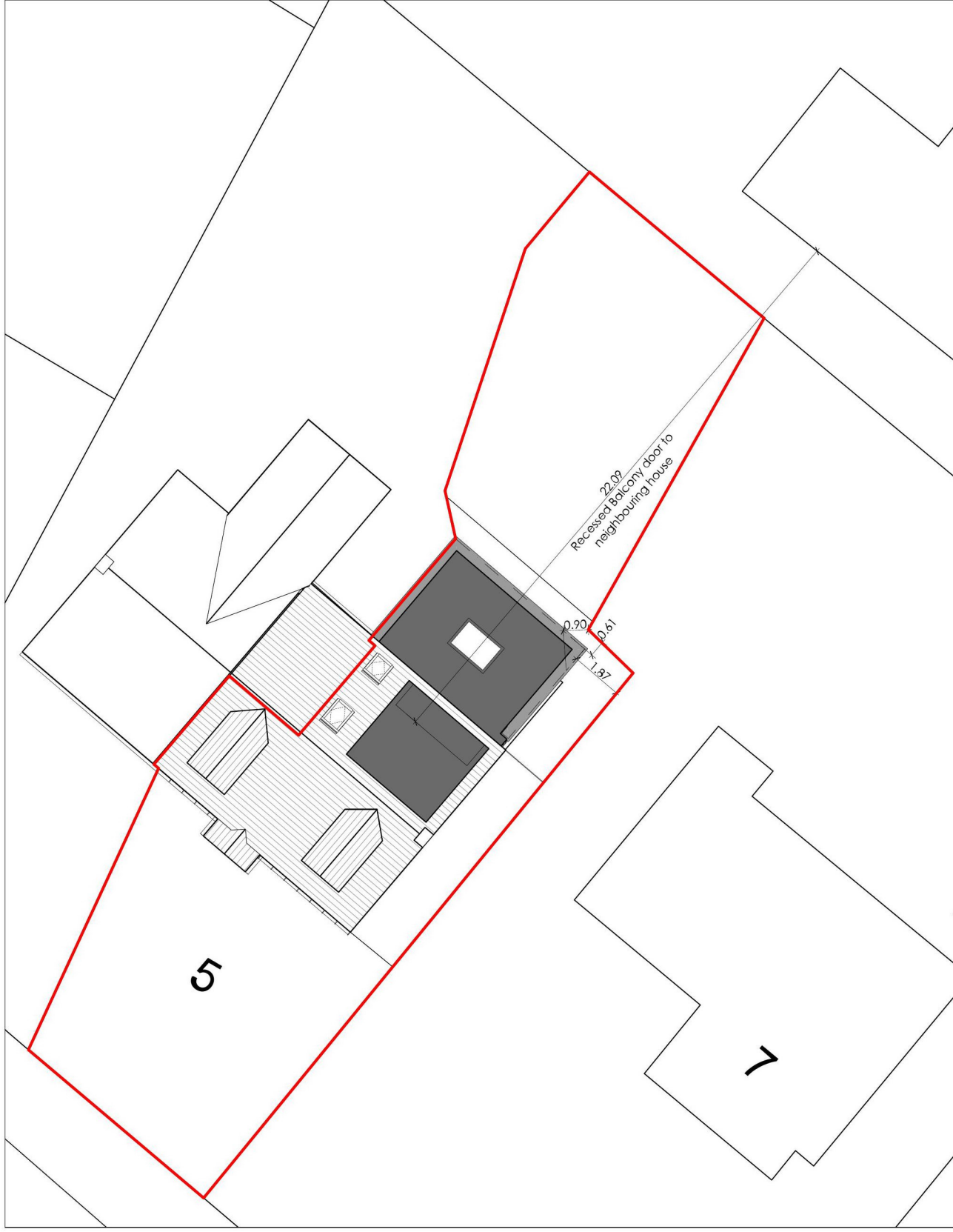
Approved under the Town and Country Planning (Scotland) Act, 1997 (As Amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire.



