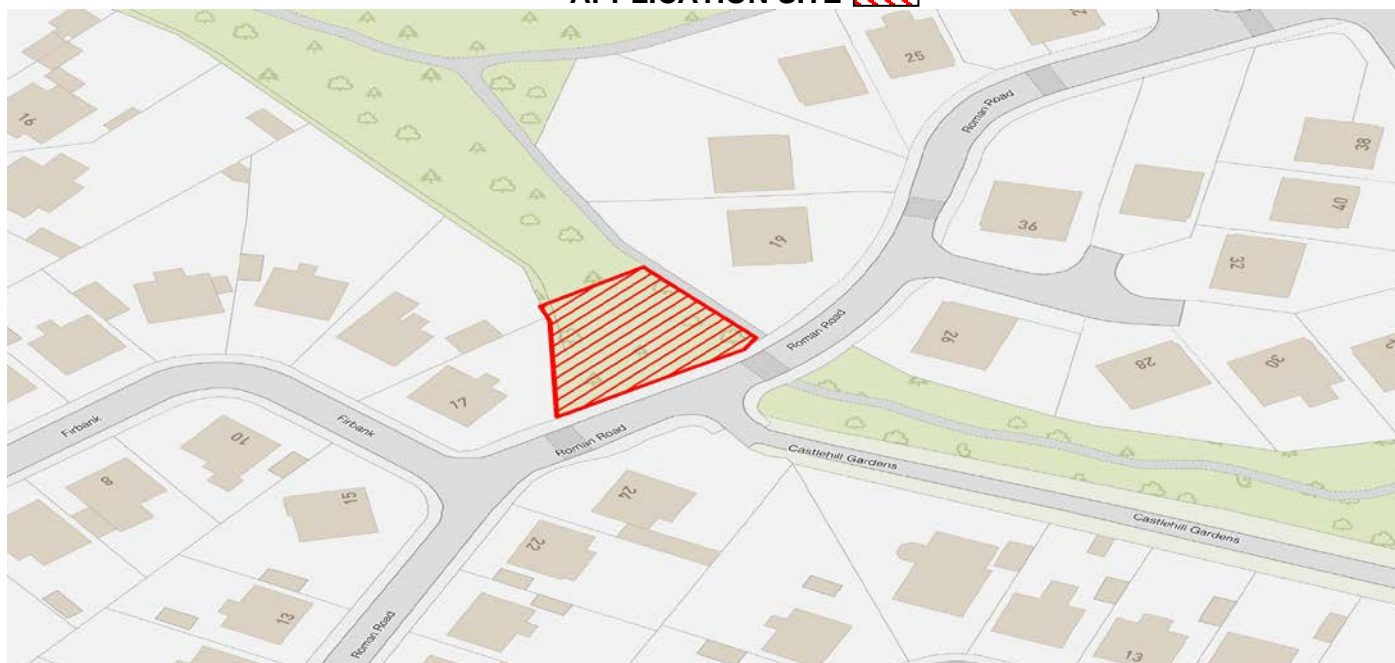


REGULATORY PANEL: 14 DECEMBER 2022**REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE****22/00692/APP****LAND ADJACENT TO 19 ROMAN ROAD AYR SOUTH AYRSIRE****Location Plan****APPLICATION SITE** 

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Summary

Planning permission is sought for the erection of a detached dwellinghouse on an area of woodland land adjacent to 19 Roman Road, Ayr. The site is visually prominent and forms part of a tree belt extending around the perimeter of the adjacent residential areas, and linking with the larger area of woodland, known as Castlehill Woods. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, other relevant policy considerations, including Scottish Planning Policy, the planning history of the site, representations received (17 in total), the impact on Tree Preservation Order (TPO) and Ancient Woodland, and the impact on amenity. The additional information from the applicant has also been considered. The assessment considers that proposed development does not align with the provisions of Scottish Planning Policy, and the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites. In particular, the local development plan safeguards valuable open spaces from development, and additionally recognises the importance and value of trees and woodland areas. The proposals will result in the loss of protected trees from the site, which would substantially alter the current open and natural appearance of the site, and also potentially affect any protected species which inhabit the site. It is also possible that the development could undermine and threaten the adjacent protected trees, and any potential protected species adjacent to the site. The assessment concludes that there are no material planning considerations that would out-weigh and set aside the provisions of the development plan. 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 refused.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)



REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 14 DECEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00692/APP
SITE ADDRESS:	Land Adjacent To 19 Roman Road Ayr South Ayrshire
DESCRIPTION:	Erection of dwellinghouse
RECOMMENDATION:	Refusal

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 erection of a detached dwellinghouse on an area of woodland adjacent to 19 Roman Road, Ayr. The submitted drawings show a two storey dwellinghouse, with off road parking and garden ground positioned to the side and rear of the dwellinghouse. The site extends to approximately 3,600 sq metres (0.3 ha), and is visually prominent as it presents a frontage onto Roman Road to the south-east, and partially abuts a public footpath to the north-east. A low boundary wall extends along the frontage of the site. Two existing residential properties lie on either side of the application site to the north-east, and south-west respectively. The site slopes from the north-east to the south-west and is noted to contain a number of trees, and to form part of a tree belt extending around the perimeter of the adjacent residential areas, and linking with the larger area of woodland, known as Castlehill Woods, which was historically associated with the former Castlehill House and former estate.

The area of the woodland around the site of the application is locally distinctive by virtue of its elevated position relative to adjacent land, and in particular Dalmellington Road, which is one of the principal arterial routes to, and from Ayr. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the aforementioned arterial route. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation.

The proposed dwellinghouse is shown to have a broadly square plan form, with a footprint of approximately 120 sq metres, and to be positioned approximately 2 metres from the north-eastern boundary of the public footpath, and approximately 7 metres from the road frontage. Off-road parking is proposed via a new vehicular access, and the remainder of the proposed plot is shown as forming garden ground for the proposed dwellinghouse. No details of the proposed external materials for the proposed dwellinghouse have been submitted.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

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 more than five competent written objections have been received from separate households.

2. Consultations:

Ayrshire Roads Alliance - no objection.

Scottish Water - no objection.

Sustainable Development (Landscape And Parks) - has noted the prominent location of the site and the significant positive contribution of Castlehill woodland to the wider landscape character and visual setting of the area, and also the amenity benefits of the woodland. More specifically, it is confirmed that the TPO area and ancient woodland are typically characterised by substantial and mature mixed broad-leaved trees. It is also noted that any tree felling could lead to soil erosion, and a loss of biodiversity and possibly wildlife.

Sustainable Development (Biodiversity) - has confirmed that the habitat at the site is suitable for birds and small mammals, and therefore, an ecological survey would be required so as to consider the suitability of the trees for bat roosts, nesting birds and any potential mitigation measures to safeguard wildlife.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

17 representation(s) have been received, 14 of which object to the proposed development (including one duplicate representation), three supporting representations have also been submitted. The supporting comment from the applicant has not been considered as a representation, as it has not been received from a member of the public, but the applicant. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. The issues raised by representees can be summarised as follows, as principally relating to;

- Policy provisions of Scottish Planning Policy and the Adopted South Ayrshire Local Development Plan (2022);
- Impact on residential, visual, historic amenity and local access;
- Impact on protected trees within the site ancient woodland and Tree Preservation Order 30 (Castlehill Woods);
- Road safety issues;
- Other concerns, including; the lack of detail of surface water drainage and external finishes;

Regulatory Panel (Planning):

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Supporting representations have been submitted which consider, in summary, that the proposal will not have a negative impact, will provide needed residential accommodation on an unused site, and will retain existing local access routes.

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 by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are; the provisions of the development plan, other relevant policy considerations, the planning history of the site, representations received, the impact on Tree Preservation Order and Ancient Woodland, the impact on amenity, and additional information from the applicant.

(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 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>

- Sustainable Development;
- Development Management;
- Open Space;
- Preserving Trees;
- Woodland and Forestry;
- Natural Heritage;
- Residential Policy within settlements, release sites and windfall sites;

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 development proposals have been considered in this context.

