

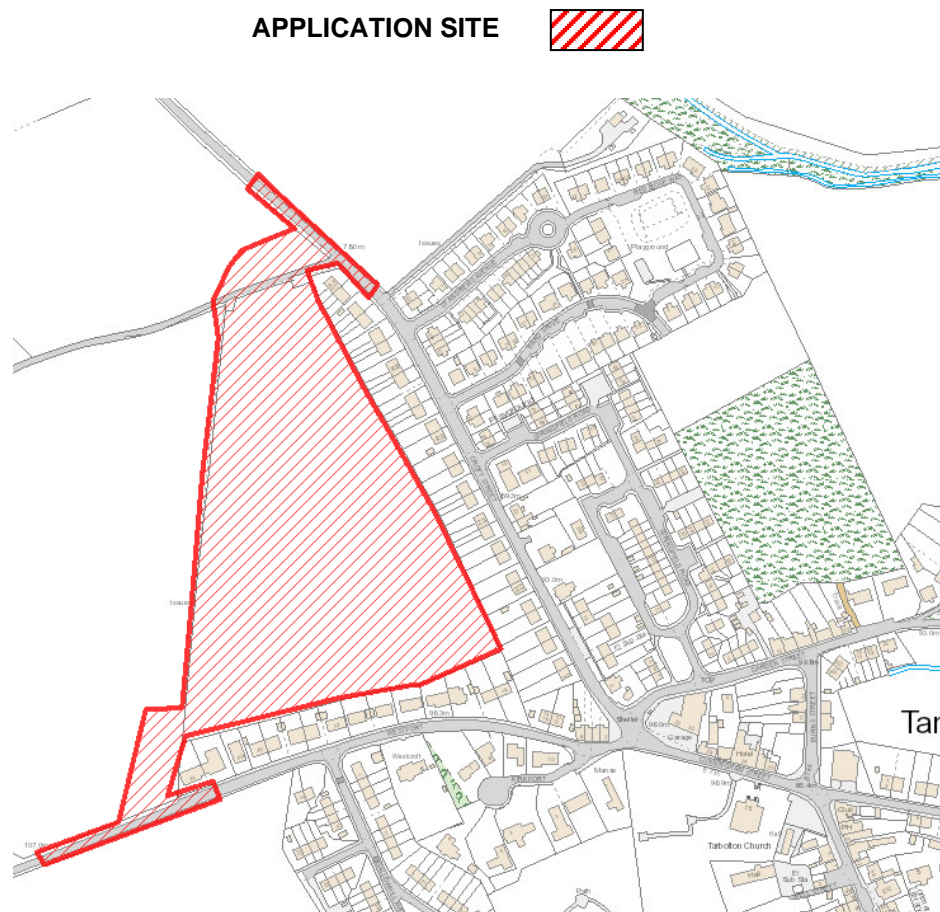
## REGULATORY PANEL: 15 SEPTEMBER 2022

22/00392/APPM

LAND AT WESTPORT TARBOLTON SOUTH AYRSHIRE

REPORT BY PLACE DIRECTORATE

### Location Plan



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### Summary

This application seeks detailed planning permission for the erection of a residential development, ancillary roads services, landscaping, drainage infrastructure and other associated works on land to the north-western edge of the settlement boundary of Tarbolton. The application site is largely the TAR1 housing release site allocated in the South Ayrshire Local Development Plan 2. The proposal is for the erection of 90 houses and includes a residential green and large SUDS (drainage) area. Seven representations (one of which is a petition with 3 other postal addresses listed) have been received which object to the proposed development and raise issues mainly focussed around: amenity, natural heritage, traffic and transportation/road safety, drainage, design, village infrastructure and planning policy. 9 consultation responses have been received which raise no objection in respect of the development. The proposed development has been assessed against the terms of relevant policies within the South Ayrshire Local Development Plan 2, Guidance documents; 'Open Space and Designing New Residential Developments', 'New Housing Developments and Affordable Housing: A Guideline for Developers' and 'Supplementary Guidance document Housing Site Design Brief' (HSDB) Tarbolton (TAR1) and it is considered that the proposal is capable of positive consideration against the terms of the aforementioned Local Development Plan 2 and associated guidance. It is recommended that this application for planning permission be approved subject to planning conditions.

## REPORT BY PLACE DIRECTORATE

**REGULATORY PANEL: 15 SEPTEMBER 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00392/APPM</b>
<b>SITE ADDRESS:</b>	<b>LAND AT WESTPORT TARBOLTON SOUTH AYRSHIRE</b>
<b>DESCRIPTION:</b>	<b>ERECTION RESIDENTIAL DEVELOPMENT, ANCILLARY ROADS SERVICES, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND OTHER ASSOCIATED WORKS</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### APPLICATION REPORT

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

**1. Proposal:**

This application seeks detailed planning permission for the erection of a residential development, ancillary roads services, landscaping, drainage infrastructure and other associated works on land to the north-western edge of the settlement boundary of Tarbolton. The application site largely forms the TAR1 housing release site allocated in the South Ayrshire Local Development Plan with an indicative capacity of 90 units. The site largely follows the existing defined field boundaries and is almost trapezium shaped; broadest to the south and narrowing to the north. The site extends slightly outwith the allocated site boundary to the north in order to provide an access point which meets current Roads guidelines.

The site is currently comprised of open agricultural land and extends to an area of approximately 5.2 hectares. The site is bound to the north by agricultural land at Croft Street, to the east by residential properties, to the south by residential properties, the carriageway and agricultural land beyond and to the west by agricultural land. The topography of the site is gently sloping from south to north - from the fenced rear boundaries of properties on Westport towards the lowest point at the existing farm track which currently serves as the access route to Hallrig Farm and another property.

The proposal is for the erection of 90 houses which will comprise a mixture of two storey detached and semi-detached dwellings, detached and semi-detached bungalows and two storey terraced properties. 23 of the proposed units will be affordable (25% of total). The proposal also involves; the construction of new road junctions linking the proposed development with the public roads Croft Street and Westport, formation of an internal road and footpath layout, formation of drainage and utilities infrastructure, landscaping and other works.

### Planning Process

As the application proposal is 'Major' development, the scheme of delegation requires that it be presented to the Regulatory Panel for determination. The assessment section of this report concludes that the proposal complies with the South Ayrshire Local Development Plan 2 and consequently there is no requirement for referral of the application to Full Council.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel no later than 15<sup>th</sup> September 2022.

A Proposal of Application Notice (Ref. 21//00688/PAN) described as "Proposal of application notice for erection of residential development, ancillary roads, services and drainage infrastructure" was submitted on 17<sup>th</sup> June 2021. It is considered that the nature of the scheme as submitted through the current application is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice.

