

County Buildings  
Wellington Square  
AYR KA7 1DR  
Telephone No.01292 612436



5 September 2022

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

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (PLANNING)**

You are requested to participate in the above Panel to be held on **Thursday, 15 September 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

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

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

Yours sincerely

**CATRIONA CAVES**  
Head of Legal, HR and Regulatory Services

**B U S I N E S S**

1. Declarations of Interest.
2. Minutes of previous meeting of 23 June 2022 (copy herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Director – Place (copies herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson, Committee Services on at 01292 612436, at Wellington Square, Ayr or e-mail: [andrew.gibson@south-ayrshire.gov.uk](mailto:andrew.gibson@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 23 June 2022 at 10.00 a.m.

Present  
In County  
Buildings:

Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Martin Kilbride and Duncan Townson.

Present  
Remotely:

Councillor Craig Mackay.

Apologies:

Councillors Mary Kilpatrick and Mark Dixon.

Attending  
In County  
Buildings:

L. Reid, Assistant Director (Place); K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; D. Clark, Supervisory Planner; R. Lee, Supervisory Planner; E. McKie, Planner; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer, C. Buchanan, Committee Administrative Officer; and C. McCallum, Committee Services Assistant.

**1. Welcome and Declarations of Interest**

The Chair welcomed everyone to the meeting and took the sederunt.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct

- (1) Councillor Clark advised that he would not take part in item 2(1) below as he would speak to the Panel as a Ward Member and then withdraw from the meeting for the remaining time that item was being considered; and
- (2) Councillor Townson advised that he would declare an interest in item 2(2) below and withdraw from the meeting during consideration thereof as there would be a conflict with his employer.

**2. Applications for Planning Permission**

There were submitted [reports](#) (issued) of June 2022 by the Director - Place on planning applications for determination.

The Panel considered the following applications:-

As stated above, Councillor Clark did not participate in the undernoted application, as a Member of the Panel.

- (1) [22/00093/APP](#) – **GIRVAN - Victory Park and Pavilion, South Park Avenue** – Construction of a 3G artificial grass surfaced sports pitch with associated fencing , floodlighting, access paths , service access road and drainage.

There were representations made to the Panel by interested parties. Councillors Clark and Scott both addressed the Panel as Local Members. Both left the meeting after they had addressed the Panel.

**Decided:** to approve application subject to the following conditions:-

- (a) 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;
- (b) that the proposed all-weather sports pitch shall not be in use before 8.00am and after 10.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction shall be submitted for the prior written approval of the planning authority before facilities become operational;
- (c) no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (d) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007, details of which shall be submitted for the formal written approval of the Council prior to the commencement of work on-site. Thereafter, the development shall be implemented as per the submitted and agreed specification;
- (e) that the recommendations detailed in the submitted Enviro Centre Flood Risk Assessment, (June 2021) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development;
- (f) that the recommendations detailed in the submitted Ecological Impact Assessment, (January 2022) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development;

- (g) that before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the Travel Plan shall be implemented as approved;
- (h) the applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site. Thereafter, construction traffic shall be managed in accordance with the approved Construction Management plan; and
- (i) the applicant/ developer shall, prior to the commencement of any construction work, submit a Parking Management Plan for the written approval of the Council as Planning Authority in consultation with the Roads Authority. The plan shall detail the measures in place to encourage patrons to park within the highlighted zones in the submitted layout plans. The Parking Management Plan shall also highlight the steps proposed to help prevent on-street parking by customers, in particular on North Park Avenue and Victory Park Road where on-street parking by customers could render existing advisory cycle lanes unusable. Information shall also be provided on how the capacities of these car parks will be managed especially in instances when the schools are hosting events/community uses at the development site. The measures identified in the Parking Management Plan shall be implemented before the development is brought into use and thereafter maintained for the lifetime of the development.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential amenity;
- (c) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (d) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (e) to reduce the risk of flooding, and to ensure the site is drained in an acceptably sustainable manner and the infrastructure is properly maintained;
- (f) in the interests of natural heritage;
- (g) to encourage sustainable means of travel;
- (h) in the interest of road safety; and
- (i) in the interest of road safety.

**Advisory Notes:**

That the floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service.

**List of Determined Plans:**

Drawing - Reference No (or Description): SAC/VP/20 Access Road and Footpath;  
 Drawing - Reference No (or Description): SAC/VP/20 Floodlighting Details;  
 Drawing - Reference No (or Description): SAC/VP/20 Topographical Survey;  
 Drawing - Reference No (or Description): SAC/VP/203\_ Drainage Layout;  
 Drawing - Reference No (or Description): SAC/VP/204\_A Floodlighting Layout;  
 Drawing - Reference No (or Description): SAC/VP/206 Typical Section of Synth;  
 Drawing - Reference No (or Description): SAC/VP/21 Detox/Dog Grid Details;  
 Drawing - Reference No (or Description): SAC/VP/201 (Rev. B) Location Plan;  
 Drawing - Reference No (or Description): SAC/VP/202 (Rev. B) Proposed Site Plan;  
 and  
 Drawing - Reference No (or Description): SAC/VP/209 (Rev. A) Proposed Fencing Details.

**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.

**Councillor Clark re-joined the meeting at this point.**

**Councillor Townson who had previously declared an interest in the undernoted item, subsequently left the meeting at this point.**

- (2) [21/00772/APP](#) – AYR – Alexanders Sawmills Ltd, Heathfield Road – Planning permission in principle for the erection of Class 1 retail foodstore, Class 9 residential development and associated works (with detailed matters brought forward for the Class 1 foodstore, car parking access, landscaping and other works).

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion and the Panel,

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

**Principle of Development – Retail foodstore**

- (a) the proposed development is contrary to the Town Centre and Retail Local Development Plan 2017 – LDP Policy: Commercial Centres (Heathfield) and Policy: General Retail, LDP Policy: Heathfield and LDP Policy: General Retail and Scottish Planning Policy by reason that the applicant has not undertaken and demonstrated an appropriate sequential retail assessment in respect of the proposed foodstore. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan or the Report of Examination of LDP2; and

**Principle of Development – Residential**

- (b) that the proposal is contrary to South Ayrshire Local Development Plan Policy: Sustainable Development, LDP Policy: Heathfield, LDP Policy: General Retail, LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, Town Centre and Retail Local Development Plan, Report of Examination on LDP2, the Scottish Government's 'Designing Streets and 'Creating Places' Guidance and Scottish Planning Policy by reason that the application site does not represent a suitable location for residential development.

**List of Determined Plans:**

Drawing - Reference No (or Description): 2408\_301 Rev A – Site Location Plan;  
 Drawing - Reference No (or Description): 2408\_302 – Proposed Masterplan PPP;  
 Drawing - Reference No (or Description): 2408\_302 – Extent of Full Planning and PPP Elements;  
 Drawing - Reference No (or Description): 2408\_303 Rev A – Proposed Site Layout (Store);  
 Drawing - Reference No (or Description): 2408\_304 – Proposed Building Plan;  
 Drawing - Reference No (or Description): 2408\_305 – Proposed Elevations;  
 Drawing - Reference No (or Description): 2408\_306 – Proposed Roof Plan;  
 Drawing - Reference No (or Description): 2408\_307 Rev A – Proposed Surface Finishes;  
 Drawing - Reference No (or Description): 2408\_308 Rev A – Proposed Boundary Treatments (Store); and  
 Drawing - Reference No (or Description): R/2478/1A – Landscape Details;  
 Drawing - Reference No (or Description): SQ4S-PV-LIDL-ECOS-P1951-R-A Revision A – PV – Roof Layout;  
 Other - Reference No (or Description): Pre-Application Consultation Report;  
 Other - Reference No (or Description): Planning and Retail Statement (Aug 2021);  
 Other - Reference No (or Description): Retail Statement Letter (17 Feb 2022);  
 Other - Reference No (or Description): Retail and Affordable Housing Letter (28 Feb 2022);  
 Other - Reference No (or Description): Design Statement;  
 Other - Reference No (or Description): Report on Site Investigations (1) – March 2021;  
 Other - Reference No (or Description): Report on Site Investigations (2) – May 2021;  
 Other - Reference No (or Description): Tree Survey;  
 Other - Reference No (or Description): Acoustic Review;  
 Other - Reference No (or Description): Acoustic Review Addendum (Feb 2022);  
 Other - Reference No (or Description): Transport Assessment;  
 Other - Reference No (or Description): Flood Risk Assessment; and  
 Other - Reference No (or Description): Preliminary Ecological Appraisal.

**Councillor Townson re-joined the meeting at this point.**

- (3) **22/00198/APP – SYMINGTON – Plot 1, Knockendale Farm, C93 from B730 junction, north-west of Bogend, south-west to Brewlands Road –** Erection of dwellinghouse.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Six Members voted for the Motion and one Member voted against the Motion and the Panel,

**Decided:** to approve application subject to the following conditions:-

- (a) 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;
- (b) that full details of SUDS arrangements within the approved plot shall be submitted for the written approval of the Planning Authority, prior to the commencement of works on site, and shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8 and thereafter shall be implemented in accordance with the arrangements to be approved under the terms of this condition;
- (c) that notwithstanding the plans hereby approved, the rear (southern) boundary of the application site shall be delineated by way of native hedging, the details of which shall be submitted for the prior written approval before the commencement of development on site. Thereafter, the native hedging scheme as approved shall be implemented within first planting season following the completion or occupation of the dwellinghouse, whichever is the sooner; and
- (d) 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 in accordance with the details to be approved under the terms of this condition.

**Reasons:**

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure the site is drained in an acceptable and sustainable manner;
- (c) in the interest of visual amenity, and so as to retain the rural character and setting of the locality; and
- (d) in the interests of visual amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): 0801 PP 0.01;  
 Drawing - Reference No (or Description): 0801 PP 1.01;  
 Drawing - Reference No (or Description): 0801 PP 1.02; and  
 Drawing - Reference No (or Description): 0801 PP 1.03.



**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.

**In terms of Council Standing Order No 13.3, the Panel agreed to vary the order of business as hereinafter minuted.**

- (4) [22/00192/APP](#) – PRESTWICK – 3C St Quivox Road – Part change of use of Class 3 unit to form hot food takeaway and erection of flue.

Representations were heard from interested parties. In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Six Members voted for the Motion and one Member voted against the Motion and the Panel,

**Decided:** to approve application subject to the following conditions:-

- (a) 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;
- (b) ventilation within the kitchen areas requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of a smell nuisance, the ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building within 15m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking. Details of the ventilation shall be submitted for the prior written approval of the planning authority through consultation with the Councils Environmental Health Service and shall be implemented as approved before any cooking or preparation of hot food takes place on the premises;

- (c) that, prior to the part change of use of the premises to hot food take away, an acoustic consultant's report or manufacturer's specifications are required to demonstrate, for the approval in writing of the planning authority, that the noise from the ventilation extract system will comply with NR25 (noise rating criteria) within a habitable room of the nearest noise sensitive dwelling to the application site with windows open sufficiently for ventilation. The method(s) for measuring and calculating this noise level can be undertaken and demonstrated without gaining physical access to a habitable room of the nearest noise sensitive dwelling to the application site. Any changes to the ventilation extract system, that may be approved under the terms of this condition, shall require the prior written consent of the planning authority through consultation with the Council's Environmental Health Service;
- (d) the equipment to be used in the preparation of food to be sold from the premises shall be restricted to those methods of cooking outlined within the submitted Business Operation Statement. No other form of cooking and/or heating of food stuffs shall be utilised within the premises without the prior written approval of the Planning Authority; and
- (e) the hours of operation of the development shall be restricted to between 8 am and 10 pm.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to prevent the likelihood of a smell nuisance;
- (c) in order to prevent the likelihood of a noise nuisance;
- (d) to clarify the terms of the permission and in the interests of amenity; and
- (e) in the interests of residential amenity.

**Advisory Notes:**

The permitted noise levels and working times as specified in "South Ayrshire Council's Environmental Health, levels and conditions to be applied to works on construction sites" should be adhered to.

The premise requires to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.

It is recommended that the air source heat pump unit be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface, in order to prevent additional noise caused by vibration.

Any commercial bins must be kept in the car park area to the rear of the premises which is accessed from Hunter Street. No commercial bins can be stored on St Quivox Road.

**List of Determined Plans:**

Drawing - Reference No (or Description): **Approved** Location Plan;  
 Drawing - Reference No (or Description): **Approved** 1; and  
 Other - Reference No (or Description): **Approved** Business Operation Statement.

**Reason for Decision:**

The proposed part change of use, 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.

**Councillor Mackay left the meeting at this point.**

**The time being 1.00 p.m., the Panel agreed to adjourn for thirty-five minutes. The Panel re-adjourned at 1.35 p.m.**

**In terms of Council Standing Order No 6.2 and in view that the meeting would take more than four hours to complete, the Panel agreed to continue this meeting today until all the agenda items had been considered.**

- (5) **22/00164/APP - PINMORE – Water Pipe adjacent to Gregg Bridge, B734 from A714 junction at Pinmore Bridge to Barr – Installation of handrailing with signage.**

**Decided:-** to approve the application subject to the following conditions:-

- (a) 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; and
- (b) that, in event that both the handrail and signpost hereby approved are no longer required in association with the water pipe that crosses the river, they shall be removed, and the site shall be restored to the satisfaction of the Planning Authority within one month of the removal of the equipment.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to ensure there is no unnecessary equipment in this area of open space and to ensure the reinstatement of the site to a satisfactory standard.

**List of Determined Plans:**

Drawing - Reference No (or Description): 5022030000-WN-DRA-04170013;  
 Drawing - Reference No (or Description): 5022030000-WN-DRA-04170014;  
 Drawing - Reference No (or Description): 5022030000-WN-DRA-04170015; and  
 Drawing - Reference No (or Description): Warning Signage Example.

**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.

- (6) **[22/00227/FUR](#) – ST QUIVOX – Proposed dwellinghouse, C150 from A77T Junction north of St Quivox to B743 junction at Slatehall** – Further planning permission for the erection of a dwellinghouse (18/00865/APP).

**Decided:-** to approve the application subject to the following conditions:-

- (a) 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;
- (b) that the first 10 metres of the access road from its junction with the public road shall be resurfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation. A detailed specification shall be submitted for the prior written approval of the Planning Authority prior to commencement;
- (c) 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 Planning Authority before any work commences on site and implemented as approved;
- (d) that 3 no. off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide, prior to completion of the development;
- (e) that parking bays shall be a minimum 5.5 metres x 3.0 metres, internal dimensions of an integral garage shall be 7.0 metres x 3.0 metres to count toward required parking provision;

- (f) that a lockable and covered cycle stand accommodating a minimum of 1 no. cycle shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site and implemented as approved;
- (g) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval and implemented as approved;
- (h) 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 implemented as approved;
- (i) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard; and
- (j) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site. Thereafter, the surface water drainage arrangement shall be implemented as approved.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure an acceptable standard of construction;
- (c) in the interest of road safety and avoid the discharge of water on to the public road;
- (d) in the interest of road safety and to ensure adequate off-street parking provision;
- (e) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (f) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (g) in the interests of visual and residential amenity;
- (h) in the interests of visual amenity;

- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1803-P001;  
 Drawing - Reference No (or Description): 1803-SL001;  
 Drawing - Reference No (or Description): 1803-SL002;  
 Drawing - Reference No (or Description): 1803-SL003; and  
 Drawing - Reference No (or Description): 1803-SL004.

**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.

- (7) **[22/00132/PPP](#) – DUNDONALD – Land adjacent to Borneo Hill, A759 from Council boundary at Old Rome Bridge to Bypass Road – Planning permission in principle for the erection of a dwellinghouse and two agricultural buildings.**

**Decided:-** to refuse the application on the grounds that the development proposal is contrary to the Rural Housing Policy of the Adopted South Ayrshire Local Development Plan and the Council's Supplementary Guidance in relation to Rural Housing in that it has not been demonstrated to the satisfaction of the Council that the new business is economically viable, and no satisfactory justification has been provided which would permit the erection of a permanent residential dwellinghouse, at this time, to serve the proposed rural business.

**List of Determined Plans:**

Drawing - Reference No (or Description): L(00)002;  
 Drawing - Reference No (or Description): L(00)003; and  
 Drawing - Reference No (or Description): L(00)001.

- (8) [22/00334/APP](#) – BALLANTRAE – Land at Whilk Meadow, A77T from Lendalfoot to Main Street, Ballantrae – Retention of existing construction site office building for use as a permanent caravan site office/reception and construction of associated access path.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion and the Panel,

**Decided:** to approve the application.

**List of Determined Plans:**

Location Plan (Drawing No. 5901-C-101 Rev B);  
Proposed Plan and Elevations (Drawing No. 5901-C-103); and  
Proposed Site Plan (Drawing No. 5901-F-102).

**Reason for Decision:**

The siting and design of the retained building and the associated path are considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape.

- (9) [22/00242/APP](#) – STRAITON – Knockcronal, U4 from C1 junction near Craig via Balbeg and Dalmorton to Palmullan Bridge – Erection of a temporary 140m high meteorological mast.

