

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



28 April 2023

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, 11 May 2023 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 and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meeting of 30 March 2023 (copy herewith).
3. Planning Applications continued from the Regulatory Panel on 30 March 2023 and site visits to take place on 4 May 2023:-

- (1) 22/00483/APPM – Crofthead Caravan Park, Ayr; and

[Application Summary](#)

- (2) 22/00929/FURM – Crofthead Caravan Park, Ayr.

[Application Summary](#)

Submit previous reports issued for the Regulatory Panel on 30 March 2023 by the Housing, Operations and Development Directorate (copies herewith).

4./

4. Hearings relating to Applications for Planning Permission - Submit report by the Housing, Operations and Development Directorate (copy herewith).

<p>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 www.south-ayrshire.gov.uk</p>

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REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 30 March 2023 at 10.00 a.m.

Present
In County
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride and Mary Kilpatrick.

Present
Remotely: Councillor Craig Mackay.

Apologies: Councillors Brian Connolly and Duncan Townson.

Attending
in County
Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; F. Sharp, Supervisory Planner; A. Edgar, Supervisory Planner; D. Lewis, Planner; S. Groves, Planner; G. Senior, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer, and E. Moore, Committee Services Assistant.

Attending
Remotely: C. Cox, Assistant Director – Housing, Operations and Development;
E. Goldie, Co-ordinator (Place Planning); and R. Lee, Supervisory Planner.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meeting.

The minutes of 2 February 2023 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission

There was submitted reports ([issued](#)) of March 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

Variation in Order of Business.

At this point and in terms of Council Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

The Panel considered the following applications:-

- (1) [22/00609/APP](#) – **MONKTON** – Land adjacent to 11 Main Street – Erection of car leasing and sales office with associated garage, car wash bay, car port, parking, electric vehicle charging point and ancillary works.

The Panel heard from various interested parties and the applicant.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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;
- (c) that, the development hereby approved shall be operated in accordance with the terms of the operating arrangements as set out in the submitted document entitled 'Planning Statement', to the satisfaction of the Council, as planning authority;
- (d) that, prior to the installation of any roof mounted solar panels, a solar glint and glare assessment, along with any appropriate mitigation measures is submitted, for the prior written approval of the Council, as planning authority, in conjunction with Glasgow Prestwick Airport. Thereafter, the development shall be implemented as part the agreed written specification and retained for the lifetime of the development;
- (e) 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 (LArTr) where Tr = 1 hour daytime and 30 minutes night-time (Measured as per BS 4142;1997). For the avoidance of doubt BS4142;1997 defines the rating level (LAr Tr) as being the specific noise level LAeq, Tr 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;

- (f) 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;
- (g) that the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 5 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development;
- (h) that the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (i) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (j) that, prior to the operation of the development, a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority. Thereafter, the development shall be implemented as per the agreed specification;
- (k) the applicant/ developer shall, prior to the movement of any servicing traffic to or from the site, submit a Service Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the servicing of the development including site deliveries specifically that of the transport of vehicles. Thereafter, the development shall be implemented as per the agreed specification;
- (l) that, prior to the commencement of development, details of connection arrangements of the development to mains water and waste supplies shall be submitted for the written approval of the Council, as planning authority;
- (m) that, the pitched roof of the building fronting onto Main Street shall be finished in natural slate only, to the satisfaction of the Council, as planning authority; and
- (n) that notwithstanding the approved plans and before development hereby permitted commences, details of the location, siting and design of bicycle parking shall be submitted to and approved in writing by the Planning Authority. Thereafter the bicycle parking shall be installed as approved under the terms of this condition and before the development is brought into use.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to clarify the terms of this permission;
- (d) in the interests of amenity and air traffic safety;
- (e) in order to prevent noise nuisance;
- (f) to encourage sustainable means of travel;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety and to avoid the discharge of water onto the public road;
- (j) in the interest of road safety;
- (k) in the interest of road safety;
- (l) to ensure the development is adequately serviced;
- (m) in the interests of visual amenity; and
- (n) to ensure satisfactory provision of bicycle parking within the site.

Advisory Notes:

The premises require to fully comply with the Health and Safety at Work etc Act 1974.

List of Determined Plans:

Drawing - Reference No (or Description): 001;
Drawing - Reference No (or Description): 002;
Drawing - Reference No (or Description): 003;
Drawing - Reference No (or Description): 004;
Drawing - Reference No (or Description): 005;
Drawing - Reference No (or Description): 006;
Drawing - Reference No (or Description): 007;
Drawing - Reference No (or Description): 008; and
Drawing - Reference No (or Description): 009.

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.

- (2) [22/00929/FURM](#) – AYR – Crofthead Caravan Park, C74 from B742 north-east of Bowmanston to A70 at Old Toll – Section 42 application to remove planning conditions 1,2,3,4,6,8,9,10 and 11 of planning consent 15/01231/APP.

The Panel heard from the Appointed Officer and a number of questions were then raised by Members. The Panel then adjourned to allow a Member of the Panel to seek advice regarding the planning enforcement process and relevance of this to the current application with the Service Lead – Legal and Licensing. Upon reconvening, and after further consideration, the Panel

Decided:

- (a) that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel; and
- (b) that representatives from the Ayrshire Roads Alliance be invited to attend to assist Members in their deliberations.

Councillor Clark left the meeting at this point.

- (3) [22/00483/APP](#) – AYR – Crofthead Caravan Park - C74 from B742 north-east of Bowmanston to A70 at Old Toll – Change use of field to form extension to an existing holiday park to site an additional 150 holiday lodges.

The Panel, having heard from various interested parties and the applicant and his agent

Decided:

- (a) that the application be continued to allow the Panel to undertake a site visit and thereafter consider at a future meeting of this Panel; and
- (b) that representatives from the Ayrshire Roads Alliance, South Ayrshire Council's Environmental Health Service and the Scottish Environment Protection Agency be invited to attend to assist Members in their deliberations.

Councillor Mackay left the meeting during consideration of the above application.

- (4) [22/00303/APP](#) – MAYBOLE – Proposed Meteorological Mast U27 from B741 junction at Cloyntie to U66 junction at South Balloch – Erection of an 80 metre meteorological mast.

The Panel

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 approval for the proposed use is limited to 3 years from the date of this decision notice. At the end of the approved 3 year period, the use of the mast shall be terminated and 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 2 months before the end of the temporary 3 year period;
- (c) that the mast shall be fitted with 25 candela omni directional red lighting or infra red lighting at the highest practicable point;
- (d) that ground clearance shall be carried out outwith the bird breeding season. If this is not possible, a survey for ground nesting birds shall be carried out and the results submitted for the inspection and approval of the planning authority before any work for the construction of the mast hereby approved commences on site;
- (e) that bird deflector disks shall be installed on all of the guy wires at 2.5m intervals, prior to raising the mast. These disks shall thereafter be maintained for the lifetime of the mast. The deflectors shall be on the outside wire, the 3rd wire and the 5th wire. Prior to the commencement of each bird breeding season (mid April), the mast shall be checked over to confirm that the bird deflectors are in place, and any missing deflectors replaced as necessary; and
- (f) prior to the commencement of development, the applicant/developer shall notify UK DVOF and Powerlines at the Defence Geographic Centre of the following information:-
 - (i) precise location of the development;
 - (ii) the date of commencement of construction;
 - (iii) the intended date of completion of construction;
 - (iv) the height above ground level of the tallest structure;
 - (v) the maximum extension height of any construction equipment; and
 - (vi) details of aviation warning lighting to be fitted to the structure(s).

The Ministry of Defence contact details are as follows: D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH (icgdgc-prodaisafdb@mod.uk).

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. In the interests of visual amenity;
- (c) in the interests of air safety;
- (d) to minimise adverse ecological impacts;
- (e) in the interests of reducing bird strike; and
- (f) to ensure that the Ministry of Defence is aware of the details of the development, in the interests of aviation safety.

Advisory Notes:

The MOD emphasise that the advice provided in their consultation response is in response to the data and/or information detailed in the application. Any variation of the parameters (which include the location, dimensions, form and finishing materials) detailed may alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded assets or capabilities. In the event that any amendment whether considered material or not by the determining planning authority is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

List of Determined Plans:

Drawing - Reference No (or Description): Figure 2 Site Layout Plan;
Drawing - Reference No (or Description): Figure 3 Mast Profile View;
Drawing - Reference No (or Description): Figure 4 Mast Plan View;
Drawing - Reference No (or Description): Figure 1 Site Location Plan; and
Other - Reference No (or Description): Design _ Access Statement.

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 the landscape, 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.

- (5) **23/00041/APP** – AYR – King George V Playing Fields, Mosside Road– Part change of use of playing field to form additional parking and turning area associated with changing pavilion.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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;
- (c) that prior to the commencement of development, full details of the materials to be used to form the parking area shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved; and

- (d) that notwithstanding the approved plans and before development hereby permitted commences, details of the location, siting and design of bicycle parking shall be submitted to and approved in writing by the Planning Authority. Thereafter the bicycle parking shall be installed as approved under the terms of this condition and before the development is brought into use.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure that the materials are appropriate for the site and in the interests of visual amenity; and
- (d) to ensure satisfactory provision of bicycle parking within the site.

List of Determined Plans:

Drawing - Reference No (or Description): 001 Rev. A – Location Plan as Existing;
Drawing - Reference No (or Description): 002 Rev. A – Block Plan as Existing; and
Drawing - Reference No (or Description): 003 – Block Plan as Propose.

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 or the road network.

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

- (6) [23/00056/APP](#) – AYR – Doonfoot Primary School, 28 Abbots Way – Alterations and extensions to existing school.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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
- (c) that tree protection fencing shall be installed in accordance with British Standard (BS) 5837:2012 prior to the commencement of operations. This fenced area will not be used for storage of materials, fuels, machinery or plant and shall stay in place until the development is completed to the satisfaction of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) in order to protect the mature trees and prevent any damage to the tree roots during the construction period

Advisory Notes:

SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk

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.

Please ensure the advice on light pollution contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" is followed.

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

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): AL-001;
Drawing - Reference No (or Description): EX001;
Drawing - Reference No (or Description): EX002;
Drawing - Reference No (or Description): EX003;
Drawing - Reference No (or Description): EX004;
Drawing - Reference No (or Description): P001;
Drawing - Reference No (or Description): P002;
Drawing - Reference No (or Description): P003;
Other - Reference No (or Description): G23217; and
Other - Reference No (or Description): G23217

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.

- (7) [23/00079/APP](#) – COYLTON – Longsdale – Barclaugh – Private road from C116 Woodhead Road to Milncraig Farm – Erection of garden shed.

The Panel

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

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019; and
- (b) 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:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): East Elevation as Proposed;
Drawing - Reference No (or Description): North Elevation as Proposed;
Drawing - Reference No (or Description): Roof Plan as Existing and Proposed;
Drawing - Reference No (or Description): Site Plan as Existing;
Drawing - Reference No (or Description): Site Plan as Proposed;
Drawing - Reference No (or Description): West Elevation as Proposed; and
Drawing - Reference No (or Description): Location Plan.

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.

(8) **23/00082/APP and 23/00081/ADV – AYR – 100 – 104 Sandgate**

23/00082/APP: Part change of use of public footpath to form external seating area, alterations to existing shopfront and installation of barriers. **23/00081/ADV:** Erection of signage.

The Panel

Decided:

- to approve the planning application (23/00082/APP) subject to the following conditions:-
 - (a) that the development hereby permitted must be begun within three years of the date of this permission;
 - (b) 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;
 - (c) that the area in which tables, etc. shall be physically delineated by a removable barrier. All tables, barriers, etc. shall be removed from the pedestrian area when they are not in use. There shall be no permanent structure within the enclosed seating area, and service shall be from within the building; to the satisfaction of the Planning Authority; and
 - (d) that notwithstanding plan no.22_181_56, planning permission is not granted for the door barrier. Revised plans for a door barrier shall be submitted for the approval in writing of the planning authority within one calendar month of the decision notice. The revised plans shall include a door barrier that is designed to take account of visually impaired individuals. Thereafter, the revised barrier shall be installed in accordance with the details approved under the terms of this condition and within one calendar month of the revised plan(s) being approved.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety and to ensure that adequate provision is made for pedestrians; and
- (d) to ensure that the barrier is designed and installed to take account of visually impaired individuals.

Advisory Notes:

Prior to commencement of the development, the applicant will have to apply for and be granted a street café permit by the Ayrshire Roads Alliance.

- to approve the advertisement consent (23/00081/ADV) subject to the condition that the display of advertisement shall be implemented in accordance with approved plan(s) as listed below.

Reason:

to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Planning Application;

Drawing - Reference No (or Description): 22.181.01;
Drawing - Reference No (or Description): 22_181_53;
Drawing - Reference No (or Description): 22_181_54;
Drawing - Reference No (or Description): 22_181_55;
Drawing - Reference No (or Description): 22_181_56;
Drawing - Reference No (or Description): 22_181_57; and
Drawing - Reference No (or Description): 22_181_58.

Advertisement Consent;

Drawing - Reference No (or Description): 22.181.01;
Drawing - Reference No (or Description): 22_181_55; and
Drawing - Reference No (or Description): 22_181_58

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.

The advertisement is considered to be acceptable in terms of road safety and amenity.

The meeting ended at 1.00 p.m.

REGULATORY PANEL: 30 MARCH 2023

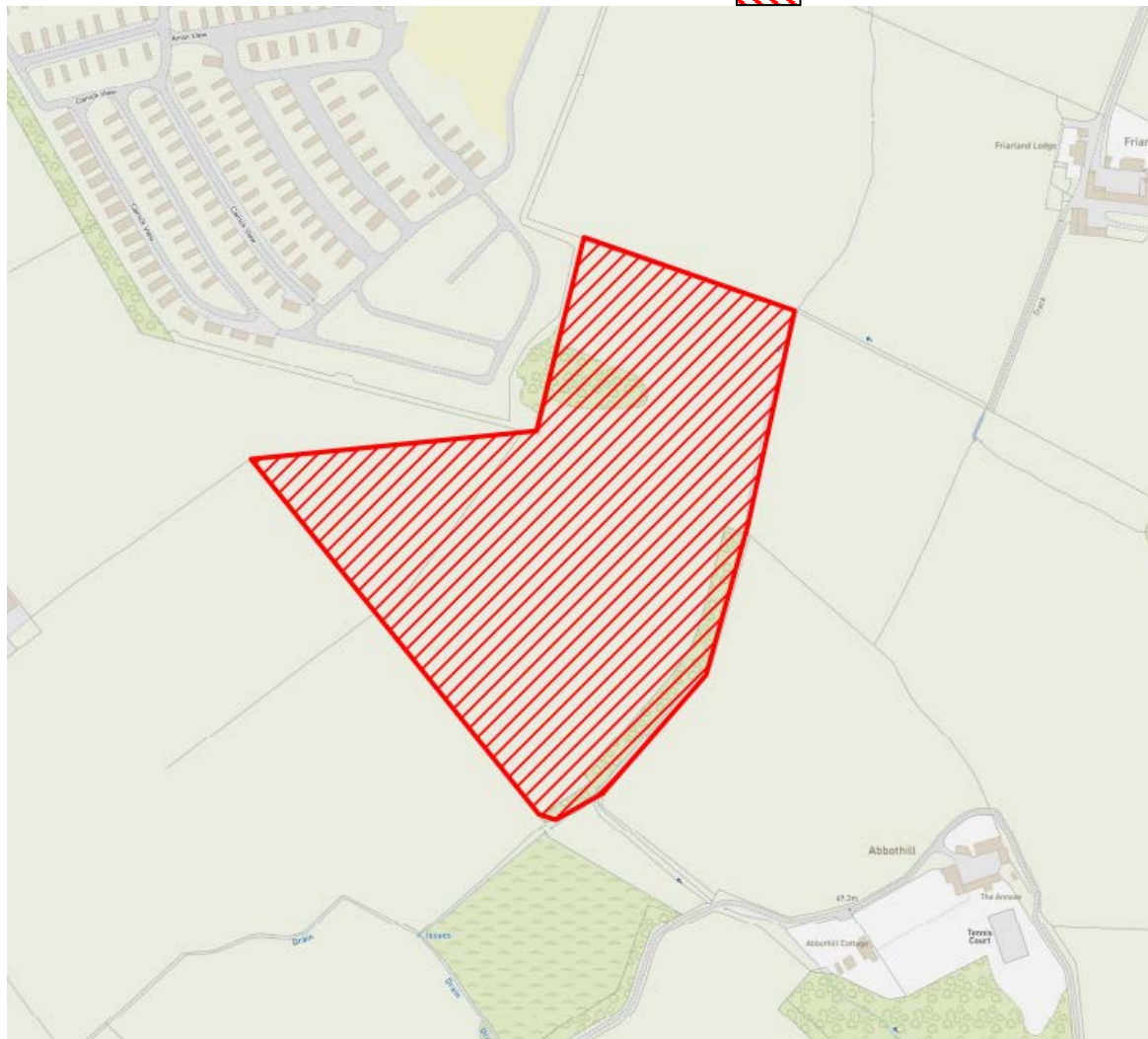
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00483/APPM

CROFTHED CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN

Location Plan

APPLICATION SITE 



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Summary

The development proposal involves the change of use of an existing field/agricultural land to form an extension to Crofthead Holiday Caravan Park which is an established and longstanding tourism facility. The development relates specifically to an extension of the park, by approximately 8.4 hectares, incorporating 150 new pitches, caravan units, infrastructure and facilities along its south-eastern boundary.

The proposal is considered to represent an acceptable promotion of tourism and tourist accommodation and acceptable growth of an existing rural business with economic benefits to the area arising from increased holiday occupancy. It is considered that the characteristics and design of the overall layout of the development will deliver a proportionate extension to the caravan park which will not have a significant adverse impact on environmental receptors, in landscape and visual terms or in terms of the amenity of nearby residential properties or neighbouring land uses.

Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

3 representations have been received in total; however, following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issues being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 30 MARCH 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00483/APPM
SITE ADDRESS:	CROFTHHEAD CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN
DESCRIPTION:	CHANGE IN USE OF FIELD TO FORM EXTENSION TO AN EXISTING HOLIDAY PARK TO SITE AN ADDITIONAL 150 HOLIDAY LODGES
RECOMMENDATION:	APPROVAL WITH CONDITIONS

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:

1.1 Site Description

The application site comprises an area of ground immediately adjacent to and abutting the existing Crofthead Holiday Caravan Park on the south/southeast side with the land currently owned by a neighbouring farm enterprise; Braston Farm. The land subject to the application site extends approximately 8.4 hectares and comprises of maintained grassland which has been most recently used for agricultural purposes (livestock grazing at this time). The site is characteristic of what can be found in the general locality and the land is both relatively flat and low lying with the exception of its southwest corner which rises on a gentle incline to the point where it meets the existing park boundary. It is bound and well screened on most sides by established mature tree belts and hedgerows, with the only opening in the site boundary being on the southwest portion of the site where the hedge line is broken and fragmented. There is also a relatively small group of mature trees/woodland within the application site, situated centrally where it neighbours the existing holiday caravan park to the northwest and a tributary of the Annfield Burn runs around part of the perimeter edge of the site on part of the north-eastern side. In terms of levels and topography, the application site for the most part sits well below the current and immediately adjacent caravan holiday park which slopes down from the existing park towards the south and east. The fact that the existing holiday park site to the north is much higher and on an inclining gradient from the start of the application site, obscures views to and from it to the north, northeast, west and south.

Abbothill Farm, Friarland Farm and Friarland Lodge, Braston Farm and Braston House and their associated landholdings are located to the southwest, southeast and northeast of the application site respectively. Beyond this, the other nearest residential properties are located to the north and northwest of the existing holiday caravan park, past its main entrance and these include Burnton Farm and Burton Farm Cottage and also a terrace of residential properties forming Sandyhill Terrace.

The wider holiday caravan park to which the site adjoins is located to the south of the Masonhill Crematorium and approximately 0.5km to the east of the trunk road. Vehicular access to the holiday caravan park is obtained from a C-class minor road that runs from the A70 past the crematorium. The existing caravan park is well established and has over 350 units for 'Holiday Use'. At this time the site operator is nearing the completion of the most recent extension to the park which was initially granted in 2016 (Council Reference: 15/01231/APPM) and thereafter sought for amendment through a Section 42 planning application (Council Reference: 22/00929/FURM).

1.2 Planning History

The land subject to the development proposal has no specific planning application history on it. Notwithstanding this and whilst the application site for the proposals is both clearly defined and set out, as previously outlined, it is to relate to a much larger site to the north and northwest which has an extensive planning history to it. The location plan supplied as part of this planning application provides clarification on the extent of the surrounding land under the applicants control (area delineated by the blue boundary) and which forms part of Crofthead Holiday Caravan Park. Details of the planning history for the wider holiday caravan park situated to the north and northeast which form this area on the Location Plan are set out below for context:

- 03/01601/COU - Change of use of agricultural land to form extension to existing caravan park. (Permitted).
- 05/00718/COU - Change of Use of agricultural land to form extension to existing caravan park. (Permitted).
- 10/01443/APP - Change of use of agricultural field to form extension to caravan park including siting of 30 static caravans and associated services. (Permitted).
- 11/01146/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 13/00686/APP - Change of use of agricultural land to form extension to caravan park with associated services (Withdrawn).
- 13/01340/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 14/00660/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01156/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01667/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 15/01231/APPM - Change of use of agricultural land to form extension to caravan site. (Permitted).
- 19/00078/APP - Erection of a facilities block, and associated works to form a car park (Permitted).
- 22/00929/FURM – Section 42 application to remove conditions 1,2,3,4,6,8,9,10 and 11 of planning consent ref 15/01231/APPM (Pending Consideration).

1.3 Development Proposals

The development proposal involves the change of use of an existing field/agricultural land to form an extension to Crofthead Holiday Caravan Park. The extension of the park, by approximately 8.4 hectares, incorporates 150 new pitches, infrastructure and ancillary facilities along its south-eastern boundary. The extension proposed as part of this application will extend out from the most recent extension granted in 2016 (and proposed for amendment through the Section 42 planning application 22/00929/FURM) and will be physically linked to it via the existing 5m wide spine road. Access to the road network for this extended site will be through the existing holiday caravan park and the existing point of access on the C-class road to the north which will remain the primary access to the park. The roads within the application site will be 5m wide with tarmac surfacing like the existing park with parking on each side in a stone chipped area which will cater for a minimum of 2 spaces per unit.

The proposed lodges will be of a similar style to the recent additions to the park delivered through the most recent extension currently being completed and will offer a range of accommodation from 2, 3 and 4 bedrooms. The bays will have a minimum 5m spacing between each unit and as per the existing park, each will have a timber decking area as part of its defined curtilage.

The existing mature trees within the north-western part of the site will be retained and the mature boundary trees and hedgerows which follow around the perimeter of the site will also be retained and supplemented. The area around each unit will be grassed with additional landscaping comprising trees and shrubs in various open areas and corner pockets.

In terms of servicing and utilities, an underground pump station and associated tanks will be positioned in the northeastern part of the application site to connect to the existing foul drainage system within the park and this will look to manage waste output associated with the development. A connection will be formed to the existing public water supply within the park and each unit will be supplied with mains electricity and LPG Gas.

In terms of drainage arrangements, the holiday park will drain the surface water from the roof of units directly into the ground and this will allow water to percolate naturally into the ground throughout the site and to be absorbed within the surrounding ground around each unit. This is identified as standard practice which is in place throughout this site and similar facilities in Scotland. It is also indicated that there is a drainage ditch around the perimeter of the wider site which is in place to deal with any unlikely residual flow.

For general waste, the applicant has confirmed that the waste management arrangements for this extension development will be incorporated into the existing waste management arrangements already in place for the wider park. This is an existing agreement with the Waste Management Services of the Council which involves the on-site presence of a skip for general waste and other skips for different types of recycling in accordance with the Council's waste management requirements. The process requires individual occupiers to take their waste to the respective skip on site and the collection by the Council takes place daily given the number of lodges within the wider site.

1.4 Planning Procedure Matters

As the application is a 'Major' development under the relevant Hierarchy of Development Regulations, the Council's Scheme of Delegation requires that it be presented to Regulatory Panel for determination.

In terms of EIA Regulations, it is relevant to note that this planning application was submitted without an EIA Screening Opinion being sought from the applicant/agent either before or at the same time as it was lodged. Regulation 11 requires the Planning Service to screen any application received without an EIA Report where it appears to them that it is either Schedule 1 or Schedule 2 development and no Screening Opinion or Screen Direction has previously been issued.

Following the initial validation of this planning application, the Planning Authority considered that the proposed development fell within the auspices of one of the criteria of Schedule 2 of the EIA Regulations, namely, 'holiday village/hotel complexes outside urban areas and associated development project which exceeds 0.5 hectares'. On this basis and accordance with Regulation 11 of the EIA Regulations, the Planning Service have undertaken their own screening of the application (Council Reference: 22/00512/EIASCRC) against the criteria of Schedule 3. The conclusion reached is that the development subject to this planning application is not an EIA development and in turn this confirmed that this application did not require to be accompanied by an EIA Report.

A Proposal of Application Notice (PAN) for the proposed change of use of land to form an extension to the existing caravan park was received by the Council in December 2021. Subject to additional consultation activity being undertaken, the Planning Service issued a response on the 15th December 2021 (Council Reference: 21/01186/PAN) accepting the consultation proposals. Following review, it is considered that the nature of the scheme is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice. It is also considered that the Proposal of Application Notice Report which accompanies this planning application, demonstrates that the consultation and engagement activities originally proposed and requested in addition to this by the Council as part of the PAN, have been undertaken in full.

2. Consultations:

- **Scottish Environmental Protection Agency (SEPA):** No objections subject to conditions.
- **Scottish Water:** No objections.
- **Nature Scot:** No objections.
- **West of Scotland Archaeological Service (WoSAS):** No objections subject to conditions.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions.
- **Transport Scotland:** No objections.
- **South Ayrshire Council Design and Advice Officer:** No objections subject to conditions.
- **South Ayrshire Council Biodiversity and Ranger Services:** No objections subject to conditions.
- **South Ayrshire Council Environmental Health Service:** 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 application has been accompanied by a series of site and elevation plans and drawings, a Planning Supporting Statement, Planning Flooding Statement, a Transport Statement, a Pre-Application Consultation Report, a Topographical Survey and Cross Sections.

An amended Transport Statement and addendums to the Planning Flooding Statement have been provided following initial consultation responses from Ayrshire Roads Alliance (ARA) and SEPA.

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:

Three representations have been received from individuals, all of which object to the proposed development. One of these parties has submitted two separate representations however for the avoidance of any doubt, this still only constitutes one representation in response to the application. The representations can be viewed in full online at www.south-ayrshire.gov.uk/planning. The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the relevant sub-section of the Assessment section below.

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.

It is also relevant to note that as an amended Transport Statement and addendums to the Planning Flooding Statement were submitted as part of this application (which constituted new, material information in the context of this proposal), this application was subject to a further public advertisement beyond the original one undertaken when this planning application was first submitted. This is in line with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997. No further representations were received as part of or following on from this process.

7. Assessment:

7.1 Statutory Development Plan Framework

7.1.1 National Planning Framework 4

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

Section 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan and that determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 3 Biodiversity
- Policy 5 Soils
- Policy 6 Forestry Woodland and Trees
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development
- Policy 30 Tourism

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against the provisions of NPF4 is set out below.

NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to balance development and economic growth in a sustainable manner and advocate support for rural tourism activity in this regard subject to it also protecting and enhancing communities and natural and cultural assets alongside the environmental quality and landscape of an area. In implementing this approach and considering it alongside the wider policy and strategy framework of NPF4, this requires due consideration of the merits and benefits of the tourism proposals and to balance this in respect of the development proposals ability to respond to the specific local character of the location, to fit sensitively and appropriately into the existing landscape setting of the area and not to adversely impact on the rural area in which it is set.

A bespoke summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposals against the policy considerations as a whole.

Policy 3 Biodiversity

Policy 3 Biodiversity is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention.

Policy 5 Soils

This policy is only relevant to this proposed development in so far as it provides protection and retention of 'prime' agricultural land and states that its loss can only be supported where the development or use is justified as essential.

Policy 6 Forestry, Woodland and Trees

The fundamental aim of this policy is to protect, enhance and expand forests, woodland, trees and hedgerows and it is applicable noting the sites' location and appearance and the fact that it hosts trees and small pockets of woodland. The policy confirms the scenarios where developments would not be supported and this includes any loss of ancient woodlands, any adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value and fragmenting or severing woodland habitats without appropriate mitigation.

Policy 13 Sustainable Transport

The purpose of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. It offers support for proposals which improve, enhance or provide active travel infrastructure and public transport infrastructure.

Policy 14 Design, Quality and Place

This policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'. It sets a standard for development proposals centred around 'quality' with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy.

Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essentially infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use. Whilst this site is not within a high-risk flood area, it is close to Annfield Burn and as such the general considerations of the policy in terms of reducing vulnerability for the future development have been assessed in relation to these proposals.

Policy 29 Rural Development

The primary purpose of this policy is to encourage rural economic activity, innovation and diversification whilst ensuring distinctive character of rural area and the service functions of small towns, rural assets and cultural heritage are both safeguarded and enhanced. The policy promotes development proposals that contribute to the viability, sustainability and diversity of rural communications and the local rural economy and cites specific circumstances where such support should be offered. Specifically, it offers supports for sites where the use of good quality land for development is minimised and business viability is not adversely affected, proposals which offer diversification of existing businesses and developments which offer improvement or restoration of the natural environment.

This policy goes on to state that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

Policy 30 Tourism

The primary aim as set out in the policy seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments and inspires people to visit Scotland. As part of this, it lends specific support for development proposals for new or extended tourist facilities or accommodation including caravan and camping sites in locations identified in the LDP.

For any tourism related development such as caravan sites/ extensions, it sets out that proposals will take into account a number of factors, including; the contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impact of increased visitors, impacts on communities, opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas, accessibility for disabled people and opportunities to provide access to the natural environment.

Summary of Assessment against NPF4

From review and considering the above policies in the context of NPF4, the proposed caravan park extension and expansion is considered to be compatible for the locality and weight requires to be given to the fact that these specific proposals relate to the extension of an existing and longstanding holiday caravan tourism facility with a consistent and compatible use as opposed to a new use completely. In this regard, it is considered that the principle of the proposals is supported by the spirit of Policy 29 and Policy 30 of NPF4 and that the development proposed does not contravene any of the circumstances which would resist such tourism development in the first instance. In particular, its discreet location and the characteristics of the site which occupies a low-lying parcel of land which is set back and screened from any prominent and public viewpoints will also ensure that the character of the wider rural area is not significantly impacted beyond the impact already experienced as a result of the existing park. This will ensure compliance with the specific protective requirements of both Policy 29 Rural Development and Policy 30 Tourism which seek to maintain the rural environment and local characteristics as part of development proposals.

Whilst the development would use a parcel of agricultural land to host the caravan park extension, it is important to note that the host site does not constitute 'prime' agricultural land, and this ensures that it is not contrary to the only relevant criteria of Policy 5 Soils of NPF4.

The appearance and design of the extension to the caravan park as proposed reflects the existing park in all aspects and this will ensure that it is commensurate for its location and the surrounding use to which it relates, complying with Policy 14 and the design requirements it advocates. On the design and layout, this has also been informed by a commitment for the retention and reinforcement/addition of screen planting, hedgerows and in particular the re-establishment of sections of fragmented and broken hedgerows to re-define field boundaries. This will provide additional benefit in terms of biodiversity and visual amenity, and it is considered that these constitute enhancements and expansions which are central aims of Policy 6 above. The landscaping arrangements and features are set out in detail in response to the relevant policies of LDP2 below and a detailed landscape scheme will be covered by conditions which ensures the aims and requirements of Policy 3 and Policy 6 of NPF4 will be fulfilled as part of the development.

Whilst the proposals by virtue of the nature of the use are accepted as being predominantly car dependant, bespoke sustainable transport measures have been secured through a revised Transport Assessment and following discussions and input with Ayrshire Roads Alliance as the Council's Roads Authority. Such measures include an informal shuttle service from the site to public transport facilities and the formation of a bespoke travel plan for guests and users awareness. These will be subject to conditions to ensure they are implemented in a timely manner and in line with the development. The sustainable transport measures secured contribute towards satisfying criteria which is set out in a number of policies across NPF4 and this includes Policy 13 Sustainable Transport as referenced above.

In terms of flooding, as set out above the site is not within a flood risk area but is situated in close proximity to a tributary of Annfield Burn and this gives Policy 22 some degree of relevancy. Both SEPA and Ayrshire Roads Alliance as the Council's Flood Authority have been involved in the application and following review, sufficient additional technical information has been provided to demonstrate that the development can be accommodated for within the site subject to specific avoidance and design mitigation which has been agreed by consultees. Details of the mitigations measures in this regard are set out in detail in response to the flooding and water environment policies of LDP2 below and it is considered that this ensures general compliance with Policy 22 above in as far as it applies to the proposed development.

Following review, it has been established that NPF4 as a whole is generally supportive of the extension of the established recreational/tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as LDP2), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across NPF4. Due weight has also been given to the economic and social benefits of the proposed extension development and this is considered in more detail in relation to specific requirements of LDP2 below.

On this basis, subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including sustainable transport measures and drainage, it is considered that the proposal complies with the provisions of the NPF4.

7.1.2 Local Development Plan 2 (LDP2)

The following policies of LDP2 are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Land Use and Transport

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Policy Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two general 'Strategic Policies' that all development proposals require to confirm to and be justified against. Specific consideration of these are set out in the proceeding sub-sections below.

In the broadest sense, the proposed development is supported by the spatial strategy of the LDP as it is situated within the 'Kyle Investment Area' which "promotes rural diversification and tourism". In this regard, the proposal is for an extension to an existing caravan holiday park site and will deliver further provision of holiday let caravans' stock to support the expansion of a well-established and longstanding tourism facility.

Strategic Policy 1: Sustainable Development

This provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.

The proposed development is considered to generally comply with the criteria of this overarching policy noting its layout, design, scale, mass and arrangement. Consideration of each of the criteria above which relate to visual and landscape impacts, impacts on natural resources, flooding and drainage, the management of waste, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

With regards to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting statement provided as part of the planning application includes an independent analysis on the economic benefit of the development and this has been considered.

This assessment primarily comprises of references to figures and statistics from an Independent Report in 2019 commissioned by the Caravan and Camping Alliance which examined the economic benefits from Holiday Parks and Camping Sites in Scotland. A summary of the main findings is detailed within the statement with this citing primarily national contributions alongside some Ayrshire based benefits from the wider holiday park sector in 2019. In response to these, the statement both acknowledges and states that whilst Covid-19 has made it difficult to make reasonable comparisons with these statistics in the last two years, parallels can be drawn both even during Covid restrictions and following relaxations. The statement goes on to outline that this is best evidenced by the fact that Crofthead Holiday Park has been completely full at all recent Bank Holidays at Easter and during any of the recent two summer holidays when Covid restrictions were relaxed for holiday parks, demonstrating strong uptake and appetite for this type of facility. In addition to this, the economic analysis undertaken for this development also provides indications of employment opportunities from the development. In terms of the direct no. of jobs generated from the proposal, it predicts that this will increase from 15 at present to 30 employees for the wider park. In relation to construction jobs, it envisages that a further 20 employees will be required at this stage with these figures informed by job opportunities for the build-out of earlier extensions granted.

