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

14 June 2023

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

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held within County Hall on **Tuesday, 20 June 2023 at 2.00 p.m**. for the purpose of considering the undernoted business.

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

Please note that a briefing meeting will take place for all Local Review Body Members at 1.15 p.m. online and in the Prestwick Committee Room.

Yours sincerely

Catriona Caves
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.

2. New Case for Review - 22/01049/APP – Application for Planning Permission for erection of Garage at Blairston B7024 from High Maybole Road Ayr to Alloway Road, Maybole South from Ayr, South Ayrshire, KA7 4EF.

   Application Summary

3. New Case for Review - 22/00634/APP – Application for Planning Permission for erection of residential development at Kilmarnock Road Monkton South Ayrshire.

   Application Summary

For more information on any of the items on this agenda, please telephone Committee Services on 01292 612101, at Wellington Square, Ayr or e-mail: localreviewbody@south-ayrshire.gov.uk www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	BLAIRSTON B7024 FROM HIGH MAYBOLE ROAD AYR TO ALLOWAY ROAD MAYBOLE AYR SOUTH AYRSHIRE KA7 4EF
Application:	22/01049/APP ERECTION OF A GARAGE

Appointed Officer's Decision:	**Refusal**
Date Notice of Review Received:	3 May 2023

Current Position:	New Case for Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 5 – Report of Handling Pages 6 to 58 – Notice of Review and Supporting Information Pages 59 to 75 – Planning Application and Supporting Information Pages 76 to 77 – Decision Notice Pages 78 to 80 – Interested Parties Correspondence Page 81 – Draft Conditions
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	13th June 2023

South Ayrshire Council
Planning Service

Report of Handling of Planning Application

Reference No:	**22/01049/APP**
Site Address:	**Blairston** **B7024 From High Maybole Road Ayr To Alloway Road Maybole** **Ayr** **South Ayrshire** **KA7 4EF**
Proposal:	**Erection of a garage**
Recommendation:	**Refusal**

REASON FOR REPORT

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

1. Site Description:

The application site relates to a detached dwellinghouse located at Blairston, Monkton. The site is located on the B7024 and is sited approximately one mile to the south of Alloway. A substantial area of agricultural land and another dwelling 'Maryland' are situated within the blue-line ownership site which surrounds the application site to the north, south and west. A nearby residential property, 'Glen Imm' abuts the eastern boundary of the application site. The application site falls within both the greenbelt and the Brown Carrick and Hills & Coast Local Landscape Area, as per the Adopted Local Development Plan 2.

2. Planning History:

21/00551/APP – Erection of garage – Refused July 2021 – Upheld on appeal to Local Review Body March 2022
20/00753/APP – Erection of forestry related vehicle shed – Refused November 2020
20/00302/PNF – Prior notification for the erection of forestry related vehicle shed – Refused July 2020
20/00017/APP – Alterations and extension to dwellinghouse – Approved March 2020

3. Description of Proposal:

Planning permission is sought for the erection of a domestic garage with a footprint of approximately 320 sqm and a 20-metre frontage, extending to a height of approximately 6.6 metres. The proposed garage shall be positioned approximately 22 metres from the rear of the dwellinghouse. Full details of the proposals are set out within the submitted plans.

A Supporting Statement has been submitted which gives a detailed account of the site extent and surroundings, means of access, the physical characteristics of the proposed garage and the intended range of vehicles to be stored within the garage, as well as an assessment of the proposed development against the relevant provisions of the Adopted Local Development Plan 2.

4. Consultations:

Ayrshire Roads Alliance – Offer no objections.

5. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations. None.

6. S75 Obligations:

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

7. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

8. Representations:

No representations were received.

9. Development Plan:

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

The proposal has been considered against the Local Development Plan's Spatial Strategy and is in accordance with the strategy.

The following policies are relevant in the assessment of the application and can be viewed in full online at https://archive.south-ayrshire.gov.uk/planning/local-development-plans/

- LDP 2 Policy: Core Principle C1
- LDP 2 Policy: Strategic Policy 1: Sustainable Development
- LDP 2 Policy: Strategic Policy 2: Development Management
- LDP 2 Policy: Landscape Quality
- LDP 2 Policy: Rural Housing

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

The development proposal has been assessed against the above policies and is considered not to be in accordance with the development plan, as outlined further below.

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

Planning Guidance 'Rural Housing' refers to the siting and design of garages and outbuildings within a rural location, stating:

- Garages should generally be designed as an integral part of the house, but distinguished by differing ridge heights. Where this is not possible, detached garages should reflect the design and character of the house,
- Garage doors should be timber lined or panelled. The use of 'up and over' doors should be avoided.
- It is important to consider the location and appearance of outbuildings, liquid gas and oil storage tanks etc. as part of the design process. These ancillary buildings and structures should be used to create a sense of enclosure, define spaces and be built in a style with materials similar to the house. Outbuildings should have a dual pitched roof and central heating tanks must be screened

South Ayrshire Council's Planning Guidance (PG) on House Alterations and Extensions;

In respect of garages and outbuildings, South Ayrshire Council's Planning Guidance on House Alterations states that garages and outbuildings should be designed to appear ancillary to the main dwellinghouse and should be sited and designed so as to perform their intended function. In order to ensure that garages and out-buildings are ancillary and subsidiary to a dwellinghouse, it is important to not only carefully consider the siting, positioning and design of buildings, but also the characteristics of the application site, and also the characteristics of the wider area or streetscape in which a proposal is to be set. The proposals have been considered in this regard.

The proposed garage is considered to be contrary to the Council's guidance, as outlined further, below.

11. Assessment (including other material considerations):

The proposal under consideration is for the erection of a detached garage on land to the rear of the dwellinghouse, which has dimensions of 16 metres (d) x 20 metres (w) x 6.6 metres (h). This represents a substantial footprint of 320 sqm. The proposed garage is sited approximately 22 metres from the rear of the residential dwelling and approximately 52 from neighbouring residential properties Glen Imm and approximately 51 metres from the residential property of Maryland, which is within the blue-line ownership of the applicant. Whilst it is stated within the application submission that the garage is for domestic use, it is considered that the siting, scale, form and design do not reflect what would be expected in regard to a domestic garage. There are therefore significant concerns relating to the siting, scale and design of the proposed garage. It is considered that the proposed garage would adversely affect the character and appearance of the rural area and introduce an incongruous feature within the landscape, to the detriment of the rural setting.

While the Rural Housing Guidance indicates that it may not always be possible to design a garage so as to be an integral part of the house, in these instances the garage should reflect the design character of the house. While it is noted that the appearance of the proposed garage is to reflect the character of the dwellinghouse, it is considered the scale and form of the garage would appear incongruous within the landscape. The Householder guidance indicates that garages/ outbuildings should be designed and sited to perform their intended function. Again, due to the design and siting of the proposed garage, it is considered that the proposal does not meet with the provisions of the aforementioned guidance.

The proposal is assessed as contrary to LDP 2 Policy: Greenbelt which sets clear expectations as to the appropriateness and necessity of development occurring within the greenbelt. In detail the greenbelt policy sets out that:

Development will only be supported within the greenbelt if it is of a high design quality and a suitable scale and form, and it:

o contributes to the economic and environmental sustainability of existing green belt uses;
o is associated with agriculture, including the reuse of historic buildings;
o has horticultural (or directly related) uses;
o has recreational use that needs a green-belt setting;
o is required at the proposed location to provide essential infrastructure; and
o protects, promotes and develops green networks and opportunities for access to the countryside.

In this regard, the necessity and appropriateness of the proposed development to its greenbelt site is found to be unestablished and lacking with respect to the aforesaid criteria, and thus is considered contrary to LDP 2 policy: Greenbelt.

Additionally, it is noted that the proposed domestic garage occupies an identical footprint and siting within the application site to the proposed garage refused under 21/00551/APP (and upheld on appeal by the Council's Local Review Body) and a proposed forestry shed previously refused at the site under 20/00753/APP. Therefore, it is of material significant that both a garage and previously a forestry shed were refused, in part, due to the scale and form of the development being out of character with the rural locale.

It is noted that the materials of the proposed garage vary from the aforementioned refusals. The materials proposed as part of the current application have been chosen to reflect the appearance of the dwellinghouse and those neighbouring. However, it is considered that the owning to its scale, design and

siting, the proposed garage shall not appear ancillary to the main dwelling and represents an incongruous feature within the landscape, to the detriment of the rural setting.

Overall, the proposed erection of a substantial garage is considered to represent unacceptable development in the rural location due to the introduction of an incongruous feature which would be to the significant detriment of the locality, thus contrary to LDP 2 Policy Landscape Quality.

It is therefore considered that the proposal is contrary to the provisions of the development plan which shall have an adverse impact on the rural setting 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 refused for the reasons below.

12. Recommendation:

It is recommended that the application is refused.

Reasons:

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically policies Core Principle C1, Strategic Policy 1 Sustainable Development, Strategic Policy 2: Development Management, Rural Housing and Landscape Quality as the development will have a significant detrimental visual impact and is incongruous with the existing landscape area by reason of its form, scale and siting, and will adversely affect the character of the rural locality.
(2) That the proposal is contrary to the provisions of South Ayrshire Council's Planning Guidance 'Rural Housing' and Supplementary Planning Guidance on 'House Alterations and Extensions' as the garage, by reason of its siting, scale and form, does not appear to be ancillary to the main dwellinghouse.
(3) That the proposed development is contrary to the provisions of the South Ayrshire Local Development Plan 2 by reason that it does not accord with LDP 2 policy: Greenbelt - insofar that it is neither of a suitable scale and form and the necessity and appropriateness of the proposed development with this greenbelt site is found to be unestablished and lacking with respect to the criteria of LDP 2 Policy: Greenbelt.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 1211-01

Drawing - Reference No (or Description): **Refused** 1211-02

Drawing - Reference No (or Description): **Refused** 1211-03

Drawing - Reference No (or Description): **Refused** 1211-04

Drawing - Reference No (or Description): **Refused** 1211-05

Drawing - Reference No (or Description): **Refused** 1211-06

Drawing - Reference No (or Description): **Refused** 1211-07

Drawing - Reference No (or Description): **Refused** 1211-08

Drawing - Reference No (or Description): **Refused** 1211-09

Drawing - Reference No (or Description): **Refused** 1211-10

Other - Reference No (or Description): **Refused** Statement in Support

Other - Reference No (or Description): **Refused** Statement in Support Appendices

Equalities Impact Assessment:

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

Decision Agreed By:	*Appointed Officer*
Date:	*7 February 2023*

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100609614-002

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Paul Sisi Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	Sisi	Building Number:	19
Telephone Number: *	01292471607	Address 1 (Street): *	Moor Park
Extension Number:		Address 2:	
Mobile Number:	07812778826	Town/City: *	Prestwick
Fax Number:		Country: *	Scotland
		Postcode: *	KA9 2NJ
Email Address: *	paul.sisi@outlook.com		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Blairston
First Name: *	John	Building Number:	
Last Name: *	Scott	Address 1 (Street): *	High Maybole Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Ayr
Extension Number:		Country: *	Scotland
Mobile Number:	[redacted]	Postcode: *	KA7 4NR
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: South Ayrshire Council

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

Address 1: BLAIRSTON

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: AYR

Post Code: KA7 4EF

Please identify/describe the location of the site or sites

Northing 616715 Easting 233003

Description of Proposal

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

Erection of a garage at: Blairston B7024 From High Maybole Road Ayr To Alloway Road Maybole Ayr South Ayrshire KA7 4EF

Type of Application

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

T Application for planning permission (including householder application but excluding application to work minerals).

≤ Application for planning permission in principle.

≤ Further application.

≤ Application for approval of matters specified in conditions.

What does your review relate to? *

T Refusal Notice.

≤ Grant of permission with Conditions imposed.

≤ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

For the reasons set out in the Supporting Statement that formed part of the refused Planning Application 22/01049/APP and that have been further amplified in the documents accompanying this Notice of Review, we do not agree that an evidence-based case has been made to underpin the decision to refuse the application, and we are of the opinion that the essentially desk-top approach taken by the Planning Service here has delivered a less than robust case for refusal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * T Yes ≤ No

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

From the information available to external users (namely: Adopted Local Development Plan 2 (LDP2): Interactive map, being accessed directly from South Ayrshire Councils website) it appears that the Red Line Site application Site is in fact outwith the area designated Greenbelt. Attention has been drawn to this in the acompanying documents .