## **2. Consultations:**

**Scottish Water** No response received.

**Ayrshire Roads Alliance** No objection subject to conditions.

**Glasgow Prestwick Airport** No objection.

**Scottish Environment Protection Agency** No objection.

**Historic Environment Scotland** No objection.

**Environmental Health** No objection.

**Ranger Service (Biodiversity)** No objection.

**Sustainable Development (Landscape and Parks)** No objection.

**Housing Policy and Strategy** No response received.

**Schools And Service Support** No objection. The anticipated number of pupils arising from the proposed development could be accommodated within the catchment primary schools, Tarbolton PS and St John's PS and the catchment secondary schools, Belmont Academy and Queen Margaret Academy.

**West of Scotland Archaeology Service** No objection.

### **3. Submitted Assessments/Reports:**

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

**Planning Statement:** This document provides a summary of the drawing and document submissions, sets out the planning-based case for the proposed development and offers the applicant's assessment of the proposal against the relevant provisions of the Local Development Plan, relevant national planning policy and other material considerations. Where there may be departures from the Local Development Plan, the applicant offers reasoning and justification. The document raises key themes within the application submission; access and car parking, utilities and drainage, phasing and implementation, layout, open space, landscaping, planning policy and affordable housing. In addition, details of the pre-application consultation undertaken are included. The document concludes by stating that the application site is allocated in the adopted Local Development Plan for the development of 90 dwellings and that delivery from 2023 onwards shall support the strategic objectives of Council and National Planning Policy. In respect of the SG Housing Site Design Brief, the applicant has not employed 1.5 storey housing along the western site boundary as it is stated that there is negligible intervisibility along this edge due to setback and the sloping profile of the site. However, the applicant has introduced bungalow development along the southern boundary to help allay concerns of residents of Westport who expressed concern about the prospect of adjacent development. The document also acknowledges the extension of the site outwith the allocated boundary to the north. It is stated that the junction arrangement and road construction cannot follow the route of the existing farm track and this is reasoned within the Transport Statement. It is also stated that LDP2 Policy: Sustainable Village growth (residential development) affords the Council flexibility to allow such an exception which is requisite to satisfy other planning and highway safety objectives.

**Design and Access Statement:** This report considers the site context in detail and outlines the relevant design policies which informed the design of the proposed residential development and outlines how the site will be accessed. The document concludes by stating that the proposed development will offer a full range of bespoke family homes which will comprise a mix of units including 2, 3 and 4- bedroom homes in terraced, semi-detached & detached formats including single storey bungalows. The houses will be simple & contemporary in style, while respecting a traditional Scottish vernacular.

**PAC Report:** This report outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposals take them into consideration. The PAC Report provides a summary of the issues raised as part of the consultation exercise and provides a response to each. A public meeting was held at Tarbolton Community Campus on 4<sup>th</sup> November 2021 and it is stated that this attracted a relatively low turnout with most of the attendees residing in Westport and overlooking the site. These residents expressed generally negative sentiment towards any potential development. A smaller number attended from Croft Street. specific concerns were raised about building siting, height and setbacks, also the affordable housing plots and related fears around trespass and anti-social behaviour. The apprehension was based on negative experience of a previous, separate development and appears resolvable with considerate housing management practice. It is further stated that at the event, information was distributed, and applicant representatives were on hand to answer questions. A questionnaire was handed out and all attendees were invited to submit written comment and feedback, with only two electing to do this. The report states that although antipathy towards prospective development was evident, a few visitors expressed an interest in purchasing a home. After the public event, the applicant has received expressions of interest from over 40 house buyers, greatly exceeding the turnout on the evening of 4th November 2021.

**Ecological Appraisal:** This document was undertaken to inform proposals in advance of the proposed development of the site. The appraisal consisted of a desk study of relevant pre-existing biodiversity information, a survey of the site's habitats and an assessment of its potential to support faunal species of conservation importance. The appraisal found that the habitats within the site were considered to be of relatively low ecological importance, suggestions are made in respect of mitigating any potential impacts to a nearby non-statutory site designated for nature conservation. Finally, actions required in order to avoid contravention of legislation relating to breeding birds are outlined, as well as best practice measures for hedgehog.

**Flood Risk Assessment (FRA):** This report assesses the vulnerability of the proposed development site to flooding. The report outlines the flood risk and provides recommendations to ensure that the development will not be at an unacceptable risk of flooding and will not increase the risk of flooding elsewhere. The assessment considered the risk of flooding to the site from a range of sources including watercourses, surface water, groundwater and infrastructure. The report concludes that there is potential for surface water flooding risk along the south-western and southern boundaries of the site and states that surface water management measures should be provided along the edges of the site – including ditches, swales or French drains. The report also states that care should be taken to provide suitable overland flow pathways within the site to convey any excess overland flows in the event of blockage to the drainage system, or events in excess of design conditions. It is stated that there is a potential risk of flooding of any access from the north, but that the access from the south is not predicted to lie within the floodplain of any watercourse.

**Flood Risk Assessment Addendum:** This document was prepared by the applicant and submitted to SEPA in order to demonstrate that the proposed northern access route would have a neutral impact on flood risk, taking account the areas of floodplain storage as well as the water which will surcharge from the culvert during the 200-year flood event. It is stated that the information provided indicates that the proposed access will be raised and the existing culvert will be replaced with a new 1m diameter culvert which has an increased capacity. At present flow passes under the culvert and is also predicted to overtop the right bank upstream of the culvert. As a result, a 0.35m by 2m bypass culvert (or 3x 450mm diameter pipes) is proposed to maintain this overland flow pathway connection to the functional floodplain. In the event of a blockage to the new culvert, the bypass culvert will also reduce flood risk to the road by providing relief to flows backing up. The document states that it has been calculated that the proposed access road will displace up to 34 m<sup>3</sup> of storage during a 200-year event. Due to the constrained nature of the site, it is not possible to lower land to the north of the detention basin; however, a small area of land measuring around 70 m<sup>2</sup> in area is proposed to provide surface water storage for the road access. The document concludes by stating that extreme flows able to reach the predicted flood area to the north could be less following the construction of the detention basin.