From review, it is clear that the supporting statement seeks to rest significant weight to the potential economic benefits of the proposed development. Notwithstanding this, economic benefit should be treated as stated, with 'due weight' being afforded rather than as the dominant criteria. In this case, as the applicant has largely provided general information relative to assumed potential benefits and it is unclear what relevance this may have to individual caravan ownership business model operated by the applicant and this in turn means that only limited weight can be afforded. Notwithstanding this, there is clear evidence that the holiday caravan park has been successful with regards to uptake, and this is demonstrated by its progressive continual expansion over the years to look to meet demand. In addition to this, the opportunity for the development to create both construction and permanent jobs as well as bring an influx of people to the area is noted and due weight is afforded to these development specific factors in support of the application.

Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are of relevancy to this development proposal, including a need for it (inter alia);

- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (with Planning Permission or allocated LDP development sites).
- Appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Make appropriate provision for all infrastructure implications of the development.
- Include landscaping that is appropriate for the location and the use of the proposed development.
- If contrary to specific LDP policies, are justified to our satisfaction, on the basis that are (1) of over-riding community interest, or (2) will contribute significantly to the implementation of the Ayrshire Growth Deal or and regeneration of Ayr; and will have no significant adverse environmental effects.

Similar to Strategic Policy Sustainable Development above, it is considered that the proposed development is considered to generally comply with the criteria and expectations of the overarching policy noting its layout, design, scale, mass and arrangement. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

LDP Policy: Tourism

This policy states that the Council will encourage proposals providing that all new accommodation is:

- For holiday use only.
- That the development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

At the highest level, LDP2 is generally supportive of tourism and leisure developments and this particular policy provides a focus and direction with regards to the aspirations of the qualities that tourism related development should satisfy and demonstrate to be acceptable within South Ayrshire. Taking the spirit of this policy within the context of the proposed development, it is considered that this represents an acceptable promotion of tourism and tourist accommodation and an acceptable growth of an existing rural business with benefits to the wider area arising from increased holiday occupancy.

Taking the first of the two bullet points above, the supporting statement provided as part of the application confirms that the caravans subject to the extension will be for holiday use only and that it would operate in consistency with the remainder of the park in this regard. To ensure this, a suitably worded planning condition is proposed which safeguards this by limiting and defining the fact that the caravans can only be used for holiday let purposes. This is detailed and set out in Section 9 below.

With regards to the second point in relation to screening and the appropriateness of the development in terms of the landscape setting, scale and design, it is noted that the existing caravan park is prominent within the landscape, particularly from the north, and that the extent of the park (which has been subject to a series of planning applications to extend it over the years) has altered the landscape when viewed from a northern and eastern direction. The supporting documentation submitted by the applicant states that the proposed extension to the park will be obscured by the existing caravan park from that direction and following review during site visits, the Planning Service agree with this observation. Whilst previous planning consents granted to extend the holiday caravan park have sought to manage the extent of intrusion, given the extent and scale of development that has been granted, the landscape has indeed now been altered by the presence of the park, particularly the most recent extension from 2016 which has seen the most elevated part of the site developed and built upon. Given the development that has taken place combined with the positioning of this application site in the context of the wider caravan park (e.g. screened by the existing park from this direction), both landscape and visual impact of any additional visibility from the north, and to a certain extent from the west are considered not to be significant.

The potential for visual intrusion and landscape change from the proposed extension has been carefully considered from public vantage points and routes of travel from other directions than the north and the west. Following review, it is not considered that there are any notable, publicly viewably or environmentally sensitive locations from the east or south where the proposed extension would introduce development into landscapes which is otherwise entirely unaffected by previous development of the caravan park. Whilst the Planning Service do not agree that with the supporting statement where it asserts that the mitigation of retaining the hedgerow and tree belt screening and reinforcing this will be sufficient to completely mask the extent of a the extension covering some 8.4 hectares, it is accepted that it will help to some extent minimise the visual impact and offer a degree of self-containment for the development, particularly around the immediate periphery of the park. Instead, the Planning Service considers that a combination of factors including the context and presence of the related, existing and established caravan park, the retention and reinforcements of natural features (e.g., hedgerows, trees and areas of woodland), the surrounding intersecting rolling and undulating landform combined with the relatively low-lying and flat nature of the application site will come together to mitigate against sprawl and ensure that the extension will be appropriate to its setting with regards to both scale and design.

LDP Policy: Landscape Quality

This policy seeks to ensure that the development proposals conserve features that contribute to local distinctiveness with a specific reference to patterns of woodland, fields, hedgerows and treat features.

In the first instance, it is relevant to note that the application site and its immediate environment comprises of typical lowland landscape used for agricultural purposes and it is not designated or protected by any local or national designations relating to the landscape or scenic quality.

With regards to the requirement of this policy to retain features of local significance and distinctiveness, the applicant through their supporting information within their planning submission has demonstrated that the proposed development has been designed to retain natural features on the site. This includes a commitment to retain existing groups of mature trees on the central part of the site and all mature trees and hedgerows on the existing field boundaries. In addition to this, the development proposes to introduce further planting and landscaping as part of the development across the site with a focus on enhancing the existing features by following the existing natural contours. This also specifically includes the replanting of a section of mature hedgerow which is broken on the north-western side of the triangular shaped field adjoining the existing holiday caravan park to re-establish the existing field pattern in this area.

Suitably worded planning conditions are proposed which cover a requirement to agree measures to protect existing trees, hedgerows and planting during the construction stage and for a detailed landscape and maintenance proposal for all new and additional planting to be submitted to the Council for consideration. The Council's Design and Advice Officer has offered no objections to the development proposals in this regard, subject to the conditions being attached.

LDP Policy: Preserving Trees

This policy requires an assessment of the impact of development proposals which might involve the loss of, or work to trees, particularly where they are covered by a provisional or confirmed Tree Preservation Order. As part of this, it sets an expectation for protection measures to be in place and such measures to be safeguarded by a condition through the course of development.

In this first instance in response to this policy, it is relevant to note that none of the trees within the application site or on its boundaries are formally protected by either a Tree Preservation Order or an Ancient Woodland Inventory designation. Notwithstanding this, the site does host a variety of established and mature trees and hedgerows and the approach proposed to retain all of these features and further reinforce them and supplement the site with further planting is considered favourably.

As set out in response to the LDP Policy: Landscape Quality above, conditions are proposed which cover the protection of existing trees and pockets/areas of woodland and this will ensure that all trees are preserved and protected on site during the construction stage.

LDP Policy: Flood and Development

This policy seeks to ensure that development avoids areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. It sets a requirement to consider the development proposals against SEPA guidance and framework with specific requirements relating to land raising, SUDS and local flood plans. Whilst the application site itself is not situated within a high risk flood area, a tributary of the Annfield Burn runs alongside and on part of the north-eastern edge of the application site boundary and as such this makes the considerations of the above policy applicable to this development.

It is relevant to note that SEPA initially issued a holding objection in their consultation response to this planning application (response dated 1st July 2022). In this response they highlighted that whilst the application site is out with the nearest fluvial functional floodplain (accordingly to SEPA flood maps), the tributary of the Annfield Burn which flows along parts of the site boundary could lead to the potential surface water flood envelope extending into the site as a result of its proximity. Given this type of development is categorised as a 'most vulnerable land use' under SEPAs 'Flood Risk and Land Use Guidance', they confirmed that they would require further information in order to allow them to robustly and fully assess the extent of potential flood risk from the watercourse adjacent to the site and avoiding encroachment by development into its existing flood plain. The information requested by SEPA included cross sections across the watercourse (comprising of the channel bed levels and bank levels on the opposite bank), upstream, downstream and adjacent to the site, site photographs and topographical details of the proposed ground levels and finished floor levels of the caravan units closest to the watercourse.

The agent and applicant provided a suite of information in response to this request (including cross section plans, topographical plans, a written flooding statement and site photographs) and following further clarification and the submission of some further supplementary information, SEPA provided a re-consultation response which confirmed the withdrawal of their holding objection (response dated 24th November 2022). This updated response confirmed that their position of 'no objections' to the development on the grounds of flood risk was based on the inclusion of appropriate planning conditions to any consent granted in relation to no built development below 40mAOD, minimum finished floor levels (FFL) and the removal of wooden fence structures near the burn prior to construction. These conditions have been formed and subsequently agreed in writing by SEPA by the Planning Service as part of the planning process. These are set out in full in Section 9 of this report below.

It is also relevant to note that Ayrshire Roads Alliance (as the Council's Flood Authority), also initially objected on flood risk grounds in their original consultation response for reasons consistent to SEPA. Notwithstanding this, following review of the same additional information submitted in response to SEPA's objection alongside the revised SEPA consultation response (dated 24th November 2022) itself, Ayrshire Roads Alliance confirmed in their own revised response (dated 1st December 2022) that they are satisfied that the proposed development is in alignment with the flood risk principles and standards, providing the conditions detailed in the SEPA consultation are implemented as part of this development. In addition to this, ARA have sought a further condition of their own relating to the design and implementation of drainage measures for surface water from the development in accordance with the SUDS Manual standards. Subject to all of the aforementioned conditions being included as part of the planning application, ARA confirmed the withdrawal of their objection. All of the conditions referenced have been included below.

Through a combination of SEPA and Ayrshire Roads Alliance (as the Council's Flood Authority) final positions as statutory consultees to the planning process (which both confirm no objections), the further suite of information supplied by the agent/applicant and the mitigation and safeguarding measures proposed to be secured through appropriately worded planning conditions (relating to managing flood risk and the design and arrangements for surface water drainage), it is considered that the development is acceptable in flood risk grounds. This in turn, satisfies the requirements of this policy.

LDP Policy: Water Environment

This policy seeks to support the objectives of the Water Framework Directive and states that we will only allow development that meets certain objectives, including:

- It will protect, and where possible, improve the water environment.
- It will not pose an unacceptable risk to the quality of controlled waters.
- It will not harm the biodiversity of the water environment.
- It seeks to avoid (or remove) instances of construction works and structures in and around the water environment
- It provides an appropriately sized buffer strip between the development and a watercourse.

As set out above, whilst SEPA initially objected to the proposed development, this has now been withdrawn following the submission of a suite of information provided by the applicant/agent. SEPA's updated position as set out in their formal re-consultation response issued to the Planning Service on the 24th November 2022 is that they have no objections, subject to specific planning conditions. Significant weight is afforded to SEPA's position as a statutory consultee on matters relating to the water environment.

In addition to this and in response to the specific requirements of this policy, it is relevant to note that the development layout proposes a buffer zone from the top of the bank of the relevant watercourse which extends to approximately 9 metres. Alongside this, a specific condition has been requested by SEPA regarding the removal of wooden fence structures which sit alongside/over sections of the burn before construction work takes place. This fencing has been identified by SEPA as a risk to the water environment as it has the potential to pose a flood risk on this site and elsewhere as if it fell into the section of burn it could trap debris and act as a blockage.

Through a combination of SEPA and Ayrshire Roads Alliance (as the Councils Flood Authority) final positions as statutory consultees to the planning process (which both confirm no objections) combined with other factors including mitigation informed by the site layout for the development and mitigation secured by condition relating to the removal of fencing close to the watercourse, it is considered that the proposed development has demonstrated cognisance to the water environment and that suitable measures will be in place to ensure it is not compromised or unduly affected by the development. On this basis, the proposed development is considered to be in accordance with the requirements of this policy.

LDP Policy: Agricultural Land

This policy sets a requirement that the Council will protect prime-quality agricultural land from irreversible development unless it can be demonstrated that the development is essential in accordance with the LDP Strategy, necessary to meet an established need or if it is of a small scale which is directly related to rural business.

Whilst the development site is on land which has been used for agricultural grazing and silage production, it does not fall within the category of 'prime' agricultural land (with it being categorised under Category 4.2). As such, the specific requirements of this policy are not relevant to this proposal.

More broadly however, the change of the use of the land (which will result in the current agricultural activity ceasing and being redevelopment) has been assessed and it is not considered that its loss should be afforded more weight than the merits of the developments and its demonstrated general compliance with the wider policy framework.

LDP Policy: Air, Noise and Light Pollution

This policy states that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. As part of this, the policy states that advice requires to be taken from the Council's Environmental Health Service (as local pollution regulator) and that due weight should be given to their position as to whether the development would be likely to generate unacceptable levels of pollution.

The Council's Environmental Health Service have been consulted as part of the planning application and have offered no objections to the proposed development. In addition to this, they have not requested any planning conditions with regards to the construction and operational phase. On this basis and noting Environmental Health Service remit, it is not considered that the proposed development would unduly impact surrounding people or properties by virtue of air, noise or light pollution.

LDP Policy: Land Use and Transport

This policy seeks to ensure that developments take appropriate measures to keep any negative effects of road traffic on the environment to a minimum, that it does not compromise accessibility to local services, provides parking that reflects the role and location of the development and links to existing and proposed active travel networks (including walking, cycling and public transport networks).

In terms of the considerations of this policy in the context of this development, in the first instance it is relevant to note that Ayrshire Roads Alliance (ARA) as the Council's Roads Authority initially objected in their consultation response to this application (dated 18th August 2022). Whilst they did not raise any concerns about the suitability of the site or the surrounding area/road network to accommodate the proposed extension development (including the additional vehicle movements/trips associated with it) from a road or traffic perspective, they did raise specific issues with elements of the findings and conclusions on accessibility of the Transport Assessment supplied as part of the planning application. These issues related specifically to the Transport Assessment's interpretation and advocacy of the availability and suitability of both the site and the surrounding area/infrastructure to accommodate and promote a range of sustainable modes of transport for users and customers of the development (such as walking linkages and access to existing public transport opportunities close to the development). ARA in their initial consultation response confirmed that they disagreed with this aspect of the assessment and considered that it both misinterprets and did not accurately reflect the reality of the accessibility and sustainability options both within the site and the surrounding area. This was primarily due to the lack of available footway provision on the C74 in the vicinity of the existing site access.

The agent/applicant considered the position set out by ARA and provided an amended/revised Transport Assessment in response to this. As part of this, they sought to amend some of the language and content regarding the interpretation of the site and the surrounding area in terms of the availability and opportunities for accommodating more sustainable mode transport. Alongside this, the amended Transport Assessment also included further measures which sought to try and facilitate and promote opportunities for a greater level of sustainable travel from within the Crofthead Holiday Caravan Park site. This includes a specific proposal for the introduction of an informal shuttle service operated by the development for patrons wishing to access facilities on the A70 such as bus stops etc.

Following further review and consideration of the amended Transport Assessment, ARA provided a re-consultation response (dated 1st December 2022) which confirms the withdrawal of their earlier objection on accessibility grounds. They have confirmed that the amended Transport Assessment has address the accessibility matter through the inclusion of a proposal for an informal shuttle service operated by the site operator which would provide an ad-hoc service for customers seeking to access walking, cycling and public transport facilities on the nearby A70.

It is relevant once again to highlight that the initial concerns raised by ARA were not against the proposed extension (which relates to extending a longstanding and established holiday caravan park) on road or traffic grounds but instead in relation to the specific interpretation and explanation of active and sustainability travel opportunities to and from this site, compared to the real-life situation. As set out, the amended Transport Assessment addresses some of these earlier misinterpretations and alongside this now also includes additional mitigation to assist users and customers of the development with a way to access pedestrian and public transport facilities on the A70 (most notably the informal shuttle service). As part of ARA's updated position of 'no objections', they have requested conditions relating to the details and arrangement of the informal shuttle service alongside a Guest Active Travel Pack are submitted for consideration before the completion of the development. Both of these matters have been covered by planning conditions as set out in Section 9 below.

Separately, it is also relevant to highlight that Transport Scotland as a consultee to the planning application have also confirmed in their consultation response to the application that they have no objections to the proposed development in terms of its implication on the wider trunk road network.

On balance, it is considered that the proposed development does now demonstrate compliance with the above land use and transport policy criteria and that this has been primarily achieved through the submission of an updated and amended Transport Assessment. Weight is given to the longstanding and established nature of the wider holiday park site and whilst it is recognised that it may not necessarily offer all of the accessibility and sustainability infrastructure that would be expected for such a development in this type of location, the distinction in this case is that this proposal is for an extension to the wider existing holiday caravan park as opposed to the introduction of a completely new and separate tourism development on the site. In addition to this and as previously outlined, Crofthead Holiday Caravan Park has been subject to a suite of planning applications which have granted extensions in the past including most recently a sizeable masterplan extension. In this context, the proposed development for 150 caravan units is considered to be acceptable from a transport and sustainability perspective and the additional measures now offered through the amended Transport Assessment and secured through appropriately worded planning conditions offers a proportionate contribution to the promotion of active travel as part of this particular development. In particular, the informal shuttle service once established and in place will be a useful feature for users across the wider park and will offer an alternative means of travel which up until this point has not been in place at the site.

Summary of Assessment against LDP2

Following review, it has been established that similar to NPF4, LDP2 is generally supportive of the extension of the established recreational/tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as NPF4), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across LDP2.

Subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including sustainable transport measures and drainage, it is considered that the proposal complies with the provisions of the LDP2.

7.2 Material Considerations

7.2.1 General Impact on the Locality (Residential and Visual Amenity)

It is considered that the proposed development will not give rise to residential or visual amenity concerns given both the location and nature of the site combined with the compatibility of the related development. The location for the proposed extension is considered to be appropriate with it being immediately next to and adjoining the existing and established caravan park on its south-eastern side. Due to the integrated relationship between the proposed site and the existing park, it is considered that the application site offers the most appropriate extension to the holiday park as the park is constrained on all other sides (this includes by private land, roads and water courses).

Taking residential amenity factors into consideration first, the nearest properties constitute two farm steadings and weight is given to the fact that these are intersected by agricultural fields which provide a degree of separation between the actual properties at the application site. The hedgerow and tree belt along the northern, eastern, southern and part of the western side (which will be retained and enhanced as part of the development) will further contribute to providing a degree of screening and self-containment for the development in the interests of amenity. In particular, the re-establishment of the broken hedgerow and tree-belt on the northwest boundary will assist in terms of providing a degree of separation and screening from Braston Farm which is the closest neighbouring property to the site in terms of distance.

With regards to visual impact specifically, as previously outlined, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years. The introduction of this further extension which comprises of 150 caravan units is unlikely to be of significant consequence. The extension proposed will be primarily seen in the context of the wider holiday park and due weight in this regard is given to the fact it is well-sited and contained on a relatively low-lying parcel of land so that it does not begin to influence landscape characteristics of otherwise unaffected views and landscapes in the locality. This is exemplified by the fact that the application site itself is not visible from any notably viewpoints outwith the park looking towards it, including from views from a northern and north-eastern direction.

Once developed, it is considered that it will represent a generally commensurate, compatible and proportionate development which includes features and built form which is now both ordinarily and commonly associated with the existing and established landscape in the immediate locality. Given the use proposed, the design and arrangement of the extended caravan park combined with the characteristics of the application site itself as previously set out, it is also not considered that the development would have any significant effect on the landscape character of the area.

7.2.2 Planning History

As previously set out in an earlier sub-section above, there has been a number of planning applications granted at Crofthead Holiday Caravan Park which span over at least a 25-year period. The most recent applications prior to this current application date from 2014 and 2015 and these relate to sizeable developments which obtained permission to extend out from the earlier caravan site boundaries and expand the business into adjoining parcels of land.

As considered throughout this report, the implementation of these extensions (particularly across the more elevated and higher parts of the site) have resulted in a marked change in the landscape with the caravan park generally a more notable and established feature now in the rural setting (particularly from viewpoints and locations in the northeast and east). The increased visual presence of the caravan park on the landscape as a result of these extensions granted when built does play a role in the overall acceptability of the consideration of this application from a visual and landscape perspective with it forming a direct extension on from these areas. Crucially, given the location of the current application site, the characteristics of the site which is low-lying and benefits from existing screening combined with the design approach proposed for this extension, it is not considered that the proposed development will result in any new landscape or visual impacts upon the surrounding area.

7.2.3 Representations Received

The 3 representations from 3 individuals received in relation to the application all object to the proposed development. The points of objection are summarised in the sub-sections below and responded to (in **bold**) as follows:

Flooding and Drainage Matters

- Concern of the potential for the proposed development increase the flooding frequency and extent of the Annfield Burn both immediately downstream of the development and further towards and into Ayr.
- The replacement of open fields by hard-standing and buildings could have the potential to significantly increase surface-water run-off into the burn, thus leading to increased flash flooding downstream.
- The conversion of the existing permanent grassland with its inherent run-off buffering capacity (which reduces both rate and volume of water movement downslope) will be reduced by the removal of permanent vegetation and topsoil, and that rainwater releases from caravan roofs via drainpipes and run-off from tarmac (i.e., impermeable) roads will more rapidly infiltrate the shall ground leading to more rapid water movement down slope, thus increasing the flash flood risk in the burn.
- The area is already designated as a Potentially Vulnerable Area as a result of the riverine flood risk from the Annfield and Slaphouse Burns.
- The planning application should include an appropriate level of detail on the potential effect of the development on the downstream flood risk both during the construction phase and the lifetime of the park (including potential climate-change exacerbated effects), and any proposed mitigation measures.
- There is already evidence of increased run-off from the current development into neighbouring fields and into the burn, with this having the potential to affect farmland regularly occupied by livestock. More specifically, several incidences of heavy rainfall have led to significant surface flows in the past. This includes periods every winter where the burn overtops its banks, and this has impacted the fields of Friarland Farm from the existing caravan site area up-gradient.
- A Flood Risk Assessment should be undertaken to consider the cumulative impact from the entire site and not just the proposed extension.
- Whilst Section 5.4 of the supporting statement accompanying the planning application states that the site is not directly within the SEPA flood maps, this does not mean there is no flood risk.
- Section 5.14 of the supporting statement accompanying the planning application states that there is 'a drainage ditch around the perimeter of the site which can deal with any unlikely residual flow'. Whilst, it is not clear from the document, it is understood this reference to 'drainage ditch' means the existing burn which becomes Annfield Burn within Friarland Farm.
- The planning application confirms that there is no intention to install any form of SUDS on the site however it is considered that some form of SUDS may be required between the developed area and the burn to prevent any increased risk of downstream flooding.
- SEPA in their consultation response acknowledge that the watercourse into which much of the runoff from the proposed development will feed into is a tributary of the Annfield Burn which can, and does, flood causing issues to surrounding farms and downstream of the proposed development the burn is an identified flood risk.
- The planning application does not contain any information about how run-off would be managed during the construction phase. The site plans show caravan pitches and road layouts close to the site boundary and the burn and there are concerns that unless construction activities are carefully managed, this could result in large quantities of soil, gravel and other debris being washed into the burn which again could reduce its flow capacity.
- Friarland Farm has had recent experience of soil etc washing into its fields during construction work in the existing upgradient caravan park area.
- Annfield burn already backs up and this contributes to flooding on the A713 at Ailsa Hospital, which is a considerable hazard for vehicles, especially ambulances.
- The flooding at present already effects a series of fields in the immediately locality, impacting arable cultivation and endangering farm livestock. Increased water going into the burn as a result of this development will only exacerbate this issue.

SEPA have been formally consulted and engaged as part of the assessment of this planning application and whilst they initially issued a holding objection requesting the submission of further information to fully understand and quantify the flood risk extent of the proposed development, this has since been formally withdrawn (with them now offering 'no objections') following the submission of a formal 'Flooding Risk Response' with associated technical appendices provided by the agent. The response and associated technical appendices collates and formalises all of the information provided to SEPA by the agent and their consultants as part of ongoing dialogue and correspondence and it comprises of a written assessment, cross-section and topographical plans and site photographs.

SEPA's final updated position of 'no objections' on flood risk grounds is subject to specific conditions relating to a requirement for no built development below 40mAOD, minimum finished floor levels (FFL) for caravan units and an expectation for the removal of wooden fence structures situated over sections of the burn prior to construction. These conditions have been formed and agreed by SEPA in writing before they have been finalised and the complete and final versions feature in Section 9 of this report below.

It is also relevant to note that Ayrshire Roads Alliance (as the Council's Flood Authority), also objected on flood risk grounds in their original consultation response for reasons similar to SEPA. Notwithstanding this, following review of the same additional information submitted in response to SEPA's objection alongside the revised SEPA consultation response (dated 24th November 2022) itself, Ayrshire Roads Alliance confirmed in their own revised response (dated 1st December 2022) that they are satisfied that the proposed development is in alignment with the flood risk principles of Scottish Planning Policy providing the conditions detailed in the SEPA consultation are implemented as part of this development. In addition to this, ARA have sought a further condition of their own relating to the design and implementation of drainage measures for surface water from the development in accordance with the SUDS Manual standards. Subject to all of the aforementioned conditions being included as part of the planning application, ARA confirmed the withdrawal of their objection. All of the conditions referenced have been included below.

Given the position of both SEPA and Ayrshire Roads Alliance (as the Council's Flood Authority) as statutory consultees combined with the flood risk mitigation secured through planning conditions, it is considered that this extension development can be accommodated for on this site without unduly or adversely impacting in terms of flood risk.

Waste Treatment Matters

- As the handling of sewage as part of this proposed extension will rely on a pumped system, details on this critical aspect of the design should be included as part of the application. In the event of a failure of the system, there is a risk that untreated sewage could leak into the burn.
- It is unclear from review of the planning application of exactly what the plans are for the disposal of sewage with concerns about the potential risk for the burn with regards to water quality.

The plans submitted as part of the application alongside the narrative contained with the Supporting Planning Statement confirm that the foul/waste drainage proposals comprise of onsite pumping station/tanks which will link and connect existing treatment plant which will thereafter be discharged into the wider sewerage system. This is in effect the same type of arrangement which has been proposed for handling waste/foul drainage for earlier caravan park extensions granted and from a planning perspective. Neither SEPA or the Council's Environmental Health Service have raised any issues or objections to the arrangements proposed and as such these are acceptable at this stage from a planning perspective.

Beyond the information supplied and presented as part of the planning application, the technical design requirements for the waste treatment facility including its exact design, make-up and capacity would be a matter for the Council's Building Standards Service and this would be addressed through a Building Warrant application (which the applicant/developer is still yet to obtain).

On the specific point raised above regarding risks for water quality from leakages or failures of the waste/foul drainage treatment plant, this would ultimately be a matter for the applicant/developer to ensure that they comply with the relevant standards and regulations including those set by SEPA, to avoid and mitigate such issues at both construction and operational stages.

Visual and Residential Amenity Impacts

- Nearest part of the development is within 200m of Friarland Farm and is in direct line of sight. Due to the topography, the pitches in this nearest section will need to be partially raised, including the pitches beside the hedge line. This will have a visual impact and presence.
- All of the proposed development is on the southeast aspect of the hill which has a very different noise profile when compared to the northwest side of the hill facing the large town and traffic of Ayr. Therefore, noise effects associated with 'outdoor living' and traffic for 150 caravans may be much more noticeable on this side.

With regards to concerns regarding the perceived visual impacts of the development, it is not considered that the development would be unacceptable visually from viewpoints from the north and east. As set out in detail in the relevant assessment sub-sections above, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years. The introduction of this further extension which comprises of 150 caravan units on this low-lying parcel of land will not be of significant consequence from a visual perspective in this context. From a distance and any elevated viewpoints in the locality from this side, the extension subject to this application will be primarily seen in the context of the wider holiday park and weight is given to the most recent extension development which comprised of approximately 200 caravans built along the southeast hill side of the site. In addition to this, due weight is also given to the fact that the site itself it is well-sited and contained on a relatively low-lying parcel of land and this means that it will not begin to influence landscape characteristics of otherwise unaffected views and landscapes in the wider locality, which are not already influenced by the expansion of the existing caravan park.

In terms of potential noise impacts from the development once constructed and in use, the Council's Environmental Health Service have been formally consulted and they have raised no objections to the proposed development in terms of noise impacts from either the 'outdoor living' use of the development itself or associated traffic movements as a result of the extension. From a planning perspective, the application site is considered to be of a sufficient distance (with sufficient intersecting land and screening) from nearby farm steadings and isolated properties to the south of the site as to avoid any potential direct residential amenity issues.

Anti-Social Behaviour and Security Matters

- If the burn is accessible to visitors in the park, it is likely that visitors and dogs may cross the burn and access neighbouring fields which are routinely used for livestock and crops. Security arrangements should accompany the planning application which prevent any harm and damage to livestock and crops.
- There are concerns that users of the proposed extended caravan park will either break or jump over the fence between the application site and neighbouring private land. It is possible for visitors to gain access to the fields on the other side of the burn and they and any dogs could disturb farm livestock.
- Given the volume of people and transport, litter will increase, particularly along the access road to the site.

Any damage to properties or land or trespassing on neighbouring land that could or may occur at construction stage or operational stages of the development would be a private legal matter between the parties involved. Equally, it is relevant to note in response to the specific concerns raised regarding potential anti-social behaviour and disruption from future users of the development (including in relation to dog walkers, litter etc), these are not material planning considerations which can be afforded weight in the assessment of this application.

More broadly and response to the concerns raised regarding the increase in general waste and rubbish, the applicant has confirmed that the waste management arrangements for this extension development will be incorporated into the existing waste management arrangements already in place for the wider park. This is an existing agreement with the Waste Management Services of the Council which involves the on-site presence of a skip for general waste and other skips for different types of recycling in accordance with the Council's waste management requirements. The process requires individual occupiers to take their waste to the respective skip on site and the collection by the Council takes place daily given the number of lodges within the wider site.

Environmental Matters

- The trees located close to the burn which are shown on the proposed plans are not owned by the applicant. 600 deciduous trees were planted by the neighbouring farm and there are concerns that users of this new caravan park could damage and compromise them.
- The application site is on an area of permanent grassland (at least 60 years). Given the recognised importance of long term established grassland as a carbon-sink, consideration and assessment should be made of the carbon impact of the proposed development work.

On the specific point of concern raised about the proposed development damaging or affecting trees close to the tributary of the Annfield Burn which are not owned by the applicant, any such impact in the first instance would require to be addressed by a private legal matter between the parties involved. Beyond this and in relation to factors which would constitute material planning matters in the context of the application, a condition is recommended as set out in Section 9 below (Condition 6) which requires details to be submitted and approved by the Planning Service for the protection of trees both within the application and surrounding the application site to ensure that they are not compromised during the construction stage until the development is complete.

In terms of the points raised about the redevelopment of this site which will have the consequence of the site ceasing to function as grassland and agricultural land, the merits of its current land use in relation to the proposed development have been carefully balanced and considered. As set out in the earlier assessment section above, the position reached is that the type of development has strong policy support and that sufficient measures have been provided in support of the application will ensure that the development will not unduly impact in environmental terms (including in terms of flood risk, biodiversity and tree retention).

Traffic and Road Usage

- Concern regarding the increased traffic and road usage. The road to/from the caravan park is unable to cope with the current level of traffic so information needs to be provided to understand what is being done to improve the road network in order to cope with the increased volume and usage.

The Ayrshire Roads Alliance (ARA) has been consulted on this planning application and have offered no objection in their final and revised consultation response received. Whilst they initially issued a holding objection and requested a revised Transport Assessment, it is important to note that the reasons for this related specifically to the assertions made relating to active and sustainable transport options from both within and close to the site. ARA at no point in this process have objected to the design of internal road layout proposed as part of the extension development or the suitability of the existing wider road network and access to Crofthead Holiday Park in terms of its capacity to accommodate and support the additional traffic and vehicle movements associated with the development.

On this basis and noting that ARA have not raised any issue regarding the adequacy of the internal road network or the wider existing local road network, its capacity to accommodate the development or any other road or traffic issues, the the proposed development is considered to be acceptable in these terms and it is considered that the site and surrounding area can accommodate this extension to the caravan park.

7.2.3 Consultation Responses Received

As previously set out, some consultees had requested additional information particularly with regards to flooding and this includes both SEPA and ARA as the Council's Flood Management Authority. It is relevant to note that all consultees who requested additional information as part of the application have now confirmed that the previous outstanding matters raised in the earlier responses, have been appropriately satisfied through the additional information provided by the applicant as part of this current application.

As part of this current planning application, no objections have been received from any consultees in their final responses, and this included statutory consultees to the process. Some consultees have requested mitigation or further details, and, in all cases, it is considered that these can be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations sub-section below.

8. Conclusion:

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) which make up the statutory development plan are generally supportive of the extension of the established recreational/tourism use in this location and the economic and social benefits of the development have been afforded due weight as required by the framework. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation, it has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including transport measures and drainage, it is considered that the proposal complies with the provisions of the planning framework and that there would be no significant adverse impact on the rural setting 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 planning application be approved subject to conditions.

9. Recommendation:

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

Conditions:

1. That the development hereby permitted must be begun within three years of the date of this permission.
2. 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.
3. That the proposed caravans shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation.
4. Prior to the commencement of development on site, a full and detailed landscaping scheme, shall be submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall indicate the siting, numbers, species and heights of all native trees, shrubs, and hedges to be planted and details as to how the existing areas of hedgerows, trees and areas of woodland are to be reinforced and enhanced. Thereafter, the landscape scheme as approved shall be implemented within the first planting season following the completion or occupation of the relevant phase of development, whichever is sooner.
5. Prior to the commencement of development of the site, details of the future management and aftercare of the retained and proposed landscaping and planting shall be submitted to and approved in writing by the Planning Authority. As part of this, the maintenance arrangements shall confirm that any trees, shrubs, plants or grass forming part of the approved landscape scheme agreed through Condition 4, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation. Thereafter, the approved management and aftercare of the landscaping and planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.
6. Prior to the commencement of development on site, details of measures to protect trees and hedgerows located within or adjacent to the site boundary shall be submitted to and approved in writing by the Planning Authority. Such measures shall include the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction' alongside any other means of protection deemed necessary. No storage of building materials, machinery, plant equipment or piling of soil/aggregate shall take place within the protected areas established pursuant to this condition. Thereafter, the development shall be undertaken in accordance with the approved details and the protection measures agreed shall be maintained as such for the duration of the construction works.