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

Drawing Numbers 1211- 01 to /-12 inclusive. STATEMENT IN SUPPORT of PLANNING APPLICATION REF NO 22/01049/APP and associated APPENDIX document.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application. 22/01049/APP

What date was the application submitted to the planning authority? * 16/12/2022

What date was the decision issued by the planning authority? * 07/02/2023

Review Procedure

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

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

≤ Yes T No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The nature of the Red Line application Site and in particular the proposed Garage siting within an existing geomorphological feature, that is a natural bowl-shaped depression (which was slightly enlarged to assist in a previous logging operation), can only be fully appreciated by a Site Inspection.

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

Can the site be clearly seen from a road or public land? * ≤ Yes T No

Is it possible for the site to be accessed safely and without barriers to entry? * ≤ Yes T No

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

The application Site is accessed from a private driveway, this has a set of electrically operated security gates which will require to be opened to gain access to the Site. This can easily be arranged upon request.

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. * T Yes ≤ No

Have you provided the date and reference number of the application which is the subject of this review? * T Yes ≤ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * T Yes ≤ No ≤ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * T Yes ≤ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: Mr Paul Sisi

Declaration Date: 02/05/2023

APPENDIX TO ACCOMPANY
STATEMENT IN SUPPORT

PHOTOGRAPHS, ETC OF THOSE
VEHICLES TO BE HOUSED

ON BEHALF OF
MR AND MRS JOHN SCOTT,
BLAIRSTON HOUSE, AYR, KA7 4EF

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

Membership Card

To promote the study and preservation of
Historic Commercial Vehicles

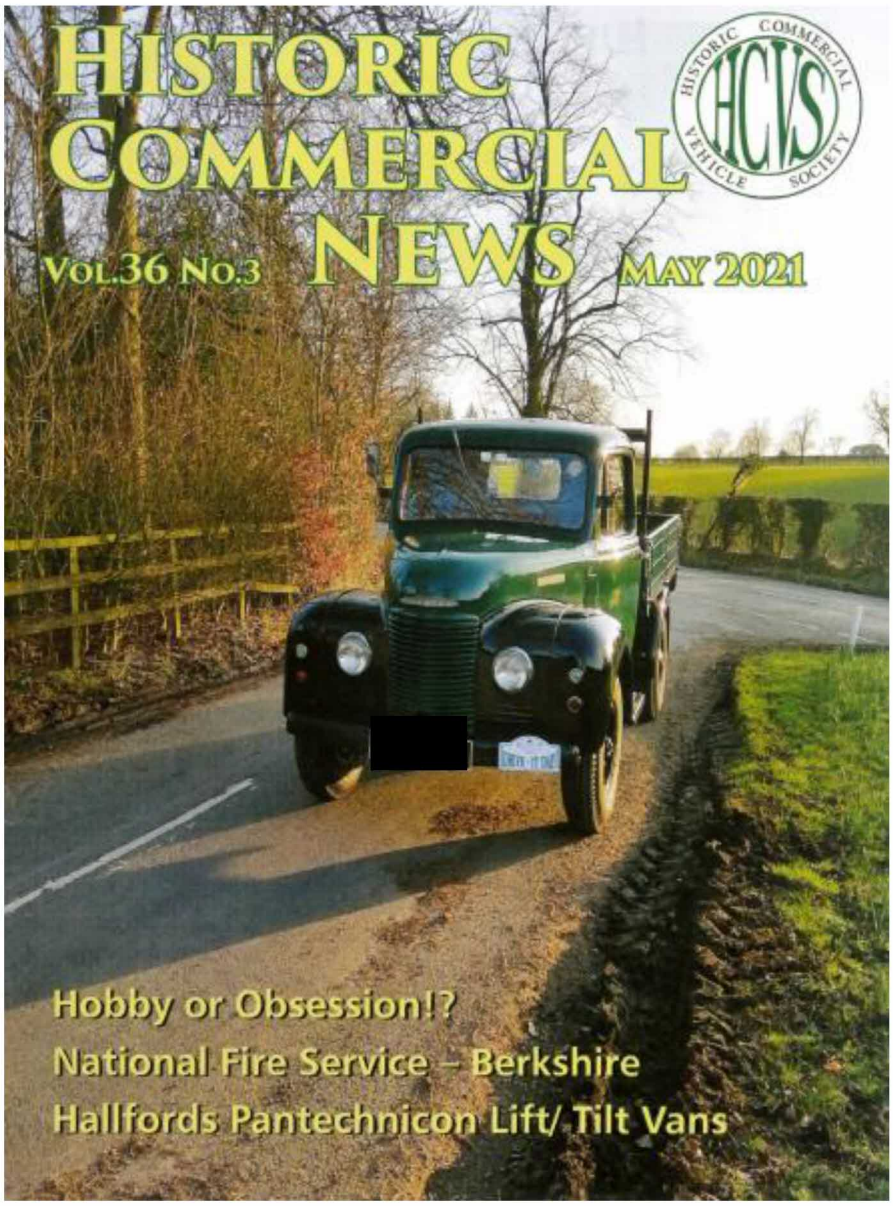
Registered Charity No.271123
Incorporated in England & Wales No.1241335

Historic Commercial Vehicle Society

Expiry Date 31st October 2021

Name: John Scott

Membership No: 15916



Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

It was 20 years ago, back in June 2001, when I photographed this Thornycroft lorry parked in the Aberdeenshire village of Rhynie. It was taking part in the annual commercial vehicle road run where Rhynie was a morning stop before the vehicles tackled the hills and wild country of the Cabrach. It is good to see it was then owned by an HCVS member, though it was for sale at the time.
Brian Gooding

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

NOTICE OF REVIEW
IN RELATION TO THE REFUSAL BY SOUTH AYRSHIRE COUNCIL FOR PLANNING PERMISSION FOR THE ERECTION OF A GARAGE ON LAND AT BLAIRSTON, B7024, HIGH MAYBOLE ROAD, AYR, TO ALLOWAY ROAD, MAYBOLE, AYR, SOUTH AYRSHIRE, KA7 4EF

PLANNING APPLICATION REF NO 22/01049/APP

STATEMENT IN SUPPORT

Report Prepared by:

MICHAEL S EVANS
BA (Econ); Dip TP, MRTPI, MCIM
PLANNING CONSULTANT
meicplan.associates
"TY-NEWYDD"
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RTPI Chartered Town Planner

April 2023

CONTENTS

(i) SUMMARY / CONCLUSIONS

- Members of the LRB will be aware that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and

- that each application should be assessed/treated by the planning authority on its own individuals merits and, as reconfirmed by the Scottish Government's Chief Planner in her letter to Councils dated 9 March 2023, albeit in reference to the Transitional Arrangements for National Planning, who states: '*Application of planning judgement to the circumstances of an individual situation remains essential to all decision-making, informed by principles of proportionality and reasonableness'*.

  While this statement was made in the context of particular circumstances, its general applicability must surely be valid?

- Material considerations are not given a statutory definition, although a number of them can be identified either directly or indirectly from statute or from government policy statements. Otherwise, it has been left to the courts to develop the meaning of the term. So much depends on the individual circumstances of each case.

  Ones that are, however, relevant in this case, and, in this, we are in agreement with the Planning Service, identification of those in the Report of Handling include:

  - the environmental impact of the proposals
  - the design of the proposed development and its relationship to its surroundings – impact on the locality
  - impact on amenity,

to which we would add:

- personal circumstances
- the Report of Handling, while also identifying most of them as being material, concludes, however, that the proposals do not successfully address these matters and are, as a consequence, contrary to the requirements of the Development Plan.

  We, of course, beg to differ and the reasons for this are set out in detail in the Statement of Support which formed part of Planning Application No 22/01048/APP and also in this document.

- The cornerstone of the Planning Service's reasons for refusal has been that, according to the Service, the site is located within the Greenbelt. Using information from the publicly available interactive map via LDP2 Proposals Map(s), we have concluded that the site is not, in fact, within the greenbelt. Strictly speaking therefore, Reason for Refusal 3 appears to be invalid.

- Based on the evidence presented in these reports:

  - **In relation to Reason for Refusal 1**, in our opinion, the Planning Service, having taken an essentially 'desk-top' approach to an assessment and therefore, especially in the absence of a site visit, has not delivered sufficiently robust evidence to underpin this reason for refusal and that the actual evidence confirms that the proposals, as a review of mutually agreed material considerations concludes, would not be at variance with the requirements of the listed policies of LDP2 and would:
    - not have a 'significant' detrimental visual impact
    - not appear incongruous within the landscape area
    - by reason of its form, scale and setting, adversely affect the character of the rural locality

- **In relation to Reason for Refusal 2**, while we would agree that the proposed Garage is not a typical example of the preferred 'outcome' described in Planning Guidance: Rural Housing, we maintain, nevertheless, that this is a Garage and that its ancillary role to Blairston House has been confirmed, i.e. to provide accommodation for the Applicants' hobby.

  Topography has made it impossible to locate the Garage immediately adjacent to Blairston House but the degree of physical separation is relatively small and would be remedied by a simple connecting path and stair access.

  As Planning Application Drawing No 1211-12 confirms, the proposed Garage would sit comfortably below the skyline and within the group of buildings formed by Blairston House, Maryland Cottage, Glen Imm and their associated outbuildings.

- **In relation to the Reason for Refusal 3**. While we are disputing the Greenbelt status of this location, the following comment has been retained. The greenbelt accommodates a number of houses and their gardens – a matter that is not entirely recognised by policy. The policy states that the Council will only support development within the greenbelt if it is of a high design quality and a suitable scale and form. No further guidance is, however, given as to the meaning of 'high design quality'. The South Ayrshire Greenbelt, as LRB members will readily be aware, accommodates many buildings that would not satisfy these requirements!

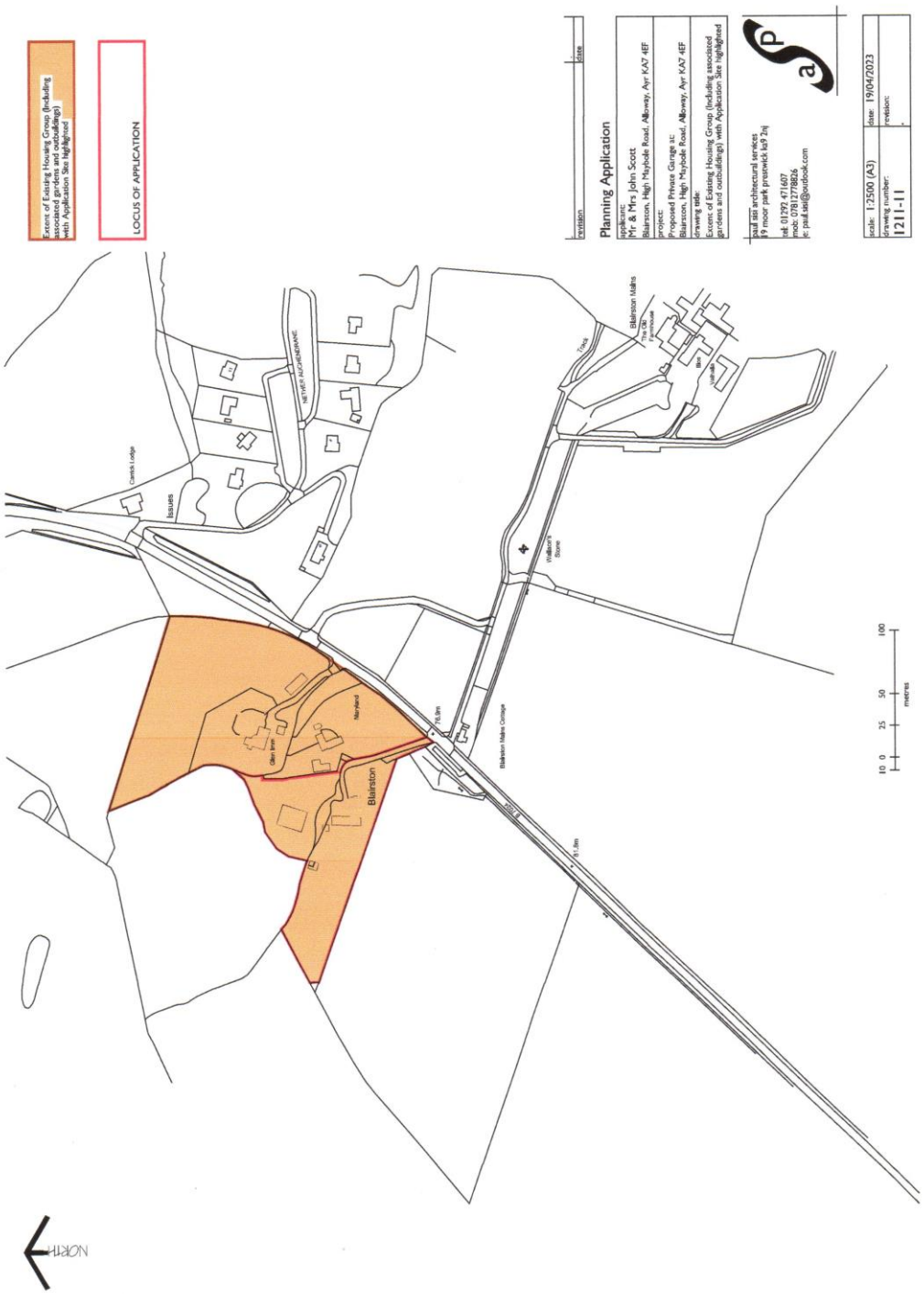
  In the final analysis, the proposals, like the vast majority of them, are rectangular in form. Otherwise, and unlike others, in relation to the walls, the materials used are of a domestic quality and have