**Decided:** to approve the application, subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans(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;
- (b) that the approval for the proposed use is limited to 3 years at which date the use of the meteorological mast shall be terminated and the meteorological mast shall be removed from site. Furthermore, the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval and implemented as approved;

- (c) that prior to the meteorological mast hereby approved becoming operational, bird divertors/line markings in accordance with the criteria as set out in NatureScot's Guidance 'Assessment and Mitigation of Impacts of Power Lines and Guyed Meteorological Masts on Birds' (dated 2016) shall be installed on all of the guy wires supporting the meteorological mast. These bird divertors/line markings once installed shall thereafter be maintained for the lifetime of the development (e.g. 3 years from the date of this consent) unless otherwise agreed in writing by the Planning Authority.
- (d) that prior to the commencement of development (including the deployment of any construction equipment or temporal structures 15.2 metres or more in height above ground level), an aviation lighting scheme shall be submitted to and approved in writing by the Planning Authority (in consultation with the Ministry of Defence). The aviation lighting scheme shall include details and information relating to the following:
- details of any construction equipment and temporal structures with a total height of 15.2 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with;
  - the location and height of the meteorological mast identifying the position of the lights on the mast, the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. These details shall show the meteorological mast shall be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infrared light aviation lighting at the highest practicable point of the structure; and
  - Details of how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.
- Thereafter, the approved infrared light aviation lighting and associated measures shall be installed and operated in strict accordance with the approved layout and specifications of the aviation lighting scheme. The lighting and associated features once installed shall be retained in situ in an effective operating condition for the lifetime of the development (e.g. 3 years from the date of this consent), unless otherwise agreed in writing by the Planning Authority; and
- (e) that the developer shall notify UK DVOF and Powerlines at the Defence Geographic Centre with the following information prior to development commencing:
- Precise location of development;
  - Date of commencement of construction;
  - Date of completion of construction;
  - The height above ground level of the tallest structure;
  - The maximum extension height of any construction equipment; and
  - Details of any aviation warning lighting fitted to the structure(s).



This information can be sent by e-mail to UK DVOF & Powerlines at icgdgc-prodaisafdb@mod.uk, or posted to:

D-UKDVOF & Power Lines  
 Air Information Centre  
 Defence Geographic Centre  
 DGIA  
 Elmwood Avenue  
 Feltham  
 Middlesex  
 TW13 7AH

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in the interests of reducing bird strike and collision;
- (d) in the interest of maintaining aviation safety; and
- (e) to ensure that the Ministry of Defence (MoD) is aware of the details of the development, in the interests of aviation safety.

**Advisory Notes:**

- **NATS Safeguarding:** The consultation response provided applies specifically to the consultation request issued and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.
- **Ministry of Defence (MoD):** The MoD emphasise that the advice provided in their consultation response is in response to the information detailed in the developer's document titled 'Supporting Information' dated 14/03/22. Any variations of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered materials or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

- Glasgow Prestwick Airport: The IFP Assessment undertaken did not assess the turbines which is a separate application (Scottish Ministers reference: ECU00002181). On this basis, the outcome of the IFP Assessment has no bearing on the separate Section 36 application for a windfarm development at Knockcronal.

**List of Determined Plans:**

- Figure 1 - Mast Location Plan;
- Figure 2 – Mast Layout Plan;
- Figure 3 – Met Mast Elevation Drawing;
- Figure 4 – Block Plan;
- Figure A – Met Mast ZTV with Viewpoints;
- Figure B – Viewpoint 1: Minor Road near Craig;
- Figure C – Viewpoint 2: Minor Road near Stinchar Bridge;
- Figure D – Viewpoint 3: NCN7 near Palmullan Bridge;
- Figure E – Viewpoint 4: Craigengower Monument (wireline);
- Figure F – Viewpoint 4: Craigengower Monument (photomontage);
- Figure G – Viewpoint 5: B741 near Largs Farm; and
- Supporting information (ITP Energised, Dated 14/03/22)

**Reason for Decision:**

The siting and design of the meteorological mast 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.

**3. Consultation under Section 36 of the Electricity Act 1989 - Application under Section 36 of Electricity Act 1989 (as amended) for construction and operation of Knockcronal Windfarm. (Ref: 21/00993/DEEM).**

There was submitted a [report](#) (issued) of June 2022 by the Director – Place advising

- (1) that this Council was consulted by the Scottish Government on 1 December 2021, under Section 36 of the Electricity Act 1989, on an application by “Knockcronal Wind Farm Ltd” for the erection of a windfarm and associated ancillary development at Knockcronal, U4 from C1 junction near Craig via Balbeg and Dalmorton to Palmullan Bridge, Straiton, South Ayrshire;
- (2) that the Council was not the determining authority for this proposal; and
- (3) that the Planning Service currently had delegated authority to respond to these consultations, but typically chose not to do so without first referring the matter to Regulatory Panel due to the large-scale nature of the proposals and the community interest.

The Panel

**Decided:**

- (a) to submit an objection to the Scottish Government for the reasons (i) to (v) as undernoted and that comment (vi) below also be submitted to the Scottish Government; and
- (b) to note that in the event that a Planning Authority objected to a Section 36 application, and did not withdraw its objection, a public inquiry must be held before the Scottish Ministers decide whether to grant consent (Refer to Paragraph 2, Schedule 8 of the Electricity Act 1989).

Reasons For Objection:

(i) Landscape and Visual

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines on their own and in combination with other proposed/application stage wind farms in the surrounding area. It is not considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size and or number of turbines, with the location being inappropriate given the sensitivity of nearby landscapes and designations. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(ii) Landscape and Visual – Aviation Lighting

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a) and b)' and LDP Policy 'Air, Noise and Lighting Pollution' and the Supplementary Guidance: Dark Sky Lighting by reason that the applicant has not demonstrated that aviation lighting associated with the turbines would not introduce intrusive and prominent lights both on their own and in combination with other proposed/application stage wind farms into an area important for dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and the Galloway Dark Sky Park. The required aviation lighting will extend the adverse landscape and visual effects into the darker hours and whilst mitigation for aviation lighting is proposed, only limited weight can be attached to the particular solution proposed in the application due to the lack of endorsement by the relevant aviation authority. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(iii) Landscape and Visual – Tourism and Recreation Resources

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park, The Dark Sky Park, High Carrick Hills Local Landscape Area, the Water of Girvan Valley Local Landscape Area and important viewpoints including views from roads and footpaths within the upper Girvan valley between Straiton and Tairlaw (where this proposal would form a dominant and highly feature) and views from the popular ridges and summits of the high Carrick Hills, including from the Corbett of Shalloch on Minnoch and Cornish Hill and also from Craigengower Hill (Colonel Hunter Blair monument) near Straiton. This proposal would also be seen together with the operational Dersalloch Windfarm in views from settlement and from Core Path SA47 Bennan Walk which is aligned in this valley as well as views from more informal unpromoted but popular walking routes around Rowantree and Pinbreck Hills which lie on the southern edge of the Stinchar valley which would also be significantly affected. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(iv) Landscape and Visual – Residential Visual Amenity Impact

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion c)', 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy by reason that the proposed development would have a significant and overbearing impact upon the residential visual amenity of a nearby residential dwelling at Tairlaw Toll Cottage. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy; and

(v) Glasgow Prestwick Airport

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion f)', 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that the developer has not demonstrated at the time of consideration of the application and finalising the Council's recommendation that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

## Comment to Scottish Government

(vi) Conditions

Should the Scottish Government be minded to grant this application, South Ayrshire Council requests that it be consulted on proposed conditions prior to the grant of the permission. In addition to the mitigation measures identified within the EIA Report that require to be conditioned alongside those conditions sought by consultees in response to the ECU, the following additional matters have been identified through the Council's internal assessment and consultation process. From a Council perspective, it is fundamental that these matters are considered and attached given that in most cases, the acceptability of the proposed development as set out by consultees in their response is predicated on the understanding that the conditions they have stipulated, would be included as mitigation. The topic areas which will require to be addressed through conditions are summarised in the following paragraph:

In relation to core paths and rights of way, conditions which include specific measures to ensure that the ones which pass directly through the site are not obstructed for the duration of construction period of the development would require to be included. In addition to this, the Council would also seek to ensure that signage improvements on these recreational routes are secured in line with the requests and recommendations of the Council's Outdoor Access Officer. With regards to PWS, the Council's Environmental Health Service advise that conditions will need to be in place to secure additional safeguarding measures to protect the water supply to the property of Glenalla should the 'Western Access' be progressed for the proposed development. The Council's Environmental Health Service have also requested conditions relating to shadow flicker and dust mitigation during the construction stage and these would also need to be attached. On the subject of noise impacts; there will be a need for conditions which cover the relevant mitigation set out by ACCON UK Limited which seeks to govern controls on construction and operational noise limits, the control of amplitude modulation and also vibration and air over-pressure from blasting. West of Scotland Archaeological Service (WoSAS) have requested a condition relating to providing a programme of archaeological works and a written scheme of investigation to be agreed with them. The Council's Biodiversity and Ranger Services have requested specific conditions in the interests of curlews and ground nesting upland waders including a requirement for mitigation where the development affects their territory/habitat. Finally, the Council's Road Authority, Ayrshire Roads Alliance have requested a suite of conditions relating to access construction, limitations on abnormal load and construction traffic movements, inter-visible passing places (U27 and U31 respectively), visibility splays, discharge of water, positioning of turbines from the public road, Construction Traffic Management Plan, swept path analysis, structural assessments, and inspections to be attached.

4. **Consultation under Section 36 of the Electricity Act 1989 - Application under Section 36 of Electricity Act 1989 (as amended) for construction and operation of Carrick Wind Farm (22/00094/DEEM).**

There was submitted a [report](#) (issued) of June 2022 by the Director - Place advising

- (1) that this Council has been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by Scottish Power Renewables UK Ltd for the erection of a windfarm and associated ancillary development at Carrick Wind Farm, Carrick Forest, South Ayrshire;
- (2) that this Council was not the determining authority for this proposal; and
- (3) that the Planning Service currently had delegated authority to respond to these consultations, but typically chose not to do so without first referring the matter to Regulatory Panel due to the large scale of the proposals and the community interest.

The Panel

**Decided:**

- (a) to note that this report had been submitted as an objection to the Scottish Government, for the reasons (i) to (vi) listed below and that comment (vii) below had also been submitted to the Scottish Government;
- (b) to also advise the Scottish Government of the Panel's concern that Barr Community Council had not properly been consulted with; and
- (c) that the Regulatory Panel note that in the event that a planning authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).

**Reasons For Objection:**

**Landscape and Visual Impact**

- (i) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c), 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines on their own and in combination with other proposed/application stage wind farms in the surrounding area. It is not considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size and or number of turbines, with the location being inappropriate given the sensitivity of nearby landscapes and designations. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

#### Landscape and Visual Impact – Aviation Lighting

- (ii) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a) and b) and LDP Policy Air, Noise and Lighting Pollution and the Supplementary Guidance: Dark Sky Lighting by reason that the applicant has not demonstrated that aviation lighting would not introduce intrusive and prominent lights into an area important for dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and the Galloway Dark Sky Park. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

#### Landscape and Visual Impact – Tourism and Recreation Resources

- (iii) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park, The Dark Sky Park, Galloway and Southern Ayrshire Biosphere, High Carrick Hills Local Landscape Area, the Water of Girvan Valley Local Landscape Area and important viewpoints from the Straiton to Newton Stewart road, Core Path SA47 and Craigenhower Hill (Colonel Hunter Blair monument) in the Upper Girvan Valley; the public road between Milton Bridge and South Balloch within the Upper Stinchar Valley and from the summits of Cornish Hill and Shalloch on Minnoch and the interior of the Merrick Wild Land Area and the informal walking routes on the Pinbreck and Rowantree group of hills within the High Carrick Hills. The required aviation lighting will extend the adverse landscape and visual effects into the darker hours. Whilst mitigation for aviation lighting is proposed, only limited weight can be attached to the particular solution proposed in the application due to the lack of endorsement by the relevant aviation authority;

#### Landscape and Visual Impact – Residential Visual Amenity Impact

- (iv) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion C), 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy by reason that the proposed development would have a significant and overbearing impact upon the residential visual amenity of a nearby residential dwelling at Tairlaw Toll Cottage. Furthermore, the proposed development, in combination with the application stage Craiginmoddie Wind Farm, will have a significant and overbearing impact upon the residential amenity of the nearby dwelling at Glenalla. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

### Glasgow Prestwick Airport

- (v) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion f), 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that the developer has not demonstrated at the time of consideration of the application and finalising the Council's recommendation that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

### Peat Resources

- (vi) having regard to the holding objection issued by SEPA it is not considered that the proposals have sufficiently demonstrated that the excavation of peat of depth greater than one metre has been minimised, as required by Scottish Planning Policy and Criterion H of the Council's Supplementary Guidance. The proposal is therefore contrary to South Ayrshire Council Local Development Plan policies 'Wind Energy – criterion H', 'Sustainable Development' and South Ayrshire Local Development Plan Supplementary Guidance on Wind Energy; and

### Comment To Scottish Government

- (vii) should the Scottish Government be minded to grant this application, South Ayrshire Council requests that it be consulted on proposed conditions prior to the grant of the permission. In addition to the mitigation measures identified within the EIA Report that require to be conditioned alongside those conditions sought by consultees in response to the ECU, the following additional matters have been identified through the Council's internal assessment and consultation process. From a Council perspective, it fundamental that these matters are considered and attached given that in most cases, the acceptability of the proposed development as set out by consultees in their response is predicated on the understanding that the conditions they have stipulated, would be included as mitigation. The topic areas which will require to be addressed through conditions are summarised below:-

#### Roads and Transportation

- agreement of standard of access junction construction onto public road;
  - prior approval of access route for Abnormal Indivisible Loads and works required to facilitate passage of abnormal loads;
  - provision and maintenance of junction visibility splays;
- prevention of discharge of water onto public roads;
- minimum distance between turbines and edge of public road;
  - responsibility and standards for any road widening required for passage of abnormal loads;



- inspection of public structures including Tairlaw Bridge; and
- Construction Traffic Management Plan.

The meeting ended at 3.35 p.m.

DRAFT

**South Ayrshire Council****List of Planning Applications for Panel Consideration on 15th September 2022**

<b>List No.</b>	<b>Reference Number</b>	<b>Location</b>	<b>Development</b>	<b>Applicant</b>	<b>Recommendation</b>
1.	22/00417/APP Ms Dianne Lewis  (Objections)	New Public Convenience North Shore Road Troon South Ayrshire  <a href="#">Summary List</a>	Erection of water sports hub	Troon Water Sports Committee	Approval with Conditions
2.	22/00392/APP Mr Alastair McGibbon  (Objections)	Land At Westport Tarbolton South Ayrshire  <a href="#">Summary List</a>	Erection of residential development, ancillary roads services, landscaping, drainage infrastructure and other associated works	Hayhill Developments Ltd	Approval with Conditions
3.	22/00466/APP Ms Emma McKie  (Objections)	5 Cherry Hill Road Ayr South Ayrshire KA7 4TE  <a href="#">Summary List</a>	Erection of ancillary outbuilding	Mr G. Allan	Approval with Conditions
4.	22/00558/APP Ms Emma McKie  (Objections)	Seafield Post Office 45 Blackburn Drive Ayr South Ayrshire KA7 2XW  <a href="#">Summary List</a>	Alterations and extension to existing shop and pharmacy (Class 1) and change of use of dwellingflat (sui generis) to pharmacy (Class 1)	Mr Jay Crawford	Approval with Conditions

<b>List No.</b>	<b>Reference Number</b>	<b>Location</b>	<b>Development</b>	<b>Applicant</b>	<b>Recommendation</b>
5.	22/00526/APP Mr David Clark  (Objections)	Land To The Rear Of 30 Joppa Coylton South Ayrshire  <a href="#">Summary List</a>	Change of use of vacant land to form community garden.	Coylton Community Garden	Approval with Conditions
6.	22/00137/APP Ms Fiona Sharp  (Objections)	49 Academy Street Troon South Ayrshire KA10 6HR  <a href="#">Summary List</a>	Erection of two retail units with associated access, parking and landscaping	Lidl Great Britain Ltd	Approval with Conditions

**REGULATORY PANEL: 15 SEPTEMBER 2022**

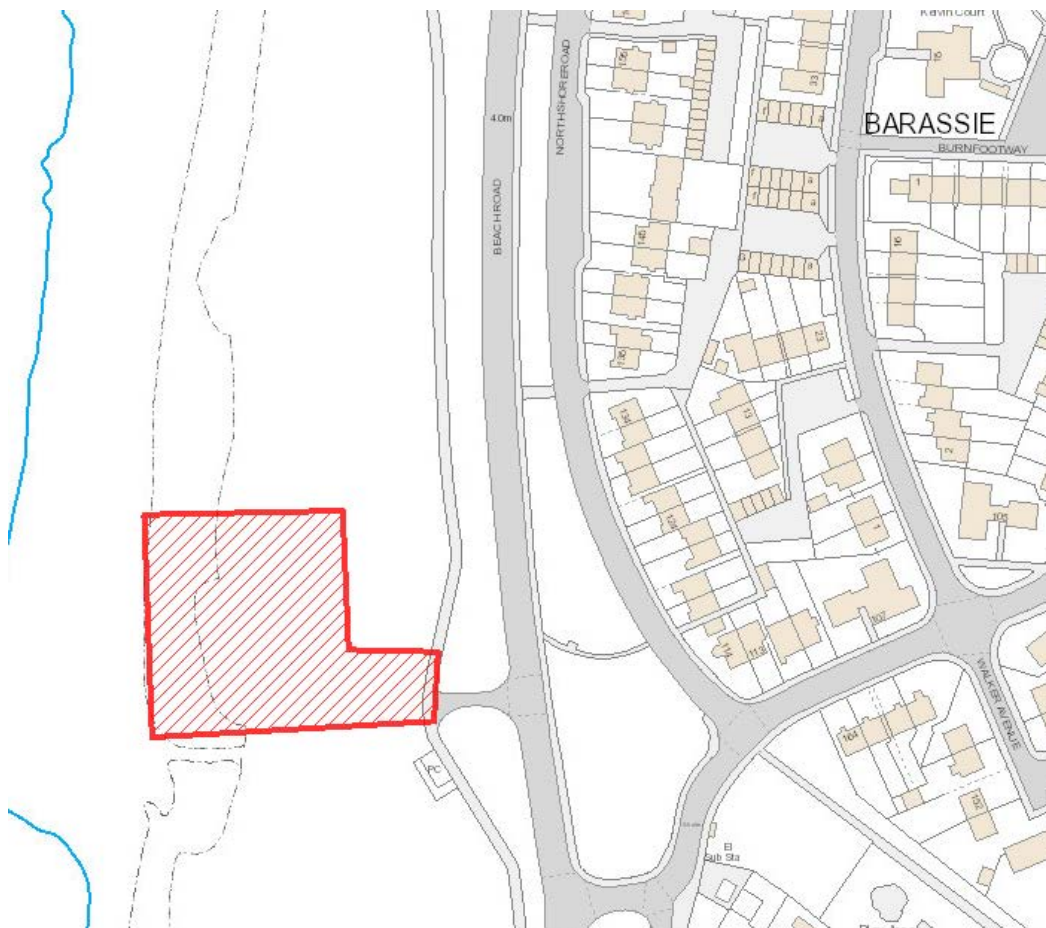
**REPORT BY PLACE DIRECTORATE**

**22/00417/APP**

**LAND ADJACENT TO NORTH SHORE ROAD TROON SOUTH AYRSHIRE**

**Location Plan**

**APPLICATION SITE** 



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**Summary**

The application site is Council owned land and comprises an area of 1.7ha of grassed/ sand covered open space at North Shore Road, Troon. Part of the site was previously the former Troon Sailing Club. Planning permission is sought by the Troon Water Sports Centre Committee, (a Scottish Charitable Incorporated Organisation), for the erection of a water sports hub facility. The proposal incorporates a 'U shape' single storey building formed from shipping containers which reaches a height of approximately 2.6 metres with a low- profile, almost flat roof (slightly angled for rainwater run-off) and shall have a footprint of 204sqm (12 metres wide by 17 metres length). The main entrance to the building is shown on the southern elevation, with the building predominantly having an aspect to the south. The finishing material proposed for the building is larch timber cladding. The galvanised steel entrance gates are also proposed to be clad in larch timber to match the building. An internal courtyard from where access will be taken is proposed within the centre of the 'U' shaped building; a staircase within the courtyard leads to a proposed viewing deck on the roof of the west facing 'wing' of the building with views out towards the beach and Firth of Clyde.