7. 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 consultation with West of Scotland Archaeological Service (WoSAS)). 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 in accordance with the approved arrangements.
8. No built development shall take place below the local 40 metre Above Ordnance Datum (AOD) contour line as shown and established in the approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22_594_P04 Rev B).
9. Further to approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22_594_P04 Rev B), all caravan units associated with the development with the exception of units 11 and 23 shall be constructed so that they have a finished floor level which is a minimum of 1 metre above the local 40 metre Above Ordnance Datum (AOD) contour line. For caravan units 11 and 23, these shall be specifically constructed so that they have a minimum finished floor level which is 1.5 metre above the local 40 metre Above Ordnance Datum (AOD).
10. Prior to the commence of any development works associated with the construction of the caravan units on the site, all of the wooden fence structures situated on and across the western bank of the tributary of the Annfield Burn as identified and depicted in approved 'Appendix 5 of Flood Risk Response - Site Photographs (Dated 30/11/22)' shall be removed in their entirety. The Planning Authority shall be notified in writing once this is complete to allow the section of the watercourse to be inspected and photographed accordingly.
11. Prior to the occupation of the first caravan unit within this development and further to the approved amended 'Transport Assessment (dated 14th October 2022)', details of the operation and arrangements of the vehicular shuttle service intended to be accessible to guests of Crofthead Holiday Park to transport them between the site and facilities on the A70 shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the approved vehicular shuttle service and associated arrangements shall be implemented and come into effect in full prior to the occupation of the first caravan unit for holiday use within the site and this service shall be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
12. Prior to the occupation of the first caravan unit within this development, a Guest Travel Pack/Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Guest Travel Pack/Plan shall include information on walking, cycling and public transport facilities and services within the vicinity of the development site (including journey times by sustainable modes of transport to key local destinations) as well details on how to access the vehicular shuttle service as agreed through Condition 11 above. In addition to this, the Guest Travel Pack/Plan shall include details of the contents of an information pack which will be provided to future occupants of the development to ensure that they are aware of their public transport and active travel options available within the area. Thereafter, the approved Guest Travel Pack/Plan and all associated measures and actions shall be in place and implemented in full prior to the occupation of the first caravan unit for holiday use within the site and as part of this, the approved information pack associated with the Guest Travel Pack/Plan shall be distributed to all new occupiers within the development.
13. 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. Prior to the commencement of any development works on site, full details of the design of drainage measures for surface water (including methods to be employed and where appropriate calculations, along with details of how these measures will be maintained in perpetuity), shall be submitted to, and approved in writing by the Planning Authority (in consultation with the Council as the Flood Risk Management Authority). Thereafter, the approved drainage measures for surface water treatment arrangements including any associated on-site drainage infrastructure and features, shall be implemented as approved and maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reasons:

1. *To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.*
2. *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
3. *In order to retain full control over the development and to avoid the creation of any additional permanent dwellinghouses.*
4. *In the interests of visual amenity and to secure and safeguard landscape screening in the interests of residential amenity.*
5. *In the interests of visual amenity and to ensure that the agreed landscape measures are fulfilled.*
6. *In order to ensure no damage is caused to trees within and neighbouring the site during development operations.*
7. *To establish whether there are any archaeological interests on the site and to allow for archaeological excavation and recording if it is deemed necessary.*
8. *In the interests of mitigating flood risks for the development.*
9. *In the interests of mitigating flood risk for the development and future occupants of the caravan units.*
10. *To ensure that the fence structures near the burn which could trap debris, act as a blockage and form a barrier during a flood event are removed to mitigate/avoid such a risk.*
11. *To encourage, promote and facilitate the use of sustainable means of travel situated outwith the application site.*
12. *To encourage and promote the use of sustainable means of travel.*
13. *To ensure the site is drained in a sustainable manner that complies with the general surface water flood risk principles of Scottish Planning Policy (SPP) in that no flooding of properties could take place up to a 1 in 200-year event with an allowance for climate change.*

Advisory Notes:

South Ayrshire Council Biodiversity and Ranger Services

- Further to Condition 4 above, for additional landscaping of trees and shrubs, native species (especially flowering/berry producing varieties) should be included in the interests of enhancing biodiversity opportunities. In addition to this, flowering lawn mix instead of grass around the units would benefit pollinators and reduce the need for chemicals to maintain and this should be considered.
- Further to Condition 5 above, it is recommended that maintenance for hedgerows to benefit biodiversity is to trim hedgerows no more frequently than every other year, preferably every third year for slow growing thorn hedges, and to adopt rotational cutting regime so no more than one third of hedges are trimmed within the same 12 months.

West of Scotland Archaeological Service (WoSAS)

- Further to Condition 6 above, WoSAS would anticipate that this will be implemented in a staged manner, the first stage being archaeological evaluation of the application area. This will involve hiring a professional archaeological contractor (see list on our web site www.wosas.net) to undertake the required works. The results of these initial investigations will dictate the need for any further archaeological works on the site prior to or during further disturbance as necessary. Any significant discoveries will have to be excavated before their destruction including any post excavation analyses and publication required.

Scottish Water

- Water Capacity Assessment – There is sufficient capacity in the Bradan Water Treatment Works to service the development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Waste Water Capacity Assessment – There is currently sufficient capacity for a foul only connection in the Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Please Note – The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

- Drinking Water Protected Areas – A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.
- Surface Water – For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the development should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.
- General Notes – Scottish Water asset plans can be obtained from our appointed asset plan providers (Site Investigation Services (UK) Ltd. Telephone: 0333 123 1223. Email: sw@sisplan.co.uk).
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or wastewater infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- All proposed developments require to submit a Pre-Development Enquiry (PDE) to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer which Scottish Water can contribute towards through Reasonable Cost Contribution regulations. As network upgrades will be required to support this development, it is recommended that a PDE is submitted at your earliest convenience.

SEPA

- It is recommended that the precautionary approach applied to the site layout which includes a minimum 9m buffer strip from the top of the banks of the watercourse is maintained at all times. SEPA have no objection to the access road being located in this area provided it is built at existing ground levels with no land raising taking place.
- Buffer strips can allow space for natural watercourse migration and to reduce the impact of any overtopping. A buffer would also ensure adequate watercourse access for maintenance assessment and ensure bank stability as well as having multiple benefits such as a biodiversity and pollution reduction.

List of Determined Plans:

- Rural Location Plan (Drawing No. 22-594-P01)
- Location Plan (Drawing No. 22-594-P02)
- Topographical Survey (Drawing No. 22-594-P03)
- Proposed Site Plan (Drawing No. 22-594-P04)
- Cross Sections (22-594-P05)
- Planning Supporting Statement (Dated 06/06/22)
- Pre-Application Consultation Report (Dated 06/06/22)
- Pre-application Consultation – Additional Information Leaflet (Dated 06/06/22)
- Pre-application Consultation – Consultee Invitation Brochure (Dated 06/06/22)
- Pre-application Consultation – Copy of Notification Letter (Dated 06/06/22)
- Pre-application Consultation – Copy of Press Advertisement (Dated 06/06/22)
- Amended Transport Assessment (Dated 14/10/22)
- Flood Risk Response and Statement to SEPA (Dated 30/11/22)
- Details of Existing Watercourse – Appendix 1 of Flood Risk Response (Drawing No. 22_594_P06 Rev B, Dated 30/11/22)
- Cross Section through Burn – Appendix 2 of Flood Risk Response (Drawing No. 22_594_P07, Dated 30/11/22)

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- Details of Existing Ditch – Appendix 3 of Flood Risk Response (Drawing No. 22_594_P06, Dated/ 30/11/22)
- Site Plan as Proposed with Contours and Finished Floor Levels - Appendix 4 of Flood Risk Response ((Drawing No. 22_594_P04 Rev B, Dated 30/11/22)
- Site Photographs of Watercourse - Appendix 5 of Flood Risk Response (Dated 30/11/22)

Reason for Decision (where approved):

The siting and design of the proposed extended caravan park development is considered to accord with the provisions of the statutory development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape that would warrant refusal of the application.

Background Papers:

1. Application form, plans and submitted documentation.
2. National Planning Framework 4 (NPF4).
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. Representations received.
5. Consultation responses received.

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 Ross Lee, Supervisory Planner (Place Planning), 01292 616 383

REGULATORY PANEL: 30 MARCH 2023

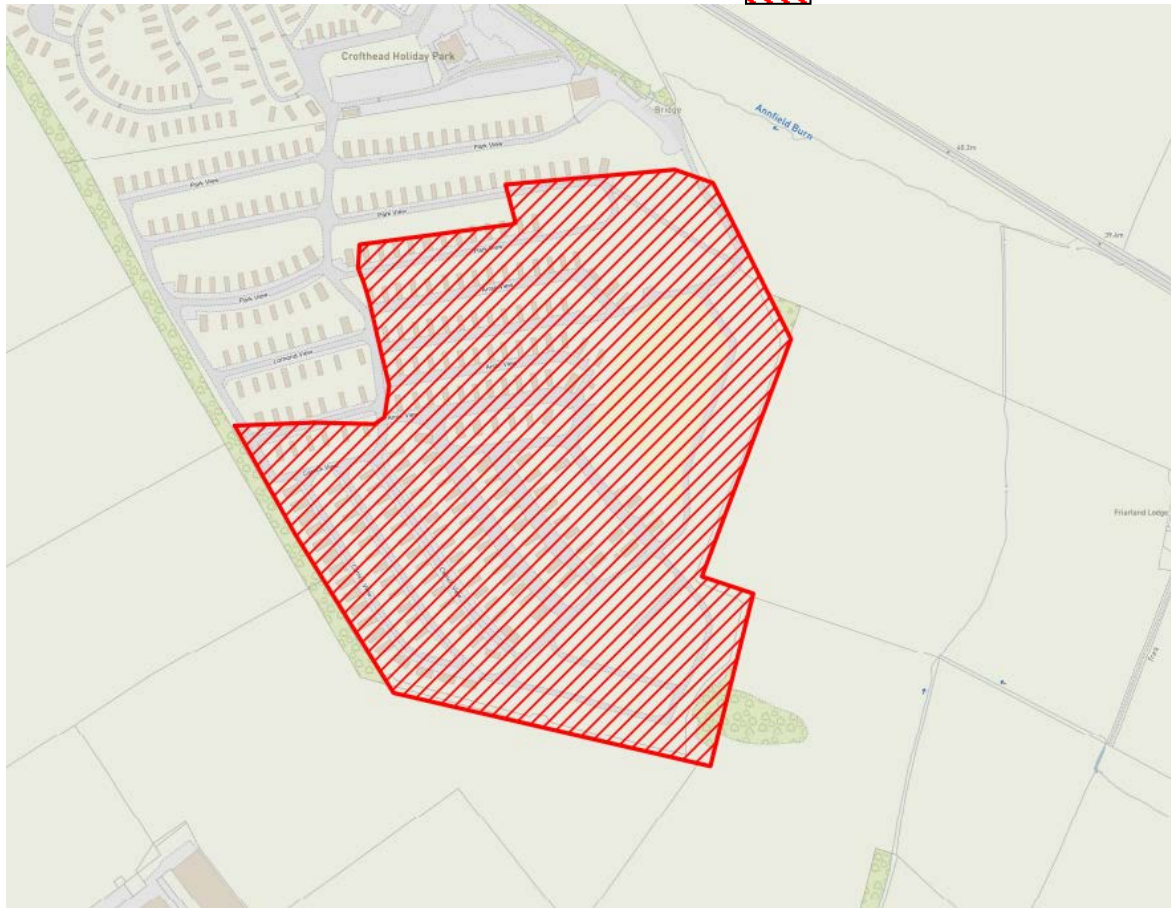
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00929/FURM

CROFTHED CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN

Location Plan

APPLICATION SITE 



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Summary

This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997, to seek permission to remove specific conditions associated with an earlier related planning permission Ref. 15/01231/APPM on the same site. The existing planning permission to which this Section 42 planning application relates to was for a change of use of agricultural land to form an extension to the existing caravan site on the eastern and southern side of the wider Crofthead Holiday Caravan Park and it was approved at the Council's Regulatory Panel on the 11th of April 2016. This planning application granted was subject to a suite of conditions which included conditions which limited the total number of caravan units consented, restrictions on the locations in which the caravan units/rows could be placed within the site and requirements for a revised structural landscape scheme.

Following review of the wider caravan park site as part of a separate and unrelated planning history review in May 2022, the Planning Service identified discrepancies between the approved development layout subject to application 15/01231/APPM and the development 'as built' and largely implemented on this part of the site. It was established that the alternative layout as being built on site did not conform to the specific terms of some of the conditions on the earlier planning permission 15/01231/APPM and was of a different development layout and arrangement and increased density in terms of the overall number of caravans permitted. This current Section 42 planning application has been submitted by the applicant and agent in response to this and the timeline from when these works first started in 2018 until the submission of this application are set out in detail within the 'Section 1.3 Planning Enforcement History' of the Panel Report.

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In summary, the application has been made on the basis that the applicant and their appointed agent consider that despite the non-compliance with the terms of certain conditions attached to the permission, the alternative layout and development density as largely built on the application site is still in overall terms acceptable for the site. As part of this, they have provided justification as to why they consider it acceptable for them to not comply with the terms of the conditions of the earlier planning permission Ref. 15/01231/APPM and why the site has the capacity and capabilities to host a layout and density of caravans which differs from that which was consented through the terms of the conditions attached to planning permission application Ref. 15/01231/APPM.

All previous consultees consulted as part of the earlier planning permission Ref.15/01231/APPM have been re-consulted as part of this Section 42 planning application with no objections raised. The application has also been subject to neighbour notification and public advertisement with no formal representations received from any parties at the time of writing this report.

Having considered and reviewed the conditions in question and more broadly the differences between the development layout that has been built out on site in comparison to the approved layout subject to the earlier planning application granted, it is considered that the development (subject to environmental mitigation) does still fundamentally remain in conformity with the relevant policies of the statutory development plan framework, and it is considered that the proposal is capable of favourable consideration against the terms, criteria and requirements of both NPF4 and LDP2 as a result of mitigation secured through the Section 42 application process. On this basis, it is agreed to remove Conditions 1, 2, 3, 4, 6, 8, 9 and 11, with the reasons set out for this detailed in the Panel Report below.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 30 MARCH 2023

SUBJECT:	SECTION 42 PLANNING APPLICATION REPORT
APPLICATION REF:	22/00929/FURM
SITE ADDRESS:	CROFTHHEAD CARAVAN PARK C74 FROM B742 NORTHEAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN
DESCRIPTION:	SECTION 42 APPLICATION TO REMOVE PLANNING CONDITIONS 1, 2, 3, 4, 6, 8, 9, 10 AND 11 OF PLANNING CONSENT REF. 15/01231/APPM
RECOMMENDATION:	APPROVAL WITH CONDITIONS

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:

1.1 Site Description

The application site sits within and forms part of the wider Crofthead Holiday Park and comprises of approximately 13.2 hectares on the south-eastern side of the park itself. The wider site comprises of an existing and established holiday caravan park (with approximately 350 caravans in situ and occupied through earlier consents) alongside a few remaining parcels of agricultural land to the south at Crofthead. It is relevant to note that the extent of the holiday park as built out alongside the existing park boundary (comprising approximately 26 hectares) is Council owned with a long-term lease agreement being in place from 2006 for the applicant to operate and manage the site.

The wider park is located to the south of the Masonhill Crematorium and approximately 0.5km to the east of the A77 trunk road and vehicular access to the site is obtained from an existing entrance which feeds of the C-class minor road that runs from the A70 past the Crematorium. The application site itself rises in height from the north where it forms a plateau and then the site then slopes away to the southern portion of the site, with areas of more level and low-lying land behind the hillside. Due to this topography, the caravan park is visible from outwith the application site.

At present, the application site has already been largely 'built out' and developed with a number of caravan rows and units in situ and a large number of these already sold off and now occupied with holiday users and occupants. Development work on the site initially commenced sometime in 2018 and has progressed extensively across the site since then. At the time of writing this report, 198 physical caravan units are in place on the site and occupied for holiday use purposes, with a remaining 30 caravan plot bases and pitches prepared and awaiting the introduction of the actual physical caravan units. The internal road networks, services, ancillary infrastructure and landscaping have also primarily been implemented and installed throughout the site, with the exception of the southwest and southeast corner which has only been partially developed.

Notwithstanding the extent of the works undertaken across the application site and the advanced stage of 'build out' at this time, it is the case that the layout and density of the development implemented to date does not comply with the terms of planning application Ref. 15/01231/APPM with regards to the specific conditions attached to the permission relating to a variety of different matters. It is for this reason that this Section 42 application has been submitted and all of this is considered in more detail in the proceeding sub-sections of Section 1 below.

1.2 Planning Application History

The land subject to this application relates to a much larger site to the north, west and south which has an extensive planning history to it. The location plan supplied as part of this Section 42 planning application provides clarification on the extent of the surrounding land leased by the applicant/site operator from the Council (area delineated by the blue boundary) and which forms part of the wider Crofthead Holiday Caravan Park. Details of the planning history for the wider holiday caravan park situated which form this area on the Location Plan are set out below for context:

- 03/01601/COU - Change of use of agricultural land to form extension to existing caravan park. (Permitted).
- 05/00718/COU - Change of Use of agricultural land to form extension to existing caravan park. (Permitted).
- 10/01443/APP - Change of use of agricultural field to form extension to caravan park including siting of 30 static caravans and associated services. (Permitted).
- 11/01146/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 13/00686/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Withdrawn).
- 13/01340/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 14/00660/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01156/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01667/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 15/01231/APPM - Change of use of agricultural land to form extension to caravan site. (Permitted).
- 19/00078/APP - Erection of a facilities block, and associated works to form a car park (Permitted).
- 22/00483/APPM - Change of use of field to form extension to an existing holiday park to site an additional 150 holiday lodges. (Pending Consideration).

Most notable of these for this current Section 42 planning application is planning permission application; Ref. 15/01231/APPM and this application is of direct relevance to this current Section 42 application noting that it relates to the same application site and that it is the conditions of this specific planning permission which are sought to be removed through this current application.

The proposals subject to this earlier planning permission application sought the change of use of agricultural land to form an extension to Crofthead Holiday Caravan Park, indicatively showing the siting of 242 static caravans/lodges and associated services. In effect, the proposal involved the extension, by approximately 13.2 hectares, incorporating 242 new pitches of the existing caravan site along its existing southern built out boundary.

Following review and consideration of this application at this time, the Planning Service established that the development proposals in their original submitted form would not be acceptable in terms of their impact on the locality of the site on both visual and landscaping grounds. Notwithstanding this, it was considered that the proposals would not adversely impact on the rural landscape setting or amenity of the locality with the use of conditions to ensure structural landscaping to filter and screen the development and the deletion of a number of plots and rows of caravans from more prominent locations within the site, reducing the overall density of the development as a result.

On this basis, 13 conditions were proposed in total, and this included conditions which excluded specific plots and rows of caravans in visually sensitive areas within the site, which sought additional structural landscaping and planting, and which secured adequate arrangements to be in place regarding the maintenance of the roadside hedge which abuts the site. It should be noted that the condition which excluded certain plots being built meant that the overall number of caravans that could be consented was to be reduced to 197 as opposed to the 242 originally applied for and Condition 3 of 15/01231/APPM secured this.

This planning application was considered at the Council's Regulatory Panel on the 12th of August 2016, and it was approved subject to all of the aforementioned conditions.

1.3 Planning Enforcement History

As previously set out, it is relevant to note that much of the development works subject to this application and the request for removal of the conditions have already been undertaken on this application site and the issues relating to the differences between the development approved through planning application Ref. 15/01231/APPM and the layout and density of what has/is being built on site have already been subject to a review by the Planning Service previously, with development works on site commencing some time in 2018.

Discrepancies on this particular part of the wider caravan park site were first identified by the Planning Service in December 2018 and a formal enforcement case and record (Council reference 19/00029/COND) was created at this time. Following on from this, there was a review of the extent of the differences to establish a course of action noting that conditions on the earlier approved application 15/01231/APPM were not being complied with. At this time and following the initial review, it was established that approximately 40 caravan units had been installed in locations and positions which were in conflict with the related planning application Ref. 15/01231/APPM. As part of this review, the Planning Service also identified that a number of the conditions attached to application Ref. 15/01231/APPM had never been formally discharged and this was despite evidence of written requests from the applicant and their agent in October 2016 to discharge a number of the suspensive conditions associated with the permission.

Between December 2018 and July 2019, the enforcement review involved extensive discussions between the applicant, their appointed agent, the Planning Service and a number of internal Council consultees and as part of this a series of site visits, meetings and consultations exercises were undertaken. The aim as set out in the various correspondence issued by the Planning Service at the time was to look to regularise the breach of conditions that had taken place and work in conjunction with both the applicant and their agent to identify the best way to minimise any further impact from the alternative layout being implemented. As is in keeping with the Planning Services approach at that time, it is relevant to note that no formal enforcement or stop notices were served by the Planning Service to either prevent the applicant from continuing to develop the site or to insist on the reinstatement of the site and land to its previous condition. Instead, the initial conclusion reached by the Planning Service at the end of July 2019 following input from the Council's Legal Services, was for the applicant and agent to submit a Section 42 planning application to consider the different layout and a revised landscape scheme for the site in relation to the conditions it was in conflict with. Underpinning this approach was a recognition that it would be unlikely that given the extent of development works undertaken at that time, that the Planning Service would be able to successfully secure the restoration needed in environmental terms and that therefore, the Section 42 application would be utilised to secure enhanced landscape to mitigate the unauthorised works to an acceptable level.

Despite the proactive engagement between parties that took place between December 2018 and July 2019 and a route being identified to address the unauthorised development layout, the progress of this enforcement assessment and review was halted by the COVID-19 pandemic and the correspondence and records available indicate that a period of almost 2 years passed before this matter picked up again and was continued by the Planning Service. When governmental COVID-19 restrictions started to ease and this enforcement case was able to be picked up again by the Planning Service in November 2020, it became apparent that further development work had taken place on the application site in the intervening period which further departed the 'as built' development layout on site from the conditions and layout approved as part of planning application Ref. 15/01231/APPM. At this time and noting the extent of the additional physical changes that had taken place on site between the 2-year time period, this reinforced the Section 42 application as the only reasonable option, with the aim still being to mitigate the 'as built' layout to a point of acceptability. On this basis, the Planning Service once again requested a Section 42 planning application to consider the removal of conditions that were not being complied with as part of the 'as built' development on the site. It should be noted that the Planning Service requested at this time that the applicant and their appointed agent engaged with them before formally submitting the Section 42 planning application in order to agree whether it sufficiently covered the extent of non-compliance identified through the enforcement review.

In the months following the Section 42 submission being confirmed and agreed as the appropriate course of action, there were significant personnel changes and the majority of the members of the Planning Service who were directly involved in this particular enforcement review left the Council. Unfortunately, there are no records beyond the request in November 2020 from the Planning Service to understand if any further discussions took place. The applicant continued to develop the site with both a recognition and an awareness that they were implementing a different and unauthorised development scheme than that which was consented through application 15/01231/APPM. As part of this, unconsented caravan bays continued to be formed and caravan units continued to be brought into the site and placed in locations which were not permitted and without the submission of a Section 42 application to try and regularise them.

This continued until the middle of July 2022 where members of the Planning Service through a completely independent and unrelated planning history review of the wider caravan park indirectly re-discovered the same discrepancies previously identified between what had been approved through application Ref. 15/01231/APPM. Through a fresh review and search of the site history the existing enforcement case was identified. From review of the content of this enforcement case, this allowed the Planning Service to gain an understanding of the chronology and timeline of the assessment undertaken between December 2018 and November 2020. As summarised above and this provided a baseline and starting point for re-commencing this review from a planning enforcement perspective.

The Planning Service in July 2022 instructed the applicant to submit a Section 42 planning application without any further delay and this was subsequently submitted in November 2022. Requesting a Section 42 application not only represented a consistent approach with the outcome of the previous review of the Planning Service between the end of 2018 until the end of 2020 but it was also seen as one of the only effective procedural planning mechanism option in the current circumstances to regain a degree of control and influence over the situation on the site, to formally consider the merits of the extent of the difference of the unconsented works and how much of a departure these represented from the conditions attached to the earlier consent granted for the site and to secure further mitigation where established as appropriate.

1.4 Proposals subject to this Section 42 Planning Application

The proposals subject to this Section 42 planning application seeks to remove conditions attached to the earlier related planning application Ref. 15/01231/APPM and it has been submitted in response to the fact that the site is being developed in a different layout than that which obtained consent through the terms of conditions of planning application Ref. 15/01231/APPM.

From identifying the nature and characteristics of the differences between the approved and 'as built' layouts, it was established that conditions 1, 2, 3 and 4 of planning permission Ref. 15/01231/APPM are of particular relevance as these are the conditions which limited the location and positioning of caravan units/rows, the overall number of caravan units consented and the arrangements for structure planting, landscaping and hedge management. In turn, it is these conditions which have primarily not been complied with when looking at the development 'as built' and implemented on the site.

The application seeks to remove these same conditions and by virtue of this, obtain permission for the alternative 'as built' layout on the site which differs from that envisaged under the conditional approval for application 15/01231/APPM. In summary, the 'as built' layout comprises of the following differences:

- A different development layout from that previously approved through the conditions of the permission.
- A layout which includes siting caravan units in most of the locations and positions which had been deleted and identified as 'no build' zones by Condition 2.
- A layout which goes beyond the limitation of 197 caravan plots total as specified in Condition 3.
- A layout that has a total of 228 caravan pitches, comprising 198 pitches with physical caravan units already sited and being occupied for holiday accommodation use and 30 pitches already prepared and awaiting physical caravan units (at the time of writing this report).
- A layout which includes alternative planting and landscaping concurrently with the siting of caravans.
- A layout with an alternative road geometry and layout.

The applicant and their appointed agent have submitted this Section 42 application as they consider that despite the clear non-compliance with the terms of Conditions 1, 2, 3 and 4 attached to the earlier permission, the alternative layout, the re-positioning of caravans and the increase in caravan plot density and volume 'as built' on the application site is still in overall terms acceptable. To substantiate this position, they have provided specific justification as to why they consider it acceptable for them to not comply with the terms of the conditions of the earlier planning permission Ref. 15/01231/APPM and why the site has the capacity to host a layout and density of caravans which differs from that which was consented through the terms of the conditions attached to planning permission application Ref. 15/01231/APPM. In support of this Section 42 application, they have provided a series of comparison drawings and plans, a Planning Statement, a Landscape and Visual Impact Assessment (LVIA) and a revised landscape scheme for the site.

In addition to seeking to justify the acceptability of the alternative developments non-compliance with the primary conditions of relevancy to this Section 42 application (e.g, Conditions 1, 2, 3 and 4) which relate to the layout, the density and the structure planting approved as part of the earlier planning permission Ref. 15/01231/APPM, the applicant and their appointed agent has also sought to utilise this Section 42 planning application to remove other conditions which they consider no longer apply for various different reasons and circumstances. This includes Conditions 6, 8, 9, 10 and 11 and these relate to matters associated with an archaeological watching brief, a hedge management plan, a lighting strategy, existing, proposed and finished levels and a construction methods statement.

The exact terms and wording of each of the conditions of planning permission application Ref. 15/01231/APPM and which are relevant to this Section 42 planning application alongside a consideration and assessment of the reasons proposed for their removal are set out in full in the Assessment section below.

1.5 Planning Procedure Matters

Council's Scheme of Delegation

This Section 42 planning application is a 'Major' scale application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As previously set out, it also relates to a previous 'Major' development application (Council Reference; 15/01231/APPM) to extend the caravan park which was considered at the Council's Regulatory Panel, and this consented layout and density now differs in terms of the 'as built' development physically implemented on site. On this basis, under the Council's Scheme of Delegation, this Section 42 application requires to be presented to Regulatory Panel for both consideration and determination.

Environmental Impact Assessment (EIA) Regulations

In terms of EIA Regulations, it is relevant to note that this Section 42 planning application was submitted without an EIA Screening Opinion being sought from the applicant either before or at the same time as it was lodged. Regulation 11 requires the Planning Authority to screen any application received without an EIA Report where it appears to them that it is either Schedule 1 or Schedule 2 development and no Screening Opinion or Screen Direction has previously been issued.

The proposed development that the conditions related to falls within the auspices of one of the criteria of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, namely, 'holiday village/hotel complexes outside urban areas and associated development project which exceeds 0.5 hectares'. On this basis and accordance with Regulation 11 of the EIA Regulations, the Planning Service have undertaken their own screening of the application against the criteria of Schedule 3 (Council Reference; 22/01078/EIASCRC). The conclusion reached is that the development subject to this planning application is not an EIA development and in turn this confirmed that this application did not require to be accompanied by an EIA Report.

Proposal of Application Notice (PAN)

In accordance with the Development Management Procedure Regulations, a Proposal of Application Notice (PAN) did not require to be undertaken or submitted as part of this Section 42 planning application. The PAN process for the earlier related parent planning permission application 15/01231/APPM has been fulfilled.

Design & Access Statement

In accordance with the Development Management Procedure Regulations, this type of application (Section 42 planning application) is exempt from the requirement to provide a Design and Access Statement. The Design and Access Statement for the earlier related parent planning permission application 15/01231/APPM has been fulfilled.

2. Consultations:

- **Scottish Environmental Protection Agency (SEPA):** No objections.
- **Scottish Water:** No objections.
- **Nature Scot:** No objections.
- **West of Scotland Archaeological Service (WoSAS):** No objections.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions.
- **South Ayrshire Council Biodiversity and Ranger Services:** No objections subject to conditions.
- **South Ayrshire Council Environmental Health Service:** No objections.
- **South Ayrshire Council Development and Advice Officer:** No objections subject to conditions.
- **South Ayrshire Council Economy and Regeneration Service:** No response at the time of writing this report.
- **Visit Scotland:** No response at the time of writing this report.
- **Carol Anderson Landscape Associates Ltd:** No objections subject to conditions.

In the interests of both consistency and transparency, all consultees consulted as part of the earlier planning permission application 15/01231/APPM which the conditions subject this Section 42 application relate to have been formally consulted as part of this current application.

In addition to this, Carol Anderson Landscape Associates Ltd has also now been formally consulted as an external Landscape Architect and Adviser to give an independent, professional review of the 'as built' development from a visual and landscape perspective. Their findings and recommendations have informed the Planning Services overall position, and this is set out in the assessment section below.

Furthermore, and to comply with Section 23 of the Planning (Scotland) Act 2019 which now applies, it is relevant to note that all ward Councillors, MSPs and MPs have been formally notified about this Section 42 application.

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.

This Section 42 planning application has been accompanied by a Planning Supporting Statement, a Landscape and Visual Impact Assessment and a series of other plans including the plans which formed part of the earlier permission Ref.15/01231/APPM (to allow for comparisons) alongside topographical and levels plans, cross sections, landscaping plans and 'as built' site plans of the current alternative layout and development as implemented on site. It should be noted that following a request from the Planning Service (and consultees to the process), the landscape plans have been updated and the originals as proposed have been superseded.

4. S75 Obligations:

In assessing and reporting on a planning application (including an application made under Section 42) 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 (including an application made under Section 42), 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:

No representations have been received at the time of writing this report.

It is relevant to note that as revised plans and drawings for additional landscaping and changes to the site layout were submitted as part of this application (which constituted new, material information in the context of this proposal), this application was subject to a further public advertisement beyond the original one undertaken when this Section 42 application was first submitted. This is in line with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997.

7. Assessment:

The considerations in the assessment of this Section 42 application are primarily the merits of the removal of the conditions considered in the context of the statutory development plan framework comprising of Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) (Part 7.1) below) alongside material considerations which include the planning application and planning enforcement history, the impact of the proposal on the amenity of the locality and the consultation responses and input received (Part 7.2) below).

7.1 Statutory Development Plan Framework

7.1.1 National Planning Framework 4

On 13th February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

In this specific case, the application has been submitted under Section 42 of the Act. Section 42(2) of the Act requires that the Planning Authority shall consider only the question of the conditions subject to which the previous permission was granted. The principle of the proposed development cannot therefore be reconsidered as part of this assessment and due weight also requires to be given to the specific terms of the conditions sought for removal when considering the applicable policies of the statutory development plan.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 3 Biodiversity
- Policy 6 Forestry Woodland and Trees
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development
- Policy 30 Tourism

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Land Use and Transport

In essence, NPF4 and the policies which apply in the context of this development proposals subject to the application as scheduled above largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain policies, it is not considered that any of these would constitute an apparent material policy conflict or contradiction which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The provisions of NPF4 and LDP2 must be read and applied as a whole, and as such, no single policy of either should be read in isolation. In this context, the principle of development has already been established through the earlier planning permission application granted (15/01231/APPM) and as such the policies referenced above are only considered in so far as how they relate to the consideration on the scope of works and development associated with the conditions which are sought to be removed respectively. This Section 42 application has been considered in this context below and the relevant aspects of the policies of NPF4 and LDP2 have informed the assessment below.

As previously outlined, this Section 42 application has been submitted to remove conditions attached to the parent planning permission Ref.15/01231/APPM. The assessment of the current application in relation to the conditions of permission 15/01231/APPM is set out below with each condition sought for removal through this Section 42 application scheduled out and a response to it set out below it in bold. The conditions relevant to this application follow the same chronology and sequence as set out on the decision notice for 15/01231/APPM.

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.

Reason: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

The applicant seeks to remove this overarching condition on the basis that they consider that the alternative 'as built' development on this site (which differs from the layout, density and arrangements from that approved under Ref. 15/01231/APPM), is still in overall terms acceptable in planning terms.

As part of this, the Planning Statement and the Landscape and Visual Impact Assessment provided makes a number of points which seek to demonstrate that despite non-compliance with the terms of permission Ref. 15/01231/APPM and more specifically Condition 1 above which stipulated a specific requirement for the development to be implemented in accordance with the approved plans, that the alternative 'as built' is still suitable for positive consideration by the Council.

For the reasons set out below (in response to Conditions 2, 3 and 4) it is considered that this broad and overarching Condition 1 can be removed as part of this Section 42 application.

2. That, notwithstanding the provisions of Condition 1, above, no permission is hereby granted for indicative plots/stances as defined on drawing "Plot numbering 1 to 242 - dated January 2016" and numbered 1 - 3; 10 - 11; 25 - 34; 162 - 167; 174 - 179; 141 - 155; 203; and 210 - 211 (inclusive), unless otherwise agreed, in writing, with the Planning Authority.

Reason: To clarify the terms of this permission and in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

The applicant seeks to remove this condition on the basis that they consider that the 'as built' development layout despite building over and across the majority of the plots which was prohibited by Condition 2 above, is acceptable subject to justification. As part of this, through their Planning Statement and the Landscape and Visual Impact Assessment (LVIA), they make a case that the 'as built' development has no more of a landscape impact than the layout approved under Condition 2. The supporting information also seeks to evidence that Condition 2 would not have had the desired effect as intended, that not building on the plots deleted would not have achieved the outcome sought and through specific examples and that the alternative 'as built' development layout implemented on site is not significantly more impactful (to a point of unacceptability) in visual or landscape terms than the layout and development consented through earlier planning permission Ref. 15/01231/APPM.

In the Planning Statement, it acknowledges that the development layout is different to the layout that was previously approved, and reference and acceptance is made to the clear departure from the consented layout which approved caravan rows following the contours of the landscape to them being implemented in a more rigid and straight-line arrangement. Notwithstanding this, they contest that the alignment and layout of the pitches in continuous straight lines is more compatible with the layout relating to the existing site comprising of approximately 300 caravans and that this arrangement is consistent with the layout approved by the Planning Service for extensions in the western parts of the site. They also consider that the 'as built' layout has other benefits and is more efficient in terms of the provision of drainage and access roads and to provide level bays over a larger area and that it has also allowed spacing to increase from the previous layout to between 6m and 8m between each caravan plot.