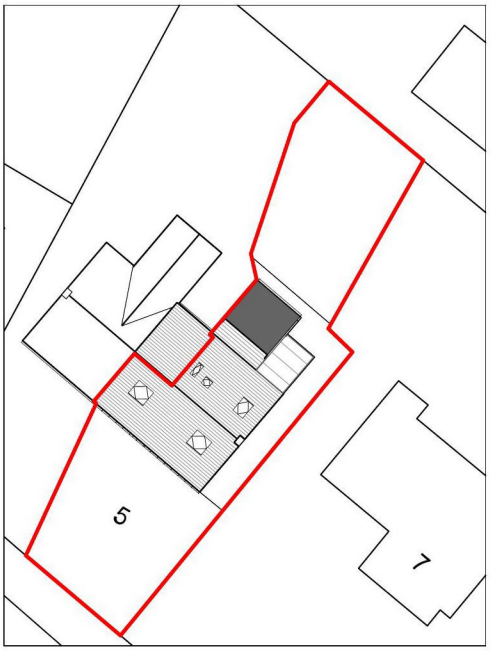
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1
-
Location Plan
1:1250



4
-
Proposed Block Plan
1:200



2
-
Site Plan Existing
1:500



3
-
Site Plan Proposed
1:500

REVISION NOTES

STATUS PLANNING

PROJECT NO. 2135

PROJECT 5 Clochranhill Road
Alloway
KA7 4PZ

CLIENT Mr & Mrs Greene

LAYOUT TITLE Location, Site Plans & Block Plan

DRAWING NUMBER PLA001

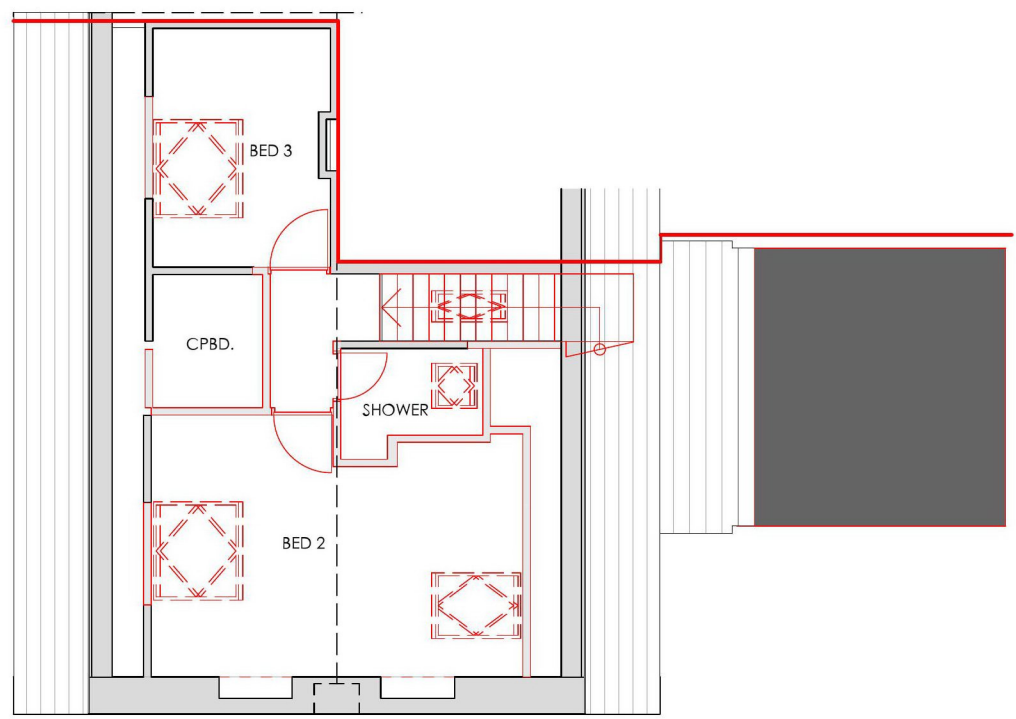
DRAWING SCALE (Scales at A3) 1:1250, 1:500, 1:200