been chosen to reflect the appearance of Blairston House and Maryland Cottage. Treated on its individual merits, the proposals are seen not to offend the requirements of policy – either at the strategic or the more local levels.

- LDP2 does not otherwise include a general policy for countryside. Reasons for Refusal 1 and 2 are therefore based on considerations relating to the details of the proposals and the location, and our response is shown above

  Outwith the greenbelt, Blairston House, Maryland Cottage and Glen Imm can be confirmed as a cluster for policy purposes.

Extent of Existing Housing Group (including Associated Gardens and Outbuildings) with Applicants' Site Highlighted - Drawing No 1211-11



1.0 INTRODUCTION /TERMS OF REFERENCE / THE PROPOSALS

Terms of Reference

On 16 December 2022, application was made by Paul Sisi, Paul Sisi Architectural Services, 19 Moor Park, Prestwick, KA9 2NJ on behalf of Mr and Mrs John Scott, Blairston House, Ayr, KA7 4EF, Planning Application Ref No 22/01049/APP.

This Notice of Review has been prepared by Michael S Evans, Planning Consultant, and Paul Sisi, Paul Sisi Architectural Services, as instructed by the Applicants and is submitted in response to the Council's decision to refuse the application on a delegated basis on 7 February 2023.

The contents of the Appointed Officer's Report of Handling (which have been submitted along with this Notice) are viewed as significant material considerations.

Parts 4.0 and 5.0 of this Notice of Review Supporting Statement are focused substantially not only on the reasons for refusal but how these were arrived at.

We would therefore advise Review Body members that this Supporting Statement should be read in conjunction with the one that formed part of refused Planning Application Ref No 22/01049/APP.

The purpose of this Statement is therefore to reconfirm the conclusions arrived at in the Supporting Statement that formed part of refused application 22/01049/APP in that the facts on the ground in relation to the proposals confirm that they are:

(i) consistent with the requirements of the relevant policies of the Adopted South Ayrshire Local Development Plan 2, Supplementary Planning Guidance: 'House Alterations and Extensions', and Guidance: Rural Housing

(ii) consistent with the requirements of National Planning Framework 4 (NPF4), Policy 8, Greenbelt, and

(iii) have taken into account relevant outcomes from material considerations

The Applicants

Blairston House is the home of Mr and Mrs John Scott which currently does not have a garage or shed facility.

Mr Scott may be well known to Board Members as the former Chairman of JST Services (Scotland) Ltd, Haulage Contractors. Mr Scott, having sold his interests in JST Services two years ago, is now retired. The proposals will provide accommodation for his main hobby.

The Site

The proposed red line site extends to 1 Ha **and forms part of the private garden of Blairston House, as shown in Planning Application Drawing No 1211-04.**

The Proposals

Planning permission is being sought to construct a private garage.

Copies of Planning Application Drawing Nos 1211-01 to 1211-10 inclusive have been included as part of the request for review package.

The garage would extend to 324 m^2 and would comprise space for accommodating the main hobby of one of the Applicants as described immediately below.

Storage of Vintage Vehicles (Trucks)

John Scott, since his earliest day, only wanted to drive and work with trucks. After leaving school, he trained as an HGV mechanic and worked in his father's haulage business, Gunning's Motors. At the age of 21, he attained his HGV, allowing him then to drive trucks on the road. At 22, he won HGV Lorry Driver of the Year and all these memories were made using the vintage trucks he owns today.

Mr Scott is also a member of the Historic Commercial Vehicle Society club.

He also attends various truck rallies in Scotland, such as Ayrshire Road Run, Truckfest Scotland, Dumfries Truck Group Show, Ayrshire Vintage Tractor Show, Ayrshire Agricultural Show and Strathclyde Country Park Show.

As can be seen from the descriptions above and the fact that the value of these vehicles is circa £210,000, not to mention the personal value to Mr Scott, **it is most important that these vehicles be stored under cover and secure**.

The collection of vehicles in his possession are as follows and photographs of some can be found in the Appendices:

1. Volvo F16 tractor unit E147 OBV. This Volvo was the first of its model brought into Britain in 1987. The vehicle has undergone a complete refurbishment and is painted in the colours of Gunning's Motors. The truck has attended all the vintage rallies in south Scotland and won many first-prize awards for its condition. It has also been used by

Volvo trucks as a promotional feature at truck shows. The current value of the truck is around £60,000.

2. Volvo F7 tractor unit NCS 875W. This 1980 Volvo was one of the first trucks that Mr Scott drove and has also undergone an expensive refurbishment and is painted in the colours of Gunning's Motors. The truck has attended all the vintage rallies in south Scotland and won many awards for its condition. The current value of the truck is around £25,000.
3. Scania 141 tractor unit UJN 509V. This 1979 Scania was the King of the Road truck during that era. Again, this truck has undergone an expensive refurbishment costing around £40,000 and is painted in the colour of Gunning's Motors. The truck has attended all the vintage rallies in south Scotland and won many first-prize awards for its condition. The current value of the truck is around £75,000.
4. Reliant Robin car. This 1980 version is a replica of the one used in the TV programme 'Only Fools on Horses'. These vehicles are fast becoming very sought-after vehicles and this one is in good condition, probably worth around £5,000.
5. Land Rover Defender vehicle. This vehicle was bought in 2016 as an investment by Mr Scott. The vehicle has only done 168 miles from new and is a very sought-after vehicle with Land Rover enthusiasts. This vehicle is worth around £65,000 now.
6. Scania 143 tractor unit. This 1994 truck is the more modern version of the other Scania Mr Scott owns. This again is a very sought-after vehicle, currently worth £25,000. It also will shortly go through a refurbishment programme painting it in the Gunning's Motors colours which will take the value up to around £100,000.
7. Scania 164. Value: £55,000.
8. Overfinch Range Rover. Value: £75,000.
9. Volvo 588. Value: £70,000.

2.0 AREA CONTEXT AND SITE ANALYSIS

The site in its context is shown in the Blairston Image Sheets in the Appendix. In her letter to Head of Planning dated 8 February 2023 regarding the Transitional Arrangements for National Planning Framework 4, the Scottish Government's Chief Planner, as a general comment, stated that, while Section 25 of the 1997 Act requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise, ***'Application of planning judgement to the circumstances of an individual situation remains essential to all decision-making, informed by principles of proportionality and reasonableness'***.

'Area context', members of the LRB I'm sure will agree, is an important material consideration, as does the Appointed Officer.

On this point however, the Report of Handling asserts that the proposals would '***adversely affect the character of the rural location'***, i.e. the area context, but without, in fact, defining 'the area' or providing a description of 'characteristics'.

In the Supporting Statement which forms part of Planning Application 22/01049/APP, we, however, have located the site to be within Landscape Character Area Type 68, i.e. Lowland River Valleys – Ayrshire, as described in Scottish Landscape Character Types (LCT) Maps and Descriptions, NatureScot 2019, **and have concluded that there will be no measurable/discernible impact on the characteristics of LCT 68**.

In terms of its location, its greenbelt status is clearly a significant material consideration. We would strongly suggest that **greenbelts are generally most vulnerable to development pressure on their edges – and especially so – near to urban areas**. Potential negative impact of any proposals on the vulnerability of the defined greenbelt is clearly a concern. In

response to these concerns, we would point out that, **while the site falls within the greenbelt, the Blairston Image Sheets in the Appendix confirm that it is far removed from the policy boundary and the proposals would not remotely represent an extension to urban development and, thereby, thereafter undermine the integrity of and deliverability of this policy.**

The other key material consideration in relation to 'area context' must be the matter of potential visual impact: The question to ask is: Where will these proposals be seen from and, if they are seen, **will they actually be intrusive?** In our opinion, the photographs to be found on Blairston Image Sheets in the Appendix confirm that potential visual impact will be minimal. The details pertaining to the area context illustrate this.

In the first place, the proposals occupy an existing geomorphological feature that is a natural bowl-shaped depression which has been slightly enlarged.

In addition, the extracts from Google Maps shown in the Appendix confirm the woodland setting of Blairston House as a whole and, in particular, the heavily wooded nature of the area to the north. Indeed, the large area of woodland to the west has been the subject of a major repurposing project which will guarantee a well-managed outcome with an emphasis on native species which, in turn, should strengthen biodiversity.

What all of the aforementioned means is that the proposals would be seen only from within the yard area in front of the building.

To date, the Applicants have planted 537 indigenous roses, 188 British hardwood trees and 160 various species of shrubs and, in addition, **a bund has been created to the west of the proposals and this has also been topped by trees and shrubs, reducing even further the possibility of**

visual intrusion. There has now also been planting of the downslope to Glen Imm with dense shrubs, including laurel to the boundary.

In summary therefore, from the range of photographic images, Google extracts and allied to the topographic information and with the extensive interplanting and replanting exercise, it is clear that the new structure will effectively be visible only from the air or from very close proximity and therefore, by any definition, will not impact negatively on the integrity of the greenbelt policy area nor affect the character of the rural location.

Site Analysis

In addition to overall context/setting, **the actual characteristics of the site are, in our opinion, material to the consideration of a number of those points concerned with impact** and should be taken into account by all parties in order to arrive at an acceptable evidence-based conclusion. The validity of any conclusions arrived at by the appointed officer are seriously undermined by the fact that there was no site visit. In fact, while there have been three planning applications here, the appointed officer has always taken the stance that a site visit was not necessary. That, in our opinion, has been a fundamental weakness in the approach taken by the Council and has delivered a desk-top analysis, unfamiliar with the actual facts on the ground.

- ***The Site***

  The red line site, which extends to 1 Ha is shown on Planning Application Drawing No 1211-04. The red line area is considered by the Applicants to be garden ground associated with Blairston House. The garden forms a relatively small part of the overall ownership, as shown in Planning Application Drawing No 1211-04. The overall ownership extends to 11 Ha and this is shown in Planning Application Drawing No 1211-03.

So why this precise location? Because, as described elsewhere, the proposals are intended to house elements of one of the Applicant's hobbies and pastimes, proximity to the house itself is an important consideration.

The location is dictated by geomorphological circumstances which assist in reducing visual impact and, while not immediately adjacent, the proposed garage will still be very close to the house and as close as practicable in an attempt to balance the requirements of proximity with those of general visual impact.

Indeed, falling, as it does, within the Applicants' garden, the question that remains unanswered is whether or not these proposals should be considered under permitted development rights and not therefore require planning permission.

The Applicants' garden is shown to be within the red line boundary on Drawing No 1211-05.