In terms of the specific rows that were prohibited to be developed on by Condition 2 but have now been built over through the 'as built' alternative development layout, the applicant seeks to address this directly in the Planning Statement and LVIA. As previously noted, they firstly argue that deleting the plots would not have had the intended effect sought by the Planning Service at the time and through examples and assessment they seek to make the case that irrespective of the applicant complying with the terms of Condition 2, the extension granted would have still have notably and materially impactful effect on the skyline and surrounding environment and landscape.

In relation to the first line of units as built on the north side that were deleted in the 2015 application, the agent sets out that the approval still allowed a row of units behind this which were at a higher level and that this example raises questions about the purpose and role of Condition 2. To substantiate this, they reference the cross sections drawing provided as part of this application (Appendix 4 of the LVIA) which highlights the first row which is the original historical consented site had a Finished Floor Level (FFL) of 53.9m, that the second row 'as built' which were deleted had an FFL of 56m, and that the row behind that which was previously consented which is situated on the FFL of 57.7m. They argue that there is no obvious logic around the decision to prohibit units at a specific height then allow others at a higher height in the row behind, particularly when the purpose of the condition was to prevent the development from affecting the skyline. In addition to this, they also go to provide examples which further questions the logic and role of Condition 2 in preventing development on the higher parts of the site which are more visible. This is considered in detail in the LVIA, and the agent quotes some examples which they consider demonstrates the lack of logic and effect of Condition 2 and more specifically how the condition essentially let rows of caravans behind the deletions which are at a higher level than others deleted. The examples cited includes:

- Pitches 1-3 and 10-11 which were deleted by Condition 2, but this still left pitches 4-9 in the exact same row as being acceptable.
- Pitches 210-211 which were deleted by Condition 2, but this leaves pitches 212-220 in the exact same row as being acceptable.

Looking at the merits of Condition 2 of Ref. 15/01231/APPM as set out above, this defines the plots where permission was not granted for caravan bays/stances to be formed on site. As part of the condition, it specifically references approved 'Plot Number 1 – 242 (Jan 2016)' which is a plan which forms part of the approved consent. The plots which did not form part of the permission as deleted through this condition were 1-3, 10-11, 25-34, 162-167, 174-179, 141-155, 203 and 210-211. From comparing the locations of these plots on 'Plot Number 1 – 242 (Jan 2016)' plan to the 'as built' site layout plan supplied as part of this Section 42 application, it is apparent that the condition has not been adhered to. With the exception of plots 1-3 and 10-11, the cross-checking and comparison exercise between the two plans shows that caravan bays/stances have been/are being formed as part of the 'as built' alternative layout on top and across all other plots which were explicitly denied permission through this condition.

On this basis and noting the purpose and role of Condition 2, the central consideration for the potential acceptability of the removal of this condition is to assess the existing and current landscape and visual impact of the park and development and establish whether the 'as built' layout, is acceptable as a result of the case and justification presented by the applicant. As part of this, consideration requires to be given to whether the 'as built' layout unacceptably impacts landscapes and views which were previously unaffected and/or whether it intensifies the impacts on landscapes and viewpoints which were already accepted as being impacted when the original permission granted to an unacceptable level or extent.

To be able to consider this, the Planning Service and the Council's external professional Landscape Architect and Adviser have undertaken site visits and subsequent desktop assessments to understand of the current situation and the extent and visual reach of the park and 'as built' development site from the surrounding environments and landscapes. From review, it was firstly considered that there is little visibility of the caravan park extension from the Masonhill Crematorium to the north-west due to screening from vegetation and landform with the existing older part of the site more prominent in often filtered views through trees. Whilst it was observed that there may be some visibility from the upper windows of properties on Sandyhill Terrace to the north of the caravan site, it is the original part of the caravan park and not the more recent extension which is likely to be seen. In addition to this, it is noted that there is an existing coniferous plantation on the south-eastern side of the road will screen views of the caravan park in its entirety for these properties within approximately 5 years (assuming that this is a commercial plantation rather than a Christmas tree crop). Through the assessments undertaken, it has also been established that in longer views of the development on this site from other locations such as from the A77 heading south, these would remain to be seen in the context of the wider holiday park that and that these would be transient and for such a temporary and fleeting period and they could not be deemed to be materially significant from the changes incurred through the 'as built' layout. In addition to this and despite the changes that have taken place through the 'as built' layout, there remain no views to this development site from the A713 road network to the south of the site noting the intersecting rolling landform and existing sections of woodlands.

On this basis, the site visits and desktop assessments undertaken has allowed both the Planning Service and the external Landscape Architect to agree with the findings of the primary LVIA which note that despite the clear deviations in layout, the 'as built' development does not affect any new views and or previously uninterrupted landscape settings beyond those established as being affected as part of the assessment of the earlier planning permission Ref. 15/01231/APPM and that the 'as built' layout would still essentially only affect the same views previously identified e.g. primarily from the east and northeast of the site along the C class road network. On this, although the 'as built' layout for the development site has contributed to a change in the impact of the views from the east and northeast from outwith the site, at the same time it is not readily distinguishable as to where the existing and previously extension to the park ends and another begins, including those subject to this site and this in itself also further contributes to the overall acceptability of the 'as built' layout.

On balance and taking the findings of the separate assessment undertaken by the Planning Service and the professional Landscape Architect views to establish visual and landscape impacts within the locality combined with the case and arguments presented by the applicant and their agent in the supporting information accompanying the Section 42 application, it is considered that a justifiable and sufficiently compelling enough case has been made which demonstrates the limitations in the extent of the differences in the visual impact between the consented layout (which prohibited the development of certain parts of the site) and the 'as built' layout (which builds over those areas which were prohibited). More specifically, it is considered that a rational and informed case has been presented through the detailed LVIA which demonstrates that the impact of developing the previously prohibited rows would not be of such a departure and significance from the earlier consented layout, that it would make the 'as built' layout unacceptable.

Whilst the Planning Service does not endorse the applicant's approach in terms of implementing an alternative development layout which built over most of the areas prohibited by Condition 2, it is considered that the Planning Statement and LVIA has effectively demonstrated that the site can accommodate the alternative layout, and this is despite caravans being built across the areas previously prohibited through the condition. On this basis, it is considered acceptable for Condition 2 to be removed as part of this Section 42 application.

It is relevant to note that the position reached here regarding the acceptability of the removal of this particular condition also heavily relies on an amended landscaping scheme and hedge management plan which has been secured through this Section 42 application. It is considered that the revised landscape scheme will help reduce the additional visual impact of the alternative layout and re-positioned caravan units which form part of the 'as built' layout from existing established locations and viewpoints from the east and northeast to a point which would allow them to be considered acceptable. These specific matters are considered in detail in response to Conditions 4 and 6 below.

In addition to the visual and landscape considerations set out in detail above, Ayrshire Roads Alliance (ARA) as the Council's Roads and Flooding Authority have been consulted on this Section 42 application to establish if the alternative 'as built' layout (which also changes the layout of the internal road networks) has any implications from their remit. In response, ARA have confirmed that despite the changes in the layout and the internal road networks within the development, these are of a sufficient distance from the access point that any internal traffic issues are unlikely to directly impact on the public road network. It is for this reason that ARA do not require the submission of a swept path analysis as part of the changes and offer no objections. The only request from ARA as Roads Authority is that the conditions attached to the earlier permission which relate to a Travel Plan and a cycle storage facility are reattached to this Section 42 application. These conditions have been slightly modified and attached as set out in Section 9 below.

In terms of flooding considerations, ARA as Flooding Authority confirm that the response previously provided as part of application 15/01231/APPM remains valid, irrespective of the changes in layout, a sufficient drainage system which complies with the principles of SUDS is required to control the volume of surface water flow to the watercourse to pre-development rates, to ensure flood risk is not increased. On this basis, the only requirement of ARA as Flooding Authority is that the condition previously attached to the earlier permission which relates to a requirement for the development to comply with the principles of SUDS is reattached to this Section 42 application. This condition has been attached as set out in Section 9 below. In addition to this, SEPA have also been formally consulted and have confirmed that they have no objections noting that none of the conditions subject to this Section 42 application were requested by them as part of the earlier planning application granted.

3. That notwithstanding condition 1 above, before any work commences on site, a revised masterplan reflecting the deletion of plots as stipulated in condition 2 and the enhanced structural landscaping as stipulated in condition 4, shall be submitted to the Planning Authority for prior written agreement. There shall be no more than 197 plots/stances within the development site, unless otherwise agreed, in writing, with the Planning Authority. All development shall be in general accordance with the revised masterplan.

Reason: In the interests of visual amenity and to enhance the ecological and wildlife value of the site.

The applicant seeks to remove this condition on the basis that they consider that the 'as built' development layout which specifically includes a volume and density of caravans as part of it which exceeds the total number of caravans set by Condition 3 above, it is still acceptable. As part of this, the agent makes a case through both their Planning Statement and the LVIA that the site is capable of accommodating the additional and increased number of caravans proposed through the alternative 'as built' development layout implemented on site without constituting overdevelopment or having additional significant visual impact to a point whereby it would be deemed unacceptable. As part of their case, they place particular weight on the earlier planning permission Ref. 15/01231/APPM which sought permission for 242 caravans in total. They consider that the proposals subject to this application (alongside all of the technical supporting information including the Transport Assessment), successfully demonstrated that the site was capable of hosting a caravan development of 242 in total.

As set out above and notwithstanding the overall caravan numbers/plots as originally proposed as part of the earlier application Ref. 15/01231/APP, the decision made following the assessment of that development at that time was that the 242 caravan units sought was too many and that this amount would have both a significant and adverse an impact in visual and landscape terms. As a result of conclusions reached at that time, Condition 2 was attached to the permission and, as a set out, this deleted certain rows and plots which were considered to be in locations that would be particularly sensitive to development. The consequence of imposing Condition 2 meant that in turn this indirectly dictated the overall number of caravans that would be acceptable within the application site. As a result, Condition 3 was attached, and this dovetailed with Condition 2 and set a limit that there shall be no more than 197 caravan plots/stances within the development site unless otherwise agreed in writing with the Planning Authority.

From comparisons between the plans approved under application Ref. 15/01231/APP to those supplied as part of this Section 42 application, the alternative 'as built' development layout implemented to date (and the remaining phase still proposed) show a current caravan park development comprises of 228 caravan units in total. This means that the alternative and unconsented 'as built' layout accounts for 31 more caravan units than the amount that was ultimately consented through earlier planning application Ref. 15/01231/APP and in particular, Condition 3.

With regards to visual impact of the increase of caravan specifically, irrespective of the breaches of planning control undertaken on the site, consideration requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has already been permanently altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years before this one was consented. Specifically, there is an area comprising 200 caravans already established on the upward slope towards this site and these units have been established for approximately 40 years. In addition to this, there have been various extensions to the park in more recent years including extensions to the west of the application site granted in 2014 and 2015 (Council References: 14/01156/APP and 14/01667/APP) which have further contributed towards a marked change in the overall landscape and environment. The continual expansion and intensity of development in the area has served to reinforce the role of the site as a permanent caravan park and increased its influence and presence on the locality. In this context and noting the extent of the built out and expansion of the park to date, due weight needs to give to the fact that the wider caravan park now hosts over 300 established caravan units when assessing whether the increase of caravan units on this part of the site is capable of being accommodated.

The Planning Service has considered the development in this context and whilst it is accepted that the density and volume of caravans within the site has increased beyond the limits set by Condition 3 of the previous planning permission and that this has resulted in a more concentrated development on this site, this part of the site is still primarily seen in the context of the wider established and sizeable holiday park. On this, the existing site dominates the view of the application site and from most viewpoints from outwith the site it is not readily distinguishable as to where the existing and previous extensions to the park ends and another begins, including those that are subject to this application site. In this regard and looking at the presence and visual impact of the caravan park site more broadly (as opposed to this particular site in complete isolation), it is considered that the increase in caravans on this particular parcel of the wider caravan site will not influence landscape characteristics of otherwise unaffected views and landscapes in the locality and setting of the park to a point which would be deemed unacceptable. In addition to this, and whilst the Planning Service do not condone the disregard had for this condition (by installing more caravans on the site than was allowed through its terms), on balance of all factors, it is still considered that the site in overall terms is capable of accommodating the further 31 caravans bays without it constituting overdevelopment or having further additional visual impacts to a point which would be deemed unacceptable. This view is supported by the Council's independent Landscape Architect and Adviser, Carol Anderson of Carol Anderson Associates.

As a result of this, it is considered that the additional caravan units that form part of the 'as built' layout does not have a significant or adverse visual consequence and that these can be accommodated for within the 13.2-hectare area application site without constituting overdevelopment or exceeding a capacity threshold. On this basis, Condition 3 can be removed through this Section 42 application. As part of this conclusion and similar to Condition 2 above, it is relevant to note that the position reached here is also heavily underpinned and informed by a revised landscaping scheme and hedge management plan for the site which has been secured through the assessment of this Section 42 application. As part of this, 2 caravan unit plots that formed part of the initial 'as built' have been agreed to be deleted to allow for an increase in landscaping and this has reduced the additional units proposed through the 'as built' layout from 33 to 31 (total 228). It is considered that the revised landscape scheme secured will help reduce the visual impact of the additional 31 caravan units which form part of the 'as built' layout to a point which would allow them to be considered acceptable. These specific matters are considered in detail in response to Conditions 4 and 6 below.

Ayrshire Roads Alliance as the Council's Roads have been consulted on the application to establish if the increased volume and density of caravan units has any implications from their remit. In response, Ayrshire Roads Alliance have confirmed that despite the changes in the layout and the increase with the additional 31 caravans, from the road network/capacity the ARA are of the opinion that these additional caravans are unlikely to materially change the conclusions of the supporting information associated with application Ref. 15/01231/APPM (this includes the Transport Assessment at the time which considered and demonstrated the suitability of the site to be able to host 242 caravans). On this basis, the ARA have confirmed that they did not need to seek an updated Transport Assessment as part of this Section 42 application and that subject to the conditions mentioned in response to Condition 2 above being re-attached, they have no objections to the 'as built' alternative development layout with regards to the increase in volume of caravan units.

4. That before work commences on site, a phasing plan for the development of the site and advanced structural landscape proposals, shall be submitted to, and approved in writing by the Planning Authority. The scheme of landscaping shall indicate 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 earthmounding. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the relevant phase of the development, whichever is sooner. Land to the North of the application site boundary as detailed on the approved plans, but within the existing caravan park shall be incorporated in the advanced structural landscaping proposals.

Reason: In the interests of visual amenity and to enhance the ecological and wildlife value of the site.

The applicant initially requested the removal of this condition on the basis that they have already implemented the majority of what they consider to be an alternative appropriate planting scheme within the application site. As part of the initial submission for the Section 42 application, they provided a landscape plan which indicated the locations of trees and shrub species that have been planted and the remaining locations where they will be planted as the last remaining part of this alternative development layout for the site on the southern edge which still requires to be completed.

In the Planning Statement, it is noted that the structural landscaping previously proposed by the applicant in 2016 was not approved by the Council and the plans submitted by them in 2016 to discharge Condition 4 of application 15/01231/APPM were never responded to or approved by the Planning Service. They advise that in mitigation for the lack of an agreed scheme for structural planting between them and the Planning Service, the applicant proactively purchased and planted several thousand tree whips and that these have now grown very quickly with some at the height of standard trees. As a result, they suggested that as the applicant been planting out shrubs and trees in each row of caravans and in corner sites, a sufficient programme of planting and landscaping is in place as the site has been developed out. The Planning Statement goes on to state in addition to the above that the mature screen of trees which are sited on the west of the site have been retained and the roadside hedge along the C74 has been retained and left to grow to a height of approximately 2 metres. They therefore considered that this forms an effective buffer from the C74 which is supplemented by the retention of other mature trees and hedgerows to the east of the application site alongside the additional planting introduced by the applicant.

In the first instance and in response to the case made through the supporting submissions, it is acknowledged as part of the wider consideration of the removal of this particular condition that the applicant did seek to discharge this pre-commencement condition previously with a landscape plan submitted to the Planning Service on the 13th of October 2016. This landscape plan and scheme included details of the development layout and specific information relating to the locations, species and volume of structural planting proposed as part of the earlier development layout. Despite this request for discharge, there is no record that this condition was ever formally discharged by the Planning Service. Notwithstanding this, the relevancy of the discharge of condition process as justification for the removal of this condition is limited noting that the applicant has implemented an alternative development layout with a different landscape scheme than shown on the plans previously supplied as part of the discharge request for Condition 4. In other words, even in the scenario of an effective discharge of the condition by the Planning Service, this would be irrelevant to the consideration of this Section 42 application noting that a completely different landscaping scheme has been undertaken within the application site than the plan provided to discharge Condition 4 in 2016.

Given the above, the central part of the consideration of the acceptability of the removal of this condition as part of this application is to establish the extent of the difference in the landscaping shown as part of the original development layout (and the landscaping plan supplied in response to Condition 4) when compared to the alternative layout 'as built' on site (which includes an updated landscape scheme) and establish as a result if the current landscape scheme is still acceptable. The Planning Service have assessed and reviewed the landscaping that has been undertaken on the site as part of the 'as built' and alternative layout and have compared this to the landscape scheme previously proposed for the approved layout and scheme granted as part of application 15/01231/APPM. As part of this assessment, the Planning Service have specifically cross checked the proposed landscaping shown on the plan provided as part of the discharge of Condition 4 of planning permission 15/01231/APPM and compared these to the 'as-built' landscape plan provided as part of this current Section 42 application.

From review and as set out above it was apparent that when compared to the previously approved application, that the increased number of caravans as part of the 'as built' layout that are now aligned in straight lines and not following existing land contours as proposed before, makes the current 'as built' development to be more noticeable on the local character and landscape setting, particularly from views in the east and north-east. In addition to this and compared to the previous application 15/01231/APPM, the current 'as built' layout and density of the development also now clearly provides far less scope for larger areas of structural and screen pocket planting, and this in itself is evidenced by the fact that the initial updated landscape plan provided with this Section 42 application for the 'as built' offered significantly less planting overall than compared to the previous. At the same time and whilst the Planning Service accept that the alternative layout does not lend itself to as sizeable areas of landscaping as it did before, upon initial review it was considered that far more could be achieved and proposed as part of the 'as built' layout to better screen it than has been implemented to date and proposed for the remaining parts of the site.

On this point, it is relevant to note that prior to the submission of this Section 42 application, the Planning Service set clear instructions to the applicant that the LVIA should also inform a revised programme for structural planting masterplan arrangement with particular attention paid to the more elevated parts of the site which have been built out (contrary to the terms of condition 2 and 3 of the permission) and again demonstrate why this allows the layout, volume and positioning of the alternative and increased caravan development to be acceptable. Notwithstanding this, the current 'as built' and proposed proposals for a caravan park with a differing layout and arrangement and of a greater density but with significantly less landscaping and structural planting than that which was proposed through the condition discharge for the earlier planning application 15/01231/APPM. Following review, the initial alternative landscape proposals submitted as part of this Section 42 were established as being unacceptable, and, on this basis, the position reached by the Planning Service was that it would not be appropriate to accept the removal of this condition based on the landscape scheme presented upfront as part of the Section 42 application.

To inform this position, the Planning Service have had input from the Council's Design and Advice Officer and an external professional Landscape Architect and Adviser (Carol Anderson Landscape Associates Ltd) as formal consultees to this Section 42 application. In short, they agreed following detailed review and consideration that the initial landscape proposals were not sufficient and that a further and revised detailed landscape scheme would be needed to offset the additional visual and landscape impacts of the 'as built' development. From review of the current 'as built' layout, they both highlighted that the whole of the caravan park is densely developed with little greenspace and tree planting between caravans reducing the amenity for residents as well as increasing intrusion from the surrounding rural area. In particular, they raised concerns with the unnaturally steep banks, formed to provide building platforms for caravans, and the caravans and associated timber decking structures within the south-eastern extension to the site, which are considered intrusive from the north-east and particularly from the minor road which is aligned close to the boundary of the caravan park. They also both considered that the increased siting of caravans on the highest part of the site has significantly increased visual intrusion from the surrounding rural area in views to the east and north-east.

In response to these observations and this input, both consultees have provided professional advice and input to inform where additional planting and landscaping would be best directed on the 'as built' site and this included recommendations for the deletion of 2 caravan unit plots (where pitches partly formed on site) to deliver further landscaping and stipulations on the types and species of trees and plants to be used to screen sensitive and exposed parts of the site. Taking the professional landscape advice provided on board and noting the fundamental need to ensure screening is in place to mitigate the visual impact to some extent and the increased impact of this alternative development on the local landscape, the Planning Service advised the applicant and their appointed agent that further significant additional pocket areas and strips for increased and diversified vegetation structure within the site would be necessary. Following on from this, the Planning Service instructed the applicant and their appointed agent in early January 2023 to appoint an independent Landscape Architect to undertake and supply a revised landscape scheme for the site so it could be considered as part of the wider assessment of the removal of Condition 4 of this Section 42 application.

In response to this request, the applicant and their agent appointed an independent, professional Landscape Architect (Ironsides Farrar) who has since produced a suite of plans comprising of a revised landscape scheme for the site with the final versions of these submitted to the Planning Service in early February 2023. Following their submission, the Planning Service re-consulted the Council's Design and Advice Officer and their external professional Landscape Architect (Carol Anderson Landscape Associates) and further to some minor amendments and revisions being made, in final consultation responses both consultees have advised that the revised landscape scheme and arrangements are now acceptable with them generally aligning with their recommendations and amendments suggested. In particular, securing the deletion of 2 caravan bay plots on the northeastern boundary edge is considered to represent a positive improvement to the 'as built' development overall. As part of this, the applicant and their appointed agent have agreed not to progress with these particular units and the updated site layout and amended landscape scheme indicates that the foundations will be removed and that these areas now being planted up. This is considered an improvement for this development as the removal of these plots now allows for the holistic and uninterrupted continuation of structure planting from the boundary edges of the site in order to screen the embankment area whilst at the same offering an arrangement which more closely resembles the proposed landscaping arrangements approved in this location as part of the earlier planning permission 15/01231/APPM.

The updated landscape scheme now also includes proposals for the temporary storage area on the northeast corner of the site through this Section 42 application, with arrangements in place for the compound to be removed and landscaping to be introduced as part of the wider landscape scheme. The revised landscape scheme also addresses the most elevated part of the site and includes plans to introduce further greenery across the highest platform through the formation of a pocket park (comprising of a number of heavy standard native trees, seating areas and paths) on the top plateau alongside provision for distributed tree and shrub planting in between the caravan bay units where spacing is wider in these areas. This will help considerably in terms of breaking up the visual mass and presence of the caravans occupying the higher platforms on the site and will contribute towards screening the aspects of the 'as built' layout which were of earlier concern.

In addition to the specific improvements referenced above, the overall provision of landscape has also substantially increased from the initial proposals with the current revised landscape scheme including significant additional reinforcement planting along the northeastern and eastern boundary edges of the site which will bolster the existing woodland and hedgerows in these locations as well as help to better screen the otherwise bare embankments between the platforms and rows of caravans. In total, 195 individual trees comprising of 11 native species and a woodland planting mix made up of approximately 3880 trees and plants comprising of 18 different species have been secured through the scheme. Crucially, the amount and volume of landscaping now proposed through this revised landscape scheme is now considered to be more proportionate and is closer to the amount proposed through the earlier planning permission 15/01231/APPM.

It is relevant to note that this position reached by the Planning Service is also corroborated by the conclusions reached by Carol Anderson Landscape Associates in their final consultation responses who advises that while the intrusive effects of steep earth banks, building platforms, caravans and decking will persist in the short term, the woodland planting should cover unsightly raw banks within approximately 5-10 years providing good establishment is achieved. Equally, they also advise that whilst the caravans and decking (some of which are prominently located on a small hilltop) cannot be entirely screened from views outside the caravan park, their stark profile would be softened by trees planted between them and within the pocket park. They conclude by stating that they consider that the extent of planting proposed in the applicant's current plans will be broadly compatible with the planting which formed part of the consented extension when taking into account the larger trees that will be additionally planted between caravans and in the pocket park.

On this basis and taking all of the above into account it is considered that as a result of the revised landscape scheme secured through this Section 42 application, Condition 4 in its current format can be removed through this Section 42 application.

As one final point, it is relevant to note that it was observed during the site visit that many of the existing trees planted throughout the whole caravan park did not appear to be thriving. As highlighted in the response from Carol Anderson Landscape Associates Ltd, this is likely to be a fault in planting technique and ongoing management with grass insufficiently suppressed around the base of trees to reduce competition. Following discussion, it has been agreed between the Planning Service, the Landscape Architect and the applicant that a more consistent and professional approach to planting and maintenance is needed to ensure good establishment of the revised landscape scheme in the long term. As it is important that the planting and its maintenance is undertaken in a professional manner and thereafter given the best chance of good growth, it has been agreed that the planting works should be undertaken, supervised and regularly checked by a suitably qualified and independent professional landscape contractor or arborist to ensure establishment and maintenance is satisfactory. Inspections should be undertaken twice a year during the first 2 years of establishment with annual checks undertaken thereafter up to 10 years from planting and as set out in the planting schedule of the landscape scheme, replacements should be made of all failed plants with tree shelters/guards and stakes removed after approximately 5 years.

Taking these recommendations into account, separate conditions have been attached which will require the applicant to appoint an independent, professional landscape consultant/contractor to implement the landscape scheme and thereafter maintain and monitor it for a defined period. The terms of this appointment will require to be agreed in writing with the Planning Service in consultation with the Council's Design and Advice Officer and the external Landscape Architect Carol Anderson Landscape Associates. In addition to this, conditions have been attached which would require the landscape scheme to be implemented in strict accordance with the approved plans and within a 2-month timescale of the agreed appointment of the landscape contractor. These conditions will safeguard the implementation and establishment of the revised landscape scheme and are set out in full in Section 9 below.

6. No development shall take place on site until a scheme for the management of the hedge running along the C-class road heading east past the site has been agreed in writing by the Planning Authority. The scheme shall include provision for such other agreements (if any) as may be necessary for delivery of the required management of the hedge to provide screening of the development from the C-class road.

Reason: In the interests of visual amenity.

The applicant and their appointed agent initially requested the removal of this condition as they considered that despite never getting this condition formally discharged by the Planning Service previously, that appropriate arrangements have been and are in place for the maintenance and retention of the hedge, and these have been and will continue to be undertaken in perpetuity going forward. More specifically, the agent confirmed in their Planning Statement provided that the applicant/site operator has retained the hedge in situ and cuts it once a year to ensure it is maintained at a reasonable height and volume of 2 metre to provide sufficient screening. Given the applicant/site operator is undertaking this activity already, the agent initially considered that appropriate arrangements are in place and that a condition requiring a hedge management plan is no longer necessary. As a result, they seek to make the case that this condition can be removed.

The Council's Biodiversity and Ranger Services have been consulted as part of this Section 42 application in order to provide a response on the proposal to remove this specific condition. In their response, they have advised that they consider the hedge management arrangements and details provided by the agent to be more of a statement as opposed to an actual hedge management plan that could reasonably be considered as a response to Condition 6 of the earlier planning permission 15/01231/APP. In addition to this, they have also confirmed that they did not agree with much of the arrangements as set out and in particular they do not recommend an annual cut which is being undertaken is appropriate (unless there is clear safety or sightline reasons). Instead, they advised that it is better practice to cut hedges on rotation so that only a half or a third of hedges are cut in any one year. As part of this, they indicated that this generally improves the hedges health, and it allows for thickening of the hedge and increases flower and berry abundance in the interests of biodiversity. In addition to this, they have also stipulated that the hedge should never be cut in the bird breeding season which extends from 1st March to 31st August each year.

Given a combination of factors, including the fact that this condition was never formally discharged by the Planning Service (and a hedge management plan has never been in place) alongside the position of the Council's Ranger and Biodiversity Services as a consultee to this process, it was initially considered that it would not be appropriate to remove this condition based on the information presented for hedge management. Instead, and noting the specific comments and recommendations from the Council's Ranger and Biodiversity Services alongside wider landscape comments provided by Carol Anderson Landscape Associates Ltd, it was established that it would be necessary for a carefully considered and informed hedge management plan to be formed so that that the hedge which runs along the perimeter edge of the holiday park closest to this application site, is properly maintained and enhanced in conjunction with the development on site. In addition to the biodiversity and health benefits that an effective hedge management plan could have for this particular hedge, it was also considered that an appropriate and informed hedge management plan could provide benefits from a visual and landscape perspective with a fuller and more established hedge offering generally better screening from the views along the unnamed road in particular.

On this basis and taking all of the above into account, a formalised hedge management plan was requested by the Planning Service in January 2023 and the applicant, and their appointed agent were instructed to undertake and provided this as part of the revised landscape scheme required for Condition 4 above. In response, a hedge management plan has been produced by the applicants appointed Landscape Architect (Ironside Farrar) and this has been submitted to the Planning Service alongside and as part of the revised landscape scheme for the site as provided in February 2023. Following receipt of this, the Planning Service re-consulted the Council's Biodiversity and Ranger Services and Carol Anderson Landscape Associates and in response they have confirmed that the hedge management plan produced is acceptable given all of their recommendations and measures identified to ensure the hedge will be healthy, offer biodiversity gain and effectively screen the development have been adopted and reflected in the revised landscape scheme provided.

On this basis and taking into account all of the above into account, including the formalised hedge management plan now secured for this development through this Section 42 application, it is considered that Condition 6 as attached to the earlier planning permission, can be removed. A separate condition has been attached which will secure the implementation and ongoing adherence to the hedge management plan for the lifetime of the development and this is set out in full in Section 9 below.

8. That before any work commences on site a suitably scaled block layout plan showing:
- a) Existing ground levels;
 - b) Proposed ground levels; and
 - c) Finished floor levels of each proposed plot/stance;

shall be submitted for the prior written approval of the Council as Planning Authority. The finished floor level of caravans or associated decking shall not exceed 1.5m above the agreed proposed ground level for its plot/stance.

Reason: In the interests of visual amenity.

The applicant and their appointed agent request the removal of this condition as they essentially consider it is no longer required. In the Planning Statement, the agent advises that the levels as shown on the 'as built' plans provided as part of this Section 42 application have already been built on and are already implemented across the development site. They also confirm that whilst differences do exist between the levels for the development layout approved through application Ref. 15/01231/APPM and the 'as built' alternative scheme undertaken on the site, importantly, they still conform to and sit below the overall height limits and parameters previously established through the earlier consented development.

In the first instance, it is relevant to note as part of the wider consideration of the removal of this condition that the applicant/agent did seek to discharge this pre-commencement condition previously with a levels plan submitted to the Planning Service on the 23rd of March 2017. This level plan included details of the development layout and specific information relating to the existing and proposed ground levels and finished floor levels for each caravan plot. Despite this request for discharge, it is acknowledged that this condition was never formally discharged by the Planning Service at the time. Notwithstanding this and similar to the considerations of Condition 4 above, the relevancy of the discharge of condition process as justification for the removal of this condition is limited noting that the applicant has implemented an alternative development layout with different levels than the levels arrangements shown on the plan supplied as part of the discharge request for Condition 8. In other words, even in the scenario of an effective discharge of the condition by the Planning Service, this would be irrelevant to the consideration of this Section 42 application noting that completely different levels have been undertaken within the application site than those shown on the levels plan provided to discharge Condition in 2017.

Given the above, the central part of the consideration of the acceptability of the removal of this condition as part of this application is dependent upon establishing the extent of the difference in the levels as shown as part of the original development layout (and the levels plan supplied) when compared to the alternative 'as built' site layout (which includes a topographical survey). As a result, the Planning Service have assessed and reviewed the levels works that have been undertaken on the site to develop the 'as built' and alternative layout and have compared this to the levels previously proposed for the approved layout and scheme granted as part of application Ref. 15/01231/APPM. As part of this assessment, the Planning Service have specifically cross checked the proposed site levels and finished floor levels shown on the plan provided as part of the discharge of Condition 8 of the planning permission and compared these to the 'as-built' topographical plan and cross section provided as part of this current Section 42 application. In this context, weight requires to be given to the fact that in any case and irrespective of the exact differences, a substantial change in levels to the site was already indirectly accepted and anticipated when the original planning permission Ref. 15/01231/APPM was being considered and indeed when it was approved given the need to deliver level and flat platforms to form and accommodate the 197 caravan bays across the site.

In addition to the above cross-checking assessment, the Planning Service have also sourced copies of Ordnance Survey maps to ensure that there is a separate understanding of the baseline levels of the landscape and topography of the site before any works subject to the planning permission had taken place. From obtaining Ordnance Survey maps which show accurate depictions of the existing site levels before works took place, the Planning Service were able to gain an understanding that the topography and the landscape along the boundary of the caravan park site was already steep and forming an inclining profile. This understanding was further reinforced by reviewing a series site visit photographs available on the earlier planning permission Ref. 15/01231/APPM which show the rising gradient and profile of the landscape along the north-eastern and eastern side from views looking both north and south.

The conclusion of this cross-checking exercise and the series of follow-up assessment undertaken is that, despite the apparent differences in the development layout between that which was approved through application Ref. 15/01231/APPM and that which is 'as built' on site, the levels and topographical conditions as they currently exist on site 'as built' are not of such a difference that they would be considered to be unacceptable in planning terms. Whilst the Planning Service do acknowledge that site levels have been modified and have in locations modestly increased and decreased to enable the alternative layout for the extension to the caravan park to be facilitated, it is not considered that any of these are of such a degree or extent from the previous levels to now be considered unacceptable in visual, landscape, environmental or amenity terms. Instead, the assessment undertaken by the Planning Service actually identifies that in most areas within the site (particularly the more elevated parts of the site), the maximum finished levels created as a result of the 'as built' layout are less and have been reduced when compared to the levels proposed through the earlier consented layout alongside the extension which came before this one and granted in 2014.

It is recognised that the findings indicate that there are minimal differences between the levels of the approved and 'as built' layout albeit that this is largely down to the fact that the alternative 'as built' layout has built over and across the more elevated parts of the site which were previously prohibited through the permission. Notwithstanding this, through a combination of factors including the conclusions reached from the comparison and cross-checking between the levels of the approved and 'as built' layout, alongside the physical appearance of the development site which has been built out with all of the levels of the alternative and deviated layout implemented on site, it is considered acceptable for Condition 8 to be removed as part of this Section 42 application.

9. A site-specific Construction Method Statement shall be submitted to and approved in writing by the Planning Authority. All work shall be carried out in accordance with the approved plans and statement. Furthermore, should any vegetation require to be removed, it shall be done so outwith the breeding bird's season, specifically March - August.

Reason: To protect or enhance ecological and wildlife interests.

The applicant and their appointed agent request the removal of this condition as they consider it is no longer required as the development is largely complete in so far as the formation of plots/pitches has already been complete and the majority of the development works associated with the site are now 'built out'.