REVISION

5 CLOCHRANHILL ROAD



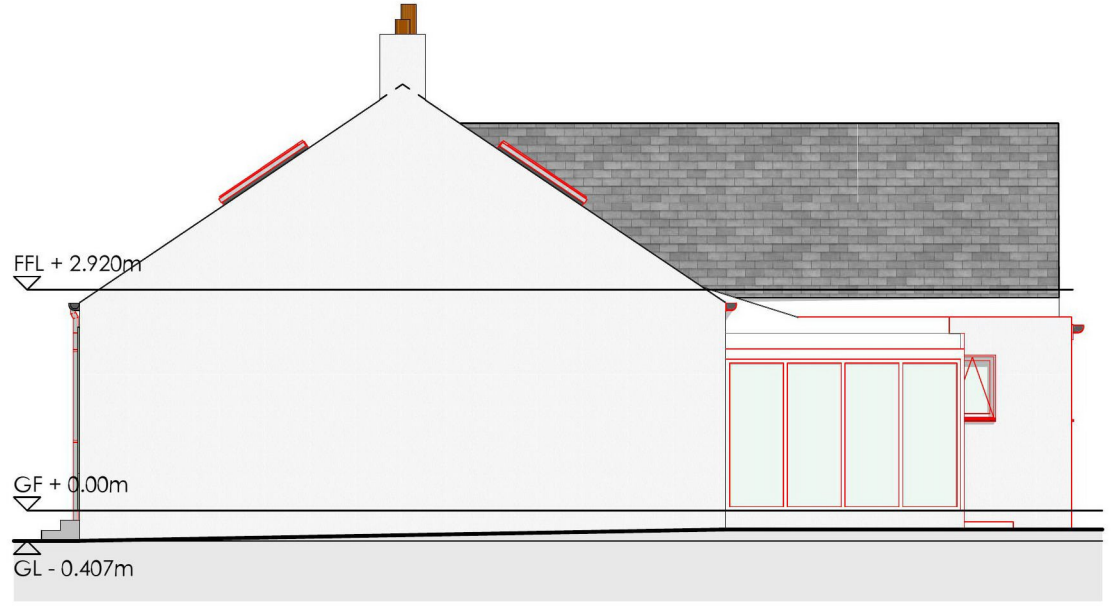
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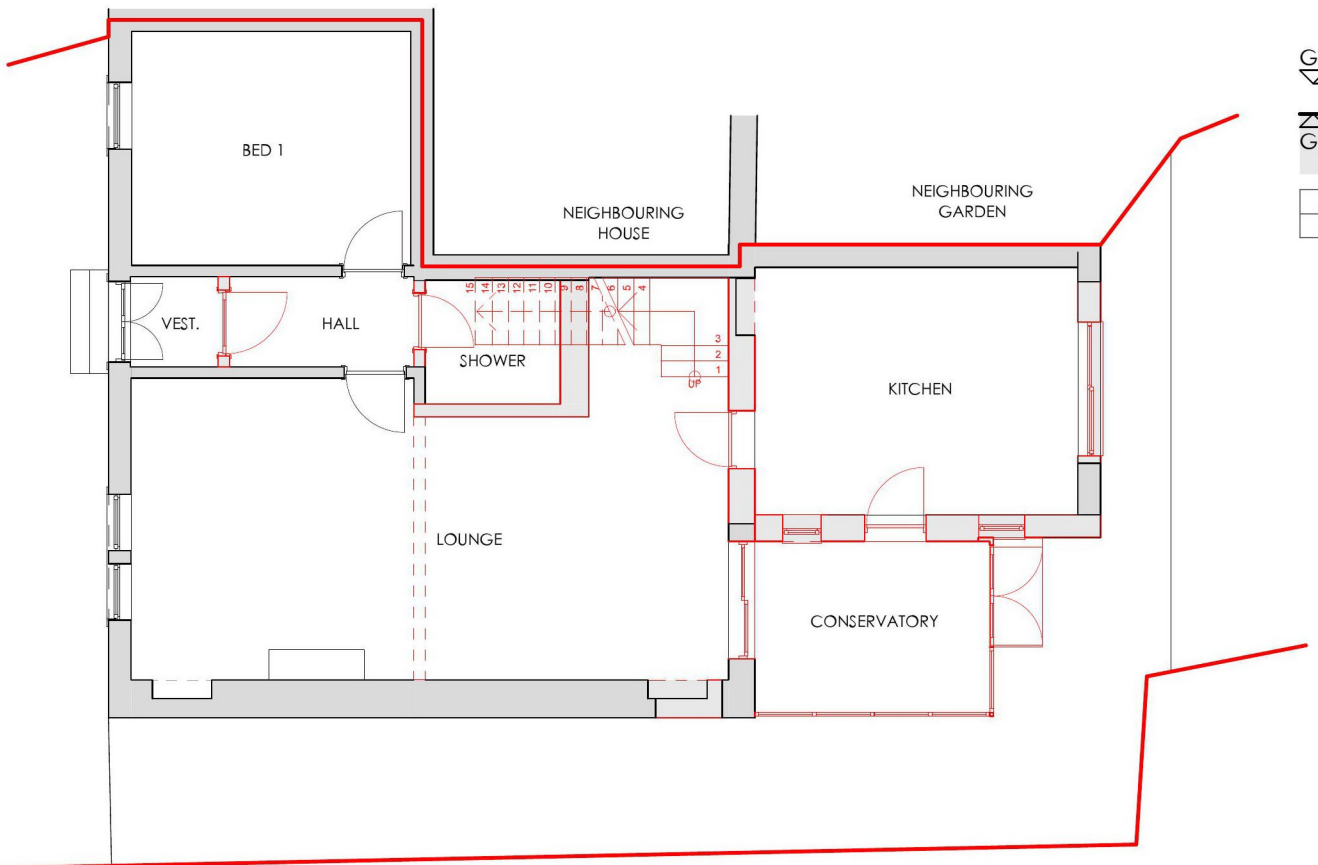
01-First Floor
1:100