The Sustainable Development and Development Management policies are Strategic Policies which apply in the assessment of all applications, with some criteria being more, or less relevant depending on the proposals. In this instance, the Sustainable Development Policy highlights the need for proposals to; respect, protect and where possible enhance the natural, built and cultural heritage, respect the character of the landscape and the setting of settlements, embrace the principle of 'place-making' and the '6 qualities of Place'. The Development Management policy seeks to ensure (among other criteria) that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings, that the proposals do not adversely impact on the amenity of nearby land uses, and that there is no loss of an area of maintained amenity or open space, unless allocated for development in the LDP. Where a site is suitable for development, proposals for residential development require to satisfy the LDP policy 'Residential Policy within Settlements, Release Sites, and Windfall Sites'.

The general policy approach of the LDP seeks to direct development, including residential development, to the most environmentally suitable places with the best infrastructure. While the site is noted to be located within the built-up area of Ayr, it does not automatically follow that the site is suitable for residential development, and there may be particular site-specific issues which would make a site unsuitable for development. In this instance, the LDP designates the site as being open space. Further consideration of the proposals against the LDP policy in relation to residential development within settlements and windfall sites, and other applicable policies of the LDP is set out below.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/00692/APP)

The Open Space policy of the LDP states that; The Council will protect all open spaces which are valued, and which are used, or could be used for a particular open space, amenity or recreational purpose. As well as being of local importance, the open spaces identified on the proposals maps make a valuable contribution to the wider environment.

Notwithstanding the above, the Open Space policy states that we may accept development that provides facilities on recreational open space, and which is related to that space, if it meets the following conditions.

- a. Where its scale, use and design is appropriate to the existing character of the open space and there is no individual or cumulative effect on the amenity or recreational value of that site.
- b. If development would result in the loss of a facility associated with the open space, the developer must replace it with a facility or facilities of a suitable type, quantity and quality, which is accessible and in a suitable location.
- c. Any replacement facility must be within the same catchment area as the existing open space.

The development proposal is for residential development which does not align with any of the above criteria a. - c., and therefore the proposals are not considered to align with the Open Space Policy of the LDP. In terms of the value of the application site as part of a larger area of woodland, it is considered that the area of Castlehill woods around the site of the application is locally distinctive by virtue of its elevated position relative to the adjacent land. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the Dalmellington Road arterial route. The woodland area is considered to be important and distinctive to the landscape setting and entrance to the town, when approached from the south-east. It is also recognised that the woodland area constitutes an area of ancient woodland. In addition to being important to the setting, distinctiveness and sense of place of the immediate locale, it is considered that the open space designation of the site, reflects the value of and significance of the site to the wider locale. The positive landscape value of Castlehill woods was likely reflected in the designation of a Tree Preservation Order covering the woodland in 1988. The area covered by the TPO includes the site of the current application.

While the site is not large in terms of area, it does not mean that it is not important, in terms of its function, or visual appearance. As noted above, the site comprises of an area of woodland, and contains a number of trees. While not providing a formal recreational area, such as a football pitch or the like, the value of the site is no less significant to the amenity of the area. The site and adjacent woodland is not enclosed, and therefore is accessible and open to the public which is considered to afford an opportunity for more informal amenity and recreational activities, such as a woodland walk through trees rather than on a formal pathway, or other designate route. It is considered that, the proposals, if approved, would result in the loss of this natural space, and would irreversibly and detrimentally change the appearance of the site, undermine and erode the character, appearance and value of the wider area, and have an adverse impact on the local visual amenity and the recreational and amenity potential and value of the site.

The Preserving Trees, and Woodland and Forestry policies acknowledge the woodland and forestry make an important contribution towards the rural and urban environment and are an essential part of the landscape, a significant economic resource and provide considerable opportunities for recreation. Specifically, the Preserving Trees policy sets out that in assessing development proposals involving loss of, or works to, trees the Council will consider the extent of any adverse impact on the locality, and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order (TPO).