From review, it does not appear that a request was ever made to the Planning Service to formally discharge this condition following approval of the earlier planning permission application however the situation at this time is that the site has been developed and largely 'built out' and this in effect makes the condition irrelevant to the current stage of development on site.

In addition to this, it is noted in the Planning Statement that the agent has confirmed that no vegetation has been removed and whilst this has not been specifically evidenced, the Planning Service are aware that before the development works took place, that the site predominantly comprised of low level maintained agricultural grassland. It has also been possible to establish from review of photographs supplied as part of the earlier planning permission Ref. 15/01231/APPM when compared to observations on recent site visits to the application site that the mature trees which were existing and present within the site at the time of the earlier planning application have not been compromised or removed as part of the 'as built' alternative development implemented on the site and this further reduces the risks in this context.

The Council's Biodiversity and Ranger Services have been consulted to provide specific comment on the proposal to remove this condition and they have agreed that given the previous site conditions, the current site conditions and the level of 'built out' to date, the condition no longer applies, and it can therefore be removed.

Through the combination of factors referenced above, it is considered acceptable to remove Condition 9 as part of this Section 42 planning application.

10. That a lighting strategy, demonstrating how any external lighting scheme will minimise light spillage and pollution shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Reason: In the interests of environmental quality and the prevention of light pollution.

The applicant and their appointed agent request the removal of this condition on the basis that they have already sought to discharge the lighting arrangements previously and on the basis that the lighting scheme has already been largely implemented across the application site. Whilst the development layout and density differ from the previous one approved under application Ref. 15/01231/APPM, the agent advises that the lighting strategy proposed (and largely implemented at this this) has not and this follows the same arrangements previously proposed which is to have low level lighting bollards in each pitch and along each access route and to avoid the use of high-level lighting poles.

Whilst Condition 10 was never formally discharge by the Planning Service following the approval of planning application Ref. 15/01231/APPM, the arrangements for lighting are still considered to be acceptable, particular given they have not changed and follow the established arrangements which were indicated through application 15/01231/APPM, and which have been rolled out across the expansion and extension of the wider caravan park site through other permissions.

The Council's Biodiversity and Ranger Services have also been consulted on this specific condition and have confirmed that as the lighting comprises of low-level bollards which are downward lit, there is no concerns with the lighting strategy implemented from an ecology perspective.

On this basis and noting the combination of factors above, it is considered acceptable that Condition 10 can be removed as part of this Section 42 application.

11. 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.

Reason: To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

The applicant and their appointed agent request the removal of this condition on the basis that it has already been formally discharged by the Planning Service in December 2016 with input received from West of Scotland Archaeological Service (WoSAS).

The Planning Service holds records relating to this condition in the planning application file for Ref. 15/01231/APPM and this includes a formal consultation response from WoSAS dated from the 24th of November 2016. In this response, WoSAS confirm that they have reviewed and considered the archaeological report produced by professional consultants 'Guard Archaeology' which undertook an archaeological evaluation of the full application site. They also confirm that the findings of this report revealed that the site comprises of much previously disturbed ground, heavy soils and plough truncation to subsoil level and on this basis, no significant buried remains were identified and there were no requirements for any further archaeological works on the site. they conclude this consultation response by stating that Condition 11 could be discharged by the Planning Service and shortly after receiving this letter from WoSAS, this condition was formally discharged by the Planning Service and an email was sent to the agent to this effect.

WoSAS have now been formally consulted as part of this Section 42 application to consider the proposal to remove this condition entirely. They have responded to advise that they have reviewed the material and that the development, 'as built' (although not consented), do not raise any significant archaeological issues. They confirm that new issues from an archaeological perspective would be from disturbance of ground outwith the application boundary. Notwithstanding this, they note the overall application site (which was the subject of the earlier archaeological report/assessment) has not changed, and such the findings and conclusions previously reached remain the same. As a result, they confirm that they accept the removal of Condition 11.

Given the findings and conclusions of the original archeologically report, the original position of WoSAS in response to this condition and now in relation to this Section 42 application and the previous confirmation of discharge of this condition by the Planning Service, there is sufficient evidence to confirm that this condition has already been formally addressed. Whilst the development as 'built out' on site has deviated from the layout and density which obtained permission through Ref. 15/01231/APPM (and this has been considered in detail above), it is not considered that this in itself compromises archaeology matters noting the agreed conclusions that no records were found across the site and no mitigation was established as being necessary in order to develop the site. Crucially, and as set out by WoSAS, the overall application site remains the same and no new areas have been developed which previously did not form part of the earlier application site and this eliminates any risk in terms of archaeological impacts.

On this basis, it is considered acceptable for Condition 11 to be removed through this Section 42 application.

7.3 Material Considerations

7.3.1 General Impact on the Locality (Residential and Visual Amenity)

Taking residential amenity factors into consideration first, whilst the 'as built' development layout and orientation of caravan plots and rows differs and the density and volume of caravans on the site has increased from what obtained planning permission through application Ref. 15/01231/APPM, it is not considered that these changes will have any material impact on the residential amenity of the nearest isolated properties. Outwith the wider park boundary, the nearest properties constitute a few residential properties and farm steadings to the north, northeast, southeast and southwest of the site and this includes the row of residential properties of Sandyhill Terrace alongside Burnton Farm and Cottage to the north and northwest, Friarland Farm and Lodge and Abbothill Farm to the east and southeast and Braston Farm and House to the south/southwest. In each case, weight is given to the fact that these all remain a sufficient distance away from the development site and are intersected by rolling landform, agricultural parcels of land and areas of woodland which provide a degree of separation and minimise any potential for any direct amenity impacts. Whilst 'right to a view' is not a material planning consideration, the existing hedgerow and tree belt which run along the eastern, southern and part of the western side (which will be retained and enhanced and secured through the revised landscape scheme secured) will further contribute to providing a degree of separation and screening for the development from the direction of most of the properties and this will be of benefit in the interests of the general amenity terms.

With regards to visual and landscape impacts specifically, as previously outlined, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has already been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years before this one in 2015. Whilst the alternative layout undertaken on the site does differ in orientation, arrangement and density from what obtained planning permission through application Ref. 15/01231/APPM, in the context of the wider caravan park to which this site sits within, it is considered that the site does have the capacity to accommodate the further 31 caravans and the orientation and arrangement as has been built on site, without it reaching a threshold where it would be considered unacceptable in visual and landscape terms. As was the case with the layout approved before through the earlier application Ref. 15/01231/APPM, the 'as built' development on this site will primarily be seen in the context of the wider holiday park and it is not considered that any new or previously uninterrupted viewpoints or landscapes will be affected as a result of the changes. Whilst it is accepted that areas have now been developed that were previously prohibited and that this has resulted in a more concentrated development on the site from previous sensitive viewpoints to the east and northeast, the deletion of specific plots and the introduction of further pockets of structural and reinforced planting which have been secured through a revised landscape scheme, will help to further mitigate the overall visual presence of the alternative layout of different arrangement and density from views to the northeast and east to a point where it can be considered acceptable.

On this basis, it is considered that the removal of conditions 1, 2, 3, 4, 6, 8, 9, 10, 11 and the alternative caravan park extension layout and density associated with this will not result in any additional impact on the locality in comparison with the development currently approved to an extent which would make it unacceptable to a point of refusal of this application.

7.3.2 Planning History

As set out above and detailed throughout this report, this site has both an extensive planning history and planning enforcement history, with all of the assessments undertaken to date in effect culminating in the submission of this Section 42 planning application submission.

Understanding both the planning application and planning enforcement history to this site is considered to be material to the overall consideration of this application and noting the circumstances and nature of each of these, it is considered that both of these are relevant to the assessment in so far as understanding the background to the development subject to this current Section 42 application.

7.3.3 Consultations Received

As set out in the relevant consultation sub-section above, all consultees who were consulted on the earlier planning permission application Ref. 15/01231/APPM were re-consulted as part of this Section 42 application to ensure consistency and more importantly that they had the opportunity to consider the conditions sought for removal and the changes associated with the 'as built' layout.

Weight is given to the fact that none of the consultation responses received in response have raised any objections to this Section 42 application and this included statutory consultees to the process. Some consultees have requested further mitigation and it is considered that these can all be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations below.

Whilst not a previous consultee to the earlier planning application Ref.15/01231/APPM, Carol Anderson Landscape Consultants Ltd were formally engaged and consulted as part of this Section 42 application to assess and consider the proposals to remove the conditions. Noting the changes to the layout and the potential impacts in landscape and visual terms, it was considered that the assessment of an external professional Landscape Architect would be particularly helpful in determining the extent and reach of visual impacts and establishing the level of mitigation required to offset any visual and landscape impacts identified. As set out in detail in response to Condition 4 above, the outcome of this assessment and the recommendations made by the Landscape Architect has informed a revised landscape scheme for the 'as built' site and as part of this, this scheme will deliver:

- Creation of a 'Pocket Park' on the highest part of the site. This includes a grove of 20-25 Extra Heavy Standard trees within this small open space which would ultimately achieve a large stature (such as oak and beech which would additionally fit with the character of surrounding woodlands). The intention being that this planting will partially screen some of the most visually intrusive caravans in time as well as provide a focal point for quiet recreation for users given the lack of functional and properly designed greenspace within the caravan park.
- Planting of native woodland on the most visually intrusive steep banks seen from the minor road on the north-eastern boundary of the caravan park. This woodland planting will extend up into the site (necessitating the removal of two concrete bases for caravans which has been secured) in order to increase screening of caravans and angular built platforms from the adjacent minor road and the surrounding rural area.
- Planting of native woodland on the lower south-eastern end of the site linking with existing woodland in adjacent farmland and extending into the yet undeveloped part of the site.
- Planting of trees in wider spaces between caravan bays, the purpose of which will soften their stark outlines and reduce intrusion particularly where they are located on the higher parts of the site.

As a result, the professional and expert input and advice from the external Landscape Architect as a consultee to this Section 42 application has been central to the assessment of this application and the outcome achieved from their involvement has now secured a sufficient level of mitigation through the revised landscape scheme which in turn contributes to allowing the overall acceptability of the 'as built' layout in planning terms. This in turn has informed the conclusion for the removal of certain conditions, including conditions 1, 2, 3, 4 and 6 whilst at the same time ensured that sufficient environmental mitigation and biodiversity gain is being delivered as part of the 'as built' development to comply with the requirements of NPF4.

8. Conclusion:

This Section 42 application as submitted requires to be assessed on its individual merits, with the principle of a change of use of the land to form an extension to the existing caravan park already established through the earlier planning permission granted. It should be noted that despite the submission of this formal Section 42 planning application and the considerations as set out, the Planning Service does not condone or endorse the applicant's approach to the development of this site to date and the extent of unauthorised works already undertaken and implemented in the first instance. Both prior to the submission of this application and during the assessment of this application, the applicant has been made fully aware and clear of the Planning Services stance on the approach undertaken which could only be considered as a clear and intentional departure from the development scheme and layout approved under the relevant planning permission Ref. 15/01231/APPM given their awareness of the issues initially sent to them in dialogue with the Council from at least December 2018.

Notwithstanding this, the purpose of planning enforcement is not a punitive role. Instead, and as set out in the Council's Enforcement Charter, it is to resolve and regularise identified enforcement matters through discussion and negotiation. In this context, the Planning Service has to consider each case on its own merits and decide thereafter on the most appropriate solution to address and regularise the breach of planning control. In this case and noting the previous enforcement considerations combined with the extent of development 'as built' on site at this time, the most appropriate action was to pursue the submission of a Section 42 application with a case for justification for the non-compliance of the conditions attached to the earlier planning permission granted. This was seen as the most effective procedural planning mechanism in the circumstances for the Planning Service to obtain a degree of control and influence over the situation on the site, to consider the extent of the difference of the works between the approved and 'as built' and establish how much of a departure these represented from the conditions attached to the earlier consent granted for the site and to secure further mitigation to offset additional impacts (most notably a revised landscape scheme for the site).

On balance and subject to both the justification provided and the further environmental mitigation secured through this Section 42 application, the changes to the layout and density of the caravan park extension development 'as built' and which have been implemented on site in non-compliance with the relevant conditions are still fundamentally considered capable of being in general conformity to the statutory development plan and there are no material considerations which would be of significant as to reach an alternative conclusion. On this basis, following detailed consideration and assessment (including input from a number of consultees), it has been established that the removal of conditions 1, 2, 3, 4, 6, 8, 9 and 11 is acceptable for the reasons set out in the assessment section of the report above.

Finally, as the effect of granting planning permission for Section 42 application is such that a new and separate standalone permission exists for the development, all other relevant conditions associated with planning permission 15/01231/APPM which would be relevant to this new permission require to be re-imposed to this new permission with the exception of those conditions agreed to be removed as part of this Section 42 application. Additional conditions are also attached and included below which cover the implementation and adherence of the revised landscape scheme secured for the site in response to the removal of specific conditions of the earlier permission.

9. Recommendation:

It is recommended that the Section 42 planning application is approved with the following condition(s).

Conditions:

1. No further development shall commence on site until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitability qualified and professional landscape consultant/contractor to implement and undertake the approved landscape scheme within the site and thereafter provide maintenance and monitoring of the landscaping for a period of 5 year from the date of its completed implementation. The terms of appointment shall:
 - Impose a duty on the landscape consultant/contractor to implement the revised landscape scheme in strict accordance with approved landscape plans and arrangements subject to the Section 42 planning permission and undertake and complete these by the timescales set in Condition 2 and Condition 3 of this permission below. Thereafter, the landscape consultant/contractor will notify the Planning Authority in writing once the landscape scheme has been completely implemented in full across the site.
 - Require the appointed landscape consultant to monitoring the completed landscaping scheme on the site for a period of 5 year from the date in which the landscape scheme has been completely implemented. Inspections shall be undertaken twice a year during the first 2 years of establishment with annual checks undertaken thereafter up to 5 years from the completion planting. Following each inspection, the appointed landscape consultant/contractor will provide and submit in writing to the Planning Service, a report which confirm the findings of the monitoring programme.
 - In accordance with approved 'Landscape Proposals Schedule (Drawing S4-P02)' any trees, shrubs, plants, or grass forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation.
2. Further to Condition 1 above, within 2 months of the date of the appointment of the landscape consultant/contractor, the approved detailed landscape scheme for additional structural landscaping and diversified vegetation to be introduced within the 'as built' caravan development layout shall be implemented in full within the site. Thereafter, the approved detailed and additional landscape scheme once complete and in place shall be maintained in strict accordance with the management and aftercare arrangements as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority.
3. Further to Condition 1 above and within 1 month of the date of the appointment of the landscape consultant/contractor, the approved revised scheme for the management of the hedge running along the C-class road heading east past the site shall come into full effect. Thereafter, the hedge shall be maintained in strict accordance with the approved hedge management plan as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority.
4. That all existing and proposed caravans associated with this development shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation.
5. 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.
6. Within 1 month of the date of this consent, precise details of the siting and specifications of a cycle stand to be situated within the Crofthead Caravan Park boundary shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The details provided shall show a cycle stand which is lockable and covered and which accommodate a minimum of 20 bikes. The approved cycle stand shall be installed in line with the approved arrangements within 1 month of the date of the Planning Authorities approval and once installed shall thereafter be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

7. Within 1 month of the date of this consent, a Travel Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan and it shall incorporate measures designed to encourage modes of travel other than private car. The approved Travel Plan and all associated measures and actions shall become effective within 1 month of the Planning Authorities approval and thereafter these measures shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reasons:

1. *To ensure that the approved revised landscape scheme for the site is implemented and monitored by a professional and suitably qualified landscape consultant with the relevant experience and expertise and to ensure that the landscape and planting is effectively monitored, and provisions are in place so that it can successfully establish within the site and serve its purpose in terms of screening.*
2. *To ensure that the revised landscape scheme is implemented in a timely manner to offer sufficient screening from the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM.*
3. *In the interests of visual amenity, biodiversity gain and securing the health and vitality of the hedge and to ensure it can be as effective as possible in a timely manner to contributing to screening the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM.*
4. *In order to retain full control over the development and to avoid the creation of any permanent additional dwellinghouses.*
5. *To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.*
6. *To ensure adequate provision of a lockable and covered cycle storage on the site and to encourage and facilitate more sustainable means of travel.*
7. *To encourage and promote sustainable means of travel.*

Advisory Notes:

Biodiversity and Ranger Services

- *Further to Condition 1 above, this service highlights that guidance and advice can be found online from SAC Consulting, the Scottish Rural Agricultural College (SRUC), or Nectar Network all of which can assist and advise the applicant should they have any questions regarding hedge management practices associated with the approved hedge management plan.*

Environmental Health Service

- *All remaining work should be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk*
- *If permission is granted, then you should contact South Ayrshire Council Environmental Health Service to update your current caravan site licence before the site opens and the site must meet the conditions stated in the Caravan sites and control of Development Act 1960 and amendments therewith included in the Act.*
- *This response with recommendation(s) was prepared by Elaine Little, Environmental Health Officer, to whom any further enquiries can be made on 01292 616341. This includes any enquiries about an updated caravan site license.*

Scottish Water

- *If the applicant is looking for a new connection to the public network, they should submit a Pre-Development Enquiry application through Scottish Water's customer portal: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>*

List of Determined Plans:

- Location Plan.
- Planning Statement (Dated November 2022, Alan Neish Consulting Ltd).
- Landscape and Visual Impact Assessment (LVIA) (Dated November 2022, Alan Neish Consulting Ltd).
- Appendix 1 of LVIA – Appraisals/Plans submitted with 2015 application 15/01231/APPM.
- Appendix 2 of LVIA – Plan denoting pitches deleted under Condition 2 of 15/01231/APPM.
- Amended Appendix 3 of LVIA – Site Plan ‘As Built’ (Drawing No. Appendix 3 Revision B).
- Appendix 4 of LVIA – Cross Section A-A through the historic site and site ‘as built’.
- Amended Appendix 5 of LVIA (Part1) – Site Plan ‘As Built’ with Landscape Proposals General Arrangement (Drawing No. 64048.00.001 S4-PO3).
- Amended Appendix 5 of LVIA (Part 2) – Planting Plan 1 of 3 (Drawing No. 6408.00.002 S4-PO3).
- Amended Appendix 5 of LVIA (Part 3) – Planting Plan 2 of 3 (Drawing No. 6408.00.003 S4-PO3).
- Amended Appendix 5 of LVIA (Part 4) – Planting Plan 3 of 3 (Drawing No. 6408.00.004 S4-PO3).
- Amended Appendix 5 of LVIA (Part 5) – Planting Schedules (Drawing No. 6408.00.005 S4-PO3).
- Amended Appendix 5 of LVIA (Part 6) – Planting Details (Drawing No. 6408.00.006 S4-PO3).
- Amended Appendix 6 of LVIA – Site Plan ‘As Built’ with Topographical Survey (Drawing No. Appendix 6 Revision A).
- Addendum to Planning Supporting Statement and LVIA (Dated 15th February 2023, Alan Neish Consulting Ltd).
- Copy of Decision Notice for permission 15/01231/APPM.

Reason for Decision (where approved):

The removal of conditions 1, 2, 3, 4, 6, 8, 9 and 11 of planning permission 15/01231/APPM are considered to be acceptable for the reasons set out in the Panel Report. Subject to the environmental mitigation secured through this Section 42 application which includes a revised landscape scheme for the site, the subsequent changes to the layout and density of the development are still considered to accord with the provisions of the statutory development plan framework and there is no additional significant or adverse impact on the amenity of neighbouring land or the surrounding environment and landscape to a point which would warrant refusal of the application.

Background Papers:

1. Application form, plans and submitted documentation(s)
2. National Planning Framework 4 (NPF4)
3. Adopted South Ayrshire Local Development Plan (LDP2)
4. Consultations

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 Ross Lee, Supervisory Planner (Place Planning), 01292 616 383.

South Ayrshire Council**List of Planning Applications for Regulatory Panel (Planning) Consideration on 11th May 2023**

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/00950/APP Ms Fiona Sharp (Objections)	Land At Barclaugh Private Road From C116 Woodhead Road To Milncraig Farm Coylton South Ayrshire Application Summary	Erection of 3 dwellinghouses	Mr. and Mrs. Richard and Amanda Reid	Refusal
2.	22/00975/APP Mr David Clark (Objections)	116 - 122 High Street Ayr South Ayrshire KA7 1PQ Application Summary	Alterations and change of use of first and second floors from offices / retail storage to form 6 dwellingflats	Union Technical Services Ltd	Approval with Condition(s)
3.	22/01021/APPM Mr Alastair McGibbon (Objections)	Land Adjacent To 1 Dow Avenue Monkton South Ayrshire KA9 2RH Application Summary	Erection of facility for the manufacturing, testing and operations of electronic and telecommunication equipment and associated works	Scottish Enterprise	Approval with Condition(s)

List No.	Reference Number	Location	Development	Applicant	Recommendation
4.	23/00065/APP Mr David Clark (Objections)	15D Wellington Square Ayr South Ayrshire KA7 1EN Application Summary	Change of use of existing dwellingflat for use as short-term let/holiday accommodation	Mrs Lisbeth Kirsop	Approval with Condition(s)
5.	23/00067/APP Mr David Clark (Objections)	15C Wellington Square Ayr South Ayrshire KA7 1EN Application Summary	Change of use of existing dwellingflat for use as short-term let/holiday accommodation	Mrs Lisbeth Kirsop	Approval with Condition(s)
6.	23/00068/APP Mr David Clark (Objections)	15G Wellington Square Ayr South Ayrshire KA7 1EN Application Summary	Change of use of existing dwellingflat for use as short-term let/holiday accommodation	Mrs Lisbeth Kirsop	Approval with Condition(s)
7.	23/00071/LBC Mr David Hearton (Objections)	Blairquhan Castle B741 From B7023 Junction At Knockroon To Kirkmichael Road Straiton Straiton South Ayrshire KA19 7LY Application Summary	Alterations to listed building	Ganten (Scotland) Ltd	Approval with Condition(s)

List No.	Reference Number	Location	Development	Applicant	Recommendation
8.	23/00117/APP Mr David Hearton (Objections)	The Bothy B743 From A77T At Whitletts Roundabout To Mauchline Road Mossblown Ayr South Ayrshire KA6 5AE Application Summary	Erection of garden room and workshop	IFDAS	Approval with Condition(s)

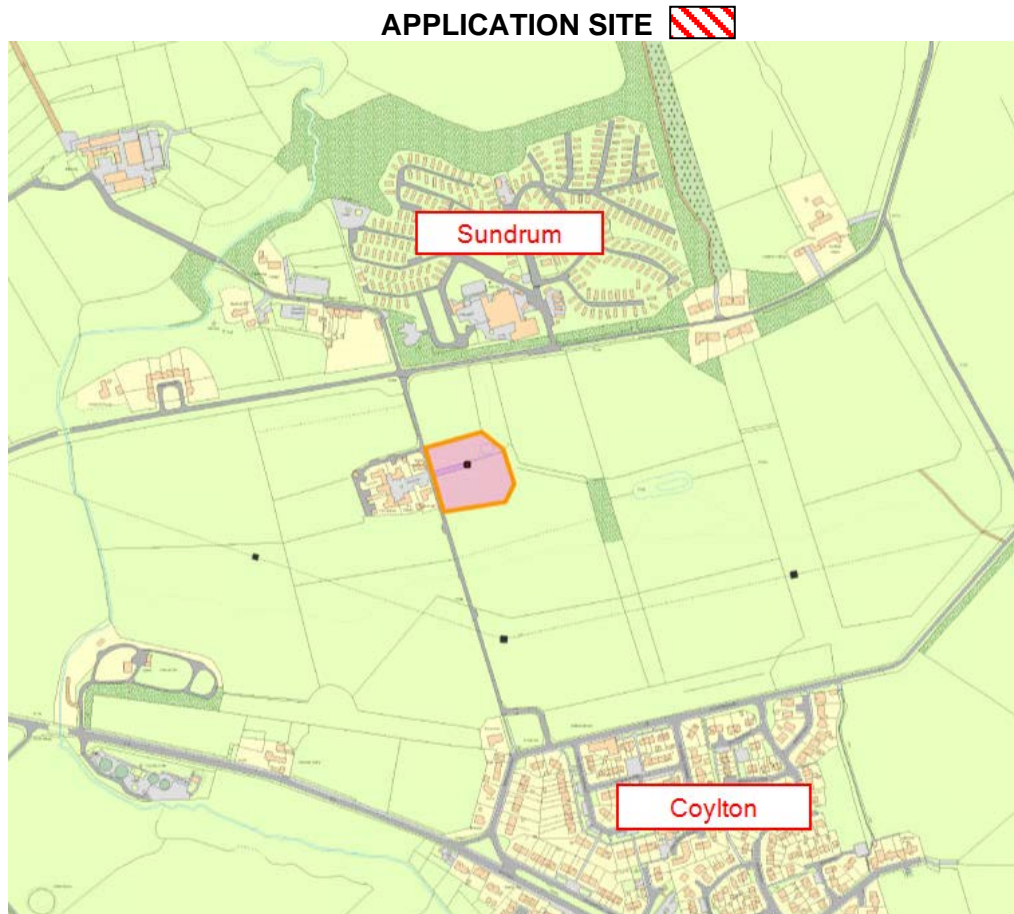
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00950/APP

LAND AT BARCLAUGH PRIVATE ROAD FROM C116 WOODHEAD ROAD TO MILNCRAIG FARM COYLTON SOUTH AYRSHIRE

Location Plan



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Summary

Planning permission is sought for the erection of 3 detached dwellinghouses, with detached garages and associated works on part of a larger agricultural grazing field located to the east of the former Barclaugh Farm, to the north-west of Coylton. The site lies opposite a former agricultural steading (Barclaugh) which has already been extended to provide a total of 7 dwellinghouses, with any further development breaching the threshold limit of the Council's policies. The application site is also physically, visually and functionally separated from the former farmsteading, and there are no defining features to suggest that the application site could reasonably be described as being an infill or gap site within a cluster of properties. A contemporary design approach is proposed, and the generally two storey design and appearance of the proposed development is not in keeping with the predominant character or appearance of the former Barclaugh steading development which is located opposite the site.

The application has been assessed against the various applicable material considerations which include the combined policy provisions of the development plan comprising of National Planning Framework 4 and the Adopted South Ayrshire Local Development Plan 2, other policy considerations (including government guidance), planning history, representations received (17 in total) and the impact of the proposal on the amenity of the locality. The assessment considers that proposed development does not align with the provisions of National Planning Framework 4, the Adopted South Ayrshire Local Development Plan policies in relation to: Sustainable Development, Development Management, Rural Housing, Affordable Housing, Natural Environment or Land Use and Transport. The proposals do not accord with the provisions of the Council's additional policy guidance entitled Rural Housing. In addition, the

Ayrshire Roads Alliance has also recommended that the development be refused due to the proposed use of the existing access being inadequate to serve the proposed increased number of houses, and there are no proposals by the developer to upgrade the existing access. In terms of the natural environment, the submission has not provided any supporting information which considers the impact of the development on the natural environment, including any protected species which might inhabit the site. Overall, the assessment concludes that there are no material planning considerations that would out-weigh and set aside the provisions of the development plan, and related guidance and consultation responses. 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.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00950/APP
SITE ADDRESS:	Land At Barclaugh Private Road From C116 Woodhead Road To Milncraig Farm Coylton South Ayrshire
DESCRIPTION:	Erection of 3 dwellinghouses
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:

The application site is set within a rural area and comprises part of a larger agricultural grazing field located to the east of the former Barclaugh Farm, which lies to the north-west of Coylton. The site extends to approximately 0.65 ha (6,500 sq metres), and comprises part of a larger area of undeveloped rough grazing land lying opposite the former Barclaugh farmstead. The site presents a frontage of approximately 80 metres onto the access road, and extends to a depth of approximately 85 metres. The topography of the site is broadly flat, and other than the existing shared access road, which is punctuated with electricity pylons, to the west, the boundaries of the site are not delineated by any physical features. Vehicular access to the site is obtained via a shared single-track road, with passing places, which extends to/ from Woodhead Road in Coylton. The aforementioned route also forms part of the core path network providing for local access.

The former steading at Barclaugh to the west of the site was redeveloped a number of years ago under an earlier application (05/00644/COU) to provide a total of 5 residential properties on the land associated with the farmhouse and its adjacent out-buildings. More recently, a further two properties were permitted and built on the land in-between the farmstead and the access road under applications (14/00542/PPP, 15/01359/APP and 17/00964/APP), which takes the number of dwellings at the former steading to a total of 7.

Planning permission is sought for the erection of 3 detached dwellinghouses, with detached garages and associated works. The submitted layout shows the houses to be positioned towards the north-western, south-western, and south-eastern boundaries of the site, with the central area being landscaped both with hard and soft landscaping. The proposed dwellings are shown to each be a combination of two storeys in height, and each with a single storey rear projecting extension. The applicant/ agent suggests the design of the proposed houses is a modern interpretation of a traditional farmhouse, with the addition of contemporary features, such as features windows, large window openings and balconies. A mixed palette of materials are proposed including; natural slate, natural stone, along with modern materials including timber cladding, standing seam metal roof, and large glazed openings. Each dwellinghouse is shown to have private garden ground and private parking accessed via the existing shared access road to the west. The north-eastern corner of the site is shown to be utilised for drainage in the form a sustainable urban drainage system. The submission proposes to utilise the existing shared

access road to service the development, with no alterations or modifications proposed, other than that which is required to form a new and enlarged access into the site. Currently the existing shared access is not only shared among the existing houses at the former Barclaugh Steading, but is also shared across all modes of transport, from pedestrian to vehicles. The associated works include; the formation of areas of hardstanding, erection of boundary walls partially along the frontage of the site, and the formation of a landscaped courtyard, and some new planting, although the submission is noted to provide limited information in respect of the aforementioned works. It is also noted from the submitted form that the applicant does not own the land forming the application site. The application is considered in this context.

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 10 competent written objections have been received from individuals.

2. Consultations:

Planning Strategy (Access) - notes that the site lies adjacent to the well-used core path network, with any proposals required to maintain local access links.

Scottish Water - no objection.

Ayrshire Roads Alliance - has confirmed that the existing access road serving an increased number of houses would require to be upgraded to adoptable standards. The ARA has noted that the submission does not propose to upgrade the existing access, and therefore conclude that due to the access arrangements not meeting the required standards of the National Roads Development Guide the proposals are recommended for refusal.

AECOM - the Council's ecological advisor has indicated that additional ecological information and surveys are required, including, as a minimum, a phase 1 habitat survey, a survey for protected mammals, and an assessment of bat roost suitability of trees and structures which could be impacted by the development, so as to enable a full consideration of the proposals on the natural environment. The application submission is not accompanied by any supporting ecological information, which considers the impact of the proposals on the natural environment.

Scottish Power - note the presence of electrical apparatus and offer no objection, in principle.

West Of Scotland Archaeology Service – has commented on the application, and has recommended a condition to ensure that that archaeological matters are appropriate dealt with.

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 submission is accompanied by a Design and Access Statement which considers the proposals to be in accordance with the recently adopted South Ayrshire Local Development Plan 2 and the related Supplementary Guidance in relation to Rural Housing, specifically, in terms of; representing an acceptable addition to an existing cluster of rural houses and the related policy criteria, and that the proposals have been designed to replicate the nearby steading development. The Design and Access Statement also considers the setting of the site, and locale, in bringing forward the development proposals.

A Drainage Assessment has also been submitted in respect of the development proposals. The assessment proposes new surface and foul water connections, and includes a sustainable urban drainage scheme. The assessment also confirms that the site is not at risk of fluvial, coastal or surface water flooding.

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, 17 of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning/register.aspx. In summary, the objectors have expressed their concerns to principally relate to the following;

- The proposals being contrary to the policy provisions of the Adopted South Ayrshire Local Plan and related Rural Housing policy guidance;
- Impact on visual and residential amenity;
- Traffic and transport concerns;
- Impact on historic environment and natural environment;
- Infrastructure concerns;
- Other general concerns;

The above representations are considered more fully in section v. below.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4) (2023):

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at National Planning Framework 4 - (www.gov.scot):

- National Policies 1 and 2 – Tackling the climate and nature crises, and Climate Mitigation and Adaptation;
- National Policies 3 and 4 – Biodiversity and Natural Places;
- National Policy 9 – Brownfield, vacant and derelict land and empty buildings;
- National Policy 13 – Sustainable Transport;
- National Policies 14 and 15 – Design, Quality and Place and Local Living and 20 minute neighbourhoods;
- National Policy 16 – Quality Homes;
- National Policy 17 – Rural Homes;

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as a key to reducing emissions. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. Further consideration of the potential impact of the development on the natural environment is set out below.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The current application is for residential development in a greenfield site in a rural location. Specifically, Policy 9 (b) states that *“proposals on greenfield sites will not be supported unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP”*. The application site is not allocated for development. For the reasons noted below, the proposals are not considered to align with the Rural Housing policy provisions of the Adopted South Ayrshire Local Development Plan 2, and the associated provisions of the related policy guidance, also entitled Rural Housing.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application proposes to utilise the existing shared single-track access to service the development. As noted above, currently the existing shared access is not only shared among the existing houses at the former Barclaugh Steading but is also shared across all modes of transport. Following consultation with the ARA, there are concerns in relation to the road safety implications of the proposals, which propose the continued use of the existing shared access road, rather than to upgrade the existing access to an adoptable standard, as per the requirements of the ARA. Further consideration of transport matters is set out below.

Policy 14 seeks to encourage and promote the ‘Place Principle’ and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the qualities of successful places will not be supported (under criterion c). Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In a plan-led system the development planning process is the mechanism to secure local living and 20-minute neighbourhoods, rather than via an incremental and piecemeal basis through individual planning applications; the SALDP2 allocates the site as an area of countryside, rather than an area suitable for residential development. In this instance, the site is a greenfield site within a rural location, where there are no public facilities or services at the site, public facilities and services being located in Coylton, or beyond. However, the aforementioned characteristics of the site, along with the cumulative issues relating access and connectivity, along with the other reasons noted within this report, are considered to render the site an inappropriate location for further residential development.

Policy 16 seeks an on-site contribution of at least 25% of the total number of new homes for affordable homes. The development does not make provision for affordable housing; and this issue is considered further below.

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With specific regard to new rural homes, development proposals will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area, and the development involves;

- i. land allocated for housing within the LDP;
- ii. reuse of brownfield land;
- iii. reuse of redundant or unused buildings;
- iv. use of a historic environment asset or enabling development to secure the future of historic environment assets;
- v. supporting the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. a single home for the retirement succession of a viable farm holding;
- vii. subdivision of an existing residential dwelling; and
- viii. reinstatement of a former dwelling house or a one-for-one replacement of an existing permanent house.

The development proposals involve the erection of three residential dwellings, detached garages and associated development, which does not align with the aforementioned criteria (i. – viii.) for rural housing.