Front Elevation
1:100



Side Elevation
1:100



GF-Ground Floor
1:100



Rear Elevation
1:100

SOUTH AYRSHIRE COUNCIL
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REVISION NOTES

STATUS PLANNING

PROJECT NO. 2135

PROJECT 5 Clochranhill Road Alloway KA7 4PZ

CLIENT Mr & Mrs Greene

LAYOUT TITLE Existing Drawings with Downtakings

DRAWING NUMBER PLA002

DRAWING SCALE (Scales at A3) 1:100

REVISION

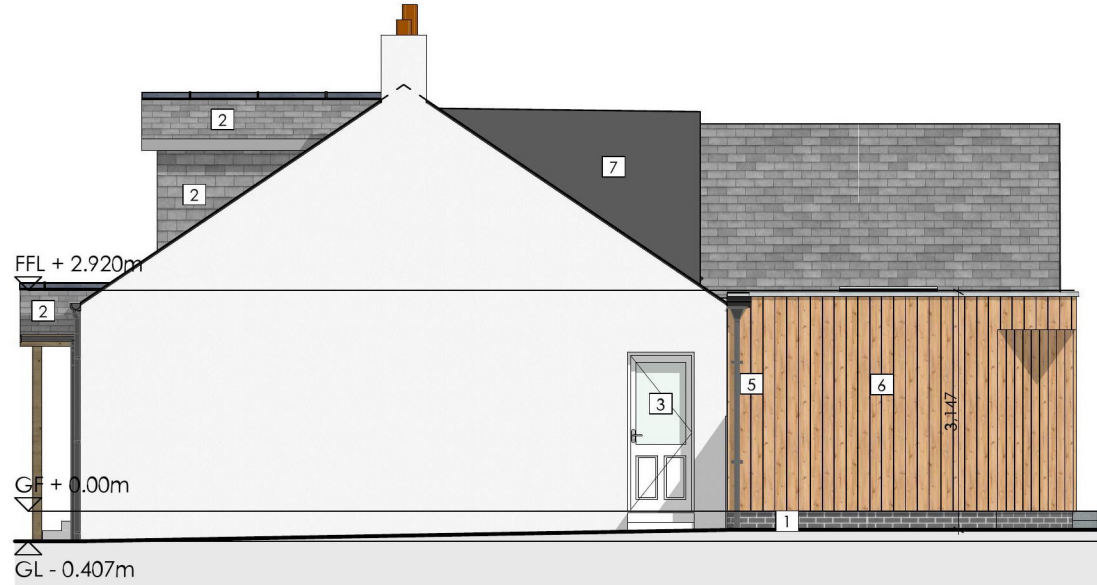
5 CLOCHRANHILL ROAD

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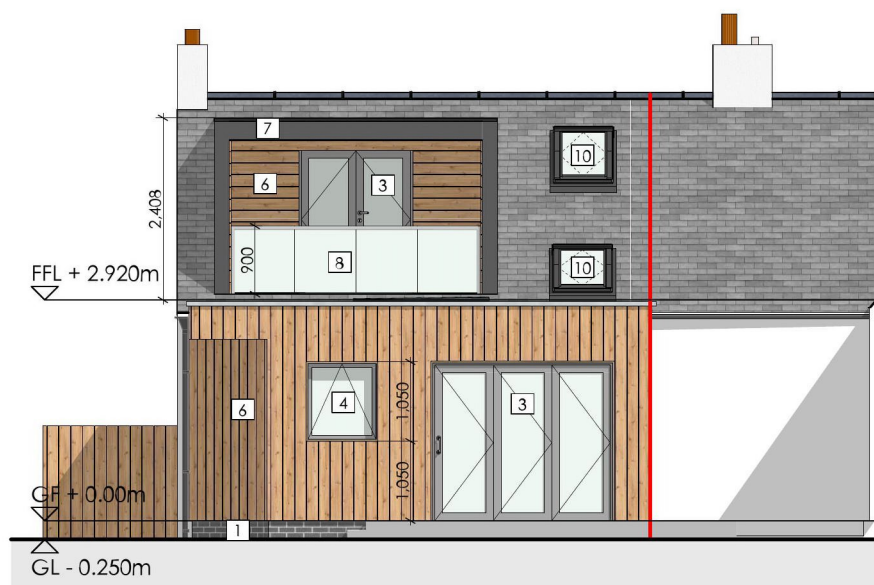