- ***Site Boundaries***

  Why these boundaries?

  As shown in Planning Application Drawing No 1211-04, boundaries fall within an otherwise undeveloped portion of the Applicants' garden and are tightly drawn as practicable in order to take account of potential visual impact.

- ***Topography***

  A copy of the topographical survey carried out by Aspect Surveys can be found on page 19. This confirms that the site sits within topography that is typical of the edges of Landscape Character Area Type 68, i.e. Lowland River Valleys – Ayrshire, as described in Scottish Landscape

Character Types (LCT) Maps and Descriptions published by NatureScot in 2019.

This point regarding the actual topography of the site/location, and the benefits regarding 'impact' that this brings, has been consistently ignored in the current and previous Reports of Handling.

In detail, steep slopes are the significant characteristic on most sides but, as the details in Drawing No 1211-05 on page 19 confirm, the development site itself is virtually flat and occupies the floor of a marginally increased natural hollow.

The steep slopes, as shown in Drawing No 1211-05 on page 19 are immediately to the north west, west and south west, i.e. virtually three sides of the site. In terms of concealment, these steep slopes are also heavily wooded to the west and north west. The slope on the south east is not wooded because of the steep 'walls' of the hollow.

These important points, in relation to the actual facts on the ground, have also been consistently ignored in Reports of Handling.

To the immediate north east along the boundary with Glen Imm, while currently relatively more open in aspect, visibility is already reduced by a bund and will be reduced further as a result of native species trees and shrubs planted along its length.

- ***Views of the Site from Outwith (photographs)***

  These can be found on the Blairston Images Sheets in the Appendix **and confirm the extent to which the site is not visible from the wider countryside beyond**.

- ***Its Relationship to Neighbouring Uses***

  The building would be a structure within the garden ground of Blairston House but is effectively hidden from view from the house itself.

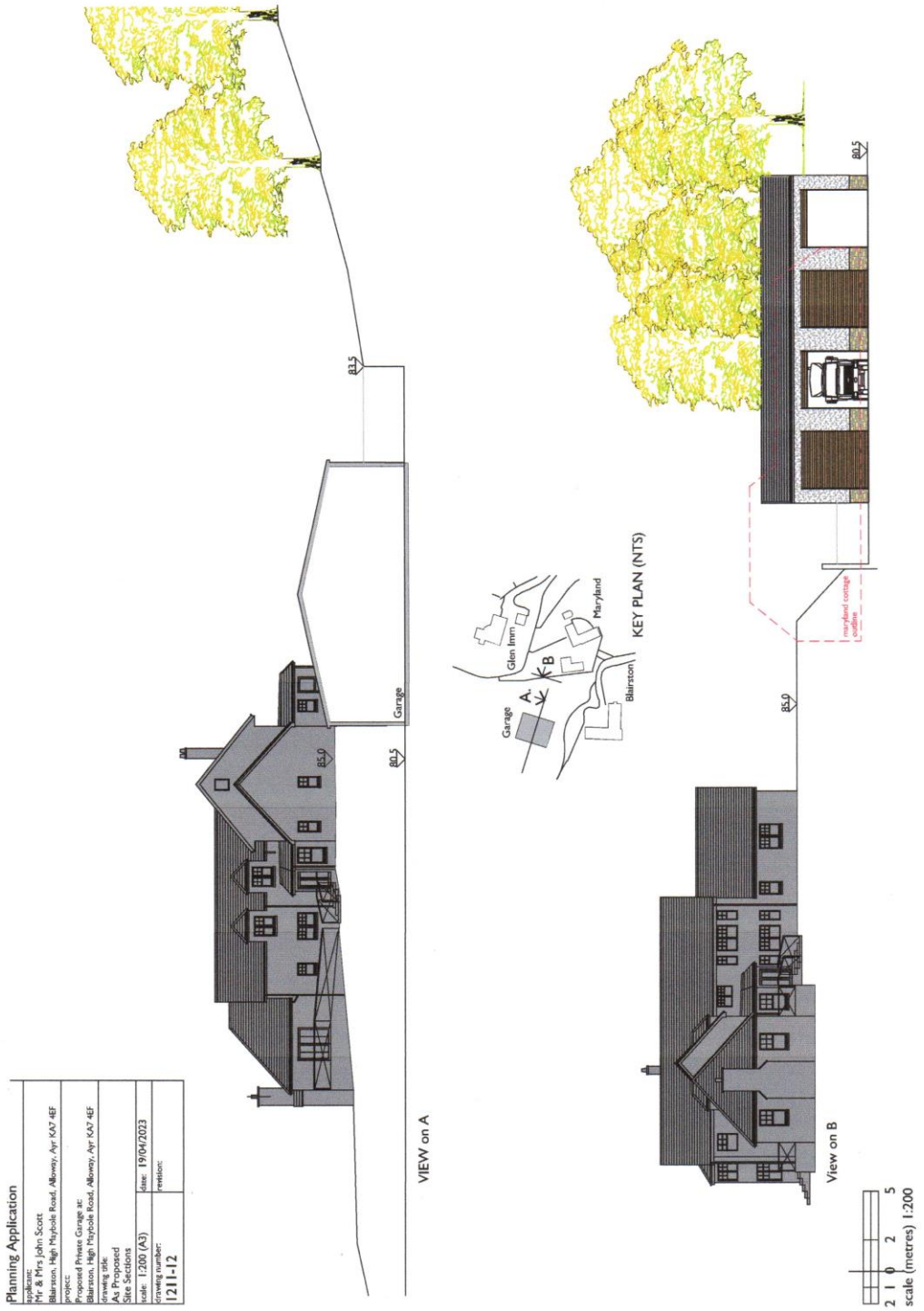
  Importantly, while the Council's greenbelt policy does not formally recognise 'clusters' within the greenbelt, **the physical relationship between Blairston House, Glen Imm and Maryland Cottage would otherwise be recognised as a cluster**.

  The proposals would be located within this grouping and have an obvious physical relationship with it. Not therefore an isolated incongruous structure in the countryside.

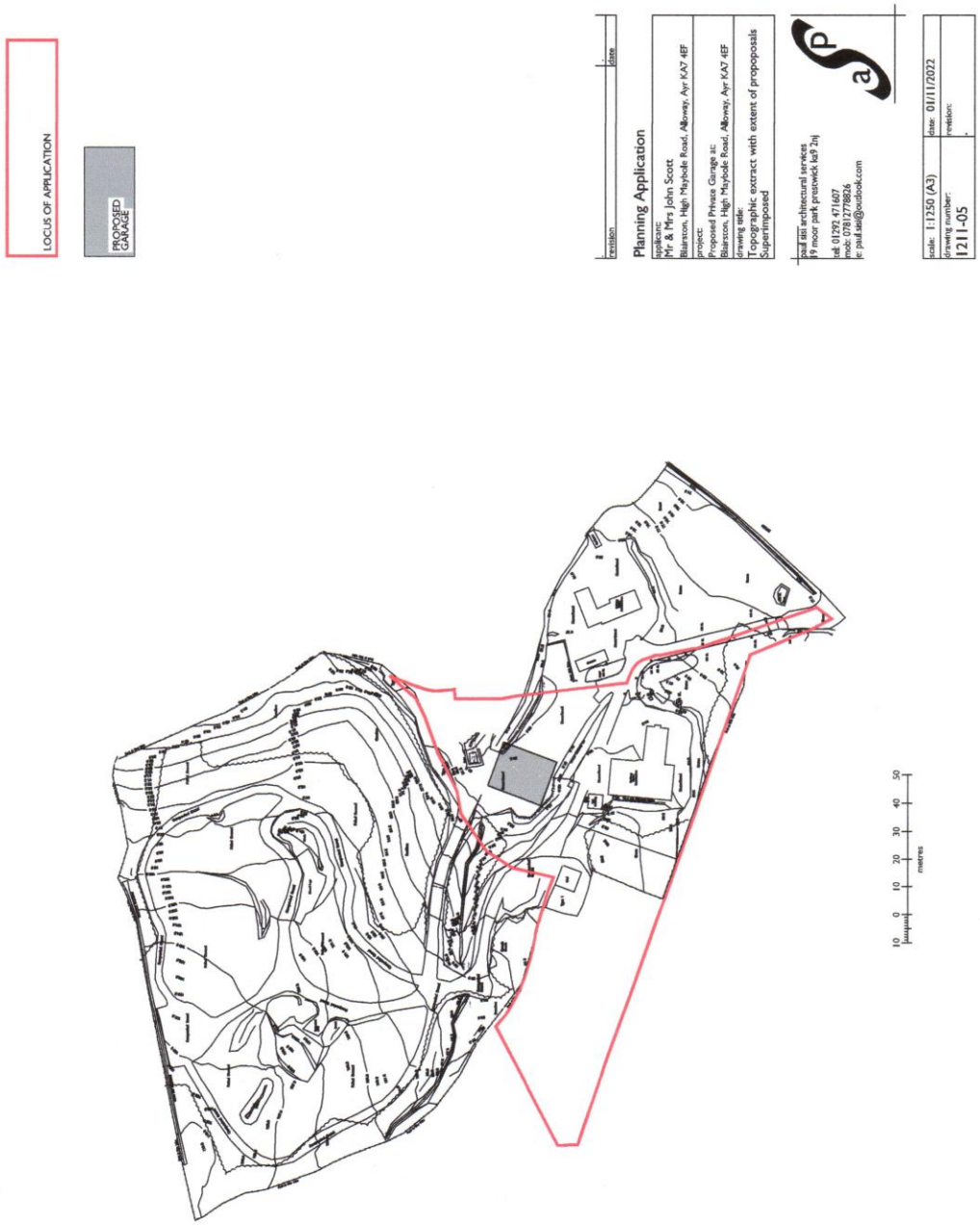
  In addition, the materials have been deliberately chosen to reflect the appearance of Blairston House and Maryland Cottage.

  As confirmed in the Supporting Statement that forms part of Planning Application 22/01049/APP, the proposals, in accordance with the requirements of the Council, would have zero impact on the residential amenity of the nearest houses, i.e. Blairston House, Glen Imm or Maryland Cottage.

As Proposed – Site Sections – Drawing No 1211-12



Topographic Extract with Extent of Proposals Superimposed – Drawing No 1211-05



3.0 THE COUNCIL'S REASONS FOR REFUSAL

The reasons for the Council's decision are:

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically policies Core Principle C1, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Rural Housing and Landscape Quality as the development will have a significant detrimental visual impact and is incongruous with the existing landscape area by reason of its form, scale and siting, and will adversely affect the character of the rural locality

(2) That the proposal is contrary to the provisions of South Ayrshire Council's Planning Guidance 'Rural Housing' and Supplementary Planning Guidance on 'House Alterations and Extensions' as the garage, by reason of its siting, scale and form, does not appear to be ancillary to the main dwellinghouse

(3) That the proposed development is contrary to the provisions of the South Ayrshire Local Development Plan 2 by reason that it does not accord with LDP 2 policy: Greenbelt - insofar that it is neither of a suitable scale and form and the necessity and appropriateness of the proposed development with this greenbelt site is found to be unestablished and lacking with respect to the criteria of LDP 2 Policy: Greenbelt.

4.0 THE REASONS FOR SEEKING A REVIEW

- For the reasons set out in the Supporting Statement that formed part of the refused Planning Application 22/01049/APP and that have been further amplified elsewhere in this document, we do not agree that an evidence-based case has been made to underpin the decision to refuse on this or, indeed, previous occasions.

- We are of the opinion that the essentially desk-top approach taken by the Planning Service here has delivered a less than robust case for refusal and that, in our opinion, the development, based on the evidence that we have provided in the Supporting Statement that formed part of the refused application (and, indeed, previous Supporting Statements), together with this Statement, would not have a:

  - 'significant detrimental visual impact
  - would not appear incongruous with(in) the landscape area
  - by reasons of its form, scale and siting, and would not therefore
  - adversely affect the character of the rural locality

  and one that would, in fact:

  - **otherwise be ancillary to the main dwellinghouse, borne out by the fact that the proposals are located within the Applicants' garden as defined in Drawing No 1211-04**.