In addition to the above provisions of Policy 16, NPF4 states that Local Development plans should set out a tailored approach to rural housing, and reflect locally appropriate delivery approaches. The Council's SALDP2 Policy: 'Rural Housing' is supportive of the development of rural housing where the site represents an appropriate extension to an existing 'clearly defined and nucleated housing cluster'. Further consideration of the proposals against the provisions of the SALDP2, and the related provisions of the Rural Housing Policy Guidance are set out below.

For the reasons set out above, and elsewhere in this report, the proposals are not considered to align with the policy provisions of the National Planning Framework 4.

(ii) South Ayrshire Local Development Plan 2 (SALDP2) (2022):

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at Local Development plan 2 - South Ayrshire Council (south-ayrshire.gov.uk):

- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Rural Housing
- LDP Policy Affordable Housing
- LDP Policy Natural Heritage
- LDP Policy Land Use and Transport

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use, that the proposals do not have an unacceptable impact on the amenity of nearby land uses, and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network. The LDP2 Rural Housing policy is supportive of the development of rural housing where the site represents an appropriate extension to an existing 'clearly defined and nucleated housing cluster', subject to compliance with the policy guidance and criteria set out in the Council's policy guidance also entitled Rural Housing. NPF4 states that Local Development plans should set out a tailored approach to rural housing, and reflect locally appropriate delivery approaches. LDP2 policy: Rural Housing is aligned with NPF4, with the exception of circumstances where the proposed development would be on a site defined as prime Quality agricultural land (Policy 5) and as indicated on the Land Capability Classification at Scale 1:50.000. The Proposed development is not located on prime quality agricultural land.

An assessment of the proposals against the Council's Policy Guidance entitled Rural Housing is set out further in section iii. Below, along with a consideration of relevant site-specific factors.

The Council's Affordable Housing Policy seeks an on-site target contribution of 25% of the total of units from new housing developments of over 15 units or more, or a site size equal to, or more than 0.6 ha. The application site is noted to extend to 0.65 ha, however, the submission makes no provision for the provision of affordable housing. Therefore, the proposals do not align with the Council's policy in relation to affordable housing.

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 ecological advisor has indicated that additional ecological information and surveys are required, including, as a minimum, a phase 1 habitat survey, a survey for protected mammals, and an assessment of bat roost suitability of trees and structures which could be impacted by the development, so as to enable a full consideration of the proposals on the natural environment. 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 setting of the site from development, and any protected species potentially contained therein. The application has been considered in this context. For the reasons noted elsewhere in this report, there are also other concerns in relation to the proposals.

Finally, the development proposal requires to be considered against the provisions of the SALDP2 policy in relation to land use and transport which recognises the inter-relationship between land use planning and transport. The Ayrshire Roads Alliance (ARA) has been consulted on the proposals and has confirmed that given the proposed increase in the number of residential properties, the existing access road would require to be upgraded to adoptable standards. It is noted that the application submission proposes to utilise the existing access to service the development, with no proposals within the submission to upgrade the existing access to an adoptable standard; in this context, the ARA has confirmed that the application falls below the required standards of the National Roads Development Guide. Therefore, the ARA has recommended that the application be refused.

Given the above, there are concerns in relation to the proposals, which are not considered to accord with the combined policy provisions of the development plan as set out within National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022).

(iii) Other Policy Considerations (including Government Guidance):

Further consideration of the proposal against the provisions of the Council's Local Development Plan and Rural Housing policy guidance entitled Rural Housing, and also site-specific aspects relating to the proposal are considered below and elsewhere in this report.

- South Ayrshire Council Planning Guidance – Rural Housing;

The Council's Rural Housing policy guidance supports proposals for new housing in the countryside, where it is an extension to an existing cluster, subject to the following criteria;

Additions to clusters will be acceptable where:

- a) the proposal is sympathetic to the character and landscape setting of the existing cluster.
- b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.
- c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.
- d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.
- e) The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwellinghouse) as at date of adoption of this supplementary guidance – 20th November 2014.

For the purposes of applying the above policy guidance, a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place. While it is noted that there are existing properties in the wider locality it does not automatically follow that the application site is located within a cluster as defined by the above terms, or that any further development within any existing cluster can be accommodated in line with the provisions of the supplementary guidance, and therefore individual site-specific factors, along with any other materially significant issues require to be carefully considered.

In terms of applying the above provisions of the Council's cluster policy to the current proposals it is necessary to consider the physical characteristics of the application site and its surroundings. In this instance, while the application site is noted to form part of a larger agricultural grazing field located opposite the former agricultural steading of Barclaugh Farm, the existing access road is noted to physically, visually and functionally separate the former steading, and the site of the current application. The presence of the road is considered to represent a strong and defensible boundary which represents the natural limit of development in this location. In addition, and as noted above, other than the existing shared access road to the west, the boundaries of the site are not delineated by any physical features, and as such, there are no defining features to suggest that the application site could reasonably be described as being an infill or gap site within a cluster of properties. Given the aforementioned, it is considered that the proposals, rather than consolidating the existing steading development, represent an encroachment of development into the countryside, and into a location where no development currently exists. As noted above, the site presents a frontage of approximately 80 metres onto the access road, and extends to a depth of approximately 85 metres. The proposals, if approved, would have a suburbanising effect on the countryside, through the loss of grazing land to urban development including, not only the dwellings themselves, but also the additional development in the form of detached garages, boundary walls and other boundary treatment and means of enclosure, and the formation of hardstanding to service the new dwellings. While it is noted that the applicant/ agent has sought to replicate the style of courtyard development which exists at the former Barclaugh steading opposite, it should be noted that the unlike the current application proposals, the development of the former farmsteading represented the development of previously developed land. In addition, the development at the former steading is noted to be of a higher density providing a total of 7 houses grouped in a tight and nucleated layout around a central courtyard. While the proposed development seeks to replicate a similar courtyard style of development, it is of a lower density with a different more spread out and spacious urbanised layout being proposed, which is not considered to be sympathetic to the character and landscape setting of the existing cluster, nor to make the best use of land. The application has been considered in this context, and the proposals considered to be contrary to criteria a., b., and c. as noted above.

In terms of the planning history of the steading, the former steading at Barclaugh to the west of the site was redeveloped a number of years ago under an earlier application (05/00644/COU) to provide 5 residential properties on the land associated with the farmhouse and its adjacent out-buildings. It is also noted that planning permission (in principle) was initially granted under application 14/00542/PPP for the erection of 2 dwellinghouses on the land to the east of, and in between the former steading buildings and the access road. The two dwellings permitted under application 14/00542/PPP were permitted as an extension to the cluster of existing properties. The aforementioned two dwellings were subsequently granted planning permission under later applications (15/01359/APP, and 17/00964/APP, respectively), and have now been implemented, and as such, the access road is considered as being the natural limit of development, and the obvious defensible boundary in this location. If approved, the development proposals would breach the boundary formed by the public road and extend built development into a location which is not characterised by development. As the former steading has already been the subject of recent additional dwellings, which were justified as being acceptable under the above applications and cluster policy guidance, any further development now proposed would breach the 50% limit identified under criterion e. above, and therefore, the proposals are contrary to the above policy guidance.

In considering the design of the current development, it is necessary to consider the character and setting of the properties at the steading opposite the site at Barclaugh. The farmhouse at Barclaugh steading is an existing two storey farmhouse, which as part of the redevelopment of the former steading was retained as the dominant feature of the building grouping, with the other new dwellings being lower in height and subsidiary in scale and mass as compared to the farmhouse. Consequently, the other properties developed as part of the redevelopment of the farmsteading were developed to be, and are noted to remain as a combination of single and one and a half storeys in height, with no property other than the farmhouse being taller. This approach ensured that the farmhouse remained as focal point of the steading, and that the historic development and relationship of the farmhouse to its subsidiary buildings was retained and understood. The same aforementioned approach was also applied to the two new dwellings most recently erected at the former steading under applications 15/01359/APP, and 17/00964/APP, with careful consideration and attention being had by the applicant's in terms of how their proposed new dwellinghouses could closely replicate the form, scale and massing of the other subsidiary

dwellings, whilst ensuring that the farmhouse was retained as the focal point and dominant feature of the steading. The two most recent dwellings erected at the steading, while erected later than the adjacent redeveloped steading buildings are largely not noticeably or discernibly different from the originally developed dwellings in terms of their scale, massing, design and appearance.

Under the current proposals, while it is understood that the proposed dwellings are based on the design of the existing two storey farmhouse at the former Barclaugh steading, this is at odds with the original design approach had to the redevelopment of the farmsteading, and also the approach subsequently taken by the most recent development immediately adjacent to the steading. In this context, the proposed dwellings, due to being largely 2 storeys in height, would compete with, and undermine the approach of retaining the existing two-storey farmhouse as the focal point of the steading. It is noted that the Council's design guidance expects rural dwellings to typically be no more than one and a half storeys in height, and therefore, the proposals are considered to be at odds with the design guidance as contained within the Council's Rural Housing Policy. Additionally, given the depth of the site, it is also noted that the proposed two storey dwellings would be visible over a larger area when compared to the existing and original farmhouse. Unlike the existing development, the proposed new development proposes a combination of traditional and contemporary materials, and design features, such as feature windows and upper floor balconies, however, modern materials such as a standing metal seam roof, and feature windows and elevated balconies are not characteristic of the dwellings at Barclaugh steading. Given the aforementioned concerns, the proposals are not considered to accord with criterion d. above in terms of being in keeping with the character and built form of the existing cluster or the related design guidance.

For the aforementioned reasons, it is considered that the development proposals do not meet with the Council's policy guidance and criteria in relation to additions to clusters, and therefore, there is no policy support for the development proposed.

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

Scottish Government Planning Advice Note 72 - Housing in the Countryside is also relevant in the assessment of this application. The advice note recognises the significance of the scale and shape of Scotland's domestic rural architecture, which is derived largely from the simplicity of the form and proportion. Page 16 advises that the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. The design of the development proposals is considered elsewhere in this report.

- South Ayrshire Council - Rural Design Guidance

This guidance seeks to ensure development is well accommodated within its landscape setting with minimal change to the site topography. Design should respect the character, pattern and form of existing buildings and should integrate well. A courtyard arrangement should be considered in dwellings with a footprint of over 200 sqm, traditional rural scale should be preserved and houses should generally not exceed 1 ½ storeys. The design of the development proposals is considered elsewhere in this report.

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

The Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments' is relevant in the consideration of this application. This policy provides guidelines on plot spacing for new residential dwellings including minimum private garden sizes. This policy guidance also recommends a minimum of 9 metre depth for rear gardens. This policy also sets out expected private open space standards within new residential developments, which for detached properties extends to a minimum of 1.5 times the ground floor area and in any case, not less than, 100 square metres. While the development proposals might be capable of meeting with the above policy provisions, for the reasons noted elsewhere in this report, there are concerns in relation to the proposals.

iv. Planning History

There is no planning history associated with the application site, however, the relevant planning history associated with the former Barclaugh Steading opposite the site is noted elsewhere in this report.

v. Representations Received

It is noted that those objecting or expressing concern in relation to the development proposals are primarily the existing occupiers of the neighbouring and nearby properties. The representations received in relation to the proposal are summarised and responded to as follows.

- Proposals are contrary to the policy provisions of Adopted South Ayrshire Local Development Plan policies: spatial strategy, strategic policies, rural housing, resulting in the erosion of green networks, loss of agricultural land, greenfield development:

An assessment of the proposals against the applicable policies of the LDP is set out above. For the reasons set out within this report, 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.

- Proposals are contrary to the provisions of the Rural Housing Policy - due to not being part of a clearly defined and nucleated group of four or more houses, being outwith the existing steading and separated by the access road which is the limit of the existing building grouping, not representing a gap site, not being an addition to a small settlement, being of a different and uncharacteristic type of development compared to the nucleated form of development at former steading resulting in urban sprawl and suburbanisation of the countryside:

An assessment of the proposals against the applicable policies of the Council's additional policy guidance is set out above. For the reasons set out within this report, there are concerns in relation to the proposals which are not considered to accord with the policy provisions of the Council's Rural Housing policy guidance.

- Impact on residential amenity - potential overlooking of adjacent properties and garden ground from the proposed balconies, and noise and light pollution:

It is noted that the proposals incorporate upper floor balconies situated in proximity of the existing residential properties, which are not typical of the existing properties, or the traditional design approach recommended in the Rural Housing design guidance. The proposed balconies meet with the Council's guidelines in terms of being located a minimum of 18 metres from nearby properties, and are noted to be separated by intervening public land i.e. the access road which affords views of adjacent land and property. Notwithstanding, given the nature and purpose of a balcony, it is noted that distant viewing of nearby properties would potentially still occur although this would largely be dependent on external factors such as, the weather and the occupants of the dwellings, and therefore any potential overlooking would be on an intermittent and occasional basis, rather than being a constant nuisance. Therefore, any potential overlooking which could occur is not considered to be so injurious as to warrant a recommendation for refusal in its own right, however, for the reasons noted elsewhere in this report, there are concerns in relation to the proposals. With regards to light and noise, it is expected that there would be additional noise and light associated with the provision of additional houses in the locale, however, there is nothing to suggest that the level of additional noise or light would be over and about that associated with normal domestic properties, and therefore, these issues in their own right are not considered to warrant a refusal of planning permission. Notwithstanding, for the reasons noted elsewhere in this report, there are concerns in relation to the proposals.

- Impact on visual amenity - dwellings are too tall, in excess of one and a half storeys, are not subservient to the original farmhouse and are not therefore part of the former Barclaugh steading development, the proposed balconies are also at odds with the current development, development style and appearance is out of keeping with the existing courtyard development:

The impact of the development on the visual amenity of the locale, including a comparison of the proposed development to the existing buildings at the former Barclaugh steading is set out elsewhere in this report.

- Traffic and transport matters - road safety and pedestrian safety concerns arising from increase traffic in locale, existing access road is a core path and is poor and narrow with no pavement/ verge and passing places only, the road would require to be upgraded to service the number of houses under the resultant development, access at Woodhead Road junction is considered dangerous:

The Ayrshire Roads Alliance (ARA) has been consulted on the proposals and has confirmed that given the proposed increase in the number of residential properties, the existing access road would require to be upgraded to adoptable standards. It is noted that the application submission proposes to utilise the existing shared access to service the development, with no proposals within the submission to upgrade the existing access to an adoptable standard; in this context, the ARA has confirmed that the application falls below the required standards of the National Roads Development Guide. Therefore, the ARA has recommended that the application be refused. Where development proposals do not meet with the requirements of the ARA and/ or the National Roads Development Guide, there would likely be potential implications for road and/or pedestrian safety, and the safety of other road users were an application to be approved against the recommendation of the ARA and without the necessary improvements taking place in advance. The applicant/ agent has been made aware of the concerns of the ARA. It is understood that the core paths and local path networks within the wider Sundrum area are very popular with a variety of users, such as, walkers, dog walkers, horse riders and cyclists, and it is understood that the access route serving the current steading is one of the main routes into the Sundrum area, which affords links to the other routes. Any development proposals approved would need to ensure safety of the route for all users, and the continuation of unfettered local access links.

- Impact on historic environment – adverse impact on the setting of the Sundrum Castle and surrounding landscape:

The application site lies over a kilometre to the south-west of Sundrum Castle, and approximately half a kilometre from Sundrum Mains which are the only listed buildings within a 1 km radius. Given the separation distance to Sundrum Castle, and Sundrum Mains it is not considered that the proposals would have an adverse impact on the aforementioned listed buildings or their settings. Should planning permission be granted for the proposals, the West of Scotland Archaeology Service has recommended an appropriate planning condition be attached to any permission to ensure that archaeological matters are appropriately dealt with. The impact of the development in the immediate locale of the landscape surrounding the steading is considered elsewhere in this report.

- Impact on natural environment and biodiversity – loss of wildlife habitats and wildlife corridors, possible loss of ancient woodland, lack of information regarding protected species within the site:

As noted above, the application site comprises part of a larger agricultural field which is characterised as rough grazing land. There is no ancient woodland within or adjacent to the site. As noted above, the Council's ecological advisor has indicated that additional ecological information and surveys are required, including, as a minimum, a phase 1 habitat survey, a survey for protected mammals, and an assessment of bat roost suitability of trees and structures which could be impacted by the development, so as to enable a full consideration of the proposals on the natural environment. 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 setting of the site from development, and any protected species potentially contained therein. The applicant/ agent has been made aware of the advice of the Council's ecological advisor. The application has been considered in this context.

- Infrastructure concerns - increased potential surface water flooding in locale:

A Drainage Assessment confirms that the site is not at risk of fluvial, coastal or surface water flooding. The submission is accompanied by proposals to service the development with mains water and foul sewerage connections to meet the relevant technical specifications. Notwithstanding, there are concerns in relation to the proposals for the reasons noted within this report.

- Other general concerns - lack of economic or other benefit to the community, disruption during construction, lack of indication as to if/ how costs to use existing facilities will be shared:

The proposals are not required to demonstrate an economic benefit, or benefit to the community. The purpose of the planning application is to consider the resultant development, with any disruption during construction considered to be of a temporary nature only. The proposed use of existing shared facilities is a separate legal matter for the applicant to address in conjunction with existing owner(s) of the shared facilities, rather than a matter for the planning authority. Notwithstanding the above matters, there are concerns in relation to the proposals for the reasons noted within this report.

vi. Impact on the Amenity of the Locality:

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 have an inappropriate suburbanising effect countryside at this location, and would the result in a form and design of development in the rural area which is inappropriate, unsympathetic and incongruous and does not relate to the character of the nearby steading development at the former Barclaugh Farm. The proposals also have potential to be detrimental to road and/or pedestrian safety, and the safety of other road users due to the access not being upgraded to meet the requirements of the Ayrshire Roads Alliance. Finally, the submission has not provided any supporting information which considers the impact of the development on the natural environment, including any protected species which might inhabit the site.

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 National Planning Framework 4, the Adopted South Ayrshire Local Development Plan policies in relation to: Sustainable Development, Development Management, Rural Housing or Affordable Housing, Natural Environment or Land Use and Transport. The proposals do not accord with the provisions of the Council's additional policy guidance entitled Rural Housing.

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 Development Plan, and that there are no material planning considerations that would out-weigh these provisions. There are also concerns from consultees that the proposals have the potential to be detrimental to road and/or pedestrian safety, and the safety of other road users, and also in terms of the potential impact of the development on the natural environment, including any protected species which might inhabit the site. It should also be noted that, the purpose of planning (as set out in the Planning (Scotland) Act 2019 and reiterated in National Planning Framework 4) 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.

9. Recommendation:

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

1. That the development proposal is contrary to National Planning Framework 4 policy 9, due to constituting greenfield development, and in relation to rural housing (policy 17 criteria i. – viii.) and due to not being suitably scaled, sited, and designed so as to be in keeping with the character of the rural area.
2. That the development proposal is contrary to National Planning Framework 4 policies 14, 15, and 16 due to being detrimental to the visual amenity of the locale, and given the rural location of the site outwith a settlement, there a lack of services at the site, which is accessible by a shared single track access road which does not contribute towards a sustainable liveable place. Additionally, the development makes no provision for affordable housing, and the proposals do not provide for safe sustainable travel of all types.
3. That the development proposal is contrary to the South Ayrshire Local Development Plan Policies in relation to Sustainable Development, Development Management, Rural Housing and Affordable Housing, by virtue of the proposals not being in being located within a cluster of residential properties, which results in the urbanisation of the countryside and the design of the development not being in keeping of sympathetic with the character of the locale. Additionally, the proposals make no provision for affordable housing and have an adverse impact on road safety at the locale and no justification has been provided for a departure from the aforementioned policies.

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4. That the development proposal is contrary to the South Ayrshire Local Development Plan policy in relation to natural heritage due to the potential for protected species to inhabit the site, and no information or justification has been provided for a departure from this policy.
5. That the development proposal is contrary to the Council's planning guidance entitled Rural Housing, in that the development; is not sympathetic to the character and landscape setting of the locale, does not represent the sensitive in-filling of any available gap sites which consolidating existing dwellings, is physically, visually and functionally separate from the nearby development, is of a design which is not in keeping with the character, and built form of the nearby development, and does not accord with the Council's design guidance, and exceeds 50% of the existing building grouping as at the date of adoption of the policy (20th November 2014), and no justification has been provided for a departure from this policy guidance.
6. That the development proposal shall be prejudicial to road and pedestrian safety at this location due to the existing shared single track access arrangement not meeting the requirements of the National Roads Development Guide as specified by the Ayrshire Roads Alliance.

9.1 Reasons:

See above.

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): AL(00)001
Drawing - Reference No (or Description): AL(00)002
Drawing - Reference No (or Description): AL(00)003
Drawing - Reference No (or Description): AL(00)100
Drawing - Reference No (or Description): AL(00)101
Drawing - Reference No (or Description): AL(00)102
Drawing - Reference No (or Description): AL(00)103
Drawing - Reference No (or Description): AL(00)104
Drawing - Reference No (or Description): AL(00)105
Drawing - Reference No (or Description): AL(00)200
Drawing - Reference No (or Description): AL(00)201
Drawing - Reference No (or Description): AL(00)202
Drawing - Reference No (or Description): AL(00)203
Drawing - Reference No (or Description): AL(00)204
Drawing - Reference No (or Description): AL(00)205

9.4 Reason for Decision (where approved):

N/A

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Background Papers:

1. Planning application form, plans and supporting information (available online)
2. Adopted South Ayrshire Local Development Plan 2 (available online)
3. National Planning Policy Framework 4 (available online)
4. South Ayrshire Council Planning Guidance – Rural Housing and Open Space and Designing New Residential Developments (available online)
5. Planning Advice Note 72 - Housing in the Countryside (2005)
6. Representations (available online)
7. Planning application history

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 Fiona Sharp, Supervisory Planner - Place Planning - Telephone 01292 616 147

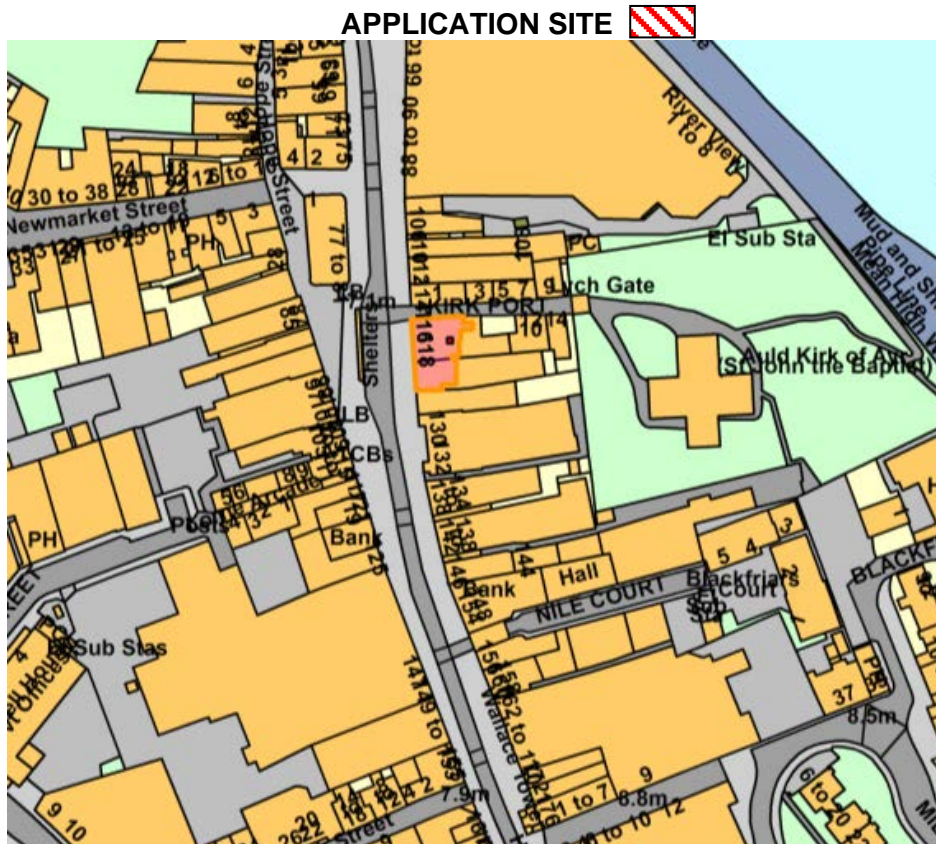
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00975/APP

116 - 122 HIGH STREET AYR SOUTH AYRSHIRE KA7 1PQ

Location Plan



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Summary

Planning permission is sought for alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats at 116 - 122 High Street, Ayr. The application site of the proposed development comprises a Category C listed three-storey building located at 116 - 122 High Street. The site falls within Ayr Central Outstanding Conservation Area. The building is currently vacant with the ground floor most recently utilised as class 1 retail unit. The application site is bound to the west by the High Street and to the north by Kirk Port which leads to/from the Auld Kirk of Ayr.

The proposal is considered to represent the suitable re-use of a vacant building located within the Ayr Town Centre, while ensuring that the character, appearance and setting of the listed building/ conservation is preserved as a consequence of the physical works associated with the development proposals.

10 representations have been received, 9 of which object to the application proposals. One of the objections has been submitted by the Fort, Seafield and Wallacetown Community Council. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issued being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00975/APP
SITE ADDRESS:	116 - 122 High Street Ayr South Ayrshire KA7 1PQ
DESCRIPTION:	Alterations and change of use of first and second floors from offices / retail storage to form 6 dwellingflats
RECOMMENDATION:	Approval with Conditions

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 alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats at 116 - 122 High Street, Ayr.

The application site of the proposed development comprises a Category C listed three-storey building located at 116 - 122 High Street. The site falls within Ayr Central Outstanding Conservation Area. The building is currently vacant with the ground floor most recently utilised as class 1 retail unit. The application site is bound to the west by the High Street and to the north by Kirk Port which leads to/from the Auld Kirk of Ayr.

The application proposals involve the alterations and change of use of first and second floors from offices/ retail storage to form 6 dwellingflats. The proposed alterations involve internal alterations to create 3no. dwelling flats on each of the first and second floor levels, the refurbishment, upgrading and repair of the fabric of the existing building and the replacement of the existing timber windows with timber double glazed windows to match existing. The proposed alterations also involve the installation of air source heat pumps and the PV panels on the rear elevation of the existing building. The access to the new dwellingflats on the upper floors will be via the existing door at ground floor level off Kirk Port into the existing rear staircase. The external doors are proposed to be replaced, and the ground floor entrance area will be refurbished. New lobbies will be formed at the first and second floor level which will lead to the front doors of each flat.

Currently the first floor at 116 -122 High Street is open plan and appears to have been used as an office space. The proposal is to insulate the external walls, upgrade the separating floor with the second floor above, replace the windows and introduce new internal partitions to form the new layout for 3no. single bedroom apartments.

The second floor at 116 – 118 High Street still has the original flat layout, which will be altered, with new steelwork over, and new partitions introduced to form 2no. single bedroom dwellingflats. The second floor of 120 – 122 High Street will have new partitions introduced to form a further single bedroom dwellingflat.

Regulatory Panel (Planning): 11 May 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00975/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 the Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Waste Management - offer no objection to the proposals. The Council's Waste Management Service indicates that they will schedule the collection of waste to be appropriate to the properties so there is no requirement for any additional bins to that shown within the application submission.

Ayrshire Roads Alliance (ARA) - offer no objection subject to advisory note.

Environmental Health (EH) - offer 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 application has been accompanied by a series of floor and elevation plans and drawings, a Planning Design Statement, A Noise Assessment, and a Structural Condition Survey.

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:

10 representations have been received, 9 of which object to the application proposals. Two of the objections have been submitted by the Fort, Seafield and Wallacetown Community Council. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

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 requesting to address the Panel directly.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4) (2023)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 7 Historic assets and places
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 11 Energy
- Policy 14 Design, Quality and Place
- Policy 15 Local living and 20 minute neighbourhoods
- Policy 16 Quality Homes
- Policy 27 City, town, local and commercial centres

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

NPF4 emphasises the need to make efficient use of existing buildings, land and infrastructure and to redevelop rural and urban brownfield sites before greenfield sites. The preservation of the historic environment is also a key consideration.

Brownfield land is defined in the NPF4 as "land which has been previously developed" and includes vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. In this regard, it is of note that the site is located within Ayr Town Centre. The site is considered to fall within the above noted NPF4 definition of brownfield land. As such, it is considered that the application proposals represent the sustainable development of a brownfield site. As noted above, the site is located within Ayr Town Centre. NPF4 supports the principle of town centre living especially in upper floors and the re-use of vacant buildings.

NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. 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. As noted above, the site is considered to represent sustainable development due to involving the re-use of unused building within a settlement. The location within the town centre also supports local living and the principle of 20-minute neighbourhoods.

With regards to 'Placemaking', NPF4 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. It is considered that the proposal offers the opportunity to re-use an empty listed building located within the Ayr Central Conservation Area without significant adverse impact on the character or townscape setting of the area, or on the amenity of the locality. The proposal is therefore not considered to contravene the NPF4 in terms of 'Placemaking'.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

- **Local Development Plan 2 (LDP2)**

The following policies of LDP2 are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Town Centre (guiding land use)
- o LDP Policy: Ayr Town Centre; and
- o LDP Policy: Historic Environment.

An assessment of the proposals against the provisions of the Local Development Plan is set out 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.

- Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management;

The above strategic policies seek to direct development, including residential development, to the most environmentally suitable places with the best infrastructure. While the site is not specifically identified as a housing allocation site, proposals for residential development can be considered under the LDP Policy in relation to residential development within settlements and windfall sites. Further assessment of the development proposal against the LDP policy in relation to residential development within settlements and windfall sites is set out below.

The strategic policies also seek to ensure 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. In considering the development proposal, it is noted that the proposal represents the development of the upper floors of a vacant building located at 116 – 122 High Street, Ayr. The application site is located within Ayr Town Centre, as prescribed by the LDP, and will facilitate more opportunities for local living, including the principles of '20 minute neighbourhoods'.

- LDP Policy: Town Centre (guiding land use) & LDP Policy: Ayr Town Centre

In terms of the proposed residential use, scope exists for the conversion of properties to provide dwellings subject to compliance with LDP policy: town centre, townscape consideration, the provision of an acceptable residential amenity, and the proposed dwelling(s) having access gained not solely through business or retail premises. The proposed dwellingflats are to be accessed via the entrance to the side of the application site which would not require access through the retail unit. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site and that the site occupies a town centre location.

- LDP Policy: Historic Environment

In terms of the conservation It is recognised that from certain viewing angles that the proposed works may be visible. That said, when viewed within the context of the building it is likely that the visual impact of the proposed works would be negligible. The proposed works are considered to respect the character and appearance of the listed building and conservation area.

The development proposal has been assessed against the above policies and is considered to be in accordance with the adopted South Ayrshire Local Development Plan 2, and is not considered to contravene any other policies of the development plan.

Summary of Assessment against LDP2

Following review, it has been established that Local Development Plan 2 (LDP2) is generally supportive of the reuse of an empty building to provide residential accommodation in this location. It is considered that the application submission demonstrates and satisfied that the proposed development is compliant with the policies which cover these topics across LDP2.

(ii) Material considerations

- Government/ Council Guidance

Policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland (HEPS) largely emphasise the provisions contained within NPF4 in relation to preserving and enhancing the historic environment. 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. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

- o Historic Environment Scotland - Managing Change in the Historic Environment;

Historic Environment Scotland offers guidance through its 'Managing Change' series. The 'Setting' guidance note acknowledges that "Setting can be important to the way in which historic structures or places are understood, appreciated and experienced", and that "setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes." Planning authorities are expected to take into account the setting of historic assets in the determination of applications for planning permission.

The 'External Walls' guidance note acknowledges that the external walls of historic buildings are an important element in defining its character; and maintenance and appropriate repair are the best means of safeguarding the historic character of a wall. The 'Walls' guidance note acknowledges that indent repairs should be carried out in stone that best matches the existing stonework in mineralogical composition and carried out to the highest technical standards.

In considering the setting and walls of the application site, it is noted that the existing exterior of the building will remain substantially unaltered, with only minor external alterations, and therefore the visual impact of the proposal will be minimal.

The Managing Change document on Windows states that windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and proportion of a window, the pattern of design, the materials and details of construction, the method of opening, the finish, and associated fixtures typically contribute to the interest of a historic window. Where there is no alternative to the replacement of historic windows or elements of their joinery or glazing, the new elements should match the original in all respects. This should include exact replication of the opening method, astragal dimensions and profiles, fixing of the glass (e.g. putty) and the reuse of historic glass where this contributes to a building's character. Changes in framing materials or types of glazing, the adoption of different opening methods, the insertion of extractor fans and other similar features, or the use of planted-on or sandwiched astragals should normally be avoided.

An assessment of the proposed replacement windows is set out elsewhere in this report.

The Managing Change document on Micro-renewables states that micro-renewable installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources. Renewable energy systems will often have some visual or physical impact on the building or site they serve. It is important to minimise this impact to maintain the character and significance of the historic asset, whether it is a building, archaeological site, garden or designed landscape. When renewable systems subsequently become obsolete, it should be possible to remove them without causing harm to the building or site, or exposing unnecessary damage caused by installation.

Where possible, installations on a building should avoid its main and visible elevations. For instance, it may be possible to place installations on secondary parts of the building, adjacent outbuildings or on the ground nearby. Solar collectors can be installed on pitched or flat roofs, or may be integrated into the roof so that they are flush with its surface. For the integrity of the building, it is usually desirable to mount panels over existing slates.

Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields.

Due to the position of the proposed solar panels and air source heat pumps on an elevation which is not publicly visible, it is not considered that the development shall adversely impact the visual appearance of the conservation area or setting of the listed building. Therefore, the proposed development is considered to have a neutral impact on the character and appearance of the conservation area and listed building. A suitable condition is also proposed to ensure that should the panels become redundant, they shall be removed from the site.

- o South Ayrshire Council - Planning Guidance - Historic Environment;

The above guidance echoes the principles of NPF4 and the HEPS in terms of development proposals affecting listed buildings and conservation areas.

On the basis of the information contained within the application submission and for these reasons noted elsewhere in this report, it is considered that the proposals comply with the HEPS, HEPS Managing Change Series Guidance and the Council's Guidance, and are not significantly detrimental to the character and setting of the listed building or conservation area.

- o South Ayrshire Council Guidance - Open Space and Designing New Residential Developments;

The Council's Supplementary Planning Guidance in relation to 'Open Space and Designing New Residential Developments' is material to the assessment of the current application. This guidance seeks to provide a minimum of 50 square metres per flat. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site. Whilst the non-provision of private amenity space to the flatted dwelling is in conflict with the terms of the SPG on Open Space, it is considered that the proposal is characteristic of residential development in the town centre locality of the application site and is therefore acceptable in this instance.

The Council's Supplementary Planning Guidance in relation to 'Open Space and Designing New Residential Developments' requires for formal play areas (or a financial contribution in lieu of onsite play equipment) when 6 or more units are created. It is noted from the existing floor plans that a single dwellingflat exists at the building's 2nd floor level. As such, the application proposals will result in the creation of 5 further dwellings, it is not considered that there is a requirement to provide a formal play area or financial contribution, in this instance.