**Drainage Strategy Report:** This document outlines the proposed drainage strategy for the development in respect of foul drainage, surface water drainage and the implementation of Sustainable Urban Drainage Systems (SUDS). It is proposed to discharge foul flows generated by the development into the 225mm Scottish Water combined sewer located to the north-east of the site in Croft Street. It is stated that following a pre-development enquiry by the applicant to Scottish Water, they have confirmed that there currently is sufficient capacity in the Meadowhead PFI Waste Water Treatment Works to accommodate the development. The document further states that surface water flows from the new development will ultimately discharge to the drainage ditch to the north-east of the site following appropriate on-site treatment and attenuation. The document outlines that there will be a variety of land use categories across the site, each with differing treatment and pollution removal requirements from SUDS features. As such, it is stated that treatment will be provided by a variety of SUDS measures including a detention basin and swale. The report concludes by stating that the proposed development can be drained in a sustainable manner to meet the requirements of Scottish Water, the Council and SEPA.

**Ground Investigation Report:** The purpose of this report was to appraise the ground conditions at the site and to determine what impact these may have on the proposed residential use for the site. No invasive plants were recorded on the date of the inspection (9<sup>th</sup> Sept 2021). The investigation indicated the site to have localised made ground between 0.20 and 0.40m thick – typically sandy, clayey, gravelly topsoil with occasional brick, ceramic and plastic. No coal mining risks present and no site contamination evident.

**Landscape and Visual Appraisal:** It is stated that the appraisal was prepared with reference to the 3<sup>rd</sup> edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute in association with the Institute of Environmental Management and Assessment, 2013) and took the form of a desk-top review supported from a site visit undertaken on 30<sup>th</sup> March 2022 by qualified landscape architects. Landscape effects were assessed to be either 'potentially adverse' or 'potentially beneficial'. This is assessed through the sensitivity of the landscape element or view and the magnitude of effect that would result from the proposed development. It is stated that with the smaller scale of built form within the development, coupled with prevailing topography and mature vegetation, the wider effects of the proposed development are considered to be negligible. The appraisal further outlines that the proposed development will only be visible from a very small percentage of the total study area (2km from site), 36.08% based on modified Zone of Theoretical Visibility (ZTV). A large proportion of the study area is predicted to have no visibility of the proposed development and will therefore not experience any landscape or visual effects arising from it. The document concludes by stating that potentially adverse visual effects across the study area would be limited, likely restricted to immediately adjacent properties to the south and east and immediately adjacent to the site boundary at the entrances to the north and south of the proposed development. The appraisal reasons that the proposed development (on an allocated site within the LDP) does not lead to unacceptable levels of potentially adverse landscape and visual effects.

**Landscape Maintenance and Management Proposals:** This document outlines planting notes for the site, including - general management, soil management, plant protection, trees, ornamental shrubs, hedges, grass, structure planting SUDS basins and landscape planting seasons. Landscape maintenance and management proposals are also outlined, including – general maintenance, removal of litter/ grass cutting/maintenance, wildflower/wetland/long grass maintenance, shrub bed/hedge maintenance, maintenance of trees, maintenance and management of structure planting, maintenance of dry detention SUDS basins, maintenance of fencing and footpaths. The document concludes by highlighting the proposed maintenance schedule.

**Noise Impact Assessment:** This report undertook measurements of the existing noise sources at the proposed residential development and found that the site noise environment LAeq16hr daytime is low and well below the local authority external amenity criteria of LAeq16hr 52dB. The document states that in line with the Scottish Government's Technical Advice Note: Assessment of Noise, that the magnitude of impact would be 'no adverse impact' as the measured level is below the local authority external amenity criteria. The corresponding 'significance of effect' would be 'neutral'. Glazing recommendations have been provided for the proposed residential properties in order to meet the relevant internal amenity noise standards, with living rooms and bedrooms requiring a 4mm float glass – 12mm air cavity – 4mm float glass or an acoustically equivalent glazing unit which provides a minimum Rw of 25dB in order to offer compliance with local authority criteria.

**Transportation Statement:** This statement presents the applicant's transport consultant's views on the transport issues associated with the proposed development. The assessment concludes that the development proposal is in accordance with current government policy, as set out in Scottish Planning Policy (SPP), in regard to the ability to integrate the development into existing and planned networks for pedestrians, cyclists and public transport. Two vehicular accesses are proposed to the development in order to meet 'Designing Streets' best practice guidance, with the farm access to the north significantly improved to provide a suitable access onto the B730 Croft Street and an access to the south onto Westport. It is stated that both accesses would require a relocation of the 30mph speed limit within Tarbolton to ensure that the accesses are both within the urban speed limit area. Footways and footpaths are provided across the proposed development. The predicted impact on traffic generation on the local road network as a result of the proposed development has been established through the use of industry standard software, TRICS, with the impact found to be negligible. The site accesses have been analysed using industry standard software: Junctions 9 and would operate well within capacity. Finally, the statement outlines that car parking provision has been assessed in accordance with the SCOTS Road Development Guide Parking Standards and visitor parking is distributed throughout the proposed development, as appropriate to serve demand.

**4. S75 Obligations:**

None.

**5. Scottish Ministers Directions:**

None.

**6. Representations:**

Seven representations have been received, with six objecting to the proposed development and one in support. One of the objections is a petition with 3 other postal addresses listed. The letter of support also raises points of objection; it is therefore also considered as such. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning).

The issues raised in the representations relate to the following points which have been grouped into subject matter:

**Amenity**

- Adverse impact from noise – construction/ new properties could have garden parties/anti-social behaviour.
- Overshadowing/loss of light.
- Overlooking.
- Loss of privacy.
- Security concerns – potential for people to take a ‘shortcut’ through properties in Westport and Croft Street to reach village centre more quickly as only pedestrian access at northern and southern points.
- Nuisance from site compound – noise, rubbish storage, toilets.
- Site service compound should be located at bottom of Croft Street as opposed to Westport as not as close to residential properties.
- Nearby landfill would have adverse impact on proposed development.

**Design/layout**

- Development is out of character with existing properties.
- Plot 45 is out of keeping as this is a 2-storey property and Plot 46 is single storey – large height difference between the two proposed dwellings.
- A footpath should be proposed along the western site boundary.

**Natural Heritage**

- Adverse impact on wildlife/biodiversity in field destroyed.
- Loss of greenfield.

**Traffic and Transportation**

- Ability of road infrastructure to cope with increased traffic generated by development and road safety concerns in relation to visibility and speed of vehicles.
- Has a speed/traffic survey been undertaken?
- Developer cannot achieve footpath width shown on Westport.
- Visibility sightlines on Westport cannot be achieved.
- New 30mph boundary appears to be within blind summit on Westport.
- Traffic calming measures should be introduced on Westport.
- Safe crossing of Westport required for school children etc.
- Footpaths within the proposed development exceed gradient of 1:21 (Disability Discrimination and Equalities Act) – are these legal?