1
-
Front Elevation
1:100

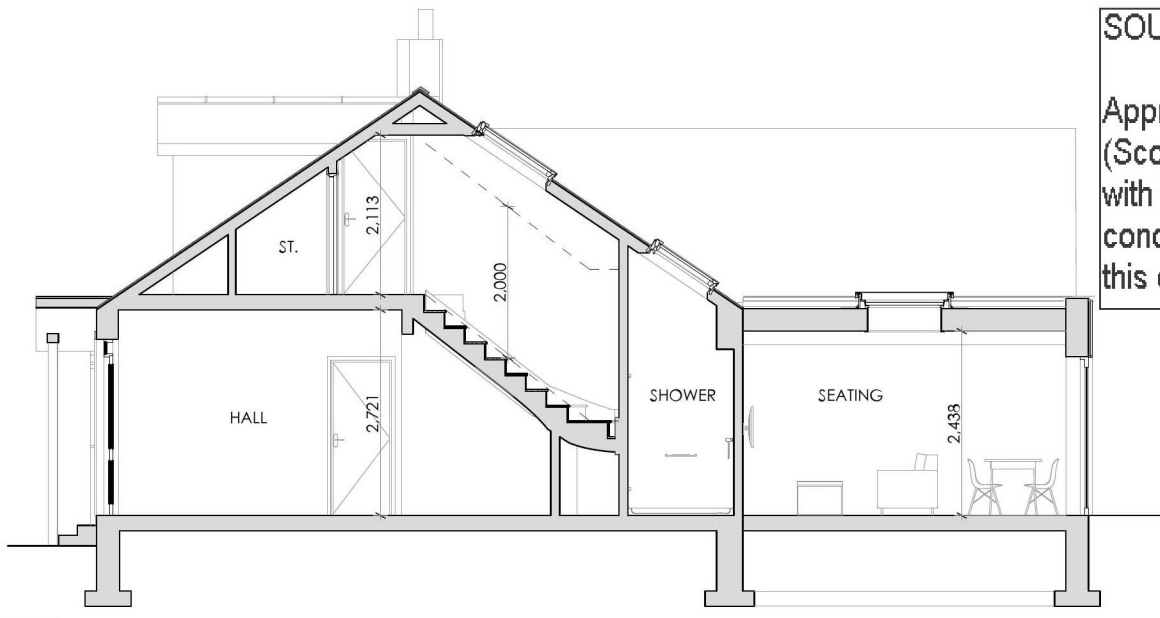
- 1 Brick Base Course
- 2 Slate
- 3 UPVc Door
- 4 UPVc Window
- 5 UPVc Rainwater Goods
- 6 Timber Cladding
- 7 GRP Dormer
- 8 Steel & Glass Ballustrade
- 9 Timber Windows
- 10 Velux Rooflight



3
-
Side Elevation
1:100



2
-
Rear Elevation
1:100



4
-
A-A
1:100

SOUTH AYRSHIRE COUNCIL
Approved under the Town and Country Planning (Scotland) Act, 1997 (As Amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire.