As noted above, the application site forms part of an area of woodland which is the subject of a confirmed Tree Preservation Order No.30, 1988 (Castlehill Estate, Ayr), and therefore the proposals have the potential to threaten and undermine the woodland setting of the site. The trees covered by the TPO designation and ancient woodland designation are typically characterised as substantial and mature mixed broad-leaved trees. The above policy requires the impact of development proposals on trees to be carefully considered, however, the application submission is not accompanied by a tree survey, so as to more fully understand the impact of the proposals on the trees within the site. Notwithstanding, the absence of a tree survey, given the nature of the proposals, it is inevitable the trees will be removed to facilitate the proposals, which will if approved, substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that the development could undermine and threaten the wider woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. It is therefore prudent to adopt a precautionary approach in terms of safeguarding the woodland setting of the site from development. The application has been considered in this context.

Regulatory Panel (Planning):

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The Woodland and Forestry policy seeks to protect and enhance ancient and semi-natural woodland as an important and irreplaceable natural resource. As noted above, the application site is noted to form part of a wider area of woodland which is designated as ancient woodland by the former Scottish Natural Heritage (now NatureScot). Ancient woodland is defined as land which is currently wooded and has been continually wooded, since at least 1750. More specifically, in this instance, the site is characterised as long-established woodland of plantation origin, and likely dating from 1860.

The Scottish Government Policy on the Control of Woodland Removal states that there is a strong presumption against removing ancient semi-natural woodland, or plantations on ancient woodland sites, among other types of woodland, with woodland removal only being allowed where it would achieve significant and clearly defined additional public benefits, and is materially significant in the determination of planning applications. Where woodland removal is required, the LDP policy, in line with the aforementioned Scottish Government policy applies the following criteria;

- a presumption in favour of protecting all woodlands of high nature conservation, or landscape value;
- the provision of compensatory planting where woodland would be removed, and
- encouraging the creation of new areas of woodland comprising of native species;

Additionally, where development proposals would be located close to ancient semi-natural woodland, or other woodland of high nature conservation, proposals should; make provision for an appropriate buffer zone, and where possible, prevent or manage public access to woodlands.

In considering the above, the proposals are not considered to result in a public benefit. To the contrary, it is considered that the proposals would be to the disbenefit of the appearance, character, setting and amenity of the locale. As noted above, it is inevitable the trees will be removed to facilitate the proposals, which will, if approved substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that trees adjacent to the site could be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. Given the TPO and ancient woodland designations which affect the site, the site, is sensitive in landscape terms. Given the sensitivities affecting the site, it is considered necessary and prudent to adopt a precautionary approach to the proposals, and to safeguard the woodland setting of the site from development. The application has been considered in this context.

With regard to protected species, LDP Policy: Natural Heritage outlines that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The Council's Biodiversity team has advised that the habitat within site is suitable for birds and small mammals, and therefore, an ecological survey would be required to consider the suitability of the trees for bat roosts, nesting birds and any potential mitigation measures to safeguard wildlife. The application submission is not accompanied by any ecological information which considers what (if any) protected species might inhabit or use the site. In the absence of any information to demonstrate otherwise, it is considered necessary and prudent to adopt a precautionary approach to the proposals, and to safeguard the woodland setting of the site from development, and any protected species potentially contained therein. The application has been considered in this context. Notwithstanding the potential for protected species to be present within the site, for the reasons noted elsewhere in this report, there are other concerns in relation to the proposals.

The Residential Policy within settlements, release sites and windfall site policy aims to protect the character and amenity of residential areas, and sets out the following criteria which proposals for new residential development are required to meet, assuming there are no over-riding policy issues which would preclude the site being acceptable for residential development.

- a. The site has adequate access for vehicles, which is separate from other property and which directly connects to the public road network;
- b. The layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area;
- c. It does not affect the privacy and amenity of existing and proposed properties;
- d. The site does not form an area of maintained amenity or recreational open space unless it is already part of the established housing land supply;
- e. The site provides a suitable residential environment; and
- f. It provides private and public open space in accordance with the requirements of the LDP Policy: open space, and our open space guidelines.