  - and that, in the final analysis, it is considered, in our opinion, that the proposals do not compromise the strategic objectives of the greenbelt nor do they have a significant adverse impact on the visual amenity of the locale. The proposals are largely hidden from view by a combination of topography and existing planting and set a

substantial distance from the B7024 so as not to adversely impact on the visual amenity of the locale or scenic area

- The cornerstone of the Planning Service's reasons for refusal has been that, according to the Service, the site is located within the Greenbelt. Using information from the publicly available interactive map via LDP2 Proposals Map(s), we have concluded that the site is not, in fact, within the greenbelt. Strictly speaking therefore, Reason for Refusal 3 appears to be invalid.

5.0 RESPONSE TO THE COUNCIL'S REASONS FOR REFUSAL

Reason for Refusal 1

That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically policies Core Principle C1, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Rural Housing and Landscape Quality as the development will have a significant detrimental visual impact and is incongruous with the existing landscape area by reason of its form, scale and siting, and will adversely affect the character of the rural locality.

Response

The Report of Handling concludes that the proposals fail to comply with the requirements of the various policies listed in the early part of Reason for Refusal 1 because they:

(i) *will have a significant detrimental visual impact and*
(ii) *is incongruous with the existing landscape area by reason of:*
- *form*
- *scale*
- *siting*, *and will*

(iii) *adversely affect the character of the rural locality*

(i) It is agreed, and has previously been stated, that visual impact would, in this case, of course be a significant material consideration. The statement '*significant detrimental visual impact'* is, however, nowhere illustrated by any supporting information and there has been no discernible comment in the information provided by the Applicants that would confirm the opposite. As that information shows, the proposals

would, in truth, only be seen when standing in the yard in front of them or in the unlikely circumstances of from the air.

The proposals are largely hidden from view by a combination of the topography of its setting combined with virtually surrounding mature and developing tree cover and is totally obscured from the B7024. In actual fact therefore, the proposals will have virtually no visual impact.

Under these circumstances, their description as '*significantly detrimental'* is therefore puzzling, especially since the Report of Handling provides no information as to how this assertion might be substantiated.

(ii) *is incongruous with the existing landscape area by reason of:*

- *form*
- *scale*
- *siting*

Interpreted literally, incongruous means not in harmony with the surroundings. The immediate context is a yard area used for parking and the proposals would sit at the north-west end of this. As previously stated, the location is largely hidden from view by a combination of topography and virtually surrounding mature and developing tree cover. The building does not reveal itself until you are within close proximity, as the experience of visiting via the main access into the site would confirm.

In terms of form, the structure is a straightforward rectangular structure not uncommon in rural areas, and is therefore simple in form. While relatively large, but not uncommonly so in rural areas. Size is dictated by its intended use but its siting means that hidden from view, as it is for

the most part, it does not appear incongruous within the existing landscape.

The proposals might be visible from the air but, otherwise, the potential for them to be spotted, unless you are actually visiting the site, is virtually zero.

(iii) *adversely affect the character of the rural locality*

As highlighted earlier in this Statement, it is universally agreed that the matter of **visibility** is a significant material consideration when attempting to measure impact on **character** and we have concluded earlier that the **level of concealment** will be very high in this case.

That said, while the Report of Handling refers to 'character' of the rural 'locality', there is no attempt to define what either character or locality means in this case.

While the broad context is technically rural, what we have is, in effect, a cluster of three dwellings with other 'outhouses' of differing scale, all in relatively close proximity, including the storage shed for a 'contracting business', Planning Application Ref No 16/01198/APP, granted consent on 18 April 2017, while smaller than the current proposals, certainly more visible and different in form and scale from Glen Imm and which now coincidentally is used for accommodating the current owners' collection of vintage tractors.

Conclusion

In conclusion to Reason for Refusal 1, in our opinion the Planning Service, having taken an essentially desk-top approach to an assessment and therefore, especially in the absence of a site visit, has not provided sufficient

robust evidence to underpin the reason for refusal and that the actual evidence confirms that the proposals would not be at variance with the requirements of the policies of LDP2 as listed. Indeed, this has been typical of the approach taken by them to previous planning applications at this location.

Reason for Refusal 2

That the proposal is contrary to the provisions of South Ayrshire Council's Planning Guidance 'Rural Housing' and Supplementary Planning Guidance on 'House Alterations and Extensions' as the garage, by reason of its siting, scale and form, does not appear to be ancillary to the main dwellinghouse.

Response

The Planning Service has concluded that the proposals are contrary to policy because '*by reason of its siting, scale and form, does not appear to be ancillary to the main dwellinghouse'*.

The matters of siting, scale and form have been dealt with in response to Reason for Refusal 1. The focus here therefore will be on the matter of not appearing to be ancillary to the main dwellinghouse.

The word 'garage' has, according to the New Oxford Dictionary of English, a number of meanings but among these is that it is 'a building for the housing of a motor vehicle or vehicles'.

The proposals would, indeed, by providing accommodation for vehicles, i.e. those that are the hobby of one of the Applicants, satisfy the requirements of this definition. Interestingly, while policy as worded in Guidance: Rural Housing reflects a concern for matters of design and physical relationship, it ignores the fact that, in the vast majority of cases, garage space is ultimately

used either as effectively – although physically separated – extensions to kitchens, where freezers and tumble dryers are located, or for general household storage! Cars are more often than not left outside!

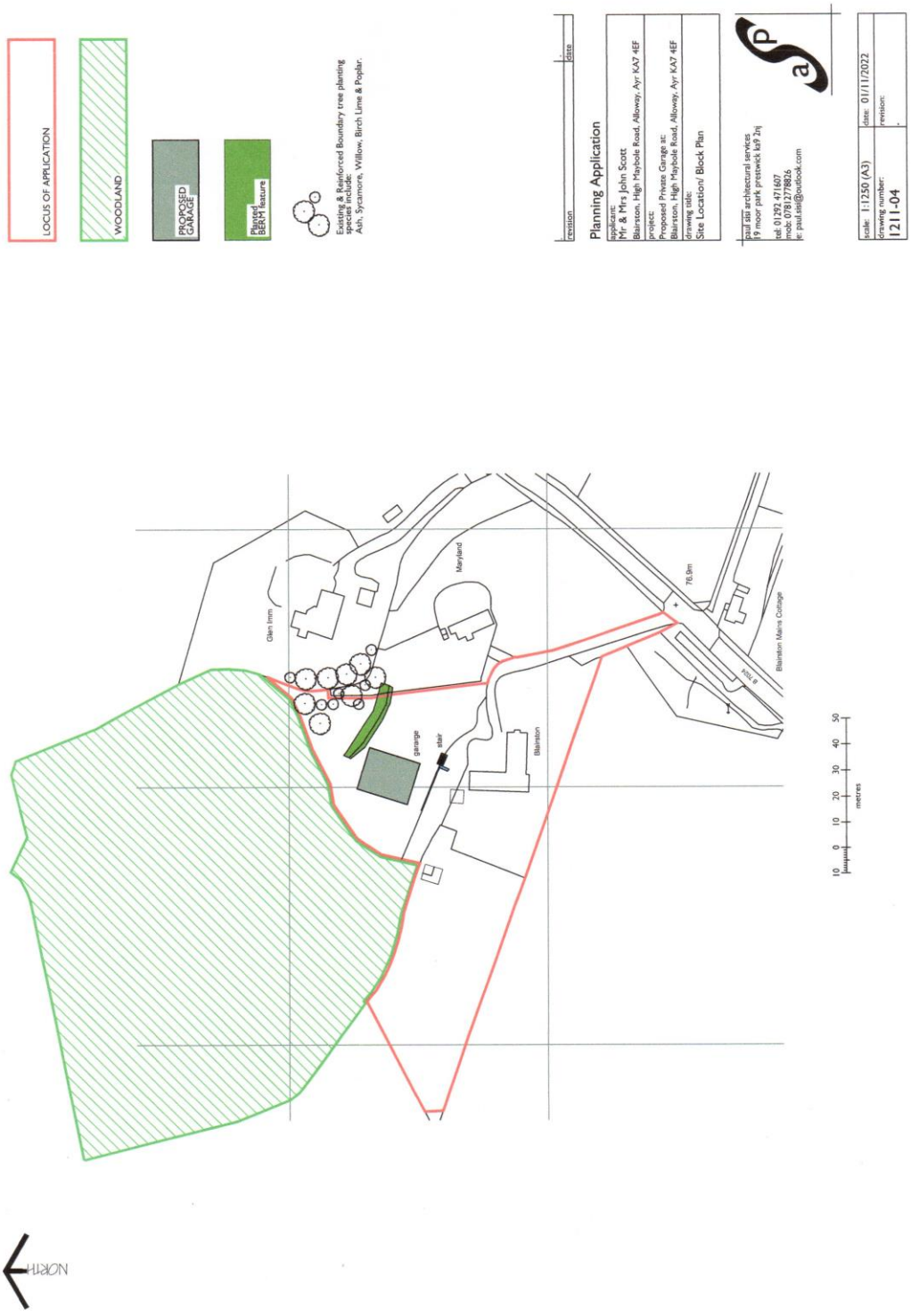
The choice of location has been dictated by several considerations described elsewhere which, while on the one hand, have had obvious benefits in relation to any possible visual impact, have made 'immediately adjacent' not possible. Taking all factors into account in this regard, it is therefore the most obvious location in our opinion.

While not immediately adjacent, the proposed building will certainly be ancillary to Blairston House in terms of its use. The proposals are to house the Applicants' hobby and would not otherwise exist but for this requirement.

The new garage would be 19m, measured horizontally from Blairston House but the degree of physical separation is relatively small and would be remedied, in part, by a simple connecting path and stair access, as shown in Drawing No 1211-04 (14.5m when measured horizontally from an outbuilding containing the dwellinghouse heating system**)** and, although not part of the application, the intention would be to make a more direct access.

As Drawing No 1211-01 confirms, the proposed building sits comfortably within the grouping formed by Blairston House, Maryland Cottage, Glen Imm and their associated outhouses.

Site Location/Block Plan – Drawing No 1211-04



In conclusion to Reason for Refusal 2, we agree that the proposed Garage is not a typical example of the preferred 'outcome' described in Planning Guidance: Rural Housing. We maintain, nevertheless, that this is a Garage and that its ancillary role to Blairston House has been confirmed, i.e. to provide accommodation for the Applicants' hobby.

Topography has made it impossible to locate the Garage immediately adjacent to Blairston House but the degree of physical separation is relatively small and would be remedied, in part, by the stair shown on Drawing No 1211-04. As Planning Application Drawing No 1211-12 partly confirms, it would sit comfortably below the skyline within the group of buildings formed by Blairston House, Maryland Cottage, Glen Imm and their associated outbuildings.

Reason for Refusal 3

That the proposed development is contrary to the provisions of the South Ayrshire Local Development Plan 2 by reason that it does not accord with LDP 2 policy: Greenbelt - insofar that it is neither of a suitable scale and form and the necessity and appropriateness of the proposed development with this greenbelt site is found to be unestablished and lacking with respect to the criteria of LDP 2 Policy: Greenbelt.

Response

The cornerstone of the Planning Service's reasons for refusal has been that, according to the service, the site is located within the Greenbelt. Using information from the publicly available interactive map via LDP2 Proposals Map(s), we have concluded that the site is not, in fact, within the greenbelt. Strictly speaking therefore, Reason for Refusal 3 appears to be invalid.

While we are therefore disputing the greenbelt status of the site, we are, nevertheless, presenting below a response to the details of the Planning Service's position.

The proposals are deemed to be contrary to the provisions of LDP2 Policy: Greenbelt insofar as they are:

- *neither of a suitable scale*
- *nor form*
- *and appropriateness*

The matters of scale and form have, at the detailed level, been dealt with earlier. This reason for refusal, however, suggests also that the proposals would be neither of a suitable scale nor form and therefore, in some way, untypical within the context of the Greenbelt as a whole.

The proposals are to accommodate the hobby of one of the Applicants in what he considers to be within the boundaries of his garden. **It is our understanding that the guidance provided by Guidance: Rural Housing, as the title indicates, includes no detailed guidance in relation to non-agricultural uses in the countryside, e.g. in matters of scale, design, massing/materials**. Proposals for Agricultural and Forestry buildings, as members will be aware, will otherwise travel via the Permitted Development Order route.