The facility comprises changing rooms, showers (indoor and outdoor), toilets (all accessible/ parent/ child friendly), a training room/community space; an office; dry store; an ancillary community café (with kitchen and preparation area).

The principle of the proposed development complies with the development plan. The proposal is considered to have an acceptable relationship to surrounding land and buildings, with minimal impact on the locality. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and it is considered that the resultant development will not have an adverse impact on the character, appearance or amenity of the locality or the environment. On this basis, it is recommended that the application be approved subject to conditions.

168 representations have been received to the development proposals; 163 supporting the proposal, 2 neutral comments and 3 objections.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and more than one competent written objection has been received.

**REPORT BY PLACE DIRECTORATE**

**REGULATORY PANEL: 15 SEPTEMBER 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00417/APP</b>
<b>SITE ADDRESS:</b>	<b>LAND ADJACENT TO NORTH SHORE ROAD TROON SOUTH AYRSHIRE</b>
<b>DESCRIPTION:</b>	<b>ERECTION OF WATER SPORTS HUB</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:**

The application site comprises an area of 1.7ha of grassed/ sand covered open space at North Shore Road, Troon. The site, which is generally flat, is under the ownership of the Council, and is utilised as public amenity open space. The application site forms part of the former Troon Sailing Club premises and is part of a much larger strip of public open space which extends along a large portion of the coastline at the locale. The site is mainly bound by grassed/ sand covered open space and sand dunes/ beach to the west. Also, in close proximity to the site, are public conveniences, public car parks, a cycle path/ footpath and an existing vehicular access from the B746 is located to the east of the site.

Planning permission is sought by the Troon Water Sports Centre Committee, (a Scottish Charitable Incorporated Organisation (SCIO) SC047691), for the erection of a water sports hub facility. The proposal incorporates a 'U shape' single storey building which reaches a height of approximately 2.6 metres with a low - profile flat roof (slightly angled for rainwater run-off) and shall have a total footprint of 204sqm (12 metres wide by 17 metres length). The building will sit between 100mm to 250mm above ground level. The main entrance to the building is shown on the southern elevation, with the building predominantly having an aspect to the south. The main structure of the building comprises steel shipping containers which shall be fully clad with locally sourced timber larch and galvanised steel entrance gates, which are also to be clad with larch. The proposed upper floor viewing balcony on the west wing of the building shall have a 0.9m slim wire balustrade and an internal courtyard area shall also comprise larch decking boards.

The facility comprises changing rooms, showers (indoor and outdoor), toilets (all accessible/ parent/ child friendly), a training room/community space; an office; dry store; an ancillary community café (with kitchen and preparation area); and an internal courtyard area with upper floor viewing deck.

It is intended that the hub shall offer:

- KiteSurf instruction and rental;
- Stand Up Paddle Board Instruction and Rental;
- Windsurf Instruction and Rental;
- Team Building opportunities;
- BloKarts;

- Wetsuit Rental;
- Equipment Storage;
- Marine and Environmental Awareness;
- Wellbeing Activities; and
- Electric Bike charging.

It is indicated that the hub will operate Spring to Autumn 7-days a week, 10am to 4pm on weekdays and 10am to 6pm at weekends. In the Winter season; it is anticipated that the facility will operate Wednesday to Sunday 9:30am / 10:00 am to 3pm. It is further indicated through the proposal that there will be no less than 3 staff/ volunteers at core times.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objections have been received.

## **2. Consultations:**

**The Ayrshire Roads Alliance** - offer no objection to the development proposals from a traffic and transportation perspective and advise that 'the proposed development is located immediately adjacent to an existing public parking facility, is well served by existing pedestrian and cycling linkages in the immediate vicinity and is easily accessible by public transport with regular bus services operating on the B746 North Shore Road.

The Ayrshire Roads Alliance, acting as the Flood Risk Management Authority on behalf of South Ayrshire Council have reviewed the Evans River and Coastal, Flood Risk Assessment Reference No 2841/RE/12-21/01 which was submitted in support of the application and have no objection to this development on the grounds of flooding, providing that all the coastal flood risk mitigation and evacuation measures detailed in the Flood Risk Assessment are designed into the development including, the following:

- Water entry strategy established up to the 1 in 200 year + climate change flood extent + 600mm freeboard;
- Development of a Business Flood Plan including actions required in the event of a flood warning

A condition is recommended to ensure the above measures are implemented and to ensure compliance with SEPA's standing Land Use Vulnerability Guidance.

**Scottish Environment Protection Agency** - advises that the proposal is a 'water compatible use' as per SEPA [Land Use Vulnerability Guidance](#). As such, it does not meet the flood risk trigger for consultation set out in the SEPA [Triage Framework](#). SEPA Standing Advice for developers is available online.

**NatureScot** - advise that the development does not meet the criteria for consultation. Standing Advice for developers is available online;

**West Of Scotland Archaeology Service** - advise that the proposals raise no substantive archaeological issues.

**Scottish Water** - offer no objections

**Environmental Health** - offer no objections to the proposal and have suggested a general condition regarding noise levels and advisory notes, that the premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.

**Property & Asset Management** - offer no response.

**Sustainable Development (Biodiversity)** - offer no objections.

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

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

The following documents accompany the application submission:-

**Flood Risk Assessment (FRA);** A FRA concludes that the site is classified as 'least vulnerable' (SEPA Flood Risk and Land Use Vulnerability Guidance dated 2018). The SEPA Flood Map shows that the site is defined within Low, Medium and High Likelihood of coastal flooding and surface water flooding; and the site is located within Little or No Risk Areas (i.e. <0.1% AP) when considering river flooding from Darley Burn. The FRA recommends flood risk mitigation and evacuation measures; a water entry strategy and a warning and evacuation strategy.

**Preliminary Ecological Assessment (PEA);** The PEA concludes that the area of the application site is of low ecological value, with no species/habitats of designated value being present. However, recommends some mitigation measures be considered, such as fixing bat boxes to the proposed structure, and notes that the proposed finishing materials (larch cladding) could potentially increase the ecological value of the site by attracting arthropods and small bats.

**Supporting Statement;** A statement by the applicants' agent also accompanies the submission and outlines the background of the project, aims and objectives, the application site including its history, flood risk, climate change, accessibility, and considers the proposed buildings finishing materials, design ethos and relevant applicable national and local planning policies.

**Troon Water Sports Centre Business Plan;** The business plan outlines the applicant, TWSC, who a locally based not-for-profit SCIO Charity, comprising a Board of Trustees who are 5 local residents. The premise of the charity is to enhance the community facilities in Troon. The plan outlines the funding for the proposals, its intended operation, the benefits to the local community and environmental impact of the development.

### **4. S75 Obligations:**

None.

### **5. Scottish Ministers Directions:**

None.

### **6. Representations:**

168 representations have been received in total; 163 supporting the proposal, 2 neutral comments and 3 objections to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The objections raised by Representees can be summarised as follows.

- Increased traffic to the area/ car parking could be impeded;
- Concerns with overcrowding and noise from the facility;
- Concerns with the proposed siting, design, construction and finishing materials and deterioration;
- Concerns with flooding;
- Other brownfield sites nearby could have been chosen;
- The area has wildlife could be impacted by the development;

The supporting comments are summarised, below:

- Great tourist attraction which enhances the area;
- Promotes physical and mental wellbeing;
- The area lacks facilities;
- Promotes water sports which are popular in the area;
- The facility will encourage visitors to the area which will benefit the local economy/ town centre;
- Other coastal areas in Scotland have such facilities and this raised Troon's profile as a destination;



- Great for dog walkers and local residents;
- Great location which is easily accessible;
- Long awaited asset to our coast;
- The facility will encourage people to engage with water sports, as it offers a safe environment to learn;
- Great resource for local groups/ associations;

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), objector concerns 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.

The statutory Local Development Plan for the area currently comprises the South Ayrshire Local Development Plan 2 (LDP2) adopted on 31<sup>st</sup> August 2022 and its associated Supplementary Guidance.

The following provisions of the development plan are considered relevant to the consideration of this application:

- Core Principle B1 sustainable economic development;
- Core Principle B2 community focused development;
- Core Principle C1 promotes the sustainable use of natural, built and cultural heritage resources;
- Strategic Policy 1; Sustainable Development;
- Strategic Policy 2; Development Management;
- Open Space;
- The Coast;
- Land Use and Transport;
- Tourism;
- Flooding and Development;
- Town Centre First Principle;
- Leisure Development.

The provisions of the Adopted South Ayrshire Local Development 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.

LDP Core Principle B1 states that the Council will prioritise sustainable travel and development, direct development to settlements and prioritise brownfield over greenfield sites. LDP Core Principle B2 states that the Council will support community focused development which support community- based projects provided they have no significant adverse environmental impact; facilitate the development of sports and leisure facilities and safeguard existing community facilities. LDP Core Principle C1 states the council will promote the sustainable use of natural resources by ensuring development safeguards these resources and protects and enhances existing green networks.

Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management seek to ensure that development is appropriate in terms of its impacts on local amenity and that its layout, scale, massing, design and materials are acceptable in relation to its surroundings. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

The development proposal is sited within the settlement of Troon, on previously developed land (Troon Sailing Club) and offers the opportunity to sensitively improve the scenic and environmental quality of the area, whilst protecting the foreshore. The development proposal is considered appropriate to the local area in terms of its appearance, character and amenity impact. The proposed layout, scale, massing, design and materials are considered acceptable in relation to its surroundings, and importantly, by being appropriate to the local area in terms of road safety and effect on the transport network. Furthermore, the proposal is a community lead project which is considered to enhance the existing sport and leisure facilities at the locale without any significant impact on the environmental quality of the area. In this regard, the proposal is considered to accord with the principle policies of LDP2.

The site is designated as Open Space within the Local Development Plan. This policy requires consideration of the value of open spaces, in order that locally significant green spaces which are valued and valuable to the wider environment are afforded appropriate safeguarding. As such, consideration is required of the individual site-specific factors relating to this site, and the area in which it is set. Development proposals also require to be considered based on the merits of the proposal and any individual site-specific circumstances arising. The application has been considered in this context, and the following is noted;

Part of the key value and function of this open space is its visual amenity and contribution to the coastal character of Troon. In quantitative terms, the open space which would be lost as a result of the proposal represents a very small proportion of land in the context of the wider open space and shore area, and under the proposals a significant portion of open space will be retained immediately adjacent to the site. In this context, the area of open space to be lost is relatively small in size. More importantly, it is considered that its loss will not undermine the integrity of or alter the established character of the wider area of adjacent public open space. It is proposed to erect a modestly scaled building for the purposes of providing and enhancing community facilities at the locale; There is a locational need for the building as its primary purpose is to encourage and enhance the existing water sports activity within the area.

Given the location of the site, the provisions of the coastal policy are also considered to be relevant in the consideration of the proposal. The LDP coastal policy requires development within the coastal areas to be in accordance with the coastal strategy, and to protect or improve the scenic and environmental quality of the area. The coastal strategy map defines the coastal area to the north of Troon as being 'partly developed' and characterised by unobtrusive formal visitor activities and informal recreation. In this context, the site is considered to be typical of the partly developed landscape referred to in the coastal strategy. The Local Development Plan (Appendix B) presumes in favour of very small-scale developments which integrate well with existing land uses and which complement the surrounding environment. The term 'very small scale' is taken to mean facilities that would not require substantial building works. In this instance, a new modestly sized building comprising mainly of timber clad shipping containers is proposed. It is also noted that the building works, which are considered minimal, are concentrated on the built envelope of the site which comprised the former Troon Sailing Club site. Therefore, as a consequence represents previously developed land. As such, the principle of the erection of a new building is considered to be broadly in accordance with the provisions of the coastal strategy. The proposed buildings are single storey in height and have a simple design and form so as to retain the generally open characteristics of the wider area and which are considered to complement the existing land uses.

LDP Land Use and Transport policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. The Ayrshire Roads Alliance has offered no objection to the development proposal from a traffic and transportation perspective. It is recognised that the proposed development is located immediately adjacent to an existing public parking facility, is well served by existing pedestrian and cycling linkages, and is easily accessible by public transport with regular bus services operating on the B746 North Shore Road. On this basis, it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

The LDP Tourism policy states that the council will look favourable on proposals that will provide or improve tourism or leisure services in South Ayrshire. The council states it will allow new sites and accommodation to be developed providing that the new development is intended for holiday use only and the proposed development has suitable screening and is appropriate in terms of landscape setting, scale and design. It is noted that the proposed water sports facility will enhance facilities for tourists visiting the locale, as well as the locale community. The proposed building is also considered small-scale and, although shall be sited in a prominent locale, shall integrate well with existing land uses and which complements the surrounding environment. Therefore, the proposal is considered to align with the LDP Tourism policy.

LDP Flooding and Development; advises that development should avoid areas which are likely to be affected by flooding or if the development would increase flooding elsewhere. In terms of the nature of the proposed development, it is noted that it requires to be sited in reasonable proximity to the shore. A Flood Risk Assessment accompanies the application submission which recommends mitigation measures for the development. Additionally, the Ayrshire Roads Alliance, acting as the Flood Risk Management Authority, on behalf of South Ayrshire Council do not object to the proposal, subject to a condition with regards to the mitigation measures as set out in the FRA are adhered to. This aspect of the proposal is conditioned accordingly. On this basis, the development is considered to accord with the provisions of the LDP policy Flooding and Development.

LDP Town Centre First Principle states that the Council will put the health of town centres at the forefront of decision making and will encourage public and private development proposals and investments to the town centre and promote a 'sequential approach' to ensure all appropriate uses are directed to town centres. LDP Leisure Development also refers to a 'sequential approach' when choosing locations for all leisure uses. While it is recognised that the proposal is not located in a town centre, it is sited in close proximity to the town centre and has a locational need which requires access to the waterfront. Furthermore, the proposal includes a café which is considered ancillary to and complements the proposed primary function of the building as a water sports facility. The indicative opening hours of the sports hub (including café) are; Spring to Autumn 7-days a week, 10am to 4pm on weekdays and 10am to 6pm at weekends. In the Winter season; Wednesday to Sunday 9:30am / 10:00 am to 3pm) The cafe will primarily serve patrons of the water sports hub but will also benefit the wider community utilising the locale, such as dog walkers and cyclists, for example. On this basis, the ancillary small -scale nature of the café operating a day-time economy is such that it will not have an adverse impact on the viability or vitality of Troon town centre and therefore raises no policy concerns.

(ii) Other Policy Considerations (including Government Guidance)

- **Scottish Planning Policy (SPP);**

The policy principles of the SPP seek to create high quality places by taking a holistic design-led approach which responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the longer term. This means considering the relationships between; a successful sustainable place, a natural resilient place, a connected place and a low carbon place.

SPP also emphasises the need to make efficient use of existing buildings, land and infrastructure. The protection and enhancement of landscapes and the environment, and linkages to infrastructure are also key considerations.

SPP advises that Planning Authorities should support, protect and enhance open space and opportunities for sport and recreation.

SPP sets out the policy position for managing flood risk and drainage. The overarching policy principles state that the planning system should promote a precautionary approach to flood risk from all sources, flood avoidance, flood reduction and avoidance of increased surface water flooding. To achieve this, the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere.

It is considered that the proposals align with SPP for the reasons captured in part (i) above.