### **Drainage**

- Flooding exists on Westport and Croft Street; development would overwhelm the drainage system.

### **LDP Policy**

- Some houses should only be 1.5 storey as opposed to 2-storey, as stipulated in Supplementary Guidance.
- The developer has ignored the 1.5 storey stipulation and objector takes issue with the stated 'negligible intervisibility' along the western edge stated by the developer.

### **Infrastructure Capacity**

- Village does not have the facilities to support the proposed development.
- Since the allocation for housing in the LDP there is now no doctor's surgery or post office, no longer adequate community centre facilities and capacity of the school has reduced.

### **Other Issues**

- Other developments for residential use within the village have not been started/completed and Tarbolton does not need 90 further dwellings.
- Owner of service compound area is different to the applicant - a separate application should be submitted for this aspect.
- No information provided in respect of details of proposed development.
- Loss of view.

One letter in support of the application was received; however, as aforementioned, it is considered that the representation raised points of objection and these have been covered above. Nevertheless, the issue of support principally relates to the demand for energy efficient homes in South Ayrshire.

A response to these representations is included within the assessment section of this report.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning).

## **7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), consultation responses received, representations received and the impact of the proposal on the amenity of the locality.

### **(i) 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. In this instance the development plan consists of the South Ayrshire Local Development Plan 2 (hereafter referred to as LDP2) which was adopted in August 2022 and its associated Supplementary Guidance.

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

It is considered appropriate to assess the development proposal against the provisions of the adopted LDP due to the nature of the plan led system which is in place and the following provisions of the development plan are considered relevant to the consideration of this application:



Spatial Strategy – Core Principle B1, Core Principle B3, Core Principle B6, Core Principle B7, Core Principle C1, Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management

LDP Policy: Delivering Infrastructure  
LDP Policy: Maintaining & Protecting Land for Housing  
LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites  
LDP Policy: Sustainable Village Growth (Residential Development)  
LDP Policy: Affordable (including Specialist) Housing  
LDP Policy: Open Space  
LDP Policy: Landscape Quality  
LDP Policy: Water Environment  
LDP Policy: Flood and Development  
LDP Policy: Air, Noise & Light Pollution  
LDP Policy: Low and Zero Carbon Buildings  
LDP Policy: Historic Environment  
LDP Policy: Natural Heritage  
LDP Policy: Land Use & Transport  
LDP Policy: Public Transport  
LDP Policy: Outdoor Public Access and Core Paths

The assessment of the proposal against the above development plan policies has identified the following matters for consideration:

**Principle of Residential Development** (Spatial Strategy, LDP Policy: Maintaining & Protecting Land for Housing, LDP Policy: Residential Policy within Settlements, Release Sites & Windfall Sites and LDP Policy: Sustainable Village Growth (Residential Development))

The vast majority of the application site forms the TAR1 allocated residential development site and the principle of the proposal is consistent with the Spatial Strategy which encourages residential development on sites within settlements, as outlined in Core Principle B1. The slight extension outwith the allocated site to the north is included within the application site boundary as the existing access did not meet the current Council Roads standards and this area of land was included at the request of the Ayrshire Roads Alliance to comply with Roads Construction Consent requirements. Notwithstanding, this slight extension of the site to the north is justified under Core Principle B7 as it has no significant adverse environmental impact. LDP Policy: Maintaining and Protecting Land for Housing requires that development on allocated sites must meet the supplementary guidance on local plan release sites. The brief for the TAR1 allocation contained within the Supplementary Guidance: Housing Site Design Briefs contains requirements in respect to building design & site layout, landscaping & boundaries, open space, transportation & access and education impact. The proposed layout and house designs are assessed against these requirements in the following paragraphs and are considered to be in general compliance with the Design Brief.

**Number of Houses Proposed** (LDP Policy: Maintaining and Protecting Land for Housing)

The application proposes to develop 90 houses within the TAR1 allocation. The LDP (Appendix D) identifies an indicative capacity of 90 units for the TAR1 allocation. In light of this, it is considered that the number of houses proposed within the site can be accommodated within the application site.

**Place Making** (Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, LDP Policy: Open Space, Supplementary Guidance on Open Space and Designing New Residential Developments and TAR1 Design Brief)

The Scottish Government's publications "Creating Places" and "Designing Streets" contain policy and guidance on architecture & design and street design. The layout proposed is considered to be an appropriate response to the constraints and opportunities offered by the site's characteristics. The layout has responded to the need to have accesses from Croft Street and Westport and for the proposed dwellings to face outward from the site, as far as possible. The site slopes gently from the south to the north and the proposed development will follow the existing contours where possible, resulting in a gently staggered development with acceptable height differences between dwellings.

The internal road network is largely consistent with the ethos of 'Designing Streets', with only some minor cul-de-sacs proposed and a linkage through the site from Croft Street to Westport, thus forming a permeable network. A footpath is indicated on the submitted plans running between plots 25/37 and 26/36. However, it is considered appropriate to attach a condition which would delete this footpath as it is considered that it would have the potential to create an uninviting lane. Moreover, it is regarded that the removal of this lane to extend the adjacent gardens would not have an adverse impact on the pedestrian permeability of the site.

A 'residential green' and play area are located within the central area of the application site which are overlooked by housing on all sides. Elsewhere within the development, there will be further sizeable landscaped areas which will provide greening to the streetscape. The amount of public open space proposed is sufficient and meets the requirements set out in the Council's Guidance on Open Space. The public open spaces are well located within the development layout, are overlooked, accessible and will add significantly to the sense of place.

The private garden sizes for the majority (94.44%) of the proposed detached, semi-detached and terraced dwellings comply with the numerical area standards set out within Guidance. The properties with garden sizes that are smaller than the minimum guide size are terraced in nature and still provide garden ground provision of 1.5 times the footprint of the dwelling. The guidance advises that rear gardens should be proportionate to the size of the house and in this instance, given that the rear/side garden ground is 1.5 times the area of the footprint of the property, it is considered that the amount of private space is proportionate for the house types concerned. All of the proposed dwellings would exceed the minimum rear garden depth guidance figure of 9m.

The architectural styles of the proposed houses are typical of modern private housing developments within South Ayrshire, being two-storey detached, semi-detached, terraced and bungalows. Roofs generally run parallel to the street, with variety created in the streetscape by way of feature details such as colour contrasting wall panels and minor gable roof features. The scale of the houses is typical of the surrounding area and although two-storey dwellings are proposed along the western and south-western part of the site, these are considered to be acceptable as they would not appear incongruous within the streetscape, being as the highest dwelling within the proposed development is of similar height to the existing highest dwelling in situ on Westport. The applicant's Design & Access Statement notes that the house types will all use a similar palette of material including light render, brick panels and grey roof tiles. A condition requiring the exterior finishes to be agreed prior to the commencement of development is proposed. The houses are largely positioned to face outwards adding to the welcoming quality of the streetscape and there are no locations where there are excessive lengths of rear garden boundaries fronting the roadways.