Via PAN 39: Farm and Forestry Buildings, the Scottish Government provides advice re best practice in relation to siting and design.

The South Ayrshire greenbelt, as LRB members will also be aware, contains significant agricultural areas and, as a result, a wide range of farm buildings by size, shape and materials.

Buildings much larger in scale than the proposals will be found in the greenbelt. In relation to 'form', the building would, in common with the overwhelming majority of buildings in the countryside/greenbelt, be **rectangular in form.** **We therefore do not concur with the assertion made that the proposals are '*neither of a suitable scale and form*'**.

In our opinion, we have demonstrated that this is not an excessively large building in its context. The choice of location has ensured that any impact will be limited, both in relation to the Countryside/Greenbelt as a whole and, importantly, the immediate locality.

In relation to *'appropriateness'*, this word does not appear in the text of the policy. The greenbelt accommodates a number of domestic properties that are purely houses with gardens and have no association with agriculture or other rural activities/pursuits. Most development associated with them will likely be Permitted Development **but sometimes to accommodate hobbies**, although LDP2 policy is not clear on the policy status of houses and their gardens in the countryside.

In this regard, the proposed use is located within the garden of Blairston House and is entirely one that is ancillary to the main dwelling and can, in fact, be viewed as incidental. The consequences for Greenbelt policy are therefore, in our opinion, to be zero.

Conclusion

The greenbelt accommodates a number of houses and their garden – a matter that is not entirely recognised by policy. The policy states that the Council will only support development within the greenbelt if it is of a high design quality and suitable scale and form. No further guidance is, however, given as to the meaning of 'high quality design'. The South Ayrshire

Greenbelt, as LRB members will readily be aware, accommodates many buildings that would not satisfy these requirements!

In the final analysis, the proposals, like the vast majority of them, are rectangular in form. Otherwise, and unlike others, in relation to the walls, the materials used are of a domestic quality and have been chosen to reflect the appearance of Blairston House and Maryland Cottage. Treated on its individual merits, the proposals are seen not to offend the requirements of policy – either at the strategic or the more local levels.

LDP2 does not otherwise include a general policy for countryside. Reasons for Refusal 1 and 2 are therefore based on considerations relating to the details of the proposals and the location, and our response is shown above.

Outwith the greenbelt, Blairston House, Maryland Cottage and Glen Imm can be confirmed as a cluster for policy purposes.

National Planning Framework 4 (NPF4)

The policies of NPF4 became part of the Development Plan on 13 February 2023. At the time of writing, we have no information as to how NPF4, Policy 8 – Greenbelt will impact on LDP2, Policy 2 – Greenbelt.

As previously stated, we are of the opinion that the site is not in the Greenbelt. That said, as an interim position, we would maintain that the primary objectives of NPF4, Policy 8, have not altered the Council's primary policy objectives in that, while Greenbelt designation is not in place to prevent development from happening, and while identifying supportable uses, the important consideration is that any proposed development does not undermine the core role and function of the Greenbelt and, in particular, the intended Policy Outcomes of NPF4, Policy 8. Otherwise, we have consistently maintained that the proposals do not represent unsustainable

growth, will not impact negatively on the character, landscape and natural setting and identity of settlements, nor on nature networks and land managed to help tackle climate change.

6.0 CONCLUSIONS

- Members of the LRB will be aware that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and

- that each application should be assessed/treated by the planning authority on its own individuals merits and, as reconfirmed by the Scottish Government's Chief Planner in her letter to Councils dated 9 March 2023, albeit in reference to the Transitional Arrangements for National Planning, who states: '*Application of planning judgement to the circumstances of an individual situation remains essential to all decision-making, informed by principles of proportionality and reasonableness'*.

  While this statement was made in the context of particular circumstances, its general applicability must surely be valid?

- Material considerations are not given a statutory definition, although a number of them can be identified either directly or indirectly from statute or from government policy statements. Otherwise, it has been left to the courts to develop the meaning of the term. So much depends on the individual circumstances of each case.

  Ones that are, however, relevant in this case, and, in this, we are in agreement with the Planning Service, identification of those in the Report of Handling include:

  - the environmental impact of the proposals
  - the design of the proposed development and its relationship to its surroundings – impact on the locality
  - impact on amenity,

to which we would add:

- personal circumstances
- the Report of Handling, while also identifying most of them as being material, concludes, however, that the proposals do not successfully address these matters and are, as a consequence, contrary to the requirements of the Development Plan.

  We, of course, beg to differ and the reasons for this are set out in detail in the Statement of Support which formed part of Planning Application No 22/01048/APP and also in this document.

- The cornerstone of the Planning Service's reasons for refusal has been that, according to the Service, the site is located within the Greenbelt. Using information from the publicly available interactive map via LDP2 Proposals Map(s), we have concluded that the site is not, in fact, within the greenbelt. Strictly speaking therefore, Reason for Refusal 3 appears to be invalid.

- Based on the evidence presented in these reports:

  - **<u>In relation to Reason for Refusal 1</u>**, in our opinion, the Planning Service, having taken an essentially 'desk-top' approach to an assessment and therefore, especially in the absence of a site visit, has not delivered sufficiently robust evidence to underpin this reason for refusal and that the actual evidence confirms that the proposals, as a review of mutually agreed material considerations concludes, would not be at variance with the requirements of the listed policies of LDP2 and would:
    - not have a 'significant' detrimental visual impact
    - not appear incongruous within the landscape area
    - by reason of its form, scale and setting, adversely affect the character of the rural locality

- **<u>In relation to Reason for Refusal 2</u>**, while we would agree that the proposed Garage is not a typical example of the preferred 'outcome' described in Planning Guidance: Rural Housing, we maintain, nevertheless, that this is a Garage and that its ancillary role to Blairston House has been confirmed, i.e. to provide accommodation for the Applicants' hobby.

  Topography has made it impossible to locate the Garage immediately adjacent to Blairston House but the degree of physical separation is relatively small and would be remedied by a simple connecting path and stair access.

  As Planning Application Drawing No 1211-12 confirms, the proposed Garage would sit comfortably below the skyline and within the group of buildings formed by Blairston House, Maryland Cottage, Glen Imm and their associated outbuildings.

- **<u>In relation to the Reason for Refusal 3</u>**. While we are disputing the Greenbelt status of this location, the following comment has been retained. The greenbelt accommodates a number of houses and their gardens – a matter that is not entirely recognised by policy. The policy states that the Council will only support development within the greenbelt if it is of a high design quality and a suitable scale and form. No further guidance is, however, given as to the meaning of 'high design quality'. The South Ayrshire Greenbelt, as LRB members will readily be aware, accommodates many buildings that would not satisfy these requirements!

  In the final analysis, the proposals, like the vast majority of them, are rectangular in form. Otherwise, and unlike others, in relation to the walls, the materials used are of a domestic quality and have

been chosen to reflect the appearance of Blairston House and Maryland Cottage. Treated on its individual merits, the proposals are seen not to offend the requirements of policy – either at the strategic or the more local levels.

- LDP2 does not otherwise include a general policy for countryside. Reasons for Refusal 1 and 2 are therefore based on considerations relating to the details of the proposals and the location, and our response is shown above

  Outwith the greenbelt, Blairston House, Maryland Cottage and Glen Imm can be confirmed as a cluster for policy purposes.

APPENDIX TO ACCOMPANY
STATEMENT IN SUPPORT

PHOTOGRAPHS, ETC OF THOSE
VEHICLES TO BE HOUSED

ON BEHALF OF
MR AND MRS JOHN SCOTT,
BLAIRSTON HOUSE, AYR, KA7 4EF

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

Membership Card

To promote the study and preservation of
Historic Commercial Vehicles

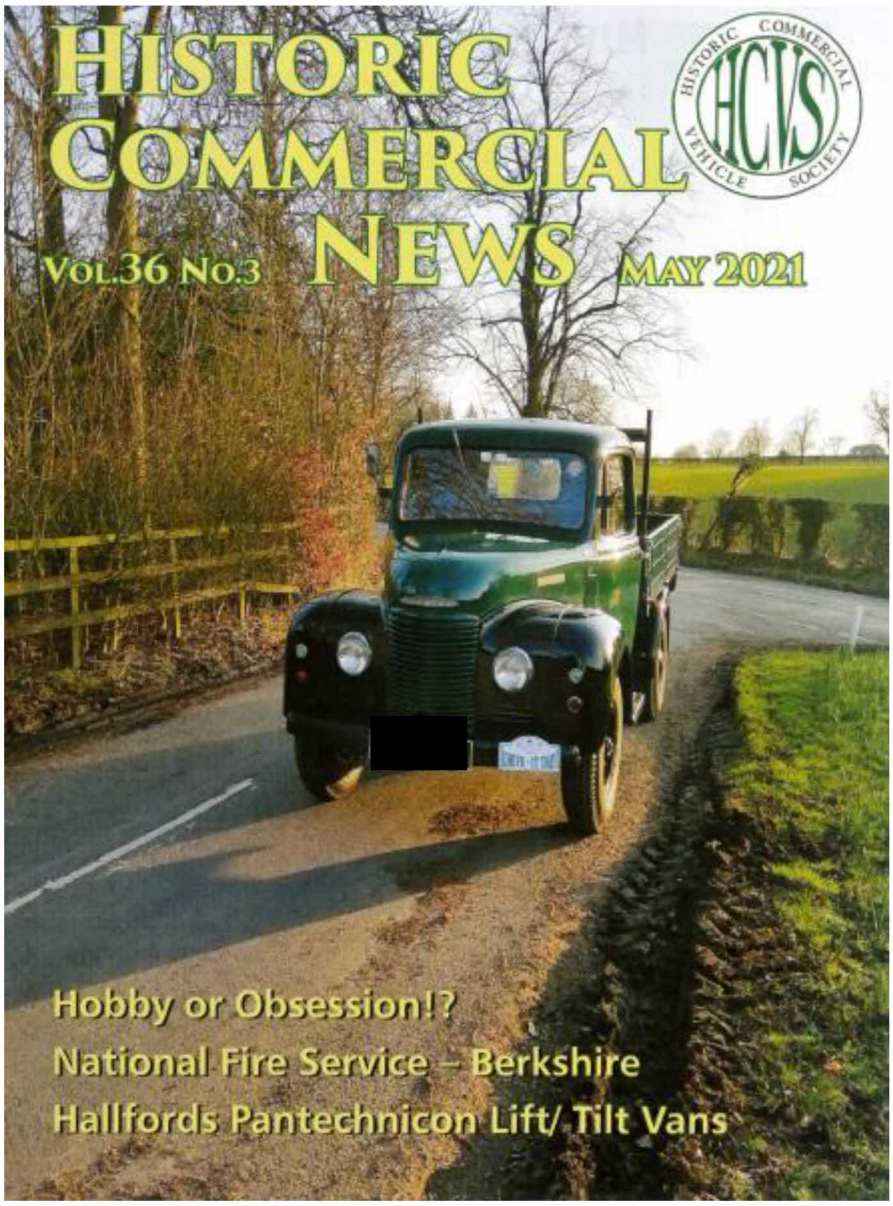
Registered Charity No.271123
Incorporated in England & Wales No.1241335

Historic Commercial Vehicle Society

Expiry Date 31st October 2021

Name: John Scott

Membership No: 15916



Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

It was 20 years ago, back in June 2001, when I photographed this Thornycroft lorry parked in the Aberdeenshire village of Rhynie. It was taking part in the annual commercial vehicle road run where Rhynie was a morning stop before the vehicles tackled the hills and wild country of the Cabrach. It is good to see it was then owned by an HCVS member, though it was for sale at the time.
Brian Gooding

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

Appendix to Accompany Statement in Support of Planning Application for the Erection of Private Domestic Garage on Land at Blairston House, Ayr, KA7 4EF

Prepared for: Mr and Mrs John Scott

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100609614-001

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

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Erection of Private Garage

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

T No ≤ Yes - Started ≤ Yes – Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Paul Sisi Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	Sisi	Building Number:	19
Telephone Number: *	01292471607	Address 1 (Street): *	Moor Park
Extension Number:		Address 2:	
Mobile Number:	07812778826	Town/City: *	Prestwick
Fax Number:		Country: *	Scotland
		Postcode: *	KA9 2NJ
Email Address: *	paul.sisi@outlook.com		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Blairston
First Name: *	John	Building Number:	
Last Name: *	Scott	Address 1 (Street): *	High Maybole Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Ayr
Extension Number:		Country: *	Scotland
Mobile Number:	[redacted]	Postcode: *	KA7 4NR
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: South Ayrshire Council

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

Address 1: BLAIRSTON

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: AYR

Post Code: KA7 4EF

Please identify/describe the location of the site or sites

Northing 616715 Easting 233003

Pre-Application Discussion

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

Trees

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

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

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * ≤ Yes T No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ≤ Yes T No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * T Yes ≤ No

Is any of the land part of an agricultural holding? * ≤ Yes T No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Paul Sisi

On behalf of: Mr & Mrs John Scott

Date: 06/12/2022

T Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

a) Have you provided a written description of the development to which it relates?. * T Yes ≤ No

b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * T Yes ≤ No

c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * T Yes ≤ No

d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. T Yes ≤ No

e) Have you provided a certificate of ownership? * T Yes ≤ No

f) Have you provided the fee payable under the Fees Regulations? * T Yes ≤ No

g) Have you provided any other plans as necessary? * T Yes ≤ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals
(two must be selected). *

You can attach these electronic documents later in the process.