- **South Ayrshire Open Space Strategy 2012;**

The Council has an Open Space Strategy. The Strategy, which is based on a quantitative and qualitative audit of open space in South Ayrshire, sets out a vision for the provision, management and maintenance of open spaces within the Council's area. It is intended to improve the quality, management, accessibility and usage of parks and other open spaces and identify the need for new or improved facilities where there are deficits in provision. The Open Space Strategy estimates the provision of Council owned open space within the ward in which the application site is set to be approximately 236 ha. A large amount of this open space provision is formed by the areas of open space which extend along the coastline to the north and south of the town. Whilst generally seeking to protect and improve open spaces, the Strategy does not preclude them from being developed. However, development proposals also require to be considered based on the provisions of the development plan, merits of the proposal and any individual site -specific circumstances arising.

The development proposal seeks to enhance the facilities within the area, ensures the continued leisure and recreational use of the site by the wider community; is within the settlement of Troon where various modes of transport (bus, cycling and walking) are available, and large areas of open space remains at the locality. Accordingly, and considering part (i) above, the development proposal, as conditioned, is considered to be in accordance with the aims of the Open Space Strategy.

(iii) Planning History of the Site:

There is no relevant planning history in the assessment of the application.

(iii) Objector Concerns

- **Concerns with increased traffic/ car parking;**

The Ayrshire Roads Alliance has offered no objections to the proposal. It is therefore considered that sufficient public car parking at the locale shall continue to serve the anticipated needs of both members of the public, and patrons of the proposed facility. Additionally, it is noted that the area is well served by existing pedestrian and cycling linkages in the immediate vicinity; and is easily accessible by public transport with regular bus services operating on the B746 North Shore Road.

- **Concerns with overcrowding and noise;**

The area currently attracts visitors and local residents due to its beach location, accessible footpaths, cycle paths, bus routes and close proximity to the town centre. Therefore, although the proposed facility shall enhance and encourage the use of the existing facilities within the area, it is not considered that it will become a 'destination' and attract significant crowds to that currently experienced or which would adversely impact or change the character of the area. Furthermore, It is considered that the facility has been positioned a sufficient separation distance from the closest residential properties sited in North Shore Road which sit further to the east of the site. The indicative hours of operation of the sports hub are noted in Section 1 of this report and are considered reasonable in the context. The Council's Environmental Health Service has been consulted on the proposals and offers no objections with regards to the facility subject to a condition with regards to noise levels however noise nuisance, should it occur, is a matter for the Council's Environmental Health Service or Police Scotland.

- **Concerns with the proposed design, construction, finishing materials, deterioration and siting;**

It is not considered that the proposed building shall detract from the current character or appearance of the area. It is recognised that the building will be sited close to the former Troon Sailing Club site within a prominent area and will be open to wider public views. However, the proposed building is of a modest scale, single storey in height, and of a simple design and finish and can be absorbed within the context of the large area of open space in which it is to be sited. Therefore, it is not considered that the proposed building or its use would be so injurious to the character and landscape of the area to merit a refusal of planning permission in this instance.

Furthermore, the submitted supporting statement asserts the use of shipping containers to be robust and stand up to the elements of the coastal marine location. The shipping containers shall be fully clad with locally sourced larch, a natural material so as to provide a natural aesthetic appearance which complements the area. Therefore, the siting, scale, massing and finishing materials of the proposed building is considered appropriate in this instance.

The upkeep, repair and maintenance of the proposed building is not a material planning consideration and the responsibility of the building lies with the applicant(s).

- **Concerns with the area flooding;**

The Ayrshire Roads Alliance, acting as the Flood Risk Management Authority, on behalf of South Ayrshire Council has offered no objections to the development, subject to a condition, with regards to mitigation measures, as set out in the submitted Flood Risk Assessment. Therefore, a condition is attached to the permission in this regard.

- **Other Brownfield sites could have been chosen;**

The Council has a duty to consider a planning application as submitted. Notwithstanding, the submitted supporting statement and a Site Options Plan demonstrates the alternative sites considered by the applicants. It is also recognised that the site was previously occupied the Troon Sailing Club, so development previously existed at the site.

- **Concerns that wildlife could be impacted by the proposals;**

The application site has no environmental designations. As set out elsewhere within the report, a Preliminary Ecological Assessment (PEA) accompanies the submission and concludes that the area of the application site is of low ecological value, with no species/habitats of designated value, present. However, recommends some mitigation measures are considered by the applicant, such as bat boxes being fixed to the proposed building and some landscaping features so as to encourage wildlife.

The application was also subject to consultation with biodiversity colleagues who offered no objections to the proposals. It is also noted that the existing/ established pathways and accesses at the locale shall be utilised for the facility.

Although, the application proposals do not meet the criteria for consultation with NatureScot., an advisory note can be attached to the permission which reminds the applicant of the need to comply with the legislative requirements set out in the Wildlife and Natural Environment (Scotland) Act 2011. On this basis, it is not considered that any natural heritage features or wildlife shall be significantly impacted as a consequence of the small-scale development proposals.

(iv) Impact on the Locality

In terms of the loss of public open space, it is considered that the area of open space to be lost is relatively small in size and its loss will not undermine the integrity or compromise the appearance/ setting or alter the established character of the wider area of adjacent public open space. Notwithstanding the loss of a small area of open space, it is considered that a significant area of public open space remains at the locale.

As mentioned elsewhere in the report, the proposed facility shall not detract from the current character or appearance of the area and can be successfully integrated. While it is recognised that the proposed building will be sited within a prominent area and will be open to public view, it is of a modest scale, single storey in height, of a simple design and finish, and can be absorbed within the context of the larger area of open space in which it is to be sited.

Additionally, the proposed building is to be a suitably sited in close proximity to the beach due to its locational need; is located immediately adjacent to existing public parking; is well served by existing pedestrian and cycling linkages in the immediate vicinity; and is easily accessible by public transport with regular bus services operating on the B746 North Shore Road.

It is not considered that any neighbouring properties would be adversely impacted by the proposed development given the location and orientation of the building; and the separation distance to the closest residential properties; the proposed days/ hours of operation and small-scale nature of the proposals. On this basis, it is considered that the development will not give rise to any adverse residential amenity concerns. A condition is proposed to ensure that the operating hours of the facility are confirmed and acceptable with regards neighbouring amenity.

Furthermore, the principal use of the building as a water sports hub is apparent from the submitted drawings. The café element of the proposals is small scale, complementary and an ancillary use that will primarily serve users of the facility and will also be open to the local community. It is not considered that the ancillary café will have any adverse impact on the vitality and viability of Troon town centre.

Overall, the principle of the proposed development broadly complies with the development plan. The proposal is considered to have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by suitable conditions. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application.

**8. Conclusion:**

There are no policy objections and following the above assessment, it is considered that the proposal will not have an adverse impact on character or appearance of the area or on the amenity of the locality. The proposal will provide opportunities for water sport recreational activities which will be of local community benefit. 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 subject to conditions:

- (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 all coastal flood risk mitigation and evacuation measures detailed in the Evans River and Coastal, Flood Risk Assessment Reference No 2841/RE/12-21/01 are incorporated within design proposals and implemented prior to operation of the development. These measures shall include, but not be limited to, the following:
  - o Water entry strategy established up to the 1 in 200 year + climate change flood extent + 600mm freeboard;
  - o Development of a Business Flood Plan including actions required in the event of a flood warning.
- (3) Notwithstanding the plans hereby approved, the proposed building and galvanised steel gates shall be fully clad with larch within one calendar month of the siting of the building on site to the satisfaction of the Planning Authority.
- (4) That before the development hereby permitted is brought into use, details of the operational days and hours of the sports hub and ancillary community café shall be submitted for the approval in writing of the Planning Authority. Thereafter the sports hub and ancillary community café shall operate within the days and hours agreed under the terms of this condition, unless otherwise agreed in writing.

**Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In order to ensure the development is protected against flooding in an acceptable manner.
- (3) In the interests of visual amenity.
- (4) In the interests of residential amenity.

**Advisory Notes:**

- (1) The premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.
- (2) Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN  
Drawing - Reference No (or Description): EXTERNAL ELEVATIONS  
Drawing - Reference No (or Description): PROPOSED ELEVATIONS (MONTAGE)  
Drawing - Reference No (or Description): SITE PLAN SERVICES  
Drawing - Reference No (or Description): PROPOSED GROUND UPPER FLOOR VIEWING PLATFORM  
Drawing - Reference No (or Description): SITE SURVEY 01

**Regulatory Panel (Planning): 15 September 2022**

Report by Place Directorate (Ref: 22/00417/APP)

Other - Reference No (or Description): WATER SPORTS FLOOD RISK ASSESSMENT  
Other - Reference No (or Description): TROON WATER SPORTS BUSINESS PLAN  
Other - Reference No (or Description): WILDLIFE ASSESSMENT TROON HUB REPORT  
Other - Reference No (or Description): SUPPORTING STATEMENT  
Drawing - Reference No (or Description): 01 LOCATION PLAN  
Drawing - Reference No (or Description): HUB BLOCK PLAN  
Drawing - Reference No (or Description): PROPOSED GROUND AND UPPER FLOOR PLAN  
Other - Reference No (or Description): FURTHER SUPPORTING INFORMATION/ DETAILS

**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.

**Background Papers:**

1. Planning application form, plans and supporting information;
2. Adopted South Ayrshire Local Development Plan (LDP2);
3. Representations;
4. Consultation Responses;
5. Scottish Planning Policy
6. South Ayrshire Open Space Strategy 2012

**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:**

Ms Dianne Lewis, Planner - Place Planning - Telephone 01292 616 175

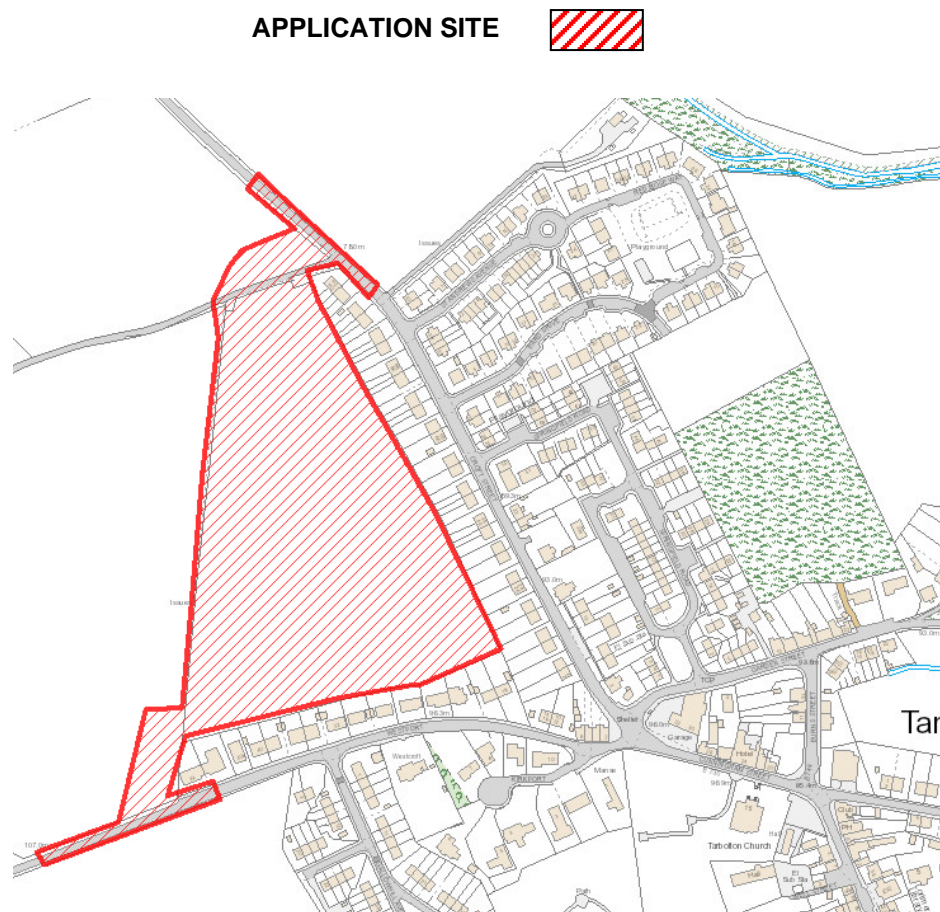
## REGULATORY PANEL: 15 SEPTEMBER 2022

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.

- (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  
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- 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:**

Mr Alastair McGibbon, Supervisory Planner - Telephone 01292 616 177

## REGULATORY PANEL: 15 SEPTEMBER 2022

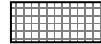
### REPORT BY PLACE DIRECTORATE

22/00466/APP

5 CHERRY HILL ROAD AYR SOUTH AYRSHIRE KA7 4TE

### Location Plan

APPLICATION SITE



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### Summary

Planning permission is sought for the erection of an ancillary outbuilding within the rear curtilage of a residential dwellinghouse at 5 Cherry Hill Road, Ayr. The application site is located within a residential area and comprises of a one and a half storey semi-detached dwellinghouse.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application has received over 5 competent written objections.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan 2, consultations, representations received (10 in total), and the impact of the proposed development on the locality. It is considered that – suitably conditioned – the proposal accords with the provisions of the aforementioned local development plan.

Accordingly, it is recommended that the application is approved subject to conditions.



## REPORT BY PLACE DIRECTORATE

**REGULATORY PANEL: 15 SEPTEMBER 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00466/APP</b>
<b>SITE ADDRESS:</b>	<b>5 CHERRY HILL ROAD AYR SOUTH AYRSHIRE KA7 4TE</b>
<b>DESCRIPTION:</b>	<b>ERECTION OF ANCILLARY OUTBUILDING</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:**

The application site relates to a one and half storey semi-detached dwellinghouse at 5 Cherry Hill Road, Ayr. The application site is situated with a residential area and shares boundaries with residential properties to the north, east and west.

Planning permission is sought for the erection of an ancillary outbuilding within the rear curtilage of the dwellinghouse. The proposed outbuilding shall occupy a footprint of approximately 45 sqm, feature a mono pitched roof of approximately 3.3 metres in height and is to be finished with timber cladding and aluminium windows and doors.

The applicant/agent has submitted a supporting statement to accompany the application. This statement outlines that the proposed outbuilding shall comprise of a garden room/kitchen area, shower room and office/bedroom. A flue for a log burning stove is also proposed.

The planning application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, more than five representations have been received objecting to the proposal.

#### **2. Consultations:**

**Ayrshire Roads Alliance** - Offer no objections.

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

None.

**4. S75 Obligations:**

None.

**5. Scottish Ministers Directions:**

None.

**6. Representations:**

10 representations have been received, all of which object to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issues raised by Representees can be summarised as follows.

- Adverse impact on residential amenity due to overlooking
- Adverse impact on residential amenity due to loss of light
- Design out of character with locale
- Overdevelopment
- Drainage concerns
- Fire safety concerns
- Road safety/parking concerns
- Loss of view
- Damage to boundary wall during construction
- Access serving proposed development
- Ownership/intended use of proposal
- Noise during construction
- Description of the proposal

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

**7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns 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.

The following provisions of the South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>:

LDP Policy: Strategic Policy 1: Sustainable Development

LDP Policy: Strategic Policy 2: Development Management

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

The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan, as outlined further below in section 7 (v) of this report.

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)

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 respect of garages and outbuildings, South Ayrshire Council's Supplementary Guidance on House Alterations states that garages and outbuildings should be designed to appear ancillary to the main dwellinghouse. They should be sited and designed so as to perform their intended function.

It is considered that the outbuilding accords with the provisions of the SG on House Alterations and Extensions on the basis that it does not over dominate the original dwelling or the surrounding locale. This is addressed further in section 7(iv), below, in regard to the impact of the development on the locality.

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.

The existing dwellinghouse has a footprint of approximately 103 sqm and the proposed outbuilding has a footprint of approximately 45 sqm. The area of rear garden ground which shall be retained is approximately 200 sqm. As such the remaining private garden ground at the property is considered to meet with the quantitative standards outlined above and is considered adequate to ensure that an appropriate level of amenity is retained.

(iii) Planning History of the Site

The most recent planning application at 5 Cherry Road, is noted as follows:

Planning application ref. 22/00174/APP was received for the erection of a dwellinghouse. This application was withdrawn following dialogue between the planning service and the agent where it was concluded that the description of that application did not accurately reflect either the development proposals, as per the submitted plans, or the intentions of the applicant. As such, due to the nature of this description error, the applicant was advised that a new application would require to be submitted for the proposed development with an accurate description. 22/00174/APP was therefore withdrawn and the current application under consideration, was submitted.

(iv) Objector Concerns

- *Adverse impact on residential amenity due to overlooking*

The potential impact of the proposal on neighbouring properties is addressed in section 7(v) of this report.

- *Adverse impact on residential amenity due to loss of light*

The potential impact of the proposal on neighbouring properties is addressed in section 7(v) of this report.

- *Design out of character with locale*

This matter is addressed in section 7(v) of this report.

- *Overdevelopment of plot*

This matter is addressed in section 7(ii) of this report.

- *Concerns regarding proposed drainage arrangements*

A downpipe and a soil vent pipe (SVP) are indicated on the proposed drawings. The downpipe would capture and drain surface water from the roof and the SVP would serve the proposed shower/ toilet room within the outbuilding. Both would be expected to connect to the existing drainage network for surface water and foul drainage respectively. Drainage arrangements will be considered in detail through the separate Building Warrant process.

- *Fire safety/fumes from log burner*

The installation of the proposed log burner itself does not require the benefit of planning permission under Class 6C of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. However, if odours from the log burner cause a nuisance, this is a matter controlled by the Council's Environmental Health service under their relevant legislation. Whether the log burner complies with fire safety regulations is controlled by other legislation as regulated by the Council's Building Standards Service and will be considered as part of the separate building warrant process.