- o South Ayrshire Council Guidance – Affordable Housing;

Given the number of units proposed and the size of the site (approximately 0.15 ha), the Council's Affordable Housing policy (LDP policy: Affordable Housing and supplementary planning guidance) does not apply. It is not therefore necessary to seek the provision of affordable housing within these development proposals.

- Planning History

A listed building application (22/00990/LBC) for 'alterations to the listed building' was approved under delegated powers on 2nd February 2023.

- Representations (Objector Concerns)

10 representations have been received, 9 of which object to the application proposals. Two of the objections have been submitted by the Fort, Seafield and Wallacetown Community Council. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

- Concerns relating to the lack of bin storage provision, that the bins will be stored permanently on Kirk Port which will impede pedestrian access and also detract from the setting of the listed building, and that the proposed bin storage arrangements lack capacity to serve the proposed dwellingflats.

During the assessment of the application, the Planning Service sought clarification from the applicant's agent relating to the proposed waste management arrangements. Subsequently, the applicant's agent submitted an update ground floor plan (as proposed) which confirmed that a bin storage area would be provided. The bin storage area provides provision for green, blue, grey, glass and food waste and will be accessed via a separate access from Kirk Port. The Council's Waste Management Service provided comment on the proposed bin storage arrangements and offered no objection to the proposals. The Council's Waste Management Service indicates that they will schedule the collection of waste to be appropriate to the properties so there is no requirement for any additional bins to that shown within the application submission.

In terms of the impact on the setting of the listed building, an assessment of the proposals impact on the historic environment is set out elsewhere in this report.

- Noise concerns from the proposed air source heat pumps.

The Council's Environmental Health Service has been consulted on this application and offer no objection, subject to conditions. Specifically, EH has requested a condition which requires for an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system/air sourced heat pump complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation

- Discrepancies with the site address within the submitted application.

The applicant's agent has confirmed the that the application site address is 116- 122 High Street, Ayr.

- Concern has also been expressed that the proposals are unacceptable from an access, road safety and parking perspective.

The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.

- Concerns relating to the neighbour notification process.

This matter was investigated whereby it was determined that properties on Kirkport had not been neighbour notified. Subsequently, the Planning Authority re-neighbour notified so as to fulfil the requirements of the Development Management Procedures.

- General Impact on the Locality (Residential and Visual Amenity)

The proposed alterations involve internal alterations to create 3no. dwelling flats on each of the first and second floor levels, the refurbishment, upgrading and repair of the fabric of the existing building and the replacement of the existing timber windows with timber double glazed windows to match existing. The proposed alterations also involve the installation of air source heat pumps and the PV panels on the rear elevation of the existing building.

It is noted from the submitted information that the building is currently vacant and therefore a suitable reuse for the building is to be welcomed. The adopted LDP indicates that in town centres, shops should be the prominent ground floor use and the proposal retains a class 1 retail use fronting onto High Street.

In terms of the proposed residential use, scope exists for the conversion of properties to provide dwellings subject to compliance with LDP policy: town centre, townscape consideration, the provision of an acceptable residential amenity, and the proposed dwelling(s) having access gained not solely through business or retail premises. The proposed dwellingflats are to be accessed via an independent entrance to the side of the application site which would not require access through the retail unit. Although no private amenity space is to be provided to the flatted dwellings, it is noted that this situation is replicated at other flatted dwellings in the locality of the site and that the site occupies a town centre location.

The proposed physical works associated with the application involve conservation repairs concerning the external stonework/ slates at 116 High Street, Ayr. It is understood that some of the stonework and slates on the building have suffered deterioration. The proposed restoration works to the sandstone/ slates represents sound practice for the repair and maintenance of a listed building, and allow the original elements to remain unaltered in shape/ size/ appearance.

The proposed physical works also involve the installation of double-glazed timber sash and case windows in lieu of existing single-glazed timber sash and case windows. There are no objections to the principle of replacement timber sash and case windows on the basis that the windows presently installed are in a state of disrepair, and are having an adverse impact on the character, appearance and setting of the listed building. A condition can be attached to the consent which requires for details of the replacement sash and case windows to be submitted for the prior written approval of the Planning Authority. On this basis, the installation of replacement timber sash and case windows is considered to be acceptable.

In terms of the impact on the historic environment, it is recognised that from certain viewing angles that the proposed conservation repair works may be visible. That said, when viewed within the context of the building it is likely that the visual impact of the proposed works would be negligible. The proposed conservation repair works are considered to respect the character and appearance of the listed building and conservation area. As set out above, due to the position of the proposed solar panels and air source heat pumps on an elevation which is not publicly visible, it is not considered that the development shall adversely impact the visual appearance of the conservation area or setting of the listed building. Therefore, the proposed development is considered to have a neutral impact on the character and appearance of the conservation area and listed building. A suitable condition is also proposed to ensure that should the panels become redundant, they shall be removed from the site.

The Ayrshire Roads Alliance offers no objections to the proposals, and it is noted that given the town centre location, a choice of modes of transport, including walking and cycling are available to the future occupants. The Environmental Health Service and Waste Management Service also offer no objection to the proposal.

8. Conclusion:

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Subject to specific conditions restricting details of the proposed replacement windows, the submission of an acoustic consultant's report relating to the proposed air sourced heat pumps and that the PV panels/ air source heat pumps should be removed in the vent they become redundant, it is considered that the proposal complies with the provisions of the planning policy framework and that there would be no significant adverse impact on the historic environment setting 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 planning application be approved subject to the following conditions.

9. Recommendation:

It is recommended that the application is approved subject to the following conditions: -

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That precise details and specifications, including typical 1:1 cross-sectional plans of the astragals and frames and a sample of the proposed window shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site. Thereafter, the windows as agreed shall be installed to the satisfaction of the Planning Authority.
- (4) That, prior to the commencement of development, an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system/air sourced heat pump complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority. The unit shall be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface.
- (5) In the event that the air source heat pumps/ PV panels become obsolete or redundant they shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To safeguard the character and appearance of the conservation area.
- (4) In order to prevent additional noise caused by vibration.
- (5) To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

9.2 Advisory Notes:

The Council as Roads Authority advises that the residents will qualify for Residents Parking Permits in accordance with the Council's Controlled Parking Zone TRO.

9.3 List of Determined Plans:

- Drawing - Reference No (or Description): L(00)001
- Drawing - Reference No (or Description): L(01)001
- Drawing - Reference No (or Description): L(01)002
- Drawing - Reference No (or Description): L(01)003
- Drawing - Reference No (or Description): L(01)004 Rev A
- Drawing - Reference No (or Description): L(01)005 Rev B
- Drawing - Reference No (or Description): L(01)006
- Drawing - Reference No (or Description): L(02)001
- Drawing - Reference No (or Description): L(02)002
- Drawing - Reference No (or Description): L(02)004
- Drawing - Reference No (or Description): L(02)005
- Drawing - Reference No (or Description): L(02)006

Regulatory Panel (Planning): 11 May 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00975/APP)

Drawing - Reference No (or Description): L(02)006

Drawing - Reference No (or Description): L(02)003

9.4 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. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).

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

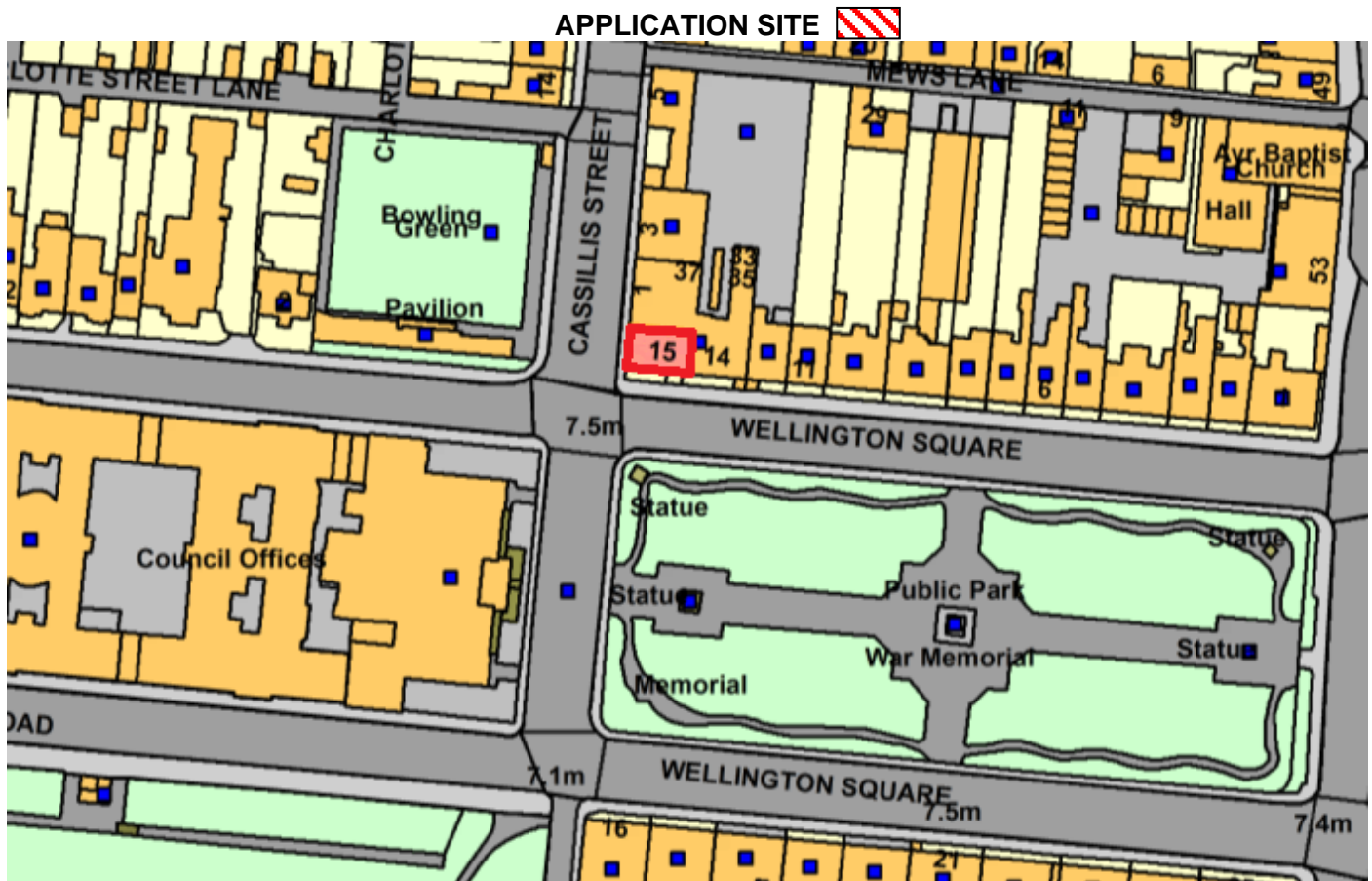
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00065/APP

15D WELLINGTON SQUARE AYR SOUTH AYRSHIRE KA7 1EN

Location Plan



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Summary

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation at 15D Wellington Square, Ayr. The application site of the proposed development comprises a Category B listed building which is also located within Ayr Central Outstanding Conservation Area. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use. The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020.

3 representations have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issued being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00065/APP
SITE ADDRESS:	15D Wellington Square Ayr South Ayrshire KA7 1EN
DESCRIPTION:	Change of use of existing dwellingflat for use as short-term let/holiday accommodation
RECOMMENDATION:	Approval with conditions

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 a dwellingflat to form short term letting accommodation at 15 D Wellington Square, Ayr.

The site of the proposed development comprises a first floor dwellingflat of a Category B listed two-storey building with attic and basement. The property is finished in painted ashlar with a slate roof and is located at the corner of Wellington Square and Cassillis Street. At present, there are a total of 8 dwellings located at 15 Wellington Square. 15A, 15B and 15C are located at ground floor level, 15D, 15E and 15F are located at first floor level, 15G is located at 2nd floor level and 15H is located within the building's basement. Access to the dwellings at 15A to 15G are via a shared access point taken from Wellington Square. The application site falls within the Ayr Outstanding Conservation Area.

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

The application submission is accompanied by an Operating Plan which confirms the following: -

- The property at 15D Wellington Square is a 1 bed property but capable of accommodating up to 4 guests at any given time as there is a sofa bed in the living space;
- Occupation of the property is restricted to a maximum of 28 consecutive days per calendar year for any lessee;

Regulatory Panel (Planning): 11 May 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00065/APP)

- There is an allocated parking space to the rear of the building and any required repairs/ maintenance are dealt with immediately;
- The main entrance has a buzzer system but all guests are provided with keys to access the property. A key safe is located at main front door; however, the applicant can meet guests prior to their stay if required;
- Change overs are managed by the applicant and a part time house keeper; and
- Check out is 10am and check-in is 3pm.

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 Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Ayrshire Roads Alliance - offer no objection.

Environmental Health - offer no objection on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Destination South Ayrshire - support the application proposals and note that "*holiday lets contribute hugely to the South Ayrshire economy and have become more and more popular since Covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited in number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially with 2 international events; International Ayr show – Festival of Flight in September 2023 and The Open Golf in 2024*".

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:

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

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, objector concerns, planning history and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](http://www.gov.scot):

Policy 30 of the revised Draft National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.

In considering part ii above with regards the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located in close proximity to Ayr Town Centre and guests of the STL will have easy access to a variety of services and amenities located within the town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a locally based company to undertake the laundry. Again, the application proposals are considered to support local economic benefit.

Overall, taking account of the above and the consultation response from SAC's 'Destination South Ayrshire, the proposal is considered to comply with Policy 30 part (ii) of NPF4 as it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Town Centres;
- o LDP Policy: Historic Environment;
- o LDP Policy: Tourism; and
- o LDP Policy: Residential policy within settlement, release sites and windfall sites.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

(iii) Objector Concerns

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

Noise and amenity concerns.

It is considered that appropriate usage of the proposal should not adversely affect residential amenity. An assessment of the proposal's amenity impact is set out elsewhere in this report. Furthermore, the Council's Environmental Health Service offer no objection to the application on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Application proposals are contrary to the development plan.

An assessment of the proposal against the provisions of the development plan is set out elsewhere in this report.

Loss of housing.

NPF4 precludes the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. An assessment of the proposals demonstrable local economic benefit is set out elsewhere in this report.

Parking concerns.

The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.

Anti-social behaviour and security concerns.

Anti-social behaviour/ security issues, should they occur, are matters for the police/ anti-social behaviour/ Short Term Let licensing teams.

Detrimental impact on the appearance of the communal part of the listed building.

The application proposals do not involve any physical works. The upkeep and maintenance of communal parts of the building are matters for owners/ occupiers of the properties located at 15 Wellington Square.

(iv) Planning History

Planning applications (23/00067/APP & 23/00068/APP) for the change of use of existing dwellingflat for use as short-term let/holiday accommodation were submitted for the properties at 15C Wellington Square and 15G Wellington Square, respectively.

The Planning Authority are mindful that when assessing any proposal they should take account of the potential cumulative impact of similar proposals in the immediate vicinity. While there are 3 x outstanding applications for proposed short term let accommodation within the building at 15 Wellington Square, it is considered that appropriate usage of the proposed short term lets should not adversely affect residential amenity. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team.

(v) Impact on the Locality

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the South Ayrshire Local Development Plan 2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

As noted previously in the report, NPF4 was adopted on 13 February 2023 and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

In this instance, in the absence of any specific policy on short term lets in the Local Development Plan, NPF4 Policy 30e Tourism is relevant and states –

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020. In respect of criterion (i) above, it is considered that the proposed change of use of the residential flat to a short-term let property would be compatible with the amenity and character of the surrounding area.

In respect of criterion (ii), the proposal would result in the loss of a flat (capable of accommodating 4 people) to short term let accommodation. The proposal would not have a significant impact on the availability of residential accommodation in the local area. There are economic benefits to the provision of small-scale holiday let accommodation in locations such as Ayr which provide access to a range of tourist attractions and activities. Indeed, the Council's Tourism Service (Destination South Ayrshire) has confirmed that *"holiday lets contribute hugely to the SA economy and have become more and more popular since covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited to number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially without 2 international events; International Ayr show – Festival of Flight in September 2023 and The Open Golf in 2024"*.

Considering the above together with Section 7(i) of this report, the proposal is considered to satisfy NPF4 Policy 30e Tourism.

In terms of the South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites indicates that development proposals should not affect the privacy and amenity of existing and proposed properties. An issue to consider in the assessment of this application is whether changing the flat's primary and lawful use from residential to commercial short term visitor self-catering accommodation would be acceptable in principle. The South Ayrshire Local Development Plan 2 does not preclude the short term lets uses outright. A key policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be negligible as no external changes are proposed to the property itself. However, in certain circumstances, the introduction of a commercial use in a primarily residential area can negatively impact residential character. An example of this is where the scale of usage associated with the numbers of lets, patrons and cars is excessive and unreasonable.

The application site is located in close proximity to Ayr Town Centre which has a number of different uses, as well as fairly regular pedestrian/ vehicular movements. It is considered that given the nature of the location, the occupiers of nearby residential flats would be accustomed to some degree of ambient noise and activity. The Council's Environmental Health Service has been consulted on this application and offer no objections from a noise pollution perspective. It is therefore considered that the use of the application site as a short term let would not introduce a use which would be atypical for this part of Wellington Square.

It is noted that the access to the application site is shared with other residential properties located at 15 Wellington Square; however, the site's location in close proximity to Ayr Town Centre is considered significant to the assessment of the current application. Specifically, the site is not located within a quiet residential area and the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, is not considered to compromise the residential amenity of the properties located at 15 Wellington Square to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself whereby the applicant is proposing a maximum occupancy of four people which is no more than the property could potentially house if it were utilised on a full time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team. Furthermore, given the property would no longer be considered as a residential dwelling, it would not benefit from householder permitted development rights. Should future owners therefore seek to undertake any external alterations or development often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

Under LDP Policy: Tourism, the Council will allow new sites and accommodation to be developed provided that:

- a) All new accommodation is for holiday use only; and
- b) The development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

In this instance, the proposal does not fit specifically with any criteria above which is in part due to the current LDP2 being adopted, prior to the publication of NPF4. Despite the dwelling continuing to be utilised for residential purposes, it would be occupied by different parties on a short-term, as opposed to a permanent basis i.e. it would no longer be the sole or main residence of any of the occupants and it would be utilised on a commercial basis to provide tourist accommodation, as opposed to its historic private use.

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Given its siting in close proximity to Ayr town Centre, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as no external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to either the listed building or conservation area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

In conclusion, the proposal which would in essence retain a residential use despite the commercial aspect, is considered to be compliant with the provisions of the stated Development Plan Policies and as there are no material considerations which override the presumption in favour of a determination in accordance with the terms of the development plan, it is recommended that this proposal be approved subject to condition listed below.

8. Conclusion:

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

9. Recommendation:

It is recommended that the application is approved subject to the following conditions: -

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to retain proper planning control over the development.

9.2 Advisory Notes:

N/A.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Floor Plan (No change)

9.4 Reason for Decision (where approved):

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).

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

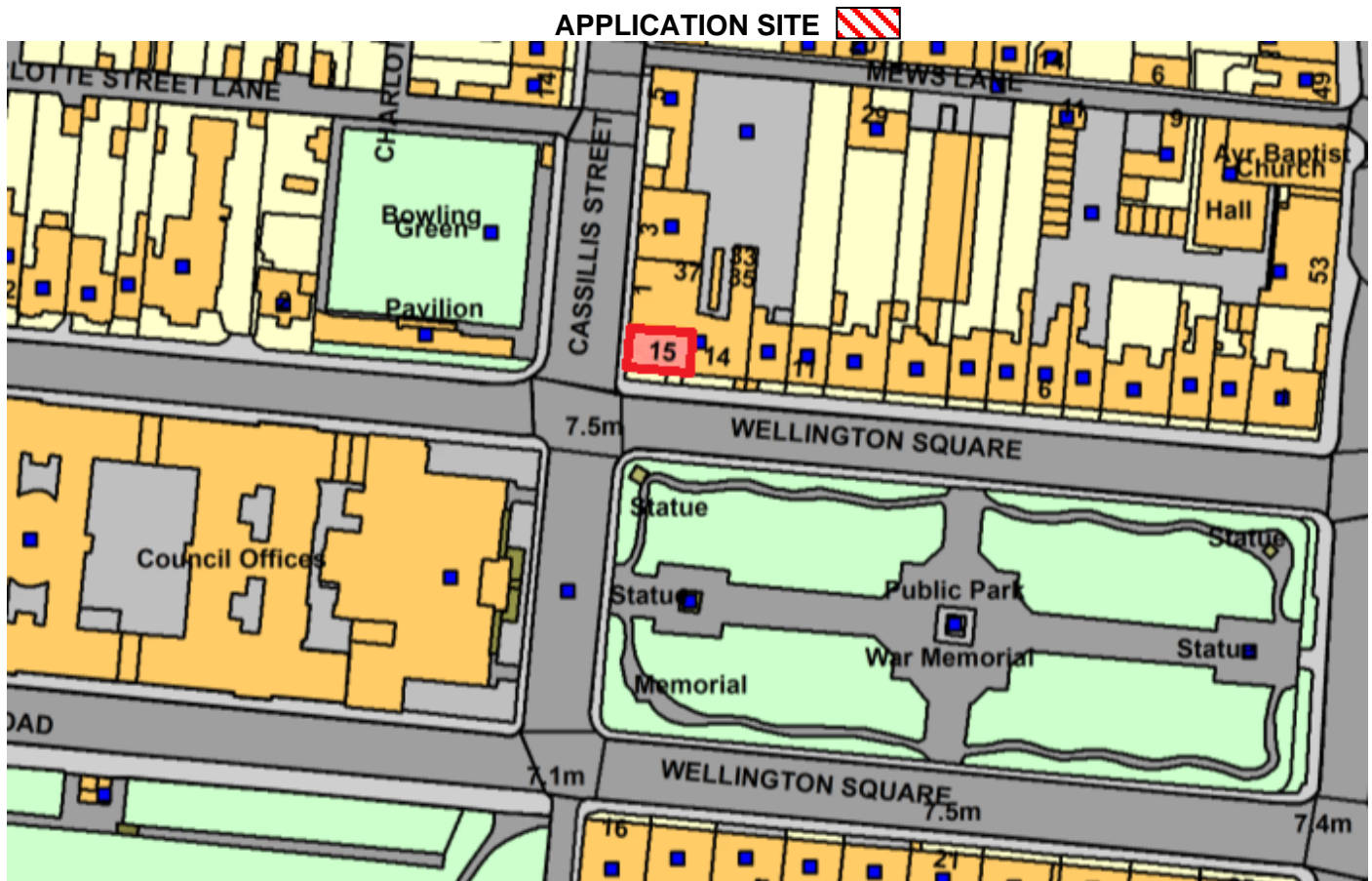
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00067/APP

15C WELLINGTON SQUARE AYR SOUTH AYRSHIRE KA7 1EN

Location Plan



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Summary

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation at 15C Wellington Square, Ayr. The application site of the proposed development comprises a Category B listed building which is also located within Ayr Central Outstanding Conservation Area. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use. The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020.

3 representations have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafeld and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issued being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00067/APP
SITE ADDRESS:	15C Wellington Square Ayr South Ayrshire KA7 1EN
DESCRIPTION:	Change of use of existing dwellingflat for use as short-term let/holiday accommodation
RECOMMENDATION:	Approval with conditions

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 a dwellingflat to form short term letting accommodation at 15 C Wellington Square, Ayr.

The site of the proposed development comprises a ground floor dwellingflat of a Category B listed two-storey building with attic and basement. The property is finished in painted ashlar with a slate roof and is located at the corner of Wellington Square and Casillis Street. At present, there are a total of 8 dwellings located at 15 Wellington Square. 15A, 15B and 15C are located at ground floor level, 15D, 15E and 15F are located at first floor level, 15G is located at 2nd floor level and 15H is located within the building's basement. Access to the dwellings at 15A to 15G are via a shared access point taken from Wellington Square. The application site falls within the Ayr Outstanding Conservation Area.

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

The application submission is accompanied by an Operating Plan which confirms the following: -

- The property at 15C Wellington Square comprises a 1 bedroom property which is capable of accommodating up to 2 guests at any given time;
- Occupation of the property is restricted to a maximum of 28 consecutive days per calendar year for any lessee;

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- Any required repairs/ maintenance are dealt with immediately;
- The main entrance has a buzzer system but all guests are provided with keys to access the property. A key safe is located at main front door; however, the applicant can meet guests prior to their stay if required;
- Change overs are managed by the applicant and a part time house keeper; and
- Check out is 10am and check-in is 3pm.

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 Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Ayrshire Roads Alliance - offer no objection.

Environmental Health - offer no objection on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Destination South Ayrshire - support the application proposals and note that "*holiday lets contribute hugely to the South Ayrshire economy and have become more and more popular since Covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited in number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially with 2 international events;. International Ayr_show – Festival of Flight in September 2023 and The Open Golf in 2024*".

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:

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

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, objector concerns, planning history and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](http://www.gov.scot):

Policy 30 of the revised Draft National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.

In considering part ii above with regards the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located in close proximity to Ayr Town Centre and guests of the STL will have easy access to a variety of services and amenities located within the town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a locally based company to undertake the laundry. Again, the application proposals are considered to support local economic benefit.

Overall, taking account of the above and the consultation response from SAC's 'Destination South Ayrshire, the proposal is considered to comply with Policy 30 part (ii) of NPF4 as it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Town Centres;
- o LDP Policy: Historic Environment;
- o LDP Policy: Tourism; and
- o LDP Policy: Residential policy within settlement, release sites and windfall sites.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

(iii) Objector Concerns

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

Noise and amenity concerns.

It is considered that appropriate usage of the proposal should not adversely affect residential amenity. An assessment of the proposal's amenity impact is set out elsewhere in this report. Furthermore, the Council's Environmental Health Service offer no objection to the application on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Application proposals are contrary to the development plan.

An assessment of the proposal against the provisions of the development plan is set out elsewhere in this report.

Loss of housing.

NPF4 precludes the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. An assessment of the proposals demonstrable local economic benefit is set out elsewhere in this report.

Parking concerns.

The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.

Anti-social behaviour and security concerns.

Anti-social behaviour/ security issues, should they occur, are matters for the police/ anti-social behaviour/ Short Term Let licensing teams.

Detrimental impact on the appearance of the communal part of the listed building.

The application proposals do not involve any physical works. The upkeep and maintenance of communal parts of the building are matters for owners/ occupiers of the properties located at 15 Wellington Square.

(iv) Planning History

Planning applications (23/00065/APP & 23/00068/APP) for the change of use of existing dwellingflat for use as short-term let/holiday accommodation were submitted for the properties at 15D Wellington Square and 15G Wellington Square, respectively.

The Planning Authority are mindful that when assessing any proposal they should take account of the potential cumulative impact of similar proposals in the immediate vicinity. While there are 3 x outstanding applications for proposed short term let accommodation within the building at 15 Wellington Square, it is considered that appropriate usage of the proposed short term lets should not adversely affect residential amenity. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team.

(v) Impact on the Locality

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the South Ayrshire Local Development Plan 2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

As noted previously in the report, NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

In this instance, in the absence of any specific policy on short term lets in the Local Development Plan, NPF4 Policy 30e Tourism is relevant and states –

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020. In respect of criterion (i) above, it is considered that the proposed change of use of the residential flat to a short-term let property would be compatible with the amenity and character of the surrounding area.

In respect of criterion (ii), the proposal would result in the loss of a 1-bedroom flat to short term let accommodation. The proposal would not have a significant impact on the availability of residential accommodation in the local area. There are economic benefits to the provision of small-scale holiday let accommodation in locations such as Ayr which provide access to a range of tourist attractions and activities. Indeed, the Council's Tourism Service (Destination South Ayrshire) has confirmed that *"holiday lets contribute hugely to the SA economy and have become more and more popular since covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited to number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially without 2 international events; International Ayr show – Festival of Flight in September 2023 and The Open Golf in 2024"*.

Considering the above together with Section 7(i) of this report, the proposal is considered to satisfy NPF4 Policy 30e Tourism.

In terms of the South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites indicates that development proposals should not affect the privacy and amenity of existing and proposed properties. An issue to consider in the assessment of this application is whether changing the flat's primary and lawful use from residential to commercial short term visitor self-catering accommodation would be acceptable in principle. The South Ayrshire Local Development Plan 2 does not preclude the short term lets uses outright. A key policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be negligible as no external changes are proposed to the property itself. However, in certain circumstances, the introduction of a commercial use in a primarily residential area can negatively impact residential character. An example of this is where the scale of usage associated with the numbers of lets, patrons and cars is excessive and unreasonable.

The application site is located in close proximity to Ayr Town Centre which has a number of different uses, as well as fairly regular pedestrian/ vehicular movements. It is considered that given the nature of the location, the occupiers of nearby residential flats would be accustomed to some degree of ambient noise or disturbance. The Council's Environmental Health Service has been consulted on this application and offer no objections from a noise pollution perspective. It is therefore considered that the use of the application site as a short term let would not introduce a use which would be atypical for this part of Wellington Square.

It is noted that the access to the application site is shared with other residential properties located at 15 Wellington Square; however, the site's location in close proximity to Ayr Town Centre is considered significant to the assessment of the current application. Specifically, the site is not located within a quiet residential area and the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, is not considered to compromise the residential amenity of the properties located at 15 Wellington Square to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself, currently one-bed, the applicant is proposing a maximum occupancy of two people which is no more than the property could potentially house if it were utilised on a full time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team. Furthermore, given the property would no longer be considered as a residential dwelling, it would not benefit from householder permitted development rights. Should future owners therefore seek to undertake any external alterations or development often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

Under LDP Policy: Tourism, the Council will allow new sites and accommodation to be developed provided that:

- a) All new accommodation is for holiday use only; and
- b) The development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

In this instance, the proposal does not fit specifically with any criteria above which is in part due to the current LDP2 being adopted, prior to the publication of NPF4. Despite the dwelling continuing to be utilised for residential purposes, it would be occupied by different parties on a short-term, as opposed to a permanent basis i.e. it would no longer be the sole or main residence of any of the occupants and it would be utilised on a commercial basis to provide tourist accommodation, as opposed to its historic private use.

Given its siting in close proximity to Ayr town Centre, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as no external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to either the listed building or conservation area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

In conclusion, the proposal which would in essence retain a residential use despite the commercial aspect, is considered to be compliant with the provisions of the stated Development Plan Policies and as there are no material considerations which override the presumption in favour of a determination in accordance with the terms of the development plan, it is recommended that this proposal be approved subject to condition listed below.

8. Conclusion:

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

9. Recommendation:

It is recommended that the application is approved subject to the following conditions: -

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to retain proper planning control over the development.

9.2 Advisory Notes:

N/A.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Floor Plan (No change)

Regulatory Panel (Planning): 11 May 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00067/APP)

9.4 Reason for Decision (where approved):

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).

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

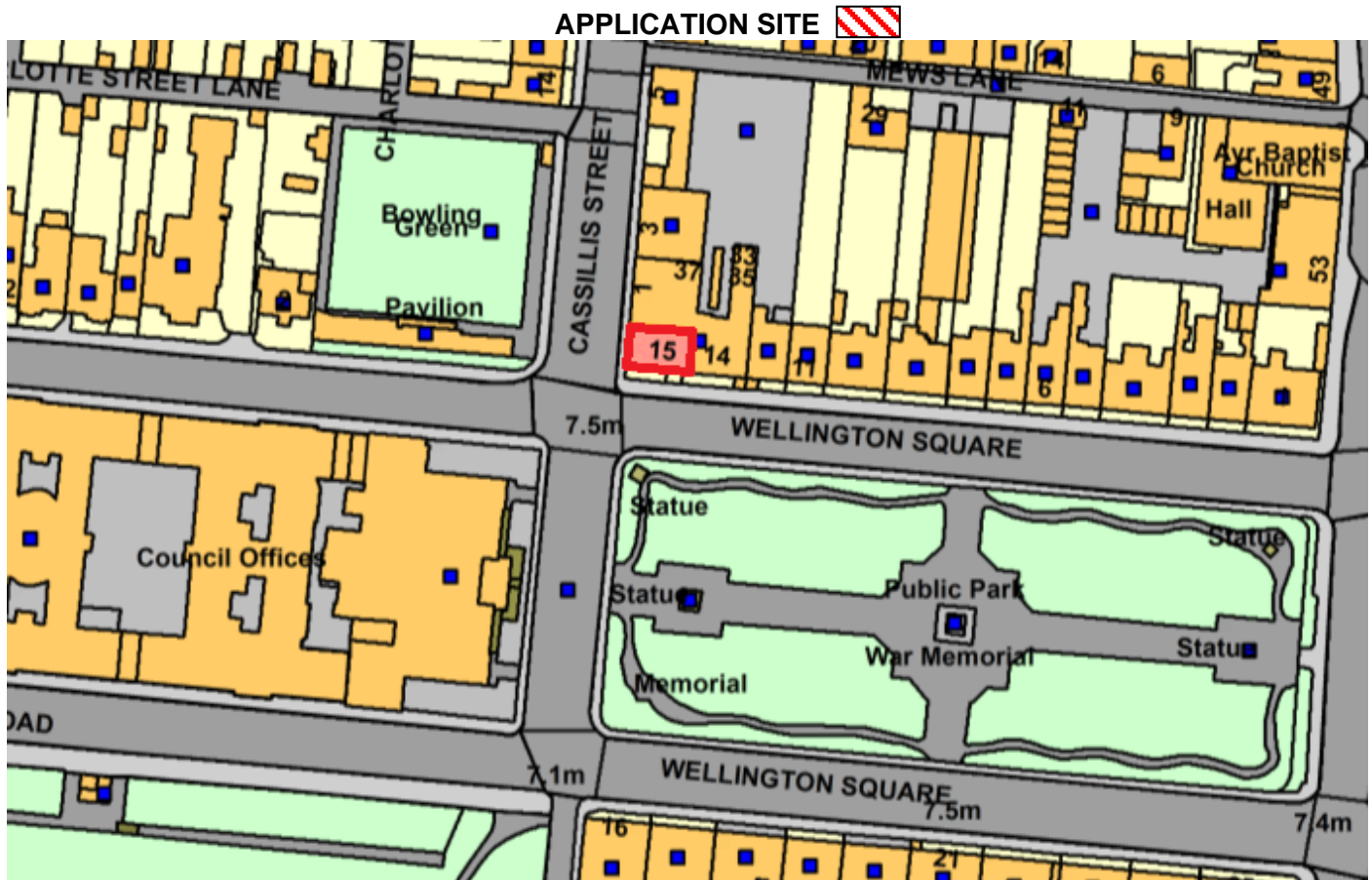
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00068/APP

15G WELLINGTON SQUARE AYR SOUTH AYRSHIRE KA7 1EN

Location Plan



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Summary

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation at 15G Wellington Square, Ayr. The application site of the proposed development comprises a Category B listed building which is also located within Ayr Central Outstanding Conservation Area. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use. The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020.