REVISION NOTES

STATUS PLANNING

PROJECT NO. 2135

PROJECT 5 Clochranhill Road Alloway KA7 4PZ

CLIENT Mr & Mrs Greene

LAYOUT TITLE Elevations, Section & Perspective as Proposed

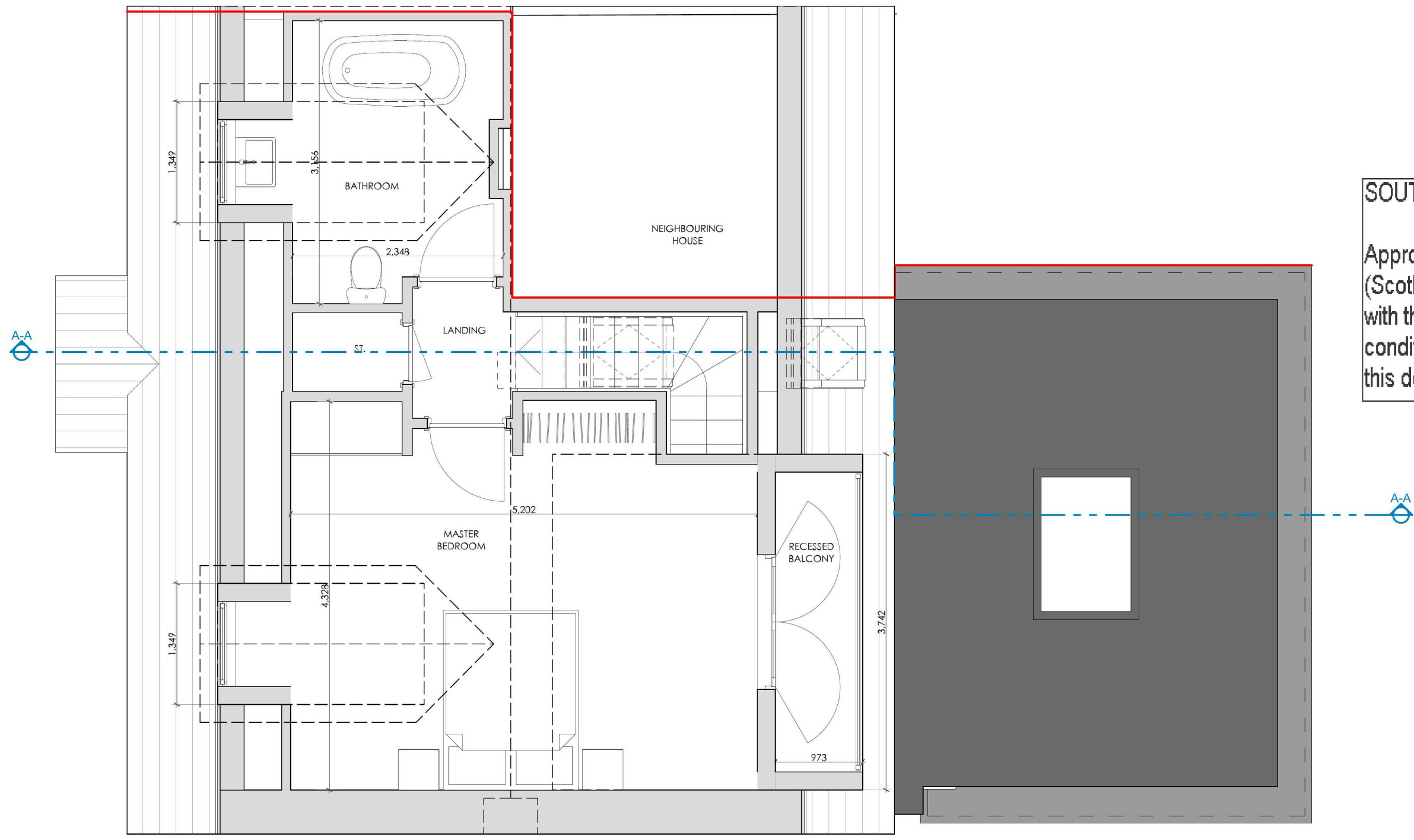
DRAWING NUMBER PLA005

DRAWING SCALE (Scales at A3) 1:100

REVISION