- *Road safety/parking concerns*

The Ayrshire Roads Alliance have offered no objections to the proposed development in terms of road safety or off-street parking requirements. For these reasons, the proposal is not considered to raise any issues relating to traffic, transport, road safety and accessibility. The existing parking arrangements are satisfactory.

- *Loss of view*

Any 'loss of view' considered to be attributed to the erection of the outbuilding does not constitute a material planning consideration and therefore does not form part of the assessment of this planning application.

- *Damage to boundary wall during construction*

It is considered that this matter is a civil one and therefore more appropriately considered and addressed by the applicant and the neighbouring property, rather than being a material planning consideration which requires consideration as part of the assessment of this application.

- *Access serving proposed development*

This planning application is for the erection of an outbuilding forming ancillary accommodation to the existing dwellinghouse. As such, the proposed outbuilding shall utilise the existing access of the dwellinghouse.

- *Ownership/intended use of development*

This planning application is for the erection of an outbuilding forming ancillary accommodation to the existing dwellinghouse. Notwithstanding this, a condition shall be attached to any permission granted that the outbuilding forming ancillary accommodation shall remain part of the same single inter-connected residential planning unit as the dwellinghouse. This condition shall also prevent the outbuilding from being sold, leased or otherwise disposed of for the use as a separate dwellinghouse or holiday let, for example. Any such proposal would require the benefit of planning permission. A further condition shall be attached to restrict the use of the outbuilding to solely domestic purposes and no commercial activities shall be permitted to be undertaken.

- *Noise during construction*

The erection of outbuildings and extensions is common in residential areas. A degree of temporary inconvenience can be expected during the construction period. Any noise nuisance, should it occur would be controlled by the Council's Environmental Health Service who have the statutory powers in relation to noise nuisance.

- *Description of proposal*

It is noted that a previous application for the site – ref. 22/00174/APP – was withdrawn. This application was withdrawn following dialogue between the planning service and the agent where it was concluded that the description of that application – “Erection of a dwellinghouse” – did not accurately reflect either the development proposals, as per the submitted plans, or the intentions of the applicant. As such, due to the nature of this description error, the applicant was advised that a new application would require to be submitted for the proposed development with an accurate description. The current application was therefore submitted.

(v) Impact on the Locality

The proposed timber clad garden room has a footprint of approximately 45 sqm, is to be sited to the rear of the application site and features a mono pitched roof of a maximum of 3.3 metres in height. As such, it is considered to be subsidiary to the dwellinghouse both in terms of its design, massing and scale, and due to its siting to the rear of the application site.

It is considered that the outbuilding has clearly been designed so as to perform its intended function as a personal home office for the occupiers of the house and also to accommodate short stays for visiting family. Notwithstanding this, a condition can be attached to the permission to ensure that its use remains ancillary to the dwellinghouse and part of the same inter-connected planning unit. Considering this mechanism for controlling the use, it is considered that the outbuilding will not have an adverse impact on the character of the area.

In respect of residential amenity, the scale and positioning of the outbuilding to the rear of the application site and the distance from other residential properties is sufficient so as not to give rise to overshadowing concerns.

Two doorways are proposed within the front elevation and face into the applicants garden and a window forming part of a shower/ toilet room is proposed within the eastern side elevation of the outbuilding. In order to safeguard amenity of the neighbouring property at 7 Cherry Hill Road, it is deemed prudent to attach a condition to any planning permission granted that requires the window within the eastern elevation (serving the shower/ toilet room) to be glazed with obscured/frosted glass. The relationship between the proposed outbuilding and 7 Cherry Hill Road is otherwise acceptable, considering the approximate 3.5 metre separation distance between the outbuilding and the boundary with No.7 and also the approximate 17 metres between the outbuilding and property No.7 itself.

There is approximately 14 metres between the proposed outbuilding and the property at No. 3 Cherry Hill Road however it is noted that only a low-level brick boundary wall exists between the rear gardens. As such, and due to the proximity of the proposed outbuilding to this mutual boundary (approximately 0.5 metres) and to ensure levels of amenity are maintained, a condition can be attached to the permission to ensure that additional boundary screening of 1.8 metres in height (standard fence height) is formed along the entire boundary of the rear curtilage adjacent to 3 Cherry Hill Road. Such boundary treatments (usually fences) measuring 1.8 metres in height is very common in residential areas and is an appropriate solution in this case to safeguarding neighbouring amenity.

It is considered that both the distance of the proposed garden room from the neighbouring dwelling of 7 Lauchlanglen Road, to the rear of the application site, as well as the existing boundary fencing and planting of that mutual boundary, will ensure that no adverse amenity issues will be created for this neighbouring dwelling as a consequence of the development proposals. Therefore, it is considered that the proposals shall not adversely impact any neighbouring properties in terms of privacy or amenity.

As set out above, the existing dwellinghouse will continue to be severed by a sufficient amount of private garden ground, which will ensure that an acceptable level of amenity is provided.

The Ayrshire Roads Alliance has offered no objections to the proposed development in terms of road safety or off-street parking requirements. Therefore, the proposed development is not considered to be inappropriate in this regard.

There are no policy objections to this proposal and it is considered that 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.

**8. Conclusion:**

The application has been assessed against the various material considerations which include the provisions of the development plan, consultations undertaken, representations received and the impact of the proposed development on the locality. The assessment concludes that the principle of the proposed development complies with the development plan. The points raised in the objection have been fully considered but do not raise any issues that would merit refusal of the application.

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) The ancillary outbuilding shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.
- (3) That the existing dwellinghouse and the outbuilding forming ancillary accommodation shall remain part of the same single inter-connected residential planning unit. Once the outbuilding has been erected, neither the existing dwellinghouse nor the ancillary outbuilding shall be sold, leased or otherwise disposed of separately for the use as a separate dwellinghouse without the benefit of planning permission.
- (4) That notwithstanding the plans hereby approved, the shower room window on the eastern elevation of the outbuilding hereby granted planning permission shall be glazed with obscured / frosted glass to the satisfaction of the Planning Authority, and retained as such for the lifetime of the development. Full details of the glazing shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site and shall be implemented as approved.
- (5) That notwithstanding the plans hereby approved and unless otherwise agreed, additional screening of 1.8 metres in height, when measured from ground level, shall be erected along the entire western boundary of the rear curtilage of the application site adjacent to the neighbouring residential property at 3 Cherry Hill Road. Precise details of the proposed screening shall be submitted for the prior written approval of the Planning Authority before works commence on site. Thereafter, the agreed screening shall be installed prior to the completion of the outbuilding hereby approved and retained at its agreed height and location for the lifetime of the development to the satisfaction 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 interests of residential amenity.
- (3) In order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse.
- (4) In the interests of residential amenity.
- (5) In the interests of residential amenity.

**Advisory Notes:**

- (1) The development could be in an area where there are gas mains and services. Please see the link below for further information and actions required of you: <https://archive.south-ayrshire.gov.uk/planning/decisions.aspx>
- (2) A Building Warrant will require to be obtained before works start on site. The Council's Building Standards Service can be contacted for further information.

**List of Determined Plans:**

Drawing - Reference No (or Description): **Approved** 2102-A-101  
Drawing - Reference No (or Description): **Approved** 2102-A-102  
Drawing - Reference No (or Description): **Approved** 2102-A-103  
Drawing - Reference No (or Description): **Approved** 2102-A-104

**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.

**Background Papers:**

1. Planning application form and plans.
2. Adopted South Ayrshire Local Development Plan 2 (available online)
3. Supplementary Planning Guidance: House Alterations and Extensions (available online)
4. Planning Guidance: Open Space and Designing New Residential Developments (available online)
5. Representations (available online)

**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:**

Ms Emma McKie, Planner - Place Planning - Telephone 01292 616 203

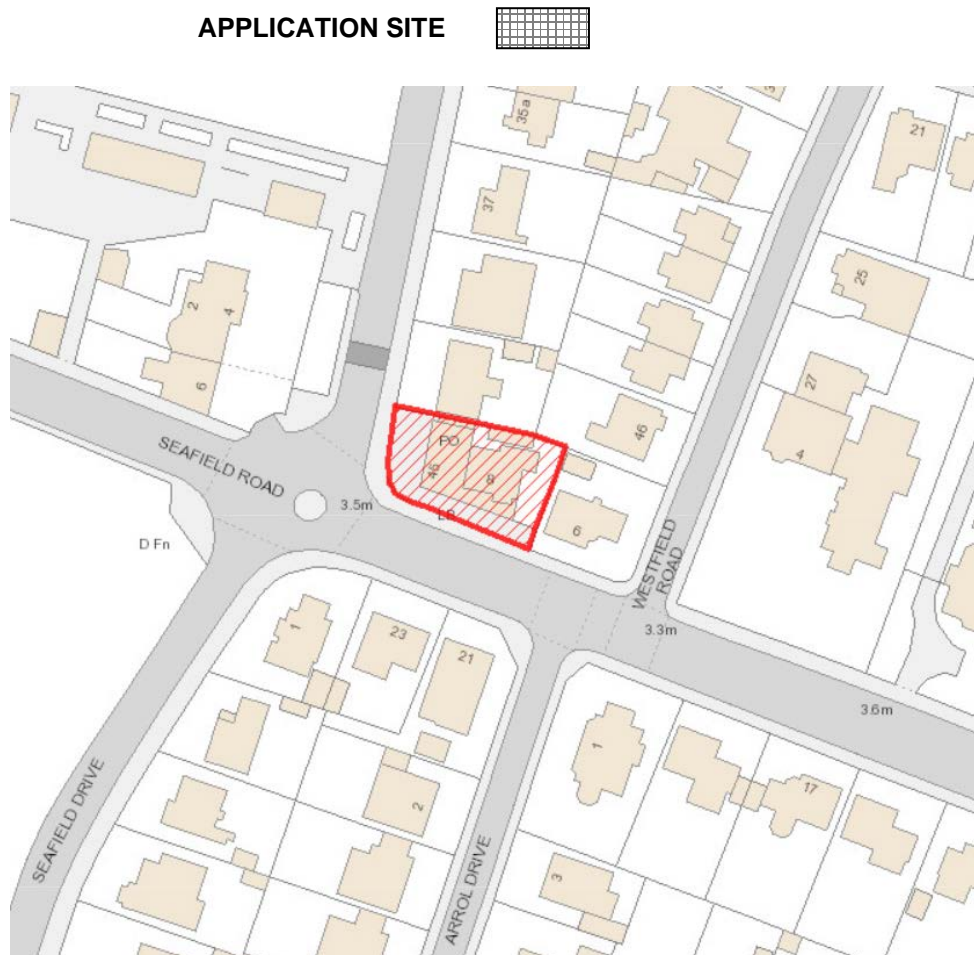
**REGULATORY PANEL: 15 SEPTEMBER 2022**

**REPORT BY PLACE DIRECTORATE**

**22/00558/APP**

**SEAFIELD POST OFFICE 45 BLACKBURN DRIVE AYR SOUTH AYRSHIRE KA7 2XW**

**Location Plan**



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**Summary**

Planning permission is sought for alterations and extension to the existing class 1 premises (comprising of post office, shop and pharmacy) and the change of use of the vacant upper floor dwelling flat to form part of the pharmacy (storage space and staff facilities) at Seafield Post Office, 45 Blackburn Drive, Ayr. The application site is located within a predominantly residential area and comprises of a one and a half storey detached building on the corner of both Blackburn Drive and Seafield Road. Pedestrian access to the building is taken from Seafield road.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application has received over 5 competent written objections.

The application has been assessed against the various material planning considerations which include the provisions of the Adopted Local Development Plan 2, consultations, representations received (10 in total), and the impact of the proposed development on the locality. It is considered that – suitably conditioned – the proposal accords with the provisions of the aforementioned local development plan.

Accordingly, it is recommended that the application is approved subject to conditions.



## REPORT BY PLACE DIRECTORATE

**REGULATORY PANEL: 15 SEPTEMBER 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00558/APP</b>
<b>SITE ADDRESS:</b>	<b>SEAFIELD POST OFFICE 45 BLACKBURN DRIVE AYR SOUTH AYRSHIRE KA7 2XW</b>
<b>DESCRIPTION:</b>	<b>ALTERATIONS AND EXTENSION TO EXISTING SHOP AND PHARMACY (CLASS 1) AND CHANGE OF USE OF DWELLINGFLAT (SUI GENERIS) TO PHARMACY (CLASS 1)</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:**

The application site relates to 45 Blackburn Drive, Ayr. The property is currently occupied by a class 1 shop, post office and pharmacy at ground floor level and an upper floor vacant dwellingflat. The application site is located within a predominantly residential area and comprises of a one and a half storey detached building on the corner of both Blackburn Drive and Seafield Road. Pedestrian access to the building is taken from Seafield road.

Planning permission is sought for alterations and a replacement extension to the rear of the building to provide storage space for the shop and the change of use of the vacant upper floor dwelling flat to form storage space and staff facilities for the pharmacy.

The proposed external alterations comprise of the removal of a redundant ATM to allow the original door to be reinstated and provide a separate entrance to the pharmacy. Internal reconfiguration of the pharmacy at ground floor level provides an additional 'consulting room' which is a private space for customers obtaining advice or similar. Full details are provided within the submitted plans.

The agent has provided a Supporting Statement offering a further detail regarding the operations of the proposed development. This statement includes information regarding the existing staff numbers of the pharmacy and the hours of the operation. Neither are proposed to change as a result of the development.

**2. Consultations:**

**Ayrshire Roads Alliance** - Offer no objections to the proposed development, subject to conditions. The ARA have advised that the proposed development will require enhancement to the current traffic restrictions in the area. The ARA have suggested that these are likely to comprise of increased no waiting/no loading restrictions at the roundabout and limited waiting (1 hour) within the on street parking bays. The applicant will require to enter discussions directly with them and will be required to bear the costs of any Traffic Regulation Orders, as per the advisory note below.

**3. Submitted Assessments/Reports:**

None.

**4. S75 Obligations:**

None.

**5. Scottish Ministers Directions:**

None.

**6. Representations:**

10 representations have been received, 1 neutral, 1 supporting and 8 which object to the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issues raised by Representees can be summarised as follows:

- Parking, traffic and road safety concerns
- Noise disturbance and air pollution
- Suitability of proposed use at this location

The comment received in support of the application outlined that the proposals would improve services to the community and the general condition of the area.

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

**7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns 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.

The following provisions of the South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>:

LDP Policy: Strategic Policy 1: Sustainable Development  
LDP Policy: Strategic Policy 2: Development Management  
LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites  
LDP Policy: General Retail

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.

Whilst it is recognised that the application site is situated in an area designated as predominantly residential under the LDP2, it is noted that the site has operated as an established Class 1 commercial unit (currently comprises a shop, post office and pharmacy) serving the local community for many years.

The proposed development comprises of the change of use of an existing, vacant upper floor dwellingflat to increase the storage space of the pharmacy and provide better facilities for staff including staff room and toilets. The existing rear detached storage space, utilised by the shop, is to be demolished and replaced with an extension to the building comprising of a new storage area for the shop. The reconfiguration of the pharmacy at ground floor level provides an additional 'consulting room' which is a private space for customers obtaining advice or similar. The shop, post office and pharmacy within the premises shall remain interconnected. Considering the nature of the proposals as providing additional storage space, staff facilities, and a consulting room, it is not considered that the proposals significantly alter or intensify the existing operations of the premises and shall not result in a detrimental impact on the character or amenity of the residential area.

Additionally, given the application relates to an existing and established class 1 retail premises outwith the town centre which serves the local community, that the development proposals primarily comprise of the enlargement/improvement of storage space and staff facilities and the premises will continue to operate as an interconnected pharmacy, post office and shop, it is not considered that the development shall result in an adverse impact on the vitality and viability of Ayr town centre.

The development proposals are therefore considered to be in accordance with the development plan, as considered further below in section 7(v) of this report.

(ii) Other Policy Considerations (including Government Guidance)

None.

(iii) Site History

Of most relevance are as follows:

Application ref. 09/00782/COU for the change of use of a dwellinghouse to form an extension to the existing shop was approved in January 2010 but was never implemented.

Application ref. 12/00523/APP for the change of use, alterations and extension to dwellinghouse to form extension to existing shop and installation of ATM was approved in July 2012. This consent reduced the floorspace of the proposed extensions previously granted approval under 09/00782/COU. The extension approved comprised of an extension to the front of the building. This consent has been fully implemented.

(iv) Objector Concerns

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

*Parking, traffic and road safety concerns*

- The Ayrshire Roads Alliance has confirmed it has no objections to the proposed development but have identified that the proposed development will require enhancement to the current traffic restrictions in the area. This is separate to the planning process and therefore an advisory note is recommended to advise the applicant that they will require to enter into discussions directly with the ARA regarding these enhancements. These enhancements are likely to include increased no waiting/no loading restrictions at the roundabout and limited waiting (1 hour) within the on street parking bays.

*Noise disturbance and air pollution*

- Should any statutory noise or air quality nuisance arise, or any other matter related to odours, lighting or health and safety issues, it is for the Council's Environmental Health Service to address such matters under their statutory powers. Notwithstanding this, the development is for additional storage space for the shop and pharmacy, staff facilities and consultation rooms, also for the pharmacy. It is therefore not anticipated that the issues such as those mentioned, will arise. There is a temporary level of inconvenience that can be expected during construction of the extension however this type of development is not unusual within a residential area.

*Suitability of proposed use at this location*

- This matter is addressed fully within sections 7(i) and (v) of the report.

(v) Impact on the Locality

The development under consideration is for alterations and extension to the existing building which includes a post office, shop and pharmacy. The proposed extension will provide replacement storage space for the shop. The change of use of the vacant upper floor dwelling flat will provide additional and enhanced storage and staff facilities (staff room and toilets) for the pharmacy. Alterations on the principal elevation of the building will see the removal of the existing and redundant ATM machine and a reinstatement of the access doorway that will provide a separate entrance directly to the pharmacy. An associated access ramp will ensure accessibility for all. Internal reconfiguration of the pharmacy will result in an additional consultation room being provided (total of 2).