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For the reasons noted elsewhere in this report, there are other concerns in relation to the proposals, and it is not considered that the proposed site is suitable for residential development. Notwithstanding, and for completeness, in considering the proposal against the provisions of the above policy criteria, the following is noted;

a. It is noted that the proposals include the formation of a vehicular access to, and from Roman Road. While it may be technically possible to form a new access for the proposed property, there are other planning reasons which render the development, including the formation of a new access to be undesirable. For the reasons noted elsewhere in this report, there are other concerns in relation to the proposed residential development of this site.

b. For the reasons noted elsewhere in this report, it is considered that the residential development of this site would detract from the character and amenity of the local area, particularly in terms of the potential to adversely affect the landscape setting of the site, to the detriment of the larger TPO and ancient woodland areas. The site is noted to be positioned adjacent to two residential estates, the aforementioned estates are noted to contain multiple dwellings laid out as a planned estate, rather than to consist of sporadic and/or incremental development of individual units; in this context, the proposed development is not considered to be typical of the area. In addition, the visual and physical buffer which the site provides between the two adjacent residential areas would be eroded. The representations from nearby residents note the site to be popular, and well used, and to also contribute to the amenity of the locality in terms of its purpose as amenity space, and in terms of the setting of the locality. It is considered that the application site makes a valuable contribution to the character, setting and amenity of the locality, the development of which would not accord with criterion b. above.

c. and d. The proposed development is considered to detract from the visual and residential amenity of nearby properties by virtue of the loss of amenity open space, which affords informal recreational opportunities, and the landscape setting of the site, to the detriment of the larger TPO and ancient woodland areas within which the site lies.

e. The site is not considered to provide an acceptable residential environment, for the reasons noted in this report.

f. While the site may be capable of providing private residential garden ground which meets with the Council's policy guidance, this would be at the expense of, and to the disbenefit of the amenity of other residents in the locality due to the loss of protected woodland and open space. The application has been considered in this context.

Given the above, there are concerns in relation to the proposals, which are not considered to accord with the policy provisions of the Adopted South Ayrshire Local Development Plan (2022).

(ii.) Other Relevant Policy Considerations, including Government Guidance:

- **Scottish Planning Policy**

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The SPP which must be read as a whole, is based on two principal policies, namely; Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost (para. 28). This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality (para. 29).

With regards to 'Placemaking', the SPP states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. There are concerns in relation to the proposal, which is not considered to embrace these characteristics. The proposal is considered to be contrary to the principal policies of the SPP by virtue of the erosion of the distinctiveness of the area which is characterised by the site forming part of a larger area of protected woodland, which has historic associations to the former Castlehill House, and not only, forms part of the setting of the adjacent residential areas, but also provides informal amenity space and recreational opportunities for the benefit of the public. Given the afore-mentioned, the proposals are not considered to align with the principals of Scottish Planning Policy.

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The SPP also recognises the importance of the natural environment, and specifically woodland para 216 states that "ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest." As noted above, the application site is covered by both a TPO and also as ancient woodland, and there are concerns that the proposals would also be detrimental to the protected trees.

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

While the site may be capable of providing private residential garden ground which meets with the Council's policy guidance, this would be at the expense of, and to the disbenefit of the amenity of other residents in the locality due to the loss of amenity woodland and open space. The application has been considered in this context.

(iii.) Planning History of the Site:

The site lies adjacent to a more recent housing development, which has been developed partially in the grounds of the former walled garden to the north-east. The site was developed for multiple houses as part of a planned release site through the development plan, and not as a series of individual or sporadic developments. The relevant aspects of the planning history of the adjacent residential development relative to the site of the current application are considered as follows;

P/89/352 - Planning permission was granted, subject to conditions, for the erection 89 houses at Castlehill Estate (specifically sites B and C). The proposed site was for a large area of land encompassing two sites (Castlehill B the site for the former walled garden and adjacent land), subsequently developed under a later permission noted below, and also (Castlehill C the site now developed and known as Maple Drive and Aspen Road). The layout approved under application P/88/352 did not show the site of the current application as being developed, and more specifically being retained as part of the larger area of woodland and tree belt around the perimeter of the residential estate.