The proposed boundary treatment is a mix of 1.8m vertical timber slatted fencing, 0.9m slatted timber feu fencing and 1.8m feature masonry wall/timber fencing. It is considered that the proposed boundary treatment is acceptable, with the mix of masonry wall and timber fence being sited within the more prominent plots within the development and thus providing an attractive boundary at these locations.

A SUDS feature is proposed in the north of the site and it is considered that this is the most appropriate position due to the topography of the site gently sloping down to this point, with structure shrub planting, hedging and trees providing an attractive boundary.

**Impact on adjoining land uses** (Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, LDP Policy: Air, Light and Noise Pollution and LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites)

Noise, vibration and dust arising during the construction phase have the potential impact on the amenity of the residential properties that adjoin the site. It is noted that the Council's Environmental Health Service offers no objection to the proposed development. All development involves a degree of disruption to neighbouring properties during the construction period; however, this is only a temporary inconvenience

The minimum window to window distance of 18m is not breached as a result of the proposed development, with the closest distance to existing properties being approximately 34m between plot 45 and the property at number 42 Westport – even in this instance the windows are not directly facing and a carriageway would also be an intervening feature. Due to the gently sloping topography of the site and the distances involved from the proposed new dwellings to those in situ adjacent to the site, it is not considered that the proposed development would create significant overlooking, overshadowing or loss of light to adjacent properties.

It should be noted that the temporary site compound outlined in blue (as shown in submitted Construction Management Plan) does not require the benefit of planning permission as it is classed as permitted development under Class 14 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The applicant has indicated that they have control over this area of land.

**Impact on Landscape Quality** (LDP Policy: Landscape Quality and TAR1 Site Brief)

The character of the landscape will change from agricultural to urban. However, it is considered that existing, well-established hedging and trees on the approach to the village from Westport will provide a significant screen for the proposed residential development and lessen the impact, with the impact greatest when close to the access point on Westport. Likewise, the topography of the landscape on approach to the village from the B730 is regarded as providing a screen to the proposed development until views open up when close to the entrance on Croft Street. However, it is considered that the overall impact on the landscape is negligible. The urban backdrop on both of the aforementioned approaches to the village will also lessen its impact within the landscape. The new urban edge will also be softened with proposed landscaping along the periphery of the development and most of the existing shrubbery along the western boundary is to be retained. Having regard to the above, it is considered that the proposal will not have an adverse impact on the landscape. The Council's Sustainable Development (Landscape) Officer has offered no objections to the proposed development/landscaping.

**Impact on Natural Heritage** (LDP Policy: Natural Heritage)

There are no designated nature conservation areas within the application site and it is not anticipated that the development will impact on any natural heritage interest outwith the site. The ecological appraisal carried out for the proposal recorded no field signs of any protected species. The Council's Ranger Service (Biodiversity) offers no objection to the proposal, subject to advisory notes which are included within the recommendation.

**Impact on Flood Risk and the Water Environment** (LDP Policy: Flooding and Development and LDP Policy: Water Environment)

The applicant has submitted a Flood Risk Assessment (FRA), FRA Addendum and a Drainage Strategy Report in support of the application. The FRA states that surface water management measures should be provided along the edges of the site, with the Addendum stating that the proposed access road to the north would have a neutral impact on flood risk. The Drainage Strategy Report states that the proposed development can be drained in a sustainable manner. It is noted that SEPA and the Ayrshire Roads Alliance (as Flood Authority) do not object to the development proposal subject to the imposition of suitable planning conditions and advisory notes.

**Impact on Traffic and Transportation** (LDP Policy: Land Use and Transport)

The application is supported by a Transportation Statement which states that the predicted impact on traffic generation on the local road network as a result of the proposed development was found to be negligible and that the site accesses would operate within capacity. Finally, the statement outlines that car parking provision has been assessed in accordance with the SCOTS Road Development Guide Parking Standards and that visitor parking is distributed throughout the proposed development, as appropriate to serve demand. The Ayrshire Roads Alliance (ARA) has raised no objections to the proposed development in respect of the impact on the local road network, road user/pedestrian safety and the layout and design of the proposed road network within the site. The ARA has also confirmed that the site extension to the north which is slightly outwith the allocated boundary in LDP2 is required in order to meet current Roads Guidelines. The ARA has advised that a number of planning conditions be attached to ensure that the roads and parking are constructed to appropriate standards. Conditions are also attached in respect of providing/upgrading bus stops in the vicinity of the development site in order to enhance/encourage sustainable public transport. It is understood that the 30mph speed limit will change so that both accesses to the site are within this urban limit. A condition regarding the siting of signage has been attached.

**Impact on Education** (LDP Policy: Delivering Infrastructure)

The Council's Education Service has advised that there are no education issues associated with the proposed development, with the catchment schools – Tarbolton Primary, St John's Primary, Belmont Academy and Queen Margaret Academy being able to accommodate the anticipated number of pupils arising from the development.

**Affordable Housing** (Core Principle B6 and LDP Policy: Affordable Housing)

For Tarbolton, this policy sets out a target contribution of 25% affordable housing from all new housing developments of 15 units or more, or a site size equal to or more than 0.6 hectares. In this instance, 23 of the proposed 90 residential properties are affordable units, thus being in accordance with the core principle and associated policy. Although a formal consultation response has not been received from Housing Services, the proposed affordable housing mix was considered to be appropriate by Housing Services when they were consulted at the pre-application stage.

**Low and Zero Carbon Buildings** (LDP Policy: Low and Zero Carbon Buildings)

The Council has not yet prepared the supplementary guidance outlined within this policy. The separate building warrant process will ensure that the necessary buildings standards requirements are met.

**Historic Environment** (LDP Policy Historic Environment, Supplementary Guidance Historic Environment and LDP Policy: Archaeology)

This allocated housing site is located approximately 325 metres to the west of the scheduled monument 'Tarbolton motte', with intervening settlement development. Historic Environment Scotland has been consulted and has raised no objection to the application proposal. The Council's archaeological advisers, West of Scotland Archaeology Service (WoSAS), advise to attach a condition in relation to a programme of archaeological works in accordance with a written scheme of investigation.