It is acknowledged that the application site is located within a predominantly residential area, as identified in the South Ayrshire Local Development Plan. However, the three existing uses accommodated within the building are long established. The proposals do not introduce any new uses; the proposals are ancillary to the existing pharmacy and shop and will improve the services offered to the local community. Considering this and as outlined in section 7 (i) above, the proposed development shall not have a negative effect on the vitality and viability of the town centre.

The proposed extension to the building comprises the erection of a replacement store to the rear and it will occupy a similar footprint to the existing detached store and shall have a flat roof measuring approximately 2.7 metres in height. The store shall be positioned adjacent to the mutual boundary with the rear garden ground of the residential dwelling at 41 Blackburn Drive, which is adequately screened by an existing high level boundary wall. As such, as outlined in section 7 (i) above, it is considered that the proposed extension will not have an adverse impact on the residential amenity immediately of neighbouring dwellings and the wider area. Similarly, it is not considered that the change of use of the existing upper floor flat to storage and staff facilities or the alterations to the property will have any adverse impact on neighbouring residential amenity.

The proposed external alterations to remove the redundant ATM and reinstate and provide a separate front entrance to the pharmacy, with an external access ramp will improve accessibility and there are no issues with the proposal from a visual amenity perspective.

Additionally, the Ayrshire Roads Alliance offers no objections to the proposed development, subject to an advisory note regarding enhanced Traffic Regulation Orders. The ARA have suggested that these are likely to comprise of increased no waiting/no loading restrictions at the roundabout and limited waiting (1 hour) within the on-street parking bays. The Traffic Regulation Order process is entirely separate to the planning process, and so, an advisory note is appropriate in this case noting the applicant will require to enter into discussions directly with the ARA with regards this matter.

There are no policy objections to this proposal and it is considered that it does not have an adverse impact on the character or residential amenity of the surrounding area or the vitality and viability of the town centre. 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.

## **8. Conclusion:**

The application has been assessed against the various material considerations which include the provisions of the development plan, government guidance, consultations undertaken, representations received and the impact of the proposed development on the locality. The assessment concludes that the principle of the proposed development complies with the development plan. The points raised in the objection have been fully considered but do not raise any issues that would merit refusal of the application.

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.

### **Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

### **Advisory Notes:**

- (1) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings. Contact should be made with the Ayrshire Roads Alliance.

### **List of Determined Plans:**

Drawing - Reference No (or Description): **Approved** 283/01  
Drawing - Reference No (or Description): **Approved** 283/02  
Drawing - Reference No (or Description): **Approved** 283/03  
Drawing - Reference No (or Description): **Approved** 283/04  
Drawing - Reference No (or Description): **Approved** 283/05  
Drawing - Reference No (or Description): **Approved** 283/06  
Drawing - Reference No (or Description): **Approved** 283/07  
Drawing - Reference No (or Description): **Approved** 283/08  
Drawing - Reference No (or Description): **Approved** 283/09  
Drawing - Reference No (or Description): **Approved** 283/10

### **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.

### **Background Papers:**

1. Planning application form and plans.
2. Adopted South Ayrshire Local Development Plan 2 (available online)
3. Representations (available online)
4. Scottish Planning Policy (available online)

### **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:**

Ms Emma McKie, Planner - Place Planning - Telephone 01292 616 203

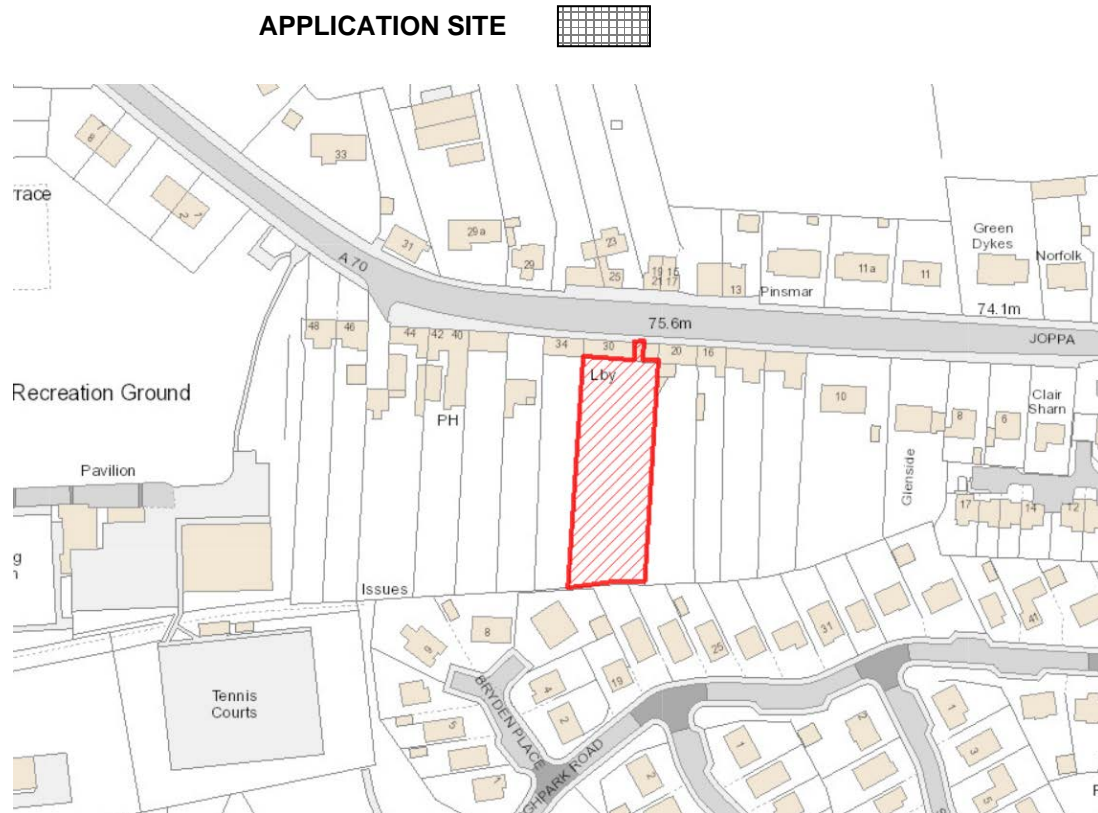
**REGULATORY PANEL: 15 SEPTEMBER 2022**

**REPORT BY PLACE DIRECTORATE**

**22/00526/APP**

**LAND TO THE REAR OF 30 JOPPA COYLTON SOUTH AYRSHIRE**

**Location Plan**



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**Summary**

Planning permission is sought for the 'change of use of vacant land to form a community garden' on land to the rear of 30 Joppa, Coylton. The application submission shows the formation of 8 x 'garden zones', the planting of 2 x flower beds, the formation of a paved patio area and the formation of access paths. The existing hedging, which defines the boundary of the site are to be filled and retained; while the existing trees/ shrubs located to the rear of the site (subject of TPO 50 - Hole Road) are to be retained. The application submission also intimates that additional screen fencing shall be erected so as to afford neighbouring properties a greater level of privacy. The application submission is accompanied by a Supporting Statement which sets out the background and rationale behind the application proposals.

The application has been assessed against the various material planning considerations which include the provisions of the development plan Scottish Planning Policy, PAN65, consultations, representations received, and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the local development plan. The consultation responses do not raise any issues of overriding concern. The matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. It is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context. Accordingly, the application is recommended for approval, subject to conditions.

## REPORT BY PLACE DIRECTORATE

### REGULATORY PANEL: 15 SEPTEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00526/APP</b>
<b>SITE ADDRESS:</b>	<b>LAND TO THE REAR OF 30 JOPPA COYLTON SOUTH AYRSHIRE</b>
<b>DESCRIPTION:</b>	<b>CHANGE OF USE OF VACANT LAND TO FORM COMMUNITY GARDEN.</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:**

Planning permission is sought for the 'change of use of vacant land to form community garden' on land to the rear of 30 Joppa, Coylton.

The application site is located to the rear of the property located at 30 Joppa, Coylton. Historically, the property at 30 Joppa, Coylton was utilised as a community library; however, the library was closed on 2016. It is understood that the property is now occupied by Lodge Coila (a Class 10. non-residential institution). The application site comprises vacant/ disused land associated with the property at 30 Joppa, Coylton. The application site is bound to the west, east and south by garden ground associated with neighbouring residential properties located at Joppa, High Park Road and Bryden Place. The site is accessible via a pend which connects directly to/from the public footpath which runs adjacent to Joppa/ the A70. The application site is identified as being within a residential area, as prescribed by the adopted South Ayrshire Local Development Plan. The rear boundary of the application site also includes a tree belt which is afforded protection by Tree Preservation Order (TPO) 50 - Hole Road.

Planning permission is sought for the 'change of use of vacant land to form a community garden'. The application submission shows the formation of 8 x 'garden zones', the planting of 2 x flower beds, the formation of a paved patio area and the formation of access paths. The existing hedging, which defines the boundary of the site are to be filled and retained; the existing trees/ shrubs located to the rear of the site (subject of TPO 50 - Hole Road) are also to be retained.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than five competent written objections have been received.



**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

**2. Consultations:**

**Ayrshire Roads Alliance** - offer no objection subject to condition.

**Transport Scotland (Trunk Roads)** - do not propose to advise against the granting of planning permission.

**3. Submitted Assessments/Reports:**

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

The application submission is accompanied by a Supporting Statement which explains that the proposals are intended to enhance the village, promote health and wellbeing and encourage all members of the community to take ownership and be proud of their own village garden space.

The Supporting Statement also indicates that the operating hours of the community garden will be as follows: -

Summer – 9am – 6pm\*

Winter – 9am – 4pm\*

\*It is proposed that the garden would operate during daylight hours with these being the latest closing times.

Finally, the Supporting Statement provides an overview of the perceived parking and residential amenity impact, as well as noting that the garden will be used by the Local Primary School and Early Years Centre.

**4. S75 Obligations:**

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

None.

**5. Scottish Ministers Directions:**

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

None.

**6. Representations:**

16 representations have been received, 7 of which object and 9 of which support the proposed development. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The concerns of the objectors can be summarised as follows:

- The development is contrary to the Local Development Plan and the principle of Scottish Planning Policy (SPP);
- Impact of the proposed development on the residential amenity (noise, overlooking and light pollution) of neighbouring properties at Bryden Place, Highpark Road and Joppa;
- Concerns relating to the layout, design and visual appearance of the development;
- Flooding and drainage concerns – specifically that the development proposal is to be built on a flood plain;
- Traffic/ parking/ road safety concerns;

## **Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

- o Natural heritage/ ecological concerns;
- o Lack of infrastructure capacity relating to toilet provision, waste disposal;
- o Anti-social behaviour/ security concerns;
- o Concerns regarding the viability of the development proposal;

The comments made in support of the application proposals generally indicate that the proposed community garden would represent a much needed and welcomed facility for Coylton.

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

### **7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns 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.

The following provisions of the South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

- o Core Principle B2
- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o Open Space;
- o Community Facilities; and
- o Preserving Trees.

The proposal has been assessed against LDP2' Core Principle B2 and is found to be in accordance with that principle in that the application proposals are considered to support community focused development by facilitating the development of a leisure facility.

Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management seek to ensure that development is appropriate in terms of its impacts on local amenity and that its layout, scale, massing, design and materials are acceptable in relation to its surroundings. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

The physical works associated with the application proposals are minor and will have a minimal impact when viewed outwith the application site. The physical works will formalise the proposed community garden space which is considered will improve the visual amenity of the locale. Additional screening is proposed on the mutual boundaries of the application site and a condition can be attached which requires for full details of the screening to be agreed by the Council as Planning Authority before works commence on site. Further consideration of the impact of the proposals on the residential amenity of properties in the vicinity, is set out below.

It is considered that the use of the application site as a community garden, would improve, not only the facilities for the local community, but also the amenity value of the area for the benefit of residents and the wider community.

## **Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

The LDP2 policy in relation to community facilities seeks to support community facilities. In this regard, the proposals to provide a community garden are considered to be entirely consistent with this policy objective of the LDP2.

As set out above, the rear boundary of the application site includes a tree belt which is afforded protection by TPO 50. - Hole Road. The application submission indicates that no works are to be undertaken to these trees and therefore the value of these trees will not be compromised as a consequence of the application proposals.

Given the above policy context, the principle of the development proposal is considered to be in accordance with the afore-mentioned policy provisions of the local development plan.

The provisions of the Adopted South Ayrshire Local Development 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)

#### o Scottish Planning Policy

Scottish Planning Policy (Maximising the Benefits of Green Infrastructure) seeks to protect, enhance and promote green infrastructure, including open space, as an integral component of successful placemaking; improving access to open space seen as helping build stronger, healthier communities, an essential part of long-term environmental performance and climate resilience and improving places and spaces.

#### o Planning Advice Note 65 - Planning and Open Space

Planning Advice Note - PAN65 - Planning and Open Space recognises that "open spaces are important for our quality of life. They provide the setting for a wide range of social interactions and pursuits that support personal and community well-being. They allow individuals to interact with the natural environment and provide habitats for wildlife. They can also be important in defining the character and identity of settlements". PAN 65 considers allotments ('garden zones') to be open space where they are described as "areas of land for growing fruit, vegetables and other plants, either in individual allotment or as a community activity".

#### o South Ayrshire Open Space Strategy 2012;

The Council has produced an Open Space Strategy. The Strategy, which is based on a quantitative and qualitative audit of open space in South Ayrshire, sets out a vision for the provision, management and maintenance of open spaces within the Council's area. Whilst generally seeking to protect and improve open spaces, the Strategy does not preclude them from being developed - particularly when the development improves the facilities associated with the open space. However, development proposals also require to be considered based on the provisions of the development plan, merits of the proposal and any individual site-specific circumstances arising, and also the planning history of the site.

The proposal would be located within the settlement boundary for Coylton where there is a general presumption in favour of development. Although the proposal would technically see the loss of non-designated open space associated with 30 Joppa, the area that would be lost is overgrown and appears not to be used. Furthermore, the site could easily revert back to open space associated with 30 Joppa as the structures proposed could easily be removed, and the site would be in community use to serve the local community. It is considered that such provision can be of great value to the local community in terms of the development of horticultural skills, concern for the environment and others, physical and mental health and well-being and place-making in general. As such, it is considered that the proposal is acceptable in terms of the above provisions of SPP, PAN 65 and the Council's Open Space Strategy.

### (iii) Objector Concerns

The representations received in relation to the proposal are noted, and the following response is offered in respect of the objections received:

- o The development is contrary to the Local Development Plan and the principle of Scottish Planning Policy (SPP);

An assessment of the development proposals against the policy provisions of the Local Development Plan 2 are set out elsewhere in this report.

## Regulatory Panel (Planning):

Report by Place Directorate (Ref: 22/00526/APP)

- Impact of the proposed development on the residential amenity (noise, overlooking and light pollution) of neighbouring properties at Bryden Place, Highpark Road and Joppa;

The potential for noise issues arising from the proposal is a matter for the operator of the facility. A condition can, however, be attached to a planning permission which limits the hours of operation and requires for the submission of a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction.

The boundaries of the application site are defined by mature hedging/ planting and the application submission intimates that additional screen fencing shall be erected so as to afford neighbouring properties a greater level of privacy. A condition can be attached to the permission which requires for details of the proposed boundary fencing to be agreed before the commencement of development on site.

An advisory note can also be attached to the permission which indicates that the flood lighting requires to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to ensure neighbouring properties are appropriately safeguarded. Taking the recommended planning condition/ advisory note, it is considered that the proposed development will have an acceptable relationship to the residential properties in the vicinity in terms of noise, light, privacy and enjoyment of gardens throughout the year.

- Concerns relating to the layout, design and visual appearance of the development;

As set out above, the physical works associated with the application proposals are minor and will have a minimal impact when viewed outwith the application site. The physical works will formalise the proposed community garden space which is considered will improve the visual amenity of the locale. Additional screening is proposed on the mutual boundaries of the application site and a condition can be attached which requires for full details of the screening to be agreed by the Council as Planning Authority before works commence on site.

- Flooding and drainage concerns – specifically that the development proposal is to be built on a flood plain;

Local residents have expressed concern that the proposals represent an increased flood risk. The application has been the subject of consultation with the Ayrshire Roads Alliance (ARA). ARA undertakes the Flood Prevention role on behalf of the Council and offer no objection to this development on the grounds of flood risk.

- Traffic/ parking/ road safety concerns;

There is no parking proposed for the community garden, the site is designed for local use and in a central location so it is not anticipated that it will generate significant traffic. Nevertheless, condition 2 below is recommended to encourage sustainable alternatives to the private car for users of the garden that rely on transport. The Ayrshire Roads Alliance (ARA) have considered the proposals in full and offer no objection to the application proposals; they have recommended condition 2 be imposed. The proposals are therefore considered acceptable from a traffic/ parking/ road safety perspective.

- Natural heritage/ ecological concerns;

The application site is not protected by way of local wildlife sites, RSPB Important Bird Area or Scottish Wildlife Trust Reserves. NatureScot has produced Guidance on how and when Planning Authorities should consult them on planning applications the application proposals do not meet the criteria for consultation. While there is no requirement to consult NatureScot, an advisory note can be attached to the permission which reminds the applicant of the need to comply with the legislative requirements set out in the Wildlife and Natural Environment (Scotland) Act 2011.

As set out above, the rear boundary of the application site includes a tree belt which is afforded protection by TPO 50. - Hole Road. However, the application submission indicates that no works are to be undertaken to these trees and therefore the value of these trees will not be compromised as a consequence of the application proposals.