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SOUTH AYRSHIRE COUNCIL

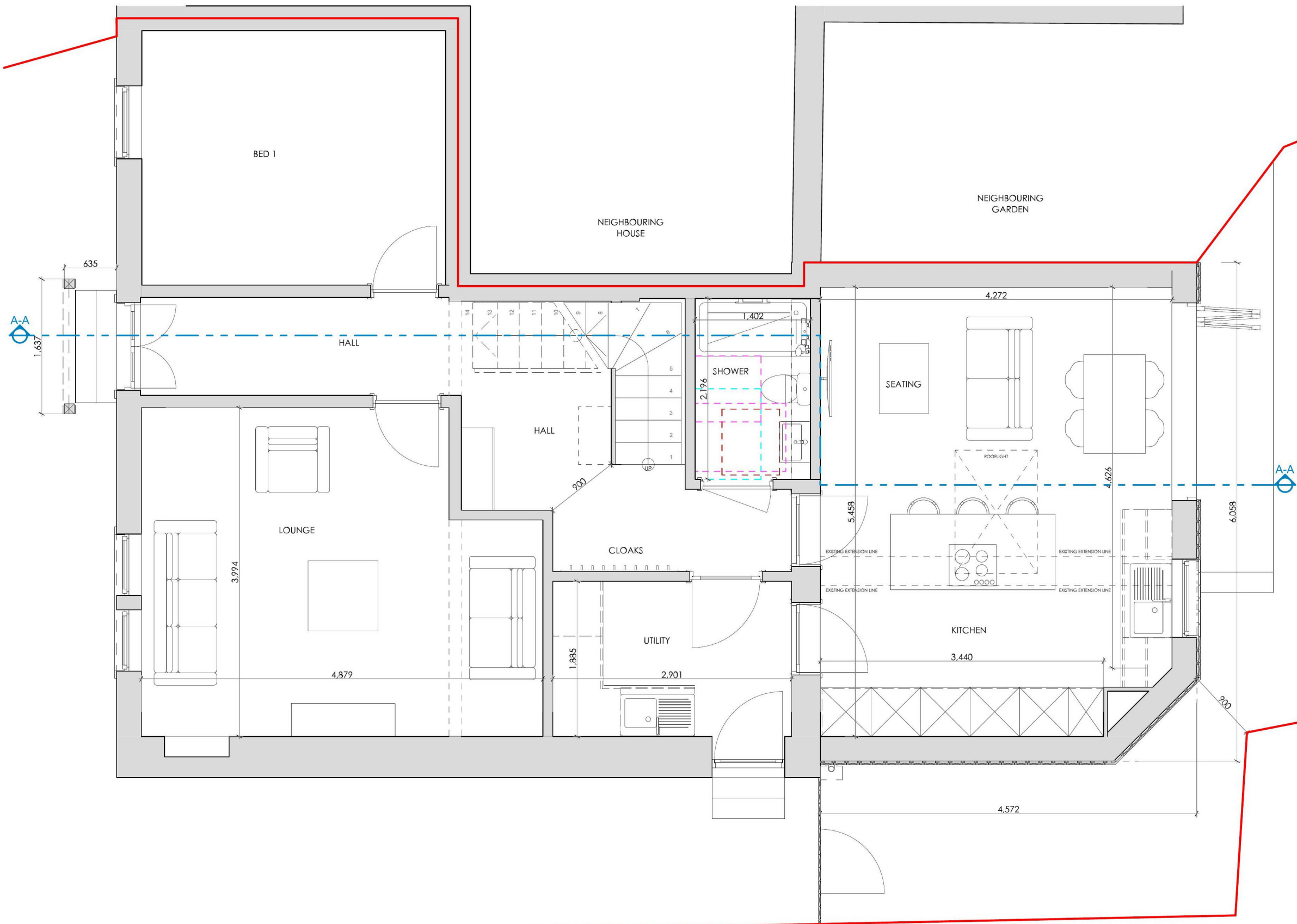
Approved under the Town and Country Planning (Scotland) Act, 1997 (As Amended), in accordance with the plans submitted and subject to any conditions that may be specified in the notification of this decision by South Ayrshire.