P/90/288 - Planning permission was granted, subject to conditions, at appeal by the then Scottish Office for the erection of 29 houses on land at Castlehill 'B', following the Council's earlier refusal of planning permission. The layout approved under application P/90/288 did not show the site of the current application as being developed, and more specifically being retained as part of the larger area of woodland and tree belt around the perimeter of the residential estate. As part of the consideration of the appeal, the Reporter concluded that Castlehill Woods, including all of the perimeter tree belts, to be a significant landscape feature of south-east Ayr, which were worthy of retention as a significant future landscape feature. Specifically, one of the planning conditions attached to the permission sought the submission of a woodland management scheme for the adjacent woodland area, which included the site of the current application. The woodland management plan sought details of the; maintenance, felling or other tree works, means of protection, replanting, ground preparation and drainage and footpath maintenance for agreement with the Council. The permission granted under application P/90/288 was not implemented, and subsequently lapsed.

S/97/0338 - Planning permission was sought for the erection of 29 dwellinghouses on site B at Castlehill, Ayr. While application S/97/0338 was withdrawn, the submitted layout showed the site of the current application to remain as an undeveloped area of woodland.

98/00580/FUL - Planning permission was granted, subject to conditions for the erection of 33 dwellinghouses and associated works. In line with the previously applications at the site, the layout approved under application 98/00580/FUL showed the site of the current application to remain as an undeveloped area of woodland. As per the earlier application, a planning condition was attached which required the submission of a woodland management plan, for areas which were not to be developed for residential purposes, and which included the site of the current application.

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From reviewing the planning history of the site, it is clear that the landscape value of the Castlehill woods has been consistently recognised as an important feature to the setting and amenity of the locale, and one which is it desirable to retain, in part by ensuring that the application site (amongst the larger area adjacent) remain free from development. The landscape value of the woodland is also recognised by the protection of the trees under the TPO and ancient woodland designations. The proposals, if granted, would result in the natural appearance of the site being replaced with urban development, which is considered would undermine the natural and landscaped setting of the site, which would erode the landscape buffer, distinctiveness and sense of place which the site provides. Additionally, the proposals would affect not only the TPO and ancient woodland area which covers the area of the site to be developed, but also, potentially, the area of the TPO and ancient woodland adjacent to the site which forma part of the larger woodland area. The application has been considered in this context.

(iv.) Representations Received:

It is noted that those objecting or expressing concern in relation to the development proposal are primarily from parties occupying nearby or neighbouring properties. The representations received in relation to the proposal are summarised, and responded to below.

- Contrary to Adopted South Ayrshire Local Plan policies, specifically: Preserving Trees, and Residential development.

The assessment of the proposals against the relevant policies of the Adopted South Ayrshire Local Plan (2022) is set out above.

- Contrary to Scottish Planning Policy on ancient woodland which seeks to protect woodland from adverse impacts resulting from development.

The assessment of the proposals against the relevant policy provisions of Scottish Planning policy is set out above.

- Adverse impact on residential amenity - site is part of a green space which is well used walking and recreational area, which should be retained and enhanced. Possible over-shadowing and over-looking.

The site forms part of a wider area of open space, and landscaped woodland tree belt which have deliberately left free from development to provide a landscaped setting and buffer between the two residential areas, and to provide opportunities for informal recreation. For the reasons noted within this report, there are concerns in relation to the proposals. In terms of its positioning, the proposed dwellinghouse has been sited off the mutual boundaries, and not to incorporate any side facing windows, and therefore, it is not considered that the proposed house would result in any adverse overlooking or overshadowing; notwithstanding, for the reasons noted within the report, there are concerns in relation to the development proposals.

- Adverse impact on visual and historic amenity - boundary wall constructed of remnants of walled garden of Castlehill Estate would be disturbed or removed. Visual buffer between older and newer properties on Roman Road will be removed. Proposals would undermine the existing woodland area.

The proposals presented would necessitate at least a partial removal of the boundary wall so as to facilitate a new access. While the boundary wall is not a listed building, it is part of the character of the area, which provides a sense of place and distinctiveness in terms of understanding of the historic development of the area. It is agreed that the proposals would alter the visual appearance of the site, and result in the removal of the existing landscape buffer between the two residential areas.

- Adverse impact on Tree Preservation Order 30 (Castlehill Woods) and ancient woodland - proposals will require tree felling, and potentially result in the loss of several mature specimen, and would undermine the TPO purpose of preserving trees. Importance of ancient woodland would be undermined in terms of wildlife, biodiversity, importance to local community, a finite resource.