**Active Travel and Recreational Walking Routes** (LDP Policy: Outdoor Public Access and Core Paths)

The proposed layout incorporates linking roads and footways, which will ensure ease of pedestrian movement through the development. An internal network of footpaths is proposed which will provide direct walking routes between areas within the development and to Croft Street/Westport. The layout is permeable and will facilitate ease of movement on foot within the site.

## **Conclusions On Assessment Against Development Plan**

The foregoing assessment against the relevant local development plan policies indicates that the proposals are consistent with the Development Plan, subject to the imposition of relevant conditions.

The provisions of the Adopted South Ayrshire Local Plan 2 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.

### (ii) Other Policy Considerations (including Government Guidance)

**Historic Environment Policy for Scotland:** This document emphasises provisions to preserve and enhance the historic environment. The scheduled monument 'Tarbolton motte' is located approximately 325 metres to the east of the application site. However, it is considered that there will be no adverse impact on the setting of the scheduled monument from the proposed development due to the intervening settlement. As captured within the 'Consultations' and 'Development Plan' sections of this report, Historic Environment Scotland has no objection to the proposals.

**Historic Environment Scotland's Managing Change document 'Setting':** Defines setting as the way in which the surroundings of a historic asset contributes to how it is experienced, understood and appreciated and indicates that the setting of a historic structure often extends beyond the immediate property boundary of that structure into the broader landscape. As outlined above, it is considered that the existing settlement in situ between the proposed development and the motte will result in no adverse impact on the setting of the nearby scheduled monument. Historic Environment Scotland has no objection to the proposals.

**Creating Places:** This document is the Scottish Ministers' policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design. The layout of the development incorporates design features which will create character and provide a good quality living environment. The incorporation of landscaping within the new urban environment will create a strong sense of place and the proposals are considered to be consistent with the Government's advice.

**Designing Streets:** This document is the Scottish Ministers' policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets. As captured above in the 'Development Plan' section of this report, permeable street layout is proposed which incorporates traffic calming features and convenient pedestrian routes and the design of the proposed development is considered to be consistent with the Government's advice.

**Supplementary Guidance 'Open Space and Designing New Residential Developments':** This guidance sets out how to arrive at a meaningful design solution, key attributes of successful areas of open space, the different types of open space with residential developments, the applicable standards, private open space standards, amenity and privacy considerations and where flexibility exists. It is considered that proposed development broadly complies with the requirements of this Guidance. As captured in the 'Development Plan' section above, the proposed dwellinghouses are generally all served by garden ground provision which meets the standards set out within the supplementary guidance, with only 5.5% of properties marginally below the sought provision. This slight shortfall in garden ground provision is considered to be acceptable in this instance as the gardens are at least 1.5 times the size of the ground floor area of the proposed dwellings. All properties have rear gardens which exceed the minimum rear garden depth of 9m and no directly facing windows in the proposed development are within the minimum 18m window to window distance.

**Supplementary Planning Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers':** This guidance explains the application of affordable housing policy and the various options for delivery. The affordable housing mix shown within the application is that which was deemed to be appropriate by the Council's Housing Service at pre-application stage. The affordable housing provision within this application results in the 25% target of on-site affordable housing provision being met which meets with the terms of policy and guidance.

**Supplementary Guidance: Housing Site Design Brief Tarbolton TAR1:** The Design Brief for the application site notes various requirements in terms of the layout of any proposed housing including; houses facing outward along the northern and western boundaries, houses restricted to 1.5 storey in the western and south western areas, affordable housing to be provided, existing trees and hedges along the western boundary to be retained and additional planting to strengthen this edge. Further requirements include open space to be provided in accordance with the Council's open space standards, vehicular access to be taken via Croft Street and Westport, pedestrian linkage to connect into existing footpaths along the northern and southern boundaries of the site and that the internal layout should be designed in accordance with the principles of Designing Streets. Although dwellings along the western boundary and at the south-western extremity of the site are two-storey in nature as opposed to 1.5 storey, it is considered that this is acceptable as the approach to the village along Westport is largely screened by hedging/shrubbery and the proposed dwelling ridge at the south-western extremity (plot 45) would be only marginally higher than the existing property at 42 Westport and would be lower than the property at 44 Westport. This has been illustrated through cross section/ levels drawings that demonstrate an acceptable arrangement and relationship between existing and proposed properties. The proposed development is largely considered to meet the requirement of the Design Brief.

(iii) Consultation Responses

It is noted that consultees either do not object to the development proposal or do not object subject to the imposition of conditions and advisory notes which are all included in the recommendation below.

(iv) Representations received

The majority of the points made within the representation received are addressed within the assessment against the relevant policies, however further comments are noted against the topic headings below.

### **Amenity**

In terms of the impact of the proposed development to neighbouring properties by way of noise, the Council's Environmental Health Service hold statutory powers in this regard and offered no objection to the application. Unfortunately, all development involves a degree of temporary disruption during the construction period. In the relation to the loss of an area of green space, the vast majority of site is an allocated for housing site in the Local Development Plan 2 and therefore the principle of residential development has already been accepted. Any anti-social behaviour would be a matter for the Police. It is considered that the two access points meet the terms of the site Design Brief and provide acceptable linkages for occupants to make their way into the village centre. Notwithstanding, there are no other potential access points on either Croft Street or Westport due to residential development being in situ.

### **Design Layout**

It is considered that the site has sufficient pedestrian permeability without the need for a further footpath along the western site boundary.

### **Natural Heritage**

The submitted Ecological Appraisal Report did not highlight the presence of any protected species within the application site. In addition, the Council's Ranger Service (biodiversity) has offered no objection to the proposed development in relation to wildlife impacts, subject to appropriate advisory notes being attached. These advisory notes are attached to this recommendation.

## **Traffic, Transportation and Footways**

The Ayrshire Roads Alliance (ARA) has raised no objections to the proposed development in respect of the impact on the local road network, layout and design of the proposed road network within the site and road user/pedestrian safety. The ARA has also confirmed that there is sufficient space on Westport, either within the existing road boundary or over land controlled by the applicant, to provide the required footway and visibility area. Such visibility splays can be achieved without impacting existing property boundaries that are under separate ownership. The 30mph speed limit zone is proposed to be re-located for both accesses to the site, ensuring they are within the urban speed limit area. With regards the gradient of footways; the ARA have raised no objection to the proposals presented. A separate 'Roads Construction Consent' will require to be obtained by the applicant through the ARA before works start on site. Condition 9 below is recommended to remove the footpath running between plots 25/37 and 26/36; this footpath is not considered necessary as the road layout and associated footpaths provide adequate connectivity through the site.