T Existing and Proposed elevations.

T Existing and proposed floor plans.

≤ Cross sections.

T Site layout plan/Block plans (including access).

T Roof plan.

T Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ≤ Yes T No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * T Yes ≤ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Paul Sisi

Declaration Date: 06/12/2022

Payment Details

[redacted]

Created: 15/12/2022 11:35

NORTH

IMMEDIATE LOCAL CONTEXT

PROPOSED GARAGE

Carrick Lodge

Issues

Glen Imm

NETHER AUCHENDRANE

Maryland

Blairston

76.9m

Blairston Mains Cottage

B 7024

81.8m

Wallace's Stone

Track

Blairston Mains

The Old Farmhouse

Ilios

Valhalla

10 0 25 50 100

metres

65

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

.	.
revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
Immediate Local Context

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:2500 (A3)	date: 01/11/2022
drawing number: 1211-02	revision: .

NORTH

IMMEDIATE LOCAL CONTEXT

PROPOSED GARAGE

Carrick Lodge

Issues

Glen Imm

NETHER AUCHENDRANE

Maryland

Blairston

76.9m

Blairston Mains Cottage

B 7024

81.8m

Wallace's Stone

Track

Blairston Mains

The Old Farmhouse

Ilios

Valhalla

10 0 25 50 100

metres

66

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drawing title:
Immediate Local Context

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:2500 (A3)	date: 01/11/2022
drawing number: 1211-02	revision: .

NORTH

LOCUS OF APPLICATION

OTHER LAND IN OWNERSHIP
OF APPLICANT

Carrick Lodge

Issues

Glen Imm

NETHER AUCHENDRANE

Maryland

Blairston

76.9m

Blairston Mains Cottage

B 7024

81.8m

Wallace's
Stone

Track

Blairston Mains

The Old
Farmhouse

Ilios

Valhalla

South Ayrshire Council
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10 0 25 50 100
metres

67

.	.
revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

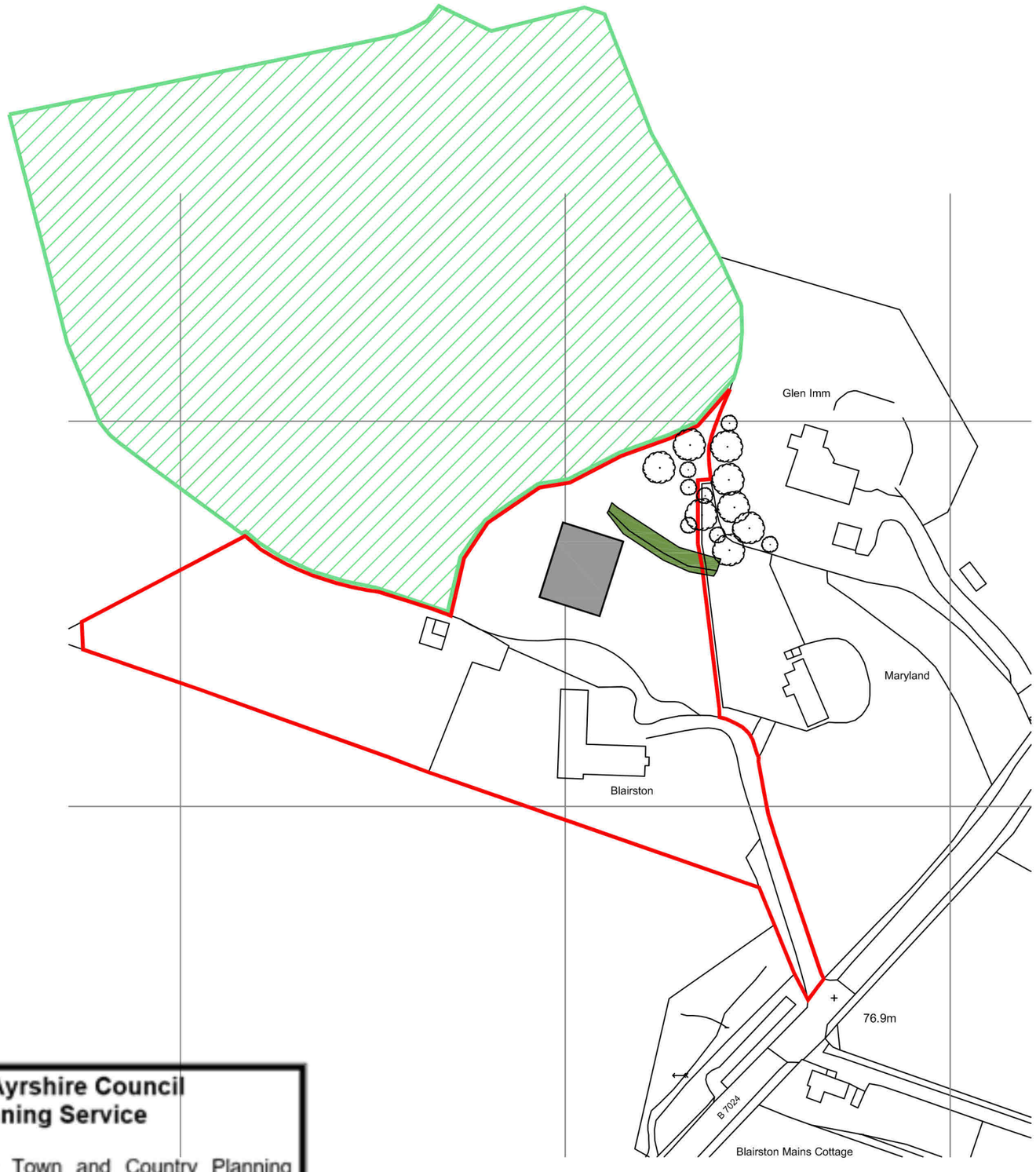
drawing title:
Area
Location Plan

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:2500 (A3)	date: 01/11/2022
drawing number: 1211-01	revision: .

NORTH



LOCUS OF APPLICATION

WOODLAND

PROPOSED GARAGE

Planted BERM feature

Existing & Reinforced Boundary tree planting species include:
Ash, Sycamore, Willow, Birch Lime & Poplar.

South Ayrshire Council
Planning Service

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revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

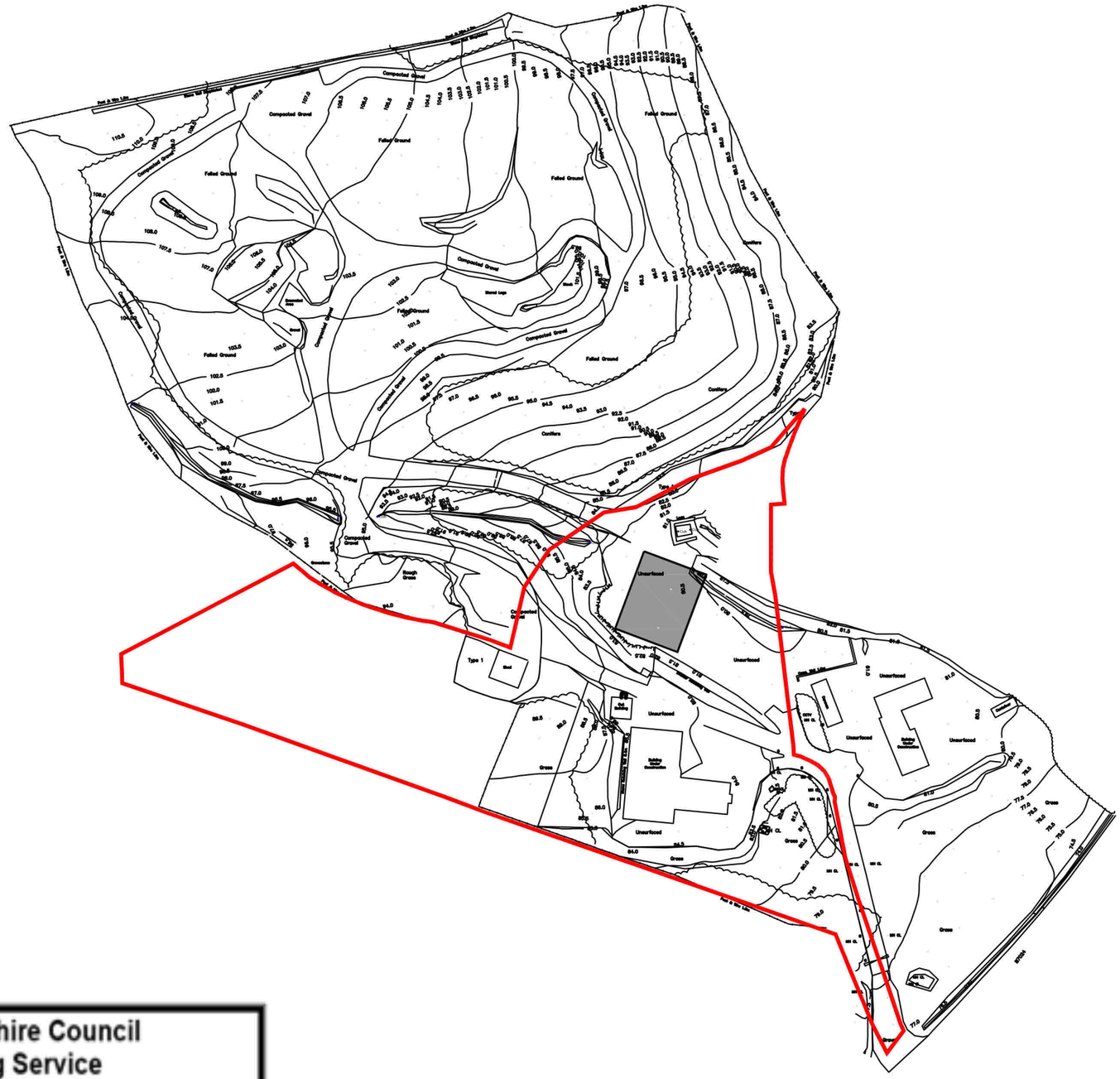
project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
Site Location/ Block Plan

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:1250 (A3)	date: 01/11/2022
drawing number: 1211-04	revision: .



South Ayrshire Council
Planning Service

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revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
Topographic extract with extent of propoposals Superimposed

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:1250 (A3)	date: 01/11/2022
drawing number: 1211-05	revision: .