It is considered that the proposals, if approved, would undermine the TPO and ancient woodland area, through necessitating the loss of trees within the site. It is also possible that development could undermine and threaten the wider and adjacent woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application.

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- Potential impact on public right of way - no details of how the proposal will affect the adjacent public path during or after construction.

It is noted that the site excludes the area of the adjacent footpath, and therefore it is not anticipated that the development would impact on access along this route, however, the site itself is open to the public and affords an opportunity for public access through the site and links onto the adjacent and larger area of woodland to the rear.

- Potential roads safety issues - due to site being located on a bend and opposite another junction.

The ARA has been consulted and has raised no issues of road safety in relation to the proposals; notwithstanding, for the reasons noted within the report, there are concerns in relation to the development proposals.

- Lack of detail of surface water drainage and external finishes - potential for surface water run-off to adjacent properties.

It is noted that the submission does not provide details of any surface water drainage, or external materials.

Representations supporting the development proposals have also been received, and which are summarised as follows;

- There is no negative impact;
- The proposals will provide residential accommodation which is needed;
- Site is disused, access routes will be retained.

The terms of the supporting comments are noted. However, for the reasons noted elsewhere in this report, there are no considerations which would out-weigh the policy provisions of the Adopted South Ayrshire Local Plan, and material considerations arising. The development proposals have been considered in this context.

(v.) Impact on Tree Preservation Order and Ancient Woodland;

The area of the woodland around the site of the application is locally distinctive by virtue of its elevated position relative to adjacent land, and in particular Dalmellington Road, which is one of the principal arterial routes to, and from Ayr. Given its elevated position, Castlehill woods are visible from public vantage points in the wider area, and along the aforementioned arterial route. Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) includes the application site, and also the land to the north-west and north-east. Castlehill woodland is also designated as ancient woodland, and as a whole, is significant in contributing both visually, to the landscape character, and also functionally, to the amenity of the local area by providing not only a buffer between the residential areas, but also, in terms of providing an opportunity for public access and informal recreation. While the application site is small in area, it is important and prominent in the local surroundings, and contributes, in part, to the overall physical and functional landscape setting and character of the locale.

The trees covered by the TPO designation and ancient woodland designation are typically characterised as substantial and mature mixed broad-leaved trees. The application submission is not accompanied by a tree survey, so as to more fully understand the impact of the proposals on the trees within the site. Notwithstanding, the absence of a tree survey, given the nature of the proposals, it is inevitable the trees will be removed to facilitate the proposals, which will, if approved substantially alter the current open and natural appearance of the site, through the presence of physical built development, where currently there is none. It is also possible that the development could undermine and threaten the wider ancient woodland and TPO area, with the potential for trees adjacent to the site to be adversely affected, particularly where their root systems or canopies encroach onto the site of the application. It is therefore prudent to adopt a precautionary approach in terms of safeguarding the woodland setting of the site from development. The application has been considered in this context.

(vi.) Impact on amenity;

For the reasons noted elsewhere in this report there are concerns in relation to the proposals. It is considered that the proposals, if approved would result in the loss of open space, erosion of and adverse impact on landscape character and setting of site, loss of natural visual and physical buffer, an incongruous development in an area characterised by planned residential estates, the loss of protected trees, potential harm to trees adjacent to the site and in the wider woodland area, to the detriment of the visual and residential amenity of the locale. There would also be harm to the natural environment should protected species be found to be present within the site.

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(vii.) Additional information submitted by applicant:

The applicant has been advised of the policy issues arising from the proposals, and has been afforded the opportunity to withdraw the application. As the application has not been withdrawn, it requires to be determined as submitted. For completeness, the additional points raised by the applicant (email dated 11th November 2022) are summarised and responded to as follows;

- *There is no TPO in place, and therefore this is not a consideration:*

The application site has formed part of the confirmed Tree Preservation Order (TPO) 30 (Castlehill Woods) since it was confirmed in 1990. The area covered by the TPO is the area identified by the Council as part of the designation of the TPO.