## **Other Issues**

Each planning application is required to be assessed on its merit and whether or not other developments have been started or completed within the village is not a material consideration in the assessment of this planning application. The purpose of the neighbour notification process is to make neighbours aware of a planning application under assessment and to provide information as to where details of the planning application can be found. The loss of view is not a material planning consideration.

It is not considered that the concerns raised are sufficient to merit refusal of the application.

### (v) Impact on the locality

The application has been the subject of various assessments as summarised elsewhere in this report. Each of these has considered the impact of the development on the locality. The application has been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, and appropriate recommendations for conditions are included within the 'Recommendation' section. Subject to the conditions and mitigation measures, as set out below, it is considered that the development proposal will deliver a sustainable and attractive environment with a range of house types, including a 25% affordable housing contribution.

## **8. Conclusion:**

The proposal involves the erection of a residential development, ancillary roads services, landscaping, drainage infrastructure and other associated works on land to the north-western edge of the settlement boundary of Tarbolton. The application site largely forms the TAR1 housing release site allocated in the South Ayrshire Local Development Plan with an indicative capacity of 90 units. The proposal is for the erection of 90 units, of which 25% will be affordable. The application has been assessed against the various material planning considerations which include the provisions of the Local Development Plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the Local Development Plan. No objections to the proposal have been received from consultees. The points raised in the letters of objection have been fully considered and do not raise any issues that would merit a recommendation of refusal of the application. It is considered that the proposal will not have an adverse impact on the amenity of adjacent properties or the character and amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

**9. 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) Prior to the commencement of development, a phasing plan setting out the sequence of construction of the land engineering works, roads, parking areas, hard and soft landscaped areas, public open spaces, equipped play area, footpaths and SUDS features shall be submitted to and approved by the planning authority. The construction of the development shall thereafter proceed in accordance with the approved phasing plan, and no item shall be omitted, unless the prior written permission of the planning authority is received for an amendment to the approved phasing plan.
- (3) Prior to the commencement of development, a landscaping phasing plan shall be submitted to and approved by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the scheme as approved shall be implemented within the first planting season following the completion or occupation of the last house within the relevant phase of the development, whichever is the sooner. The open space/landscaped areas shall be retained as open space to this approved standard.
- (4) That notwithstanding the approved plans, prior to the occupation of the first house a maintenance schedule for all areas to be landscaped in accordance with the details approved under this permission shall be submitted to and approved by the Planning Authority. The landscaped areas shall be maintained for a period of five years from the date of completion of the landscaping within the relevant phase of the development.
- (5) That a performance bond or alternative financial mechanism, agreed by the Council, covering the cost of the landscaping of the development, as approved under this permission and play facility scheme as approved under this permission, shall be submitted to, approved in writing by the planning authority and executed before any works commence within the relevant phase. For the purposes of calculating the landscape bond quantum, details of the landscaping works to be implemented within areas that are to be maintained by a factor on a map in m<sup>2</sup>, including all plant species, sizes and densities shall be submitted to the planning authority.
- (6) That notwithstanding the approved plans, no consent is hereby granted for the proposed multi-language play board, rather details of a more universally play-minded board shall be submitted to and approved in writing by the Planning Authority prior to the installation of the play equipment.
- (7) That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- (8) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (9) That notwithstanding the plans hereby approved, no consent is granted for the footpath running between plots 25/37 and 26/36. Rather, a revised plan shall be submitted to and approved in writing by the Planning Authority illustrating its removal, prior to the commencement of development.
- (10) That the mitigation measures contained within the submitted noise report shall be adhered to.



- (11) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites-Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- (12) Prior to occupation of the first dwelling within the development, a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development at time of occupation.
- (13) That all new roads infrastructure associated with the development shall be designed and constructed to adoptable standards specified by the Council's National Roads Development Guide and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new Roads infrastructure shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to commencement of work on site. All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of any dwellings within the development.
- (14) That junction access visibility sightline splays of 2.4 metres by 45 metres 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.
- (15) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (16) That prior to occupation of the development, any gates and / or doors shall be designed to open inwards away from the public roadway.
- (17) That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council (minimum off road parking bay to be 5.5 metres x 2.9 metres).
- (18) That integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle.
- (19) That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to the commencement of work on site and shall be implemented as approved.

- (20) No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the planning authority prior to its installation if required for that phase. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.
- (21) That prior to the movement of any construction traffic to or from the site, the applicant/ developer shall submit a Construction Traffic Management Plan (CTMP) for the written approval of the Planning Authority, in consultation with the Council as Roads Authority. The plan shall provide all relevant information pertaining to traffic implications associated with construction, including details of the methodology for the movement of construction traffic to and from the site. The CTMP shall require the agreement of the Council as Planning Authority prior to any movement of construction traffic associated with the site. The CTMP shall be implemented as approved.
- (22) That the edge of any proposed signage within the public road limit shall be no nearer than 0.5 metres from the edge of the carriageway and the underside of the signage shall be a minimum of 2.25 metres above the public footway. Proposed traffic signage shall be agreed in writing by the Planning Authority through consultation with the Roads Authority before it is erected.
- (23) That none of the dwellings hereby approved shall be occupied until the Sustainable Urban Drainage System (SUDS) has been completed in accordance with the submitted and approved plans.
- (24) The applicant / developer shall provide / upgrade 2 no. bus stop(s) within Tarbolton prior to the completion of the development. The design, location and specification of the bus stops shall be submitted for the written approval of the Planning Authority through consultation with the Council's Roads Authority prior to their installation.
- (25) The applicant / developer shall submit plans of all proposed new bus stops for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The bus stop details shall include the exact proposed location of the stops in addition to specifications of a flag and pole, bus shelter (where appropriate) and associated bus boarder kerbing. All new bus stops shall be constructed, as approved, prior to completion of the development.
- (26) That the applicant / developer shall upgrade the bus stop(s) to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing regional Real Time system, prior to the completion of the development. This shall include supply and installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket compatible with a Trueform Elite pole, a Trueform Elite pole and a 6 line bann display or equivalent. The developer shall also be responsible for providing 5 years maintenance cover for the screens. The design, location and specification of the RTPI screens associated with all new bus stop(s) shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to their installation and thereafter shall be implemented as approved.