- Lack of infrastructure capacity relating to toilet provision, waste disposal;

How a facility in South Ayrshire is used, issues arising from its use and alternative options for the provision of open space facilitates are not material considerations that should be given weight in the consideration of this application proposal. The purpose of this assessment is to consider the planning merits of the development being presented under this application.

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

- o Anti-social behaviour/ security concerns;

It is considered that appropriate usage of the facility should not adversely affect residential amenity. Anti-social behaviour, should it occur, is a matter for the police and/or anti-social behaviour teams.

- o Concerns regarding the viability of the development proposal;

The potential cost of the development is not a material planning consideration that should be given weight in the consideration of this application proposal.

(iv) Impact on the Locality

The proposal to form a community garden at the application site is found to be in accordance with South Ayrshire Local Development Plan 2 Core Principle B2 in that the application proposals support community focused development by facilitating the development of a leisure facility.

The South Ayrshire Local Development Plan 2 Policy: Community Facilities is also particularly relevant to the assessment of the current planning application. This policy supports community and recreational facilities and there is a presumption against development which has a negative effect on those facilities. It is considered that the proposal can create opportunities for all sections of the community to interact in an outdoor recreational setting and therefore, the proposal is considered to meet with the terms of the LDP2 Policy: Community Facility.

The application site is bound to the west, east and south by garden ground associated with neighbouring residential properties located at Joppa, High Park Road and Bryden Place. While it is clear that the proposal will involve pedestrian activity at the application site, it is considered that proper management of the facility will ensure that the residential amenity of neighbouring properties will not be adversely compromised. The supporting statement, which accompanies the application submission, indicates that the gated access to the community garden from Joppa, will be locked outwith opening hours and that users will be considerate to neighbouring properties in terms of noise. Noise nuisance, were to it occur, would be a matter for the Council's Environmental Health Service. A condition can, however, be attached to a planning permission which limits the hours of operation and requires for the submission of a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction.

The nearest residential properties to the application site are located at Joppa, High Park Road and Bryden Place. The separation distance between the proposed allotments and neighbouring dwellinghouses is considered sufficient enough to safeguard the amenity of the nearby residential properties. Furthermore, the residential properties located to the rear are not considered to be adversely affected by the proposals due to the mature woodland which screens the application site on its southern boundary, while the application submission intimates that additional screen fencing shall be erected so as to afford neighbouring properties a greater level of privacy.

It is also noted that the Ayrshire Roads Alliance and Transport Scotland offer no objection to the proposals from a transport/ road safety perspective. They are satisfied with the proposals as presented subject to condition 2 (travel plan) below being imposed. The comments of the Ayrshire Roads Alliance can be addressed by way of an appropriate planning condition.

Overall, the application proposal seeks to promote green infrastructure as an integral component of successful placemaking; improving access to open space seen as helping build stronger, healthier communities, an essential part of long-term environmental performance and climate resilience and improving places and spaces.

There are no policy objections to the development proposal, which will provide a garden area open to the wider community. Overall, the principle of the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition.

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

**8. Conclusion:**

The application has been assessed against the various material planning considerations which include the provisions of the 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 development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposal will not have an adverse impact on the 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 subject to the following conditions: -

- (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 before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. The travel plan shall be implemented as approved.
- (3) That the proposed community garden shall not be in use before 9.00am and after 6.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction and how the facility will be secured when not in use, shall be submitted for the prior written approval of the planning authority before facilities become operational. Thereafter, the management plan shall be implemented as approved.
- (4) That prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval. Thereafter, the development shall be implemented in accordance with the details approved.
- (5) That notwithstanding the terms of condition 1 above, no sheds or structures shall be erected within the curtilage of the application site without the prior written approval of the planning authority. Thereafter, the shed/ structures shall be implemented in accordance with the details approved.

**Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To encourage sustainable means of travel.
- (3) In the interests of residential amenity.
- (4) In the interests of residential amenity.
- (5) To retain proper control over the development.

**Advisory Notes:**

1. That any lighting to be installed on site shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service.
2. Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice>

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00526/APP)

**List of Determined Plans:**

Drawing - Reference No (or Description): 694 B1

Drawing - Reference No (or Description): 694 L1

Drawing - Reference No (or Description): 694 S1

**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.

**Background Papers:**

1. Application form, plans and submitted documentation
2. Representations
3. Adopted Local Development Plan 2
4. Scottish Planning Policy
5. South Ayrshire Open Space Strategy 2012
6. PAN65

**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:**

Mr David Clark, Supervisory Planner - Place Planning - Telephone 01292 616 118

**REGULATORY PANEL: 15 SEPTEMBER 2022**

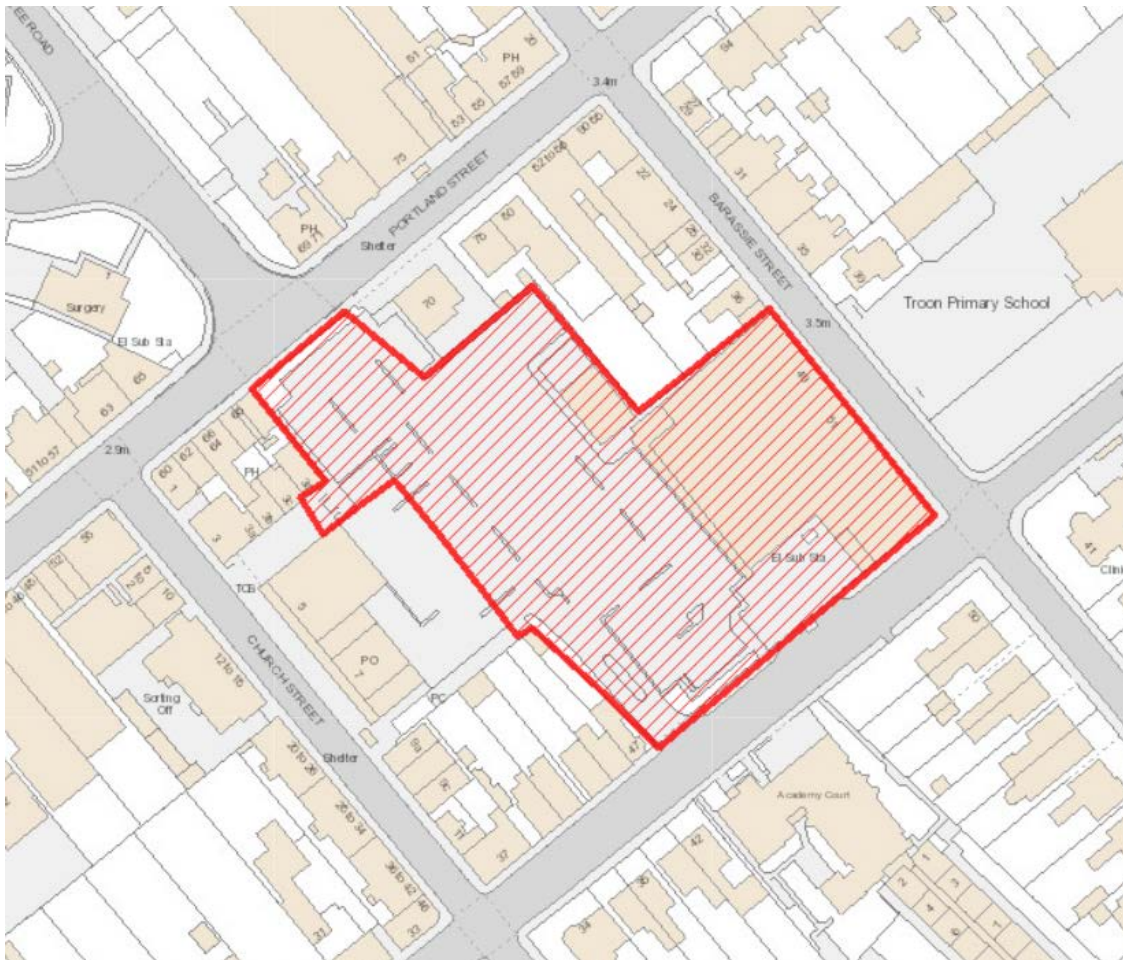
**REPORT BY PLACE DIRECTORATE**

**22/00137/APP**

**49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR**

**Location Plan**

**APPLICATION SITE**



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**Summary**

Planning permission is sought for the erection of two retail units (one food unit and one non-food unit), with associated access arrangements, parking and landscaping at 49 Academy Street, Troon. The application site is located within Troon town centre and comprises of a former supermarket building with adjacent service yard. The car park area is owned by South Ayrshire Council and leased to a third party understood to be the owner of the commercial buildings within the site at 49 – 51 Academy Street.

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. The reconfiguration of the car park to provide a reduced level of car parking were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current application.



The application has been assessed against the various material planning considerations which include the provisions of the development plan, Scottish Planning Policy, consultations, representations received (10 in total), and the impact of the proposed development on the locality. The assessment concludes that the proposals align with the provisions of the development plan and also Scottish Planning policy, particularly as the development represents a sustainable development involving the re-use of previously developed land, within a sustainable and accessible town centre location. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the representations have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections. It is considered that the proposal will not have an adverse impact on the character or amenity of the locality. Accordingly, the application is recommended for approval.

## REPORT BY PLACE DIRECTORATE

**REGULATORY PANEL: 15 SEPTEMBER 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00137/APP</b>
<b>SITE ADDRESS:</b>	<b>49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR</b>
<b>DESCRIPTION:</b>	<b>ERECTION OF TWO RETAIL UNITS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL, SUBJECT TO 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:**

The application site is located within Troon town centre and comprises of a former supermarket building with adjacent service yard at 49 - 51 Academy Street, and an area of the adjacent car park. The former supermarket building has been sub-divided to form a small parade consisting of five retail premises, with the car park facility being leased to the owner of the commercial buildings within the site. Located within the car park, to the northwest of the former supermarket is an existing free-standing building which is utilised as a cafe. The site is bound in part by Academy Street to the south-east, Barassie Street to the north-east, and Portland Street to the north-west. To the south-west lies the boundary of a residential property at 47 Academy Street, commercial properties at Church Street and Portland Street are located in the north-western corner, with 25 additional parking spaces outwith the application site abutting the south-western boundary of the site. A single vehicular access is located on Academy Street. Pedestrian access through the site can be obtained via Academy Street, Portland Street, and Church Street. The site lies adjacent to Troon Conservation Area at the western corner of the site at Portland Street.

Planning permission is sought for the erection of two retail units (one food unit and one non-food unit), with associated access arrangements, parking and landscaping. The proposed new foodstore is to be located on the same footprint as the former supermarket, and is shown to be contained within a single storey building with a broadly rectangular footprint of approximately 2,190 sq metres. As per the existing premises, the shopfront and public access will face south-westwards into the car park, a new service yard shall replace the existing service yard onto Academy Street. The submitted drawings show the building to have a shallow pitched mono-pitch roof, with a flat roofed covered entrance. The external materials are shown to comprise of grey and white coloured cladding for the upper and lower portions of the building, respectively. The submitted elevations also show a number of advertising billboards as being located on the front, side and rear elevations.

## **Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

The proposed non-food unit is shown as being positioned in the north-western corner of the site, within the existing car park, and adjacent to the cafe and its associated outdoor seating area to the south-east. An existing high brick wall forms the boundary treatment along the north-western and north-eastern boundaries and separates the site from the adjacent veterinary surgery, and flatted residential properties. The submitted drawings show the building to have a footprint of approximately 215 sq metres, to be free-standing, and single storey in height, with a dual frontage to the south-west and partially to the south-east. A bin store and emergency exit is shown to be located on the rear elevation. The proposed external materials comprise two tone buff and brown brock, and grey cladding at fascia and roof level. The submitted plans show deliveries as being taken from within the car park via the public entrance.

The development also includes various ancillary elements, including; the formation of a new trolley bay adjacent to the supermarket building, two new charging stations for electric vehicles and the installation of a new electrical sub-station adjacent to the service yard, and the reconfiguration of the car park. Under the proposals, the number of parking spaces within the application site is to be reduced from 182 to 106, which is a further reduction of 13 spaces from the previously approved 119 spaces granted under application 22/00042/APP.

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking (182 to 119) were also included within application 22/00042/APP. Application 22/00042/APP is materially significant in establishing the principle of a new retail use for intended use as a supermarket within Troon town centre as being acceptable.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation due to the Council having an ownership interest in the application site, and more than 1 competent written objections have been received;

## **2. Consultations:**

**Ayrshire Roads Alliance** - no objection, subject to conditions.

**Environmental Health** - no objection, subject to conditions.

**Scottish Environment Protection Agency** - no objection, subject to conditions.

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

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

The applicant/ agent has submitted a Transport Statement, including a parking survey, in support of the proposals, the conclusions of which is summarised as follows;

- The study takes cognisance of Transport Scotland's Transport Assessment Guidance, and the guidance and requirements of Scottish Planning Policy.
- The parking for the proposed development will be 106 spaces comprising of 81 standard bays, 9 disabled, 2 electric vehicle bays and 14 parent and child (within the land owned by the applicant), and 131 in total within the car park area (including the area not owned by the applicant).
- In comparison to the development approved under the earlier application (22/00042/APP), the proposed foodstore is 94 sq metres smaller, and the non-food retail unit is 301 sq metres smaller. The reduced floorspace of the development will result in a reduced demand for parking bays, which based on the SCOTS National Roads Development Guide could be up to 17 spaces in total, between the food and non-food uses.
- The loss of 13 bays under the current application is off-set by the afore-mentioned combined reduced floorspace of the proposed food and non-food aspects of the development.

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- The proposed 90-minute parking restriction will ensure a frequent turnover of parking spaces throughout the day, especially at busier times, and will off-set the majority of the reduction in parking spaces.
- National and local transport policies indicate that current walking, cycling and public transport provision in the area is sufficient to accommodate demand associated with the proposals. A Travel Plan will also be provided for staff which will seek to reduce the reliance on single vehicle occupancy.
- The Transport Statement demonstrates that the development site can be accessed by sustainable modes of transport and integrate well within the existing transport network. The site is also noted as being safely accessible from the adjacent road network by private vehicles without compromising the safety or efficiency of road users.

### **4. S75 Obligations:**

None.

### **5. Scottish Ministers Directions:**

None.

### **6. Representations:**

Ten representations to the proposal have been received from eight households, three of which object, four of which support the proposals and one of which is neutral, but which also express some concerns. All representations received can be viewed at [www.south-ayrshire.gov.uk/planning/register.aspx](http://www.south-ayrshire.gov.uk/planning/register.aspx). In summary, the objections and neutral comments are summarised as principally relating to;

- Traffic and transport concerns;
- Impact on the local economy and Troon town centre;
- Other concerns, such as the possible loss of the existing occupiers within the site, implementation and operational arrangements of the proposed time limited parking;

Supporting representations have been submitted which consider, in summary, that the proposal will result in positive benefits to the town, its local economy, and its residents through the provision of increased and additional facilities.

The representations in relation to the development proposal are considered further in section 7 (iv.) 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). A response to these representations is included within the assessment section of this report.

### **7. Assessment:**

The material considerations in the assessment of this planning application are the provisions of the Local Development Plan as set out in the Adopted South Ayrshire Local Development Plan (2022), Government Guidance, planning history, representations received, and the impact of the proposal on the amenity of the locality.

#### **i. Local 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 provisions of the local development plan are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

## Regulatory Panel (Planning):

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- Core Principles;
  - B1 sustainable economic development;
  - B4 regeneration of town centres;
- Strategic Policies;
  - Sustainable Development;
  - Development Management;
- General Policies;
  - Town Centre First Principle;
  - Network of Centres;
  - Town Centre;
  - Historic Environment;
  - Land Use and Transport;

The above policies direct development proposals to the main towns (i.e Ayr, Prestwick, Troon, Maybole and Girvan), and in particular proposals for commercial, industrial or community facilities. In particular, the policies seek to promote and enhance the vitality and viability of town centres, and the use of vacant, redundant or brownfield sites. The application site benefits from a central location within Troon town centre, and the proposals involve the re-use of a site and adjacent land, which was historically utilised as a supermarket and the associated car park area. The proposals are therefore considered to accord with the above noted policies of the LDP.

Under the Town Centre First Principle, new public and private sector development proposals are, in the first instance, directed towards town centres. The Network of Centres policy identifies that the main towns of Troon, Prestwick, Maybole and Girvan will be supported as locations for retail, office and commercial leisure development that help to sustain those centres as vibrant centres for their local communities.

The Town Centre policy identifies the site as being within the 'Core' shopping area of Troon town centre, and the policy seeks to ensure that town centres remain strong shopping centres, with Class 1 retail uses recognised as the mainstay of town centres, in terms of contributing to their vitality and viability. In this context, the proposal, due to its location within an existing town centre location is considered to be in accordance with the spatial strategy and retail policies of the LDP. The proposals are also considered to offer the potential for not only linked trips to multiple commercial premises, but also sustainable trips by means of other modes of transport such as walking, cycling, or bus trips. Therefore, the proposals are considered to accord with the LDP policy in relation to sustainable development. Given the above policy context the development proposal is considered to accord with the afore-mentioned provisions of the local development plan.

The development proposal requires to be considered against the provisions of the LDP policy in relation to land use and transport given that the application site incorporates part of the existing car park. The LDP policy in relation to land use and transport recognises the inter-relationship between land use planning and transport as a means to achieve sustainable economic development. The policy requires a holistic approach to the consideration of development proposals, in particular, development proposals should;

- Closely link to existing and proposed walking, cycling and public transport networks, where possible;
- Ensure essential use of the private car is accommodated within the context of an integrated approach to transport;
- Safeguard existing car parking facilities, particularly strategic car parking facilities and those identified in the LDP strategy map.