REVISION NOTES	
STATUS	PLANNING
PROJECT NO.	2135
PROJECT	5 Clochranhill Road Alloway KA7 4PZ
CLIENT	Mr & Mrs Greene
LAYOUT TITLE	First Floor as Proposed
DRAWING NUMBER	PLA004
DRAWING SCALE (Scales at A3)	1:50
REVISION	

SOUTH AYRSHIRE COUNCIL

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REVISION NOTES	
STATUS	PLANNING
PROJECT NO.	2135
PROJECT	5 Clochranhill Road Alloway KA7 4PZ
CLIENT	Mr & Mrs Greene
LAYOUT TITLE	Ground Floor as Proposed
DRAWING NUMBER	PLA003
DRAWING SCALE (Scales at A3)	1:50
REVISION	

LOCAL DEVELOPMENT

**APPLICATION FOR PLANNING PERMISSION
(Delegated)**

Ref No: 21/01026/APP

SOUTH AYRSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended by the PLANNING ETC. (SCOTLAND) ACT 2006**

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

**To: Mr & Mrs Eric & Jocelyn Greene
per Studio20Three Ltd
Cameron Irving
23A Fort Street
Ayr
KA7 1DG**

With reference to your application dated **14th October 2021** for application for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

Alterations and extension to dwellinghouse

at: 5 Clochranhill Road Ayr South Ayrshire KA7 4PZ

South Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant the application for planning permission for the said development in accordance with the following conditions as relative hereto and the particulars given in the application. Approved drawings and other documents, where relevant, can be viewed at www.south-ayrshire.gov.uk/planning/ and represent the approved scheme. The following conditions which relate to this permission are:

- (1) 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.
- (2) That notwithstanding the plans hereby approved, no permission is granted for the rear facing dormer window and balcony. Prior to the commencement of development on site, a revised rear elevation showing the deletion of the aforementioned enlarged rear dormer window and balcony shall be submitted for the prior written approval of the Planning Authority.

List of Approved Plans:

Drawing - Reference No (or Description): PLA001

Drawing - Reference No (or Description): PLA002

Drawing - Reference No (or Description): PLA003

Drawing - Reference No (or Description): PLA004

Drawing - Reference No (or Description): PLA005

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interest of amenity and to define the terms of this planning permission.

Advisory Notes:

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- (2) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- (3) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (5) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Phases of Development' as soon as practicable after completion of each phase of the development and subsequently a 'Notification of Completion of Development' as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision:

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

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

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated: 29th November 2021

.....
Louise Reid
Assistant Director – Place Directorate

COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR

Note:

In addition to this approval and before proceeding with the development the applicant may require a Building Warrant under the Building (Scotland) Act 2003 as amended or a Road Opening Permit or Construction Consent under the Roads (Scotland) Act 1984 legislation.













Interested Party Response to Site Photographs – 13.03.22

Thank you for the two letters I received on March 3 and March 9, updating me on the above application regarding the property backing on to my own at 8 Wellpark. The first was a copy letter to interested parties, and the second was a set of photographs. In response to these, I wish to restate my objection, namely that the addition of a large, wide balcony to the rear of the property would mean that I would have a large, walk-on/sit on balcony which is directly in line with both windows of my living room, and would have a direct line of sight down into both windows, and also down into my garden.

The 6th of the 6 photos contained in the second letter shows the current view from the existing small velux window which I assume would be replaced by the large walk-on/sit-on balcony. The documents relating to the application refer to distances to my property, but do not take account of the fact that the proposed balcony would look directly downward into both my house and garden. The effect of the proposal would not be a situation where the windows of two properties would be at the same level. It would result in the large balcony of the redeveloped property looking directly down into my own.

Interested Party - Initial Comments on the Application

Comments for Planning Application 21/01026/APP

Application Summary

Application Number: 21/01026/APP

Address: 5 Clochranhill Road Ayr South Ayrshire KA7 4PZ

Proposal: Alterations and extension to dwellinghouse

Case Officer: Ms Emma McKie

Customer Details

Name: Mr J Ferguson

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I received the notice of Alterations/Extension yesterday, November 11th. I would like to submit an objection to the plan in question on the grounds of overlooking/overshadowing, as the first floor balcony proposed would look directly into both side windows of my living room, and directly down into my garden, significantly impacting my privacy.

To Whom it may concern,

Please see our response to correspondence of 14/03/2022.

(Interested Party Comments).

In response to the neighbouring comments regarding the balcony. This is a reiteration of the objections made on the application at the time and as acknowledged within the Report of Handling *“the balcony is recessed into the dormer window itself so shall be screened on either side allowing only unobstructed views of the rear garden of the dwelling, which has a depth of approximately 22 metres. Therefore, it is acknowledged that the proposed dormer window with balcony shall not adversely impact any neighbouring properties in terms of privacy or amenity.”*

As such this objection has already been responded to and is not a point of contention within the appeal.