3 representations have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. Following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issued being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00068/APP
SITE ADDRESS:	15G Wellington Square Ayr South Ayrshire KA7 1EN
DESCRIPTION:	Change of use of existing dwellingflat for use as short-term let/holiday accommodation
RECOMMENDATION:	Approval with conditions

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 a dwellingflat to form short term letting accommodation at 15G Wellington Square, Ayr.

The site of the proposed development comprises a second floor dwellingflat of a Category B listed two-storey building with attic and basement. The property is finished in painted ashlar with a slate roof and is located at the corner of Wellington Square and Casillis Street. At present, there are a total of 8 dwellings located at 15 Wellington Square. 15A, 15B and 15C are located at ground floor level, 15D, 15E and 15F are located at first floor level, 15G is located at 2nd floor level and 15H is located within the building's basement. Access to the dwellings at 15A to 15G are via a shared access point taken from Wellington Square. The application site falls within the Ayr Outstanding Conservation Area.

Planning permission is sought for the change of use of a dwellingflat to form short term letting accommodation. The dwellingflat has historically been occupied on a permanent residential basis with the current application seeking permission to allow it to be used for short-term letting purposes in order to comply with the licensing scheme introduced in Scotland in relation to short term letting properties. In this regard, no changes to the internal layout or exterior appearance of the building are proposed, with the application merely seeking permission for change of use.

The application submission is accompanied by an Operating Plan which confirms the following: -

- The property at 15D Wellington Square comprises a 2 bedroom property which is capable of accommodating up to 4 guests at any given time;
- Occupation of the property is restricted to a maximum of 28 consecutive days per calendar year for any lessee;

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- There is an allocated parking space to the rear of the building and any required repairs/ maintenance are dealt with immediately;
- The main entrance has a buzzer system but all guests are provided with keys to access the property. A key safe is located at main front door; however, the applicant can meet guests prior to their stay if required;
- Change overs are managed by the applicant and a part time house keeper; and
- Check out is 10am and check-in is 3pm.

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 Fort, Seafield and Wallacetown Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Ayrshire Roads Alliance - offer no objection.

Environmental Health - offer no objection on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Destination South Ayrshire - support the application proposals and note that "*holiday lets contribute hugely to the South Ayrshire economy and have become more and more popular since Covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited in number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially with 2 international events;. International Ayr show – Festival of Flight in September 2023 and The Open Golf in 2024*".

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:

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the 'Objector Concerns' of the Assessment section below.

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, objector concerns, planning history and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](http://www.gov.scot):

Policy 30 of the revised Draft National Planning Framework 4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

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- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

An assessment of the application proposals on the impact on local amenity is set out elsewhere in this report.

In considering part ii above with regards the local economic benefit of the application proposal, the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' document is of relevance to the assessment of the application. The document sets out 5 key impacts that short-term lets have on communities, which include local economic benefits. The document acknowledges that STLs encourage tourism which supports local economic benefits. Specifically, the benefits identified relate to increased spend, increased availability of jobs (often all year round) and direct jobs and trade for the STLs supply chain including property managers, cleaners and the property maintenance industry.

The application site is located in close proximity to Ayr Town Centre and guests of the STL will have easy access to a variety of services and amenities located within the town centre. It is not unreasonable to assume that guests of the STL will use such services and amenities and thus increase spend within the local area. Furthermore, it is noted from the submitted Operating Plan that the applicant uses a locally based company to undertake the laundry. Again, the application proposals are considered to support local economic benefit. Overall, taking account of the above and the consultation response from SAC's 'Destination South Ayrshire, the proposal is considered to comply with Policy 30 part (ii) of NPF4 as it is considered that the loss of the existing residential accommodation can be justified due to the local economic benefits associated with the application proposals.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- o Strategic Policy 1: Sustainable Development;
- o Strategic Policy 2: Development Management;
- o LDP Policy: Town Centres;
- o LDP Policy: Historic Environment;
- o LDP Policy: Tourism; and
- o LDP Policy: Residential policy within settlement, release sites and windfall sites.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

(iii) Objector Concerns

3 representation(s) has/have been received, 3 of which object to the proposed development. Objections have been submitted by the Fort, Seafield and Wallacetown Community Council as well as the Kyle and Carrick Civic Society. The points of objection are summarised in the sub-sections below and responded to (in bold) below as follows:

Noise and amenity concerns.

It is considered that appropriate usage of the proposal should not adversely affect residential amenity. An assessment of the proposal's amenity impact is set out elsewhere in this report. Furthermore, the Council's Environmental Health Service offer no objection to the application on the basis that the proposal must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.

Application proposals are contrary to the development plan.

An assessment of the proposal against the provisions of the development plan is set out elsewhere in this report.

Loss of housing.

NPF4 precludes the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. An assessment of the proposals demonstrable local economic benefit is set out elsewhere in this report.

Parking concerns.

The Ayrshire Roads Alliance offer no objection to the application proposals, from an access/ road safety and parking perspective. The proposals are therefore considered to be acceptable on access, road safety and parking grounds.

Anti-social behaviour and security concerns.

Anti-social behaviour/ security issues, should they occur, are matters for the police/ anti-social behaviour/ Short Term Let teams.

Detrimental impact on the appearance of the communal part of the listed building.

The application proposals do not involve any physical works. The upkeep and maintenance of communal parts of the building are matters for owners/ occupiers of the properties located at 15 Wellington Square.

(iv) Planning History

Planning applications (23/00065/APP & 23/00067/APP) for the change of use of existing dwellingflat for use as short-term let/holiday accommodation were submitted for the properties at 15D Wellington Square and 15C Wellington Square, respectively.

The Planning Authority are mindful that when assessing any proposal they should take account of the potential cumulative impact of similar proposals in the immediate vicinity. While there are 3 x outstanding applications for proposed short term let accommodation within the building at 15 Wellington Square, it is considered that appropriate usage of the proposed short term lets should not adversely affect residential amenity. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team.

(v) Impact on the Locality

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the South Ayrshire Local Development Plan 2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

As noted previously in the report, NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

In this instance, in the absence of any specific policy on short term lets in the Local Development Plan, NPF4 Policy 30e Tourism is relevant and states –

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The application site is located at Wellington Square which includes a mix of commercial, residential and other compatible uses in the surrounding area. This is a retrospective application. The supporting statement notes that the property has operated as a short-term let since 2020. In respect of criterion (i) above, it is considered that the proposed change of use of the residential flat to a short-term let property would be compatible with the amenity and character of the surrounding area.

In respect of criterion (ii), the proposal would result in the loss of a 2-bedroom flat to short term let accommodation. The proposal would not have a significant impact on the availability of residential accommodation in the local area. There are economic benefits to the provision of small-scale holiday let accommodation in locations such as Ayr which provide access to a range of tourist attractions and activities. Indeed, the Council's Tourism Service (Destination South Ayrshire) has confirmed that *"holiday lets contribute hugely to the SA economy and have become more and more popular since covid for visitors wanting to stay in self-catering and for small to medium groups (friends /family) to holiday together. Also, South Ayrshire is limited in number of hotels and beds. The self-catering sector boosts the South Ayrshire economy by over £50m, and it has provided a vital source of alternative accommodation for major events and will continue to do so especially with out 2 international events; International Ayr show – Festival of Flight in September 2023 and The Open golf in 2024"*.

Considering the above together with Section 7(i) of this report, the proposal is considered to satisfy NPF4 Policy 30e Tourism.

In terms of the South Ayrshire Local Development Plan 2, LDP policy: Residential policy within settlements, release sites and windfall sites indicates that development proposals should not affect the privacy and amenity of existing and proposed properties. An issue to consider in the assessment of this application is whether changing the flat's primary and lawful use from residential to commercial short term visitor self-catering accommodation would be acceptable in principle. The South Ayrshire Local Development Plan 2 does not preclude the short term lets uses outright. A key policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents within the locale.

The impact of the proposed change of use in regard to the character and appearance of the built environment would be negligible as no external changes are proposed to the property itself. However, in certain circumstances, the introduction of a commercial use in a primarily residential area can negatively impact residential character. An example of this is where the scale of usage associated with the numbers of lets, patrons and cars is excessive and unreasonable.

The application site is located in close proximity to Ayr Town Centre which has a number of different uses, as well as fairly regular pedestrian/ vehicular movements. It is considered that given the nature of the location, the occupiers of nearby residential flats would be accustomed to some degree of ambient noise or disturbance. The Council's Environmental Health Service has been consulted on this application and offer no objections from a noise pollution perspective. It is therefore considered that the use of the application site as a short term let would not introduce a use which would be atypical for this part of Wellington Square.

It is noted that the access to the application site is shared with other residential properties located at 15 Wellington Square; however, the site's location in close proximity to Ayr Town Centre is considered significant to the assessment of the current application. Specifically, the site is not located within a quiet residential area and the use of the application site for the purposes of a short term let, assuming that the STL is managed appropriately, is not considered to compromise the residential amenity of the properties located at 15 Wellington Square to such an extent which would merit refusal of the application. In addition, the proposed use would also be restricted by the modest nature of the dwelling itself, currently two-bed, the applicant is proposing a maximum occupancy of four people which is no more than the property could potentially house if it were utilised on a full time residential basis, and therefore it is not considered the proposed use would increase residential densities on a constant basis. However, if it were the case that persistent and/or unreasonable noise and disturbance were to result from the future occupiers, such anti-social behaviour would be dealt with by either Police Scotland, the Council's Environmental Health Service or the Short Term Lets Licensing Team. Furthermore, given the property would no longer be considered as a residential dwelling, it would not benefit from householder permitted development rights. Should future owners therefore seek to undertake any external alterations or development often associated with short-term occupancy uses such, which could be capable of generating noise nuisance, a further application would require to be submitted.

Under LDP Policy: Tourism, the Council will allow new sites and accommodation to be developed provided that:

- a) All new accommodation is for holiday use only; and
- b) The development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

In this instance, the proposal does not fit specifically with any criteria above which is in part due to the current LDP2 being adopted, prior to the publication of NPF4. Despite the dwelling continuing to be utilised for residential purposes, it would be occupied by different parties on a short-term, as opposed to a permanent basis i.e. it would no longer be the sole or main residence of any of the occupants and it would be utilised on a commercial basis to provide tourist accommodation, as opposed to its historic private use.

Given its siting in close proximity to Ayr town Centre, it is considered the application proposals would be well related to an existing settlement thus avoiding any potential dispersed pattern of development. Furthermore, as no external alterations are proposed, it is determined that the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area and bring about no detriment to either the listed building or conservation area. All of the preceding being the case, it is considered that the proposal can be supported under LDP Policy: Tourism.

A condition can be attached to any permission to ensure the use of the property is for holiday occupation by any person or connected group only that it shall not be used at any time as the sole or principal residence by any occupants.

In conclusion, the proposal which would in essence retain a residential use despite the commercial aspect, is considered to be compliant with the provisions of the stated Development Plan Policies and as there are no material considerations which override the presumption in favour of a determination in accordance with the terms of the development plan, it is recommended that this proposal be approved subject to condition listed below.

8. Conclusion:

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) are generally supportive of the proposed use in this location. It has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to the following conditions.

9. Recommendation:

It is recommended that the application is approved subject to the following conditions: -

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission, and to retain proper planning control over the development.

9.2 Advisory Notes:

N/A.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Floor Plan (No change)

9.4 Reason for Decision (where approved):

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).

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

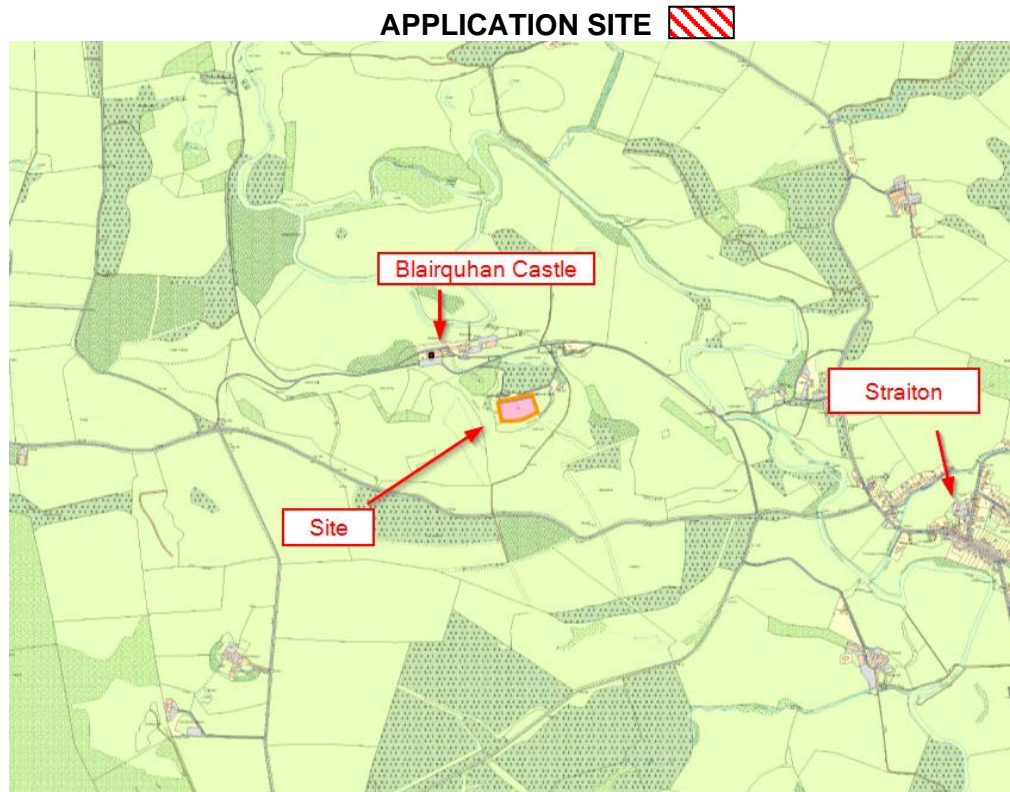
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00071/LBC

BLAIRQUHAN CASTLE B741 FROM B7023 JUNCTION AT KNOCKROON TO KIRKMICHAEL ROAD STRAITON SOUTH AYRSHIRE KA19 7LY

Location Plan



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Summary

Listed building consent is sought for the down-taking of a section of wall extending to some 14 metres along the western boundary of the category C listed walled garden within the grounds of Blairquhan Castle, Straiton. This section of wall has already partially collapsed, with this application seeking consent to remove what remains down to the footings. It is also understood that restoration of the wall is not proposed at this time due to the prohibitive costs of the works and the availability of materials. As such, the down-takings are to be retained and used in the maintenance of the remaining walls of the walled garden.

The application is being reported to the Regulatory Panel as a competent written objection has been received from a Community Council, via their designated contact person(s), and the appointed officer is recommending a determination which is contrary to the views expressed by the Community Council. The objection is principally on the grounds that the removal of around 50% of the western wall of the garden will materially change and diminish the appearance and performance of a significant listed structure and, if consent is granted, it will set an irreversible precedent for future applications to further reduce the walled enclosure. It is considered however that the proposals are justified in this case as the wall has partially collapsed and is unsafe. While there are no plans to reinstate the wall at this time, the down takings are intended for the repair and maintenance of other parts of the walled garden. Any future application for reinstatement would be considered on its own merits. Considering a reasonable case has been made that justifies the works to the wall, the proposal is considered to largely accord with the provisions of the National Planning Framework 4 (NPF4), the adopted South Ayrshire Local Development Plan 2 (LDP2) and the Historic Environment Policy for Scotland (HEPS). The works themselves will not have a significant adverse impact on the character, appearance or setting of the category C listed walled garden, the category A listed Blairquhan Castle, or the Blairquhan Inventory Garden and Designed Landscape.

This assessment takes into consideration and affords weight to the current condition and appearance of the wall, which is considered to detract from the character, appearance and setting of the walled garden.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00071/LBC
SITE ADDRESS:	Blairquhan Castle B741 From B7023 Junction At Knockroon To Kirkmichael Road Straiton Straiton South Ayrshire KA19 7LY
DESCRIPTION:	Alterations to listed building
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

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

1. Proposal:

The site of the proposed development is the category C listed walled garden located approximately 250 metres south-east of the category A listed Blairquhan Castle, Straiton. The walled garden falls within the Blairquhan Inventory Garden and Designed Landscape.

Listed building consent is sought for the down-taking of a section of wall extending to some 14 metres along the western boundary of the walled garden. It is understood that this section of wall has already partially collapsed, with this application seeking consent to remove what remains down to the footings. It is also understood that restoration of the wall is not proposed at this time due to the prohibitive costs of the works and the availability of materials. As such, the down-takings are to be retained and used in the maintenance of the remaining walls of the walled garden. Full details are set out in the submitted plans.

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 a competent written objection has been received from a Community Council, via their designated contact person(s), and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the Community Council.

2. Consultations:

Historic Environment Scotland offer no objections or comments to this application.

West Of Scotland Archaeology Service offer no objections to this application.

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.

A supporting statement and a structural report have been submitted with this application. Both the supporting statement and structural report detail the significance, construction and current condition of the wall, and indicate that the down-takings from the wall will be used to maintain the remainder of the walled garden.

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:

1 objection has been received from Crosshill, Straiton and Kirkmichael Community Council. This can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, whilst the Crosshill, Straiton and Kirkmichael Community Council welcome the applicant's intention to repair the walls and substructure of the listed walled garden, they object to the removal of around 50% of the western wall on the basis that this will materially change and diminish the appearance and performance of a significant listed structure and, if consent is granted, it will set an irreversible precedent for future applications to further reduce the walled enclosure.

In accordance with the Council's procedures for the handling of 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 the representation received from Crosshill, Straiton and Kirkmichael Community Council 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.

Section 14(2) of The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires special regard to be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP2, therefore NPF4 will prevail in the event of any incompatibility.

National Planning Framework 4 (NPF4)

The following policy of NPF4 is relevant in the assessment of the application and can be viewed in full online at www.gov.scot):

- Policy 7: Historic assets and places

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

As assessment of the proposals against the provisions of NPF4 is set out below.

South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](http://Local%20development%20plan%20-%20South%20Ayrshire%20Council%20(south-ayrshire.gov.uk)):

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management; and
- LDP Policy: Historic Environment.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

It is considered that the works to the wall will not have a significant adverse impact on the character, appearance or setting of the category C listed walled garden, the category A listed Blairquhan Castle, or the Blairquhan Inventory Garden and Designed Landscape. The proposals are justified in this case as the wall has partially collapsed and is unsafe. Whilst it is regrettable that the restoration of the walled garden does not form the basis of this application, the retention of the down-takings capable of reuse for maintenance works to other sections of the walled garden is welcomed and will ensure the long-term future of the walled garden. Additionally, it is noted that the footings of the wall are to remain, and this will indicate on site the former extent of the western wall of the garden whilst also providing a solid base for any future restoration works. Any future application for reinstatement would be considered on its own merits. Considering a reasonable case has been made that justifies the works to the wall, the proposal is considered to largely accord with the provisions of the National Planning Framework 4 (NPF4), the adopted South Ayrshire Local Development Plan 2 (LDP2) and the Historic Environment Policy for Scotland (HEPS).

(i) Other Policy Considerations (including Government Guidance)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) 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. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change documents on Setting and Boundaries are particularly relevant.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

The Managing Change document on Boundaries states that alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape. Documentary research and fabric analysis can be useful in understanding the design and material properties of historic boundaries before undertaking alterations or repairs.

All alteration proposals must take into account the design and material characteristics of the historic boundary. Lowering of walls to create better sightlines can be damaging to the character of the boundary and gateway. Alternative locations for access may have less impact on a boundary and provide safer approaches for vehicles. The design, materials and execution of alterations should have regard to the original.

Supplementary Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings. Supplementary Guidance Policy 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. Consequently, the Council will encourage owners to undertake appropriate maintenance and repair to such properties to ensure their character is maintained and enhanced. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

It is noted that the section of wall forming the basis of this application is in a significant state of disrepair, has partially collapsed, and is unsafe. Additionally, it is considered that the present condition of the wall has an adverse impact on the character, appearance and setting of the walled garden and, as such, the proposals to remove this section of the wall are justified. The remaining section of wall is to be taken down to the footings, which will remain so as to indicate on site the former extent of the walled garden, and to provide a solid footing for any future restoration of the wall. Whilst it is regrettable that the restoration of the walled garden does not form the basis of this application, the retention of the down-takings capable of reuse for maintenance works to other sections of the walled garden is welcomed. As such, it is considered that the works will not have a significant adverse impact on the character, appearance or setting of the category C listed walled garden, the category A listed Blairquhan Castle or the wider Blairquhan Inventory Garden and Designed Landscape.

(ii) Objector Concerns

The concerns of the objectors are summarised and considered in turn as follows:

- The removal of around 50% of the western wall will materially change and diminish the appearance and performance of a significant listed structure.

The section of wall forming the basis of this application is in a significant state of disrepair, and has partially collapsed. Whilst the wall remains in situ, it is structurally unsound, there are insufficient materials to reinstate the wall to its former condition, and the cost of works to restore the wall at this time is prohibitive. The footings of the wall are to remain so as to indicate the former extent of this wall and its contribution to the walled garden, and these footings will provide a solid base for any future restoration of the wall. Given that the materials are to be salvaged in order to maintain the remaining walls of the walled garden, it is considered that the proposals will not significantly diminish the appearance or performance of the wall.

- If consent is granted, it will set an irreversible precedent for future applications to further reduce the walled enclosure.

Any future applications for the removal of the walled garden, either in sections or its entirety, will be considered on their own merits, taking cognisance of the Development Plan, consultee responses and representations.

(iii) Impact on the Locality

It is considered that the works to remove a section of the western wall of the walled garden will not have an adverse impact on the character, appearance or setting of the category C listed walled garden, the category A listed Blairquhan Castle, which is located some 250 metres north-west of the garden, or the wider Blairquhan Inventory Garden and Designed Landscape. As captured elsewhere within this report, the wall is not structurally sound, there are insufficient materials to reinstate the wall to its former condition, and the cost of works is prohibitive at this time. The salvaged materials can be used to maintain the remainder of the walled garden, and this retention and reuse of materials is welcomed. The footings of the section of wall to be removed will remain on site as a visual reminder of the extent of the walled garden, and will provide a solid base from which any future restoration proposals can proceed.

8. Conclusion:

The application has been assessed against the various material considerations, including the provisions of National Planning Framework 4 (NPF4), South Ayrshire Local Development Plan 2 (LDP2), Historic Environment Policy for Scotland (HEPS), consultations undertaken, representations received, and the impact of the proposals on the character, appearance and setting of the walled garden.

The assessment concludes that the section of wall forming the basis of this application is in a significant state of disrepair, and has partially collapsed. Whilst the restoration of this wall does not form the basis of this application, the footings of the wall are to remain so as to indicate on site the former extent of the walled garden, and to provide a solid footing for any future restoration of the wall. The retention of the down-takings capable of reuse for maintenance works to other sections of the walled garden is welcomed, and will ensure the long-term future of the walled garden. As such, it is considered that the works will not have a significant adverse impact on the character, appearance or setting of the category C listed walled garden, the category A listed castle or the wider inventory garden and designed landscape.

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application be approved.

9. Recommendation:

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

- (1) That the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent.
- (2) That the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority.
- (3) That stonework from the down takings shall not be disposed of but rather retained and stored for the future reinstatement, re-use, repair or maintenance of the walled garden.

9.1 Reasons:

- (1) To be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To ensure that any future repair and maintenance works are undertaken using the original stonework in the interests of the walled garden and its setting.

9.2 Advisory Notes:

None

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 500/01
Drawing - Reference No (or Description): 500/02
Drawing - Reference No (or Description): 500/03
Drawing - Reference No (or Description): 500/04

Regulatory Panel (Planning): 11 May 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00071/LBC)

9.4 Reason for Decision (where approved):

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building.

Background Papers:

1. Planning application form, plans and supporting information (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. Historic Environment Scotland Managing Change in the Historic Environment - Boundaries (available online)
8. 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:

Mr David Hearton, Lead Conservation Planner - Planning Strategy - Telephone 01292 616 352

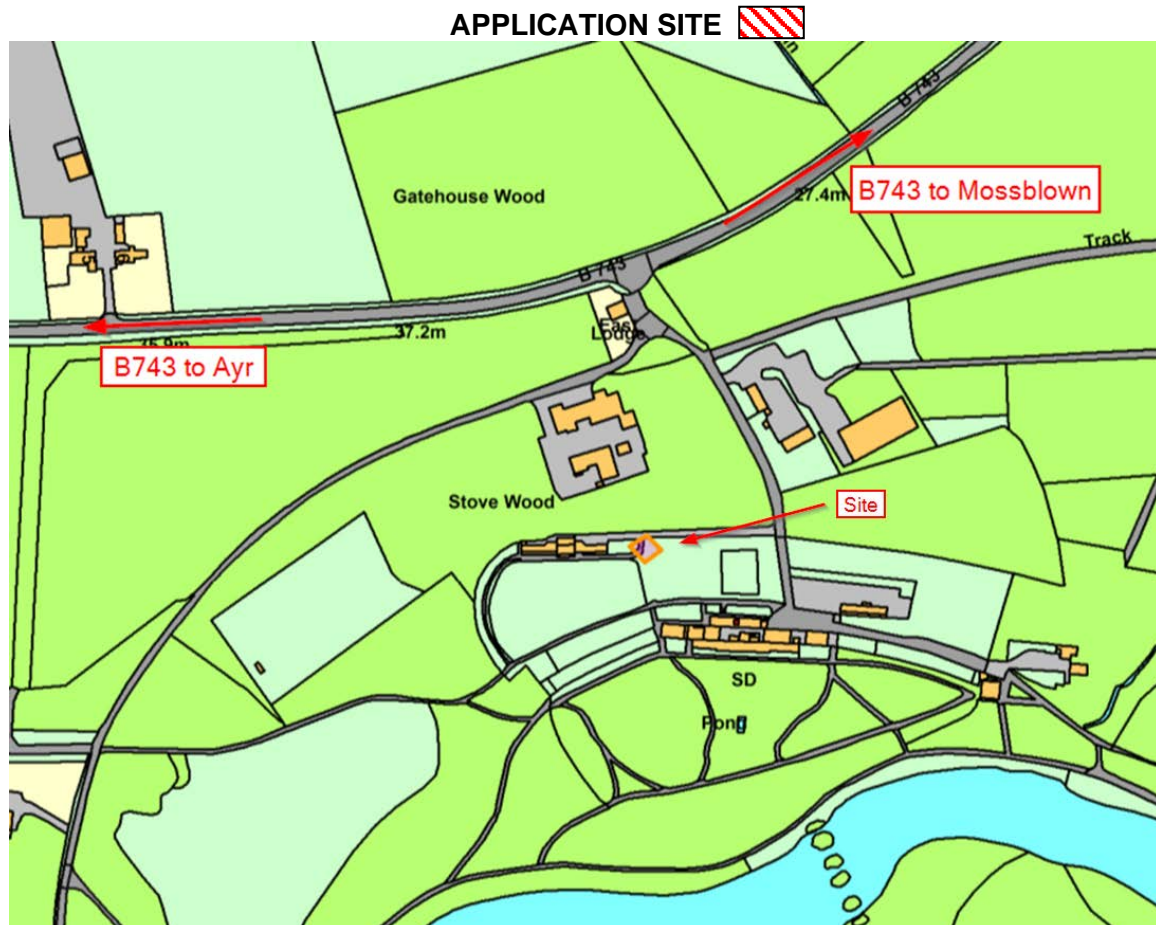
REGULATORY PANEL: 11 MAY 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00117/APP

**THE BOTHY B743 FROM A77T AT WHITLETTS ROUNDABOUT TO MAUCHLINE ROAD
MOSSBLOWN AYR SOUTH AYRSHIRE KA6 5AE**

Location Plan



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Summary

Planning permission is sought for the erection of a training / workshop building to the north of the cafe. The building will have a slate clad roof and external walls constructed from timber. The building is to be used by staff and residents of the charitable organisation (Independence from Drugs and Alcohol Scotland (IFDAS)) who have lodged the application and is to assist in the development of skills needed to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency.

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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve. The objections relate to road safety concerns at the Nellies Gate junction onto the B743 public road due to perceived intensification of activity at the River Garden site, that the junction has not been upgraded as per the approved masterplan for Auchincruive Estate, that the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the access have not been properly considered, that works have commenced on site within an area where archaeological remains may be present, that there is insufficient detail as to how the building is to be used and who by, that vegetation has been removed to allow access for construction machinery, and that the application makes no reference to a further development for a 56 bed residential institution.

There are no policy objections to the proposed development, and, notwithstanding the representations received, it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive, or on surrounding land uses. The building does not conflict with the wider masterplan for the Estate. It is a small-scale ancillary building and will be used by staff and residents of the charitable organisation proposing the development as part of their recovery from drug and alcohol dependency issues. The proposed use of the building complements existing surrounding land uses, and does not result in increased traffic to this part of the Auchincruive Estate.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 11 MAY 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00117/APP
SITE ADDRESS:	The Bothy B743 From A77T At Whitletts Roundabout To Mauchline Road Mossblown Ayr South Ayrshire KA6 5AE
DESCRIPTION:	Erection of garden room and workshop
RECOMMENDATION:	Approval with Conditions

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 site of the proposed development comprises an area of open space to the north of the category B listed Gardeners Cottages (converted to a café) within the Auchincruive Estate. The application site forms part of the Inventory Garden and Designed Landscape at Auchincruive.

Planning permission is sought for the erection of an ancillary training / workshop building to the north of the cafe. The building will have a slate clad roof and external walls constructed from timber. The building is to be used by staff and residents of the charitable organisation (Independence from Drugs and Alcohol Scotland (IFDAS)) who have lodged the application, and is to assist in the development of skills needed to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency.

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 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve

2. Consultations:

Historic Environment Scotland offer no objections or comments to this application.

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:

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.

In summary, the objections relate to road safety concerns at the Nellies Gate junction onto the B743 public road due to the intensification of activity at the River Garden site, that the junction has not been upgraded as per the approved masterplan, that the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the access have not been properly considered, that works have commenced on site within an area where archaeological remains may be present, that there is insufficient detail as to how the building is to be used and who by, that vegetation has been removed to allow access for construction machinery, and that the application makes no reference to a further development for a 56 bed residential institution.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

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

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at National Planning Framework 4 - gov.scot (www.gov.scot):

- Policy 7 – Historic assets and places

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

As assessment of the proposals against the provisions of NPF4 is set out below.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management; and
- LDP Policy: Historic Environment.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

It is considered that the proposed modest scale training / workshop building will not have an adverse impact on the character or amenity of the associated category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building is shown to be of timber construction with a slated roof and, although the building will occupy an elevated site in relation to the cafe, it is considered that the proposed building is sufficiently distant from the listed building so as not to compromise its setting. Additionally, the proposed building is set against a backdrop of an established tree-belt, with this mitigating the visual impact of the building on the locale. With regard to the use of the building, it is considered that this will be ancillary to and complement existing land uses in the locale insofar as it is to be utilised by employees and residents of the charitable organisation operating at Auchincruive.

(iii) Other Policy Considerations (including Government Guidance)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) 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. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change document on Setting is particularly relevant.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

Supplementary Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings. Supplementary Guidance Policy 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

It is considered that the proposed garden training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building is small-scale, constructed using appropriate materials, is positioned sufficiently distant from the listed building so as not to compromise its setting, and is set against a backdrop of an established tree-belt, which mitigates the visual impact of the building on the locale.

(iv) Objector Concerns

The concerns of the objectors are summarised and considered in turn as follows:

- Road safety concerns at the Nellies Gate junction onto the B743 public road due to the intensification of activities within this part of the Auchincruive Estate

Given the small-scale nature of the proposals, and that the building is only to be used by employees and residents of the existing charitable institution already operating at the site, it is not considered that this is a traffic generating use, therefore there are no road safety concerns arising from the proposed development.

- That the junction has not been upgraded as per the approved masterplan

With regard to the current application, the proposal is so small scale that it would not have been captured by the masterplan, and that it is considered, for reasons set out elsewhere in this report, the ancillary building and the use of it is not considered to generate additional traffic into the Auchincruive Estate.

- That the cumulative impacts of various developments in the eastern part of the Auchincruive Estate on the vehicular access have not been properly considered

Each application within the Auchincruive Estate has been considered and determined on its own merits. The Ayrshire Roads Alliance will have been aware of the planning history when responding to applications, and have identified no issues with any of the permitted proposals within the eastern section of the Auchincruive Estate, either separately or cumulatively.

- That works have commenced on site within an area where archaeological remains may be present

The application site does not fall within an archaeological consultation trigger zone, therefore there is no requirement to consult with the West of Scotland Archaeology Service (WoSAS). Notwithstanding, WoSAS have access to the Council weekly list of applications registered, and have not chosen to comment on the application. It is therefore considered that there are no archaeological issues arising from the proposals.

- That there is insufficient detail as to how the building is to be used and who by

Confirmation has been received from the applicants appointed agent that the ancillary building is to be used to assist in developing skills to reactivate the adjacent walled garden whilst helping people recover from drug and alcohol addiction and dependency. It is considered that this use is compatible with surrounding land uses.

- That vegetation has been removed to allow access for construction machinery

This would not be a matter for the Planning Service.

- That the application makes no reference to a further development for a 56 bed residential institution

A separate application for planning permission has been lodged for this particular proposal; this has not been determined and cannot be afforded any weight in the assessment of the current application. Notwithstanding, it is not anticipated that any adverse cumulative impact would arise given the small-scale nature of the current application proposal.

(v) Impact on the Locality

As stated elsewhere within this report, it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive. The building to be erected is small-scale, of timber construction with a slated roof, and be used by staff and residents of the charitable organisation proposing the development. Although the building will occupy an elevated site in relation to the category B listed cafe, it is considered that the proposed building is sufficiently distant from the listed building so as not to compromise its setting. Additionally, the proposed building is set against a backdrop of an established tree-belt, with this mitigating the visual impact of the building on the locale. Given the small-scale nature of the proposals, and that the building is only to be used by existing users and residents of the charitable institution already operating at the site, it is not considered that this is a traffic generating use, therefore there are no road safety concerns arising from the proposed development.

8. Conclusion:

There are no policy objections to the proposed development, and it is considered that the proposed training / workshop building will not have an adverse impact on the character or amenity of the category B listed cafe building or the wider Inventory Garden and Designed Landscape at Auchincruive, or on surrounding land uses. The building to be erected is small-scale, of timber construction with a slated roof, and will be used by staff and residents of the charitable organisation proposing the development as part of their recovery from drug and alcohol dependency issues. The proposed use of the building complements existing surrounding land uses, and does not result in increased traffic generation to this part of the Auchincruive Estate.

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application be approved.

9. Recommendation:

It is recommended that the application is approved with conditions.

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-LP01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP02
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AE01
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AP02
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AS01

9.4 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 (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. 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:

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