- *Other accesses have been formed opposite the site:*

The purpose of the current application is to consider if planning permission should be granted for the proposed erection of a dwellinghouse on the application site.

- *The pathway would not be affected by the proposals:*

It is noted that the development is not shown, on the submitted drawings, to encroach onto the adjacent pathway.

- *The site is a vacant overgrown plot and the proposals align with LDP Core Principle B3 in terms of prioritising development of existing development site.*

The proposals require to be considered as a whole against the policy provisions of the Adopted South Ayrshire Local Development Plan, and not considered in isolation against selective policies. For the reasons noted within this report, there are concerns in relation to the proposals which are not considered to align with the policy provisions of the aforementioned LDP.

- *The environmental impact will be minimal – the house will meet building standards requirements, the site is in close proximity to services, and close to existing properties, the design is in-keeping with the nearby properties:*

The potential positive benefits of the proposals in terms of being located in close proximity to existing development and services does not out-weigh the negative and potential harm which could result if the proposals were to be approved.

- *The proposals will improve the visual appearance of the site:*

It is considered that the proposals will irreversibly alter the appearance of the site, to the detriment of the locale. The existing landscaped buffer comprising of a tree belt will be altered and reduced, which will erode the landscape character and distinctive setting of the site, to the detriment of the wider locale.

- *The objections are predominantly in the form of a standard letter:*

It is noted that there are several standard letters which have been submitted, however, they are no less valid, and the planning considerations therein require to be given due weight in the consideration and assessment of this application.

8. Conclusion:

For the reasons noted above, there are policy concerns in relation to the proposal, and the principle of the erection of residential development in this location, is not considered to meet with the above noted provisions of Scottish Planning Policy, and the Adopted South Ayrshire Local Development Plan policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites. An assessment of the development proposal is set out in this report, and as already noted, there are policy objections to the proposal which lead to the conclusion that the development is contrary to the provisions the Adopted South Ayrshire Local Development Plan, and that there are no material planning considerations that would out-weigh these provisions. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019) is to manage the development and use of land in the long-term public interest, however, the proposed development is not considered to be in the long-term public interest. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused, for the reasons below.

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9. Recommendation:

It is recommended that the application is refused for the following reasons;

- (1) That the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the landscape buffer and natural appearance, and landscape setting of the site to the detriment of the visual and residential amenity, character, setting, distinctiveness of the site the overall sense of place in the locale, and no justification has been provided for a departure from this policy.
- (2) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan (2022) policies in relation to Sustainable Development, Development Management, Open Space, Preserving Trees, Woodland and Forestry, Natural Heritage, Residential Policy within settlements, release sites and windfall sites by virtue of the loss of open space, erosion of and adverse impact on landscape character and setting of site, loss of natural visual and physical buffer, being an incongruous development in an area characterised by planned residential estates, the loss of protected trees, potential harm to trees adjacent to the site and in the wider woodland area, to the detriment of the visual and residential amenity of the locale, and potential harm to the natural environment should protected species be found to be present within the site, and no justification has been provided for a departure from this policy.
- (3) That the development proposal would result in the loss of protected trees within the site which are protected under Tree Preservation Order (TPO) No.30, 1988 (Castlehill Estate, Ayr) and recognised as being ancient long-established woodland of plantation origin, and also could potentially undermine and threaten further protected trees adjacent to the site, and no justification has been provided for a departure from this policy.

9.1 Reasons:

N/A

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): L01

Drawing - Reference No (or Description): L02

Drawing - Reference No (or Description): P01

Drawing - Reference No (or Description): P02

Drawing - Reference No (or Description): P03

Drawing - Reference No (or Description): P04

Drawing - Reference No (or Description): P05

Drawing - Reference No (or Description): P06

Drawing - Reference No (or Description): P07

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Background Papers:

1. Planning application form, plans and supporting information (available online)
2. Adopted South Ayrshire Local Development Plan (available online)
3. South Ayrshire Council Supplementary Planning Guidance - Open Space and Designing New Residential Developments (available online)
4. Representations (available online)
5. Scottish Planning Policy (available online)
6. Planning application history
7. Tree Preservation Order No.30, 1988 (Castlehill Estate, Ayr)

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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