## **Regulatory Panel (Planning):**

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It is noted that the proposal involves the loss of some parking spaces within the car park, however, the greater number of the remaining spaces within the overall car park remain available. The submission also confirms the applicant's intention to introduce a 90-minute time limit for visitors to the site, and the wider town centre. The Ayrshire Roads Alliance (ARA) has considered the proposals, including the submitted Transport Statement, and the issue of the loss of parking in line with the SCOTS National Roads Development Guide parking standards, and due to its accessible town centre location, has concluded that, whereas there is some loss of parking spaces, the proposals do not warrant a different recommendation. Given the location of the site within Troon town centre, which is served by bus, cycle and walking routes and also by Troon rail station, it is considered that the site benefits from the opportunity to encourage a modal shift towards travel by means other than the private car. The ARA has suggested measures to encourage travel by other modes of transport, including, the need for an additional pedestrian crossing on Academy Street, the provision of cycle parking, and also the submission of a Travel Plan. Appropriate planning conditions can be attached to satisfy the requirements of the ARA. The application has been assessed in this context, and it is considered that the proposal is consistent with the LDP policy in relation to land use and transport.

Further consideration of the proposals in terms of their impact on the historic environment is set out 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 proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

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

- Scottish Planning Policy (SPP)

Scottish Planning Policy sets out national planning policy advice which reflects Scottish Minister's priorities for operation of the planning system and for the development and use of land. SPP is a material planning consideration. SPP advises that planning should adopt a positive approach to enabling high-quality development making efficient use of land to deliver long-term public benefits while protecting and enhancing natural and cultural resources. SPP introduces a presumption in favour of development that contributes to sustainable development and seeks to ensure that the right development takes place in the right place. Decisions on development proposals should be guided by a number of policy considerations, including "considering the reuse or redevelopment of brownfield land before development of greenfield land" and "locating development where investment in growth or improvement would have the most benefit for the amenity of local people and the vitality of the local economy". The current proposal does not involve the use of greenfield land, but rather, involves the redevelopment of a site occupied by a former supermarket and its associated car park, within Troon town centre to provide two new retail units; one for use as a supermarket on the site of the former supermarket building, and the other as a small, free-standing non-food retail unit within the north-western portion of the car park. The location within the town centre is highly accessible, and the reuse of the previously developed land to accommodate new commercial development will sustain a footfall generating activity which will contribute to the vitality and viability of the town centre.

The SPP also considers the issue of sustainable transport and active travel, and states that the planning system should support patterns of development which;

- optimises the use of existing infrastructure;
- reduces the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes;

For the reasons set out in the foregoing assessment under the Local Development Plan, it is considered that the proposal is consistent with these aspects of SPP, and in particular the provisions in terms of promoting town centres, as well as sustainable transport and active travel.

## Regulatory Panel (Planning):

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The proposals have also been considered against the Scottish Government historic environment policy as set out in SPP and also in the Historic Environment Policy for Scotland. Paragraph 143 of the Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith conservation areas which will impact on its appearance, character or setting should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The principles outlined in the SPP are largely emphasised by policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland. Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment.

While the application site lies adjacent to Troon Conservation Area in the western corner of the site, there are no physical changes to the site at this location, and therefore, the proposals are not considered to impact on the character or appearance of the conservation area at this locale. The application has been considered in this context.

### iii. Planning History of the Site:

The following most recent applications affecting the site are considered to be relevant;

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking (from 182 to 119) were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current application.

Earlier planning applications at the site are noted to relate to the sub-division, alteration and extension of the former supermarket (03/01271/APP), the erection of the current cafe within the site (14/01216/APP), and the erection of additional retail units (18/00772/APP and 14/01217/APP). It should be noted that the permissions granted under application 14/01217/APP and 18/00772/APP have not been implemented.

### iv. Representations Received:

It is noted that those objecting or expressing concern in relation to the development proposal are primarily the existing occupiers of the premises, and nearby or neighbouring properties and businesses. The representations received in relation to the proposal are summarised below.

- Traffic and Transport issues, including; the loss of parking spaces which will deter visitors to the town, vehicles would be displaced from the site potentially resulting in increased on-street parking and congestion, increased traffic and congestion within the town would be detrimental, parking restrictions within the car park would be detrimental;

It is noted that the proposal will result in the further loss of 13 car parking spaces within the existing car park, as compared to the development approved under application 22/00042/APP. The ARA has considered the updated proposals within the current submission, including, the issue of the loss of parking and has concluded that, whereas there is some loss of parking spaces, the proposals, given their accessible and central location in Troon town centre do not warrant a recommendation other than approval. It is also noted that the greater number of the remaining spaces within the overall car park remain available for use. In considering the development proposal, the ARA has not raised any concerns in relation to the potential for the proposals to result in increased traffic and/or on-street parking congestion or to adversely impact on pedestrian safety at this location. The ARA has suggested measures to encourage travel by other modes of transport, including, the need for an additional pedestrian crossing on Academy Street, the provision of cycle parking, and also the submission of a Travel Plan. Appropriate planning conditions can be attached to satisfy the requirements of the ARA. The ARA has not identified the need for resident parking permits, or additional measures at this time. Notwithstanding, the ARA has legislative powers to introduce any measures it deems necessary so as to effectively manage the local road network.

## Regulatory Panel (Planning):

Report by Place Directorate (Ref: 22/00137/APP)

With regard to the proposed 90-minute limit on vehicle parking times at the site, it is agreed that such a management system has the potential to ensure there is a more regular turnover of short-term parking spaces available for use by all, rather than parking spaces being potentially occupied for extended and potentially protracted periods of time for long-stay parking. The proposed limit on vehicle parking times within the land owned by the applicant is noted by the ARA to primarily be an operational, and management issue for the owner of the land. The application is considered in this context.

- Perceived adverse impact on the local economy and town centre - the existing car park is unrestricted and well utilised by customers to other premises in the town centre, the town and its shopping experience would be less attractive, visitors to the supermarket would have insufficient time to visit other local shops;

In line with the Government's Scottish Planning Policy, the planning policy approach in terms of firstly directing development to town centres is set out above. This approach seeks to promote and enhance the vitality and viability of town centres, as mixed-use locations for retail, office and commercial leisure development that help to sustain those centres as vibrant centres for their local communities. The proposals are intended to facilitate a new supermarket being provided in the town, and the provision of an additional retail unit, and there is no evidence to suggest that customers to the proposed supermarket would not also seek to take advantage of the other conveniently located shops and services in the town. In contrast, the central and town centre location of the site is considered to afford the opportunity for increased footfall, a greater concentration of facilities for local residents, and the potential linked trips to multiple commercial premises. Troon is noted to have a large number of residential properties within walking and/ or cycling distance of the town, and additionally the town is served by public transport with bus routes and a train station in close proximity to the application site. Given the aforementioned, the proposal is considered to represent an appropriate form of sustainable development in an appropriate and sustainable location. For the reasons noted elsewhere in this report, it is not considered that the intended use will negatively impact on or detract from the local economy. The application is considered in this context.

- Other concerns including: existing retailers would be displaced and/ or lost, perceived lack of need/ rationale for additional supermarket, proposals are not in the long-term public interest, impact on existing small businesses and retailers from multi-national corporations, the implementation and operational arrangements of the proposed time limited parking, including privacy concerns from cameras, and the potential to restrict parking to rear of properties on Academy Street;

The basis under which the existing retailers occupy the existing building is not a matter for the planning authority, and any existing lease arrangements are, more appropriately a matter for the owner of the premises to address. The applicant is not required to demonstrate a need for the proposals. A tangible benefit of the proposals is the introduction of an additional supermarket in the town so as to provide an increased range and choice of convenience shopping for local residents. A new and additional retail unit is also proposed. The proposals are considered to have the combined potential to retain not only, consumer expenditure in the local economy of Troon, but also to avoid or reduce the need for trips to other supermarkets in other locations, to the benefit of the local economy. As noted above, the proposed limit on vehicle parking times within the land owned by the applicant is primarily an operational, and management issue for the owner of the land and does not require the benefit planning permission. It is also noted that the land to the rear of properties numbered 39 - 45 Academy Street are identified as being outwith the site of the current application. Notwithstanding, it is expected that the applicant and intended operator of the site, in proposing a time limit on parking, manages the operation of the car park area, taking into account the various adjoining neighbouring landowners and their respective titles and access rights, so as to ensure the appropriate management of the facility, including the positioning of any camera systems away from private residential properties and their associated garden ground.



## Regulatory Panel (Planning):

Report by Place Directorate (Ref: 22/00137/APP)

In terms of whether the proposals are considered to be in the public interest, the purpose of planning (as set out in the Planning (Scotland) Act 2019 and also Planning Circular 3/2013 Development Management Procedures) is to manage the development and use of land in the long-term public interest, rather than to promote or protect the interests of one person or business against the activities of another. Circular 3/2013 provides additional guidance to planning authorities and those responsible for the determination of applications for planning permission in order to more clearly distinguish between public and private interests, and notes that "the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development." Given the aforementioned, the potential for the proposals to compete with or impact financially on existing business is not a matter for the planning authority. Arguably, the proposals seek to provide an additional supermarket offering increased consumer choice for convenience shopping in a central and accessible location, which could be considered as being in the long-term interest of the town and its residents. As noted above, the proposals also have the combined potential to retain not only, consumer expenditure in the local economy of Troon, but also to avoid or reduce the need for trips to other supermarkets in other locations, to the benefit of the local economy.

Representations, noted to be from residents of Troon, supporting the development proposals have also been received, and which are summarised as follows;

- Potential benefits to local economy;
- Potential for proposals to contain expenditure in local economy of Troon, and for existing uses to re-use empty premises within the town;
- Perceived need for an additional supermarket in town to provide increased choice and competition;
- Potential for proposals to avoid trips to towns out of South Ayrshire could reduce the carbon footprint of residents;
- Proposals are better than the ones already granted permission;

The terms of the supporting comments are noted.

### v. Impact on the Locality;

The application site is located within the town centre where a range of different land uses co-exist. It is also materially significant that the site was historically occupied by a single retailer as a supermarket, and also that planning permission was granted under application 22/0042/APP for the amalgamation of existing retail units to form an enlarged Class 1 retail unit intended for use as new supermarket. The current proposals now seek to establish a new supermarket building being built within the site. The submitted drawings show the proposed new supermarket and its associated service yard as being located on the site of former supermarket and its service yard which bound both Academy Street, and Barassie Street. The submission confirms that the proposed supermarket will require one service vehicle movement per day, which shall deliver goods, and also remove waste. In terms of its design, the proposed supermarket is noted as largely replicating the form and scale of the existing building which currently exists within the site, in terms of being single storey in height. The proposed building is to be finished in cladding, which while different from the locale, is not considered inconsistent, given the location of the site within the town centre, which is characterised by a variety of different buildings and finishes. Therefore, the proposals are considered to have no net detriment over the current visual appearance of the site. In terms of residential amenity, given the previous and current commercial use of the site and the adjacent and nearby commercial uses, it is considered that neighbouring and nearby residential properties presently enjoy a level of amenity which is commensurate with their location adjacent to the town centre, and that the proposals will not significantly alter this. The submitted drawings are noted to include various billboard areas for the display of advertisements on the frontage, rear and side elevations of the proposed building. However, the display of advertisements at the site will require a further application for advertisement consent, and therefore this aspect is outwith the scope of the consideration of the current application. The application is considered in this context.

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

With regard to the new retail unit, this is shown to be positioned within the existing car park, and therefore views of the proposed building will be largely contained and limited to the immediate vicinity. The proposed building is small in size (approximately 215 sq metres) and is of a similar size, scale and appearance as the cafe building, which it would be positioned adjacent to. As noted above, an existing high brick wall forms the boundary treatment along the north-western and north-eastern boundaries and separates the proposed small retail unit from the adjacent veterinary surgery, and flatted residential properties. Given that the neighbouring properties are currently located adjacent to commercial properties, and a car park, it is considered that adjacent properties presently enjoy a level of amenity which is commensurate with their location adjacent to the town centre. The mixed uses of buildings, their relationship to each other and, their often close physical proximity to other buildings, and limited areas of open spaces is part of the inherent pattern and character of town centres. In this context, the development proposal is not considered to be at odds with the character of the area, and therefore it is not considered that the proposal will have a significant adverse impact on the amenity of the neighbouring and nearby residential properties. The proposed external materials will complement the adjacent retail premises in terms of being finished in a combination of buff and brown brick, with glazing to the display frontage and partly to the side entrance. In terms of servicing, the submission confirms that the new unit shall be serviced from the car park area, which is consistent with the adjacent cafe unit, with the times of servicing co-ordinated to take place outwith busy periods so as to minimise conflict(s). For the reasons noted above, it is not considered that the proposed additional retail unit will adversely impact on the amenity of the area for an operational or visual perspective. The Environmental Health Service has suggested conditions to manage the operational noise levels, and also the hours of deliveries. Appropriate planning conditions are proposed in this regard. For the reasons noted above, it is not considered that the development proposal, subject to being appropriately conditioned, will adversely impact on the amenity of the area.

In relation to the revised layout and parking arrangements within the car park, the ARA has considered the proposals and the submitted Transport Statement, and has offered no objection. The proposals also include the installation of two new charging stations for electric vehicles and the installation of a new electrical sub-station adjacent to the service yard. Cycle parking stands are also proposed at the entrance to the site from Academy Street. As no details of the aforementioned proposals have been submitted, it is proposed to attach an appropriate planning condition. Given the proposed charging stations, sub-station and cycle stands are entirely contained within the site, are located on the opposite side of the road from residential properties, and by their nature are small scale, ancillary items, it is not anticipated that the proposals will adversely impact on the amenity of the locality, or nearby properties.

**Conclusion:**

The proposals are noted to involve the erection of two new retail units (one food unit and one non-food unit), with associated development; an assessment of which is set out above. The application site benefits from a central location within Troon town centre, and the proposals involve the redevelopment of a former supermarket site to provide a new supermarket building, the erection of an addition non-food retail unit, and associated ancillary development. The central and town centre location of the site is considered to afford the opportunity for increased footfall, a greater concentration of facilities for local residents with the potential linked trips to multiple commercial premises. As noted elsewhere in this report, the town of Troon has a large number of residential properties within walking and/ or cycling distance of the town, and additionally the town is served by public transport with bus routes and a train station in close proximity to the application site. Given the aforementioned, the proposal is considered to represent an appropriate form of sustainable development, in an appropriate and sustainable location.

It is also materially significant that planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current application.

There are no objections from consultees, and no material planning considerations that out-weigh the provisions of Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan (2022), or the planning history of the site. Following the above assessment, it is considered that the proposal will not have an adverse impact on the amenity of the adjoining 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, subject to conditions.

- (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, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of an uncontrolled crossing at Academy Street. Thereafter, the crossing shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (3) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of cycle parking accommodating a minimum of 12 cycles shall be provided within the site boundary. Thereafter, the cycle parking shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (4) That before the first occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. The travel plan shall be implemented as approved.
- (5) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development. Thereafter, the development shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (6) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of the trolley bays, electric charging points and electrical substation. The substation details shall include the substation being elevated to a level above 3.59 metres AOD. Thereafter, the trolley bays, electric charging points and electrical substation shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (7) That the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LAR<sub>Tr</sub>) where Tr = 1 hour daytime and 5 minutes 30 minutes night time as applicable (Measured as per the current version of British Standard 4142 BS 4142;1997, or as may be amended). For the avoidance of doubt BS4142;1997 defines the rating level (LAR<sub>Tr</sub>) as being the specific noise level LA<sub>eq, Tr</sub> plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.
- (8) That delivery vehicles for the operation of this facility shall be restricted to between the hours of 7am and 11pm Monday to Sunday, inclusive.
- (9) 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.
- (10) That, prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority in conjunction with the Ayrshire Roads Alliance. The plan shall describe the methodology for the movement of works traffic to and from the site during both demolition and construction works, and shall include agreement on suitable routes to and from the site and a works programme showing a breakdown of estimated daily trips by vehicle classification. Thereafter the development shall be implemented as per the agreed Construction Traffic Management Plan (CTMP), prior to any movement of works traffic associated with demolition or construction.

## **Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

### **Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) For the purposes of road safety and the functional operation of the local road network.
- (3) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (4) To encourage sustainable means of travel.
- (5) In the interest of road safety.
- (6) To clarify the terms of this permission.
- (7) In order to prevent noise nuisance.
- (8) In the interests of residential amenity.
- (9) In the interests of visual amenity.
- (10) In the interest of safety.

### **Advisory Notes:**

- (1) That, notwithstanding the terms of this permission, no permission is hereby granted for the erection of signage at the site, which shall require the submission and grant of advertisement consent.
- (2) The Business Gateway Ayrshire (01292 616349) may be able to provide support and/ or advice regarding the availability of alternative retail premises in the area.

### **List of Determined Plans:**

Drawing - Reference No (or Description): AL(0)001 P2

Drawing - Reference No (or Description): AL(0)002 P1

Drawing - Reference No (or Description): AL(0)003 P2

Drawing - Reference No (or Description): AL(0)004 P1

Drawing - Reference No (or Description): AL(0)005 P1

Drawing - Reference No (or Description): AL(0)1011P3

Drawing - Reference No (or Description): AL(0)1012P3

Drawing - Reference No (or Description): AL(0)1014 P2

Drawing - Reference No (or Description): AL(0)2001 P1

Drawing - Reference No (or Description): AL(0)1013 P2

### **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.

### **Background Papers:**

1. Planning application form
2. Plans and supporting documentation
3. Scottish Planning Policy
4. South Ayrshire Local Development Plan (2022)
5. Planning Application 22/00042/APP
6. Online representations

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

**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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