- (27) No dwelling shall be occupied on the site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Council as Planning Authority. The affordable housing on the site shall be provided in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely housing of a reasonable quality that is affordable to people on modest incomes) in the Scottish Government's 2014 'Scottish Planning Policy' or any future government policy that replaces it. The scheme shall take account of the Council's current guidance about affordable housing (the replacement (if any) of the Council's 2006 Supplementary Planning Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:
- a) the timing of the occupation of the market homes within each phase or sub-phase of the site and the delivery of the affordable homes in the relevant phase or sub-phase of the site;
  - b) the arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
  - c) the factoring and/or common maintenance regime (including charges) for affordable homes;
  - d) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
  - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

**Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To ensure that all elements of the proposed development are provided at an appropriate stage in the development in the interest of the proper planning of the area.
- (3) To ensure the approved landscaping details are implemented at an appropriate time and no areas are left in an unsatisfactory condition in respect to landscaping for an unacceptable length of time in the interest of visual amenity.
- (4) To ensure that the approved landscaping details are properly maintained for a sufficient length of time to ensure that all areas of planting are established in the interest of visual amenity.
- (5) To ensure that the approved landscaping is implemented in the event that the developer is unable to complete the development.
- (6) In the interest of interactivity of the proposed play equipment.
- (7) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (8) In the interests of visual amenity.
- (9) In the interests of residential amenity.
- (10) To avoid noise disturbance in the interests of residential amenity.
- (11) To ensure all contamination within the site is dealt with.
- (12) To encourage sustainable means of travel.
- (13) In the interest of road safety and to ensure an acceptable standard of construction.
- (14) 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.
- (15) In the interest of road safety and to avoid the discharge of water onto the public road.

- (16) In the interest of road safety.
- (17) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (18) In the interest of road safety and to ensure adequate off-street parking provision.
- (19) In the interest of road safety.
- (20) In the interest of road safety.
- (21) In the interest of road safety.
- (22) In the interest of road safety.
- (23) To ensure that the site is drained in an acceptable and sustainable manner.
- (24) To provide accessible public transport.
- (25) To provide accessible public transport.
- (26) To provide accessible public transport.
- (27) To ensure that satisfactory arrangements are made for the provision of affordable housing on the site.

**Advisory Notes:**

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits prior to works commencing on site.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local Roads Authority and the relevant utility companies.
- (4) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.
- (5) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings and 20mph orders for all residential streets off the spine road.
- (6) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (7) That Roads Construction Consent (RCC) from the Council as Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (8) Details of regulatory requirements and good practice advice can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX Tel: 01292 294000.

## Regulatory Panel (Planning): 15 September 2022

Report by Place Directorate (Ref: 22/00392/APPM)

- (9a) That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
  - b) That the applicant is made aware that works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
  - c) That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
  - d) If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
  - e) Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
  - f) Where possible the developer considers the inclusion of bird and bat boxes within the development.
  - g) If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the NatureScot website along with guidance.
  - h) Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
  - i) Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
  - j) Where possible that any native hedgerows are retained or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
  - k) That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinosa*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). \* May be Applicable to sites > 13km distance from Prestwick Airport.
  - l) All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
  - m) Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.
- (10) In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- (11) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light"

[http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)

- (12) Notification of the use of cranes and associated equipment during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 18.5km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

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

- (13) Should the developer make an amendment to this current planning application for a requirement of renewable energy (such as solar panels (roof based)), Glasgow Prestwick Airport (GPA) insists that the developer conducts a solar and glare assessment at the location and shares the results of said assessment with GPA to allow them to review the findings and satisfy themselves that such an installation would have no impact on the safe provision of air traffic services in the vicinity of the aerodrome.

**List of Determined Plans:**

- Drawing - Reference No (or Description): 201 Revision A  
Drawing - Reference No (or Description): 202  
Drawing - Reference No (or Description): 203  
Drawing - Reference No (or Description): 300  
Drawing - Reference No (or Description): 301  
Drawing - Reference No (or Description): 302  
Drawing - Reference No (or Description): 303  
Drawing - Reference No (or Description): 304  
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Drawing - Reference No (or Description): 307  
Drawing - Reference No (or Description): 308  
Drawing - Reference No (or Description): 309  
Drawing - Reference No (or Description): 400  
Drawing - Reference No (or Description): 401  
Drawing - Reference No (or Description): 402  
Drawing - Reference No (or Description): 403  
Drawing - Reference No (or Description): 404  
Drawing - Reference No (or Description): 405  
Drawing - Reference No (or Description): 406  
Drawing - Reference No (or Description): 407

- Drawing - Reference No (or Description): 408
- Drawing - Reference No (or Description): 409
- Drawing - Reference No (or Description): 410
- Drawing - Reference No (or Description): 501
- Drawing - Reference No (or Description): 502
- Drawing - Reference No (or Description): 503
- Drawing - Reference No (or Description): 504
- Drawing - Reference No (or Description): 505 Revision B
- Drawing - Reference No (or Description): 601
- Drawing - Reference No (or Description): 701
- Drawing - Reference No (or Description): 1829/01 Rev B
- Drawing - Reference No (or Description): 1829/02 Rev A
- Drawing - Reference No (or Description): 1829/03 Rev B
- Drawing - Reference No (or Description): 1829/04 Rev A
- Drawing - Reference No (or Description): 1829/05 Rev A
- Drawing - Reference No (or Description): 21181-SK-03 Rev B
- Drawing - Reference No (or Description): 21181-SK-09 Rev B
- Drawing - Reference No (or Description): 21181-SK-011 Rev A
- Drawing - Reference No (or Description): SC14810/01
- Drawing - Reference No (or Description): SK110
- Other - Reference No (or Description): Planning Statement
- Other - Reference No (or Description): Design and Access Statement
- Other - Reference No (or Description): PAC Report
- Other - Reference No (or Description): Ecological Appraisal
- Other - Reference No (or Description): Flood Risk Assessment
- Other - Reference No (or Description): Flood Risk Assessment Addendum
- Other - Reference No (or Description): Drainage Strategy Report
- Other - Reference No (or Description): Ground Investigation Report
- Other - Reference No (or Description): Landscape and Visual Appraisal
- Other - Reference No (or Description): Landscape Maintenance and Management Proposals
- Other - Reference No (or Description): Noise Impact Assessment

Other - Reference No (or Description): Transportation Statement

**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.

**Background Papers:**

1. Application form, plans and submitted documentation
2. Consultation Responses
3. Representations
4. Adopted South Ayrshire Local Development Plan 2
5. Supplementary Guidance: Housing Site Design Brief Tarbolton TAR1
6. Guidance: 'Open Space and Designing New Residential Developments'
7. Guidance: 'New Housing Developments and Affordable Housing'
8. Guidance: 'Historic Environment'
9. Historic Environment Policy for Scotland
10. Managing Change in the Historic Environment (Setting)
11. Scottish Planning Policy
12. Scottish Government 'Creating Places'
13. Scottish Government 'Designing Streets'
14. Proposal of Application Notice 21/00688PAN

**Equalities Impact Assessment**

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

**Person to Contact:**

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