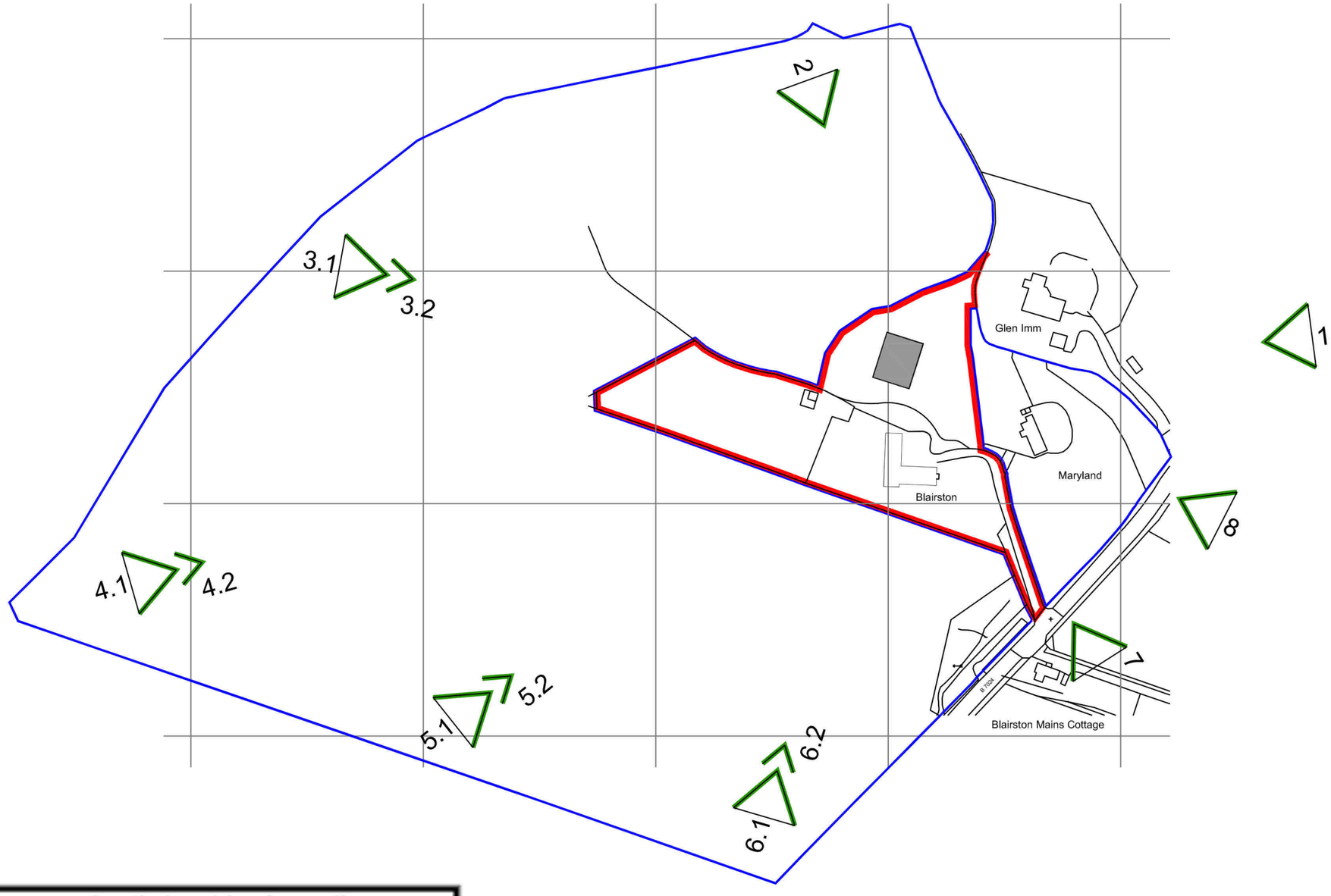
NORTH

LOCUS OF APPLICATION

OTHER LAND
IN OWNERSHIP OF APPLICANT

PROPOSED
GARAGE

X.X
PHOTOGRAPH VIEWPOINT



South Ayrshire Council
Planning Service

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10 0 10 20 30 40 50
metres

.	.
revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
Photograph Viewpoints

paul sisi architectural services
19 moor park prestwick ka9 2nj

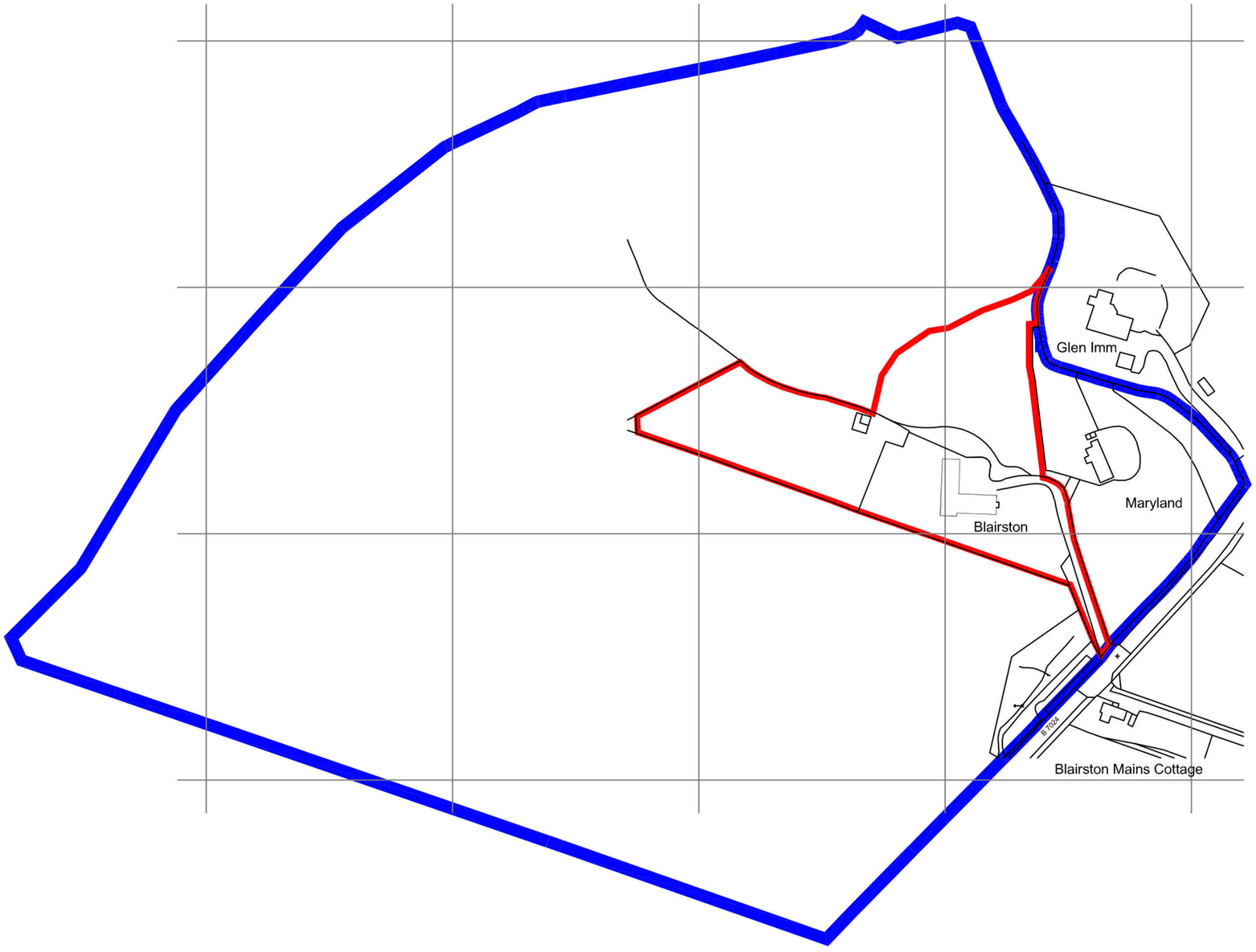
tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:2000 (A3)	date: 07/11/2022
drawing number: 1211-10	revision: .

NORTH

ALL LAND IN OWNERSHIP OF APPLICANT

LOCUS OF APPLICATION



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metres

South Ayrshire Council
Planning Service

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revision	date

Planning Application

applicant:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
Block Plan
Showing All Land in Ownership of the Applicant

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:2000 (A3)	date: 01/11/2022
drawing number: 1211-03	revision: .

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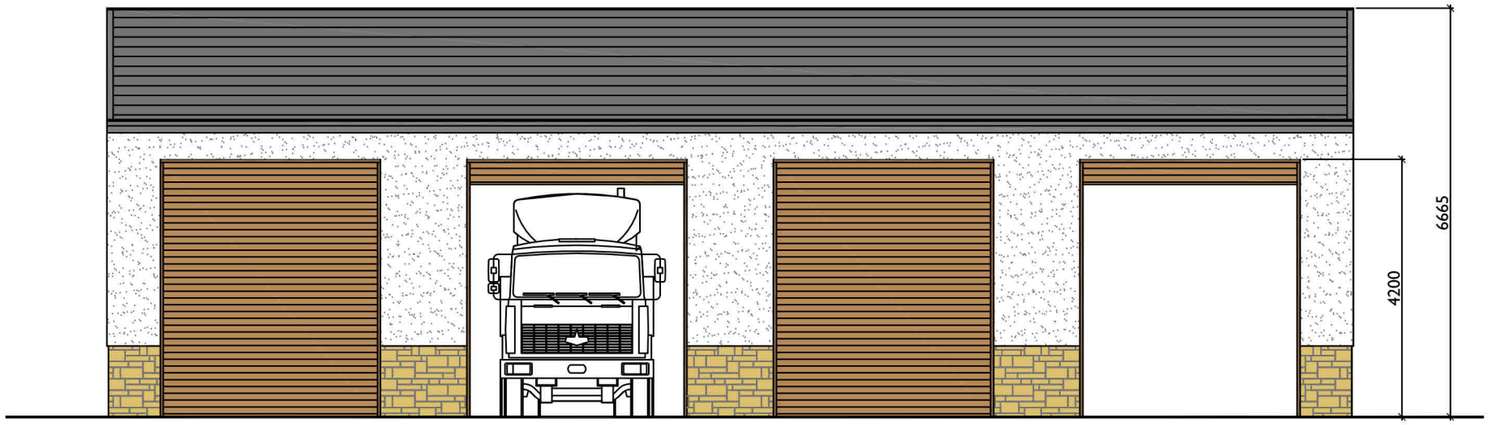
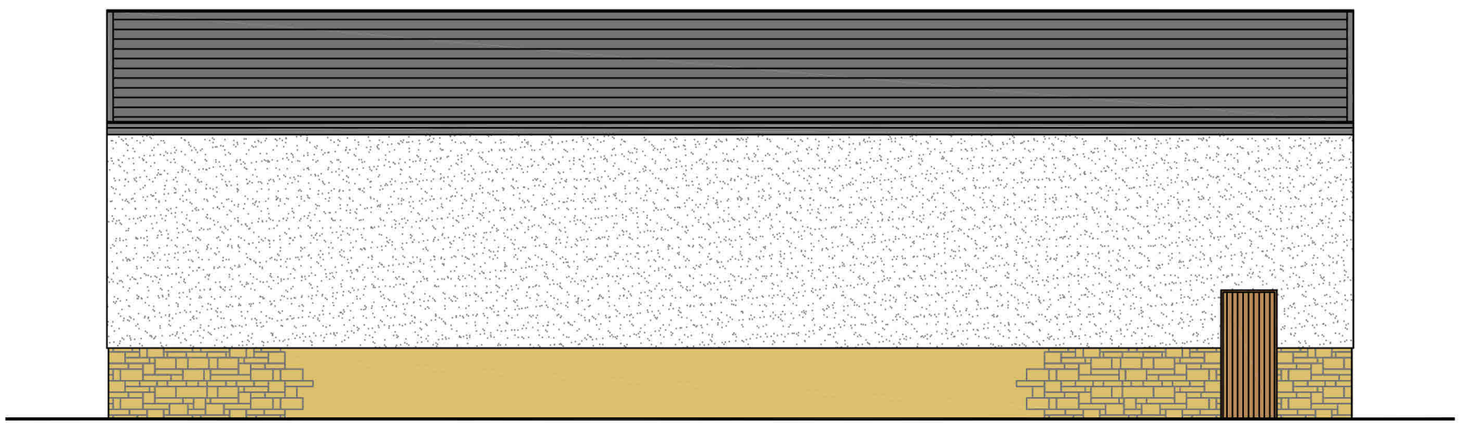
scale (metres) 1:100



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

.	.
revision	date

Planning Application

client:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
As Proposed
Elevations (sheet 1 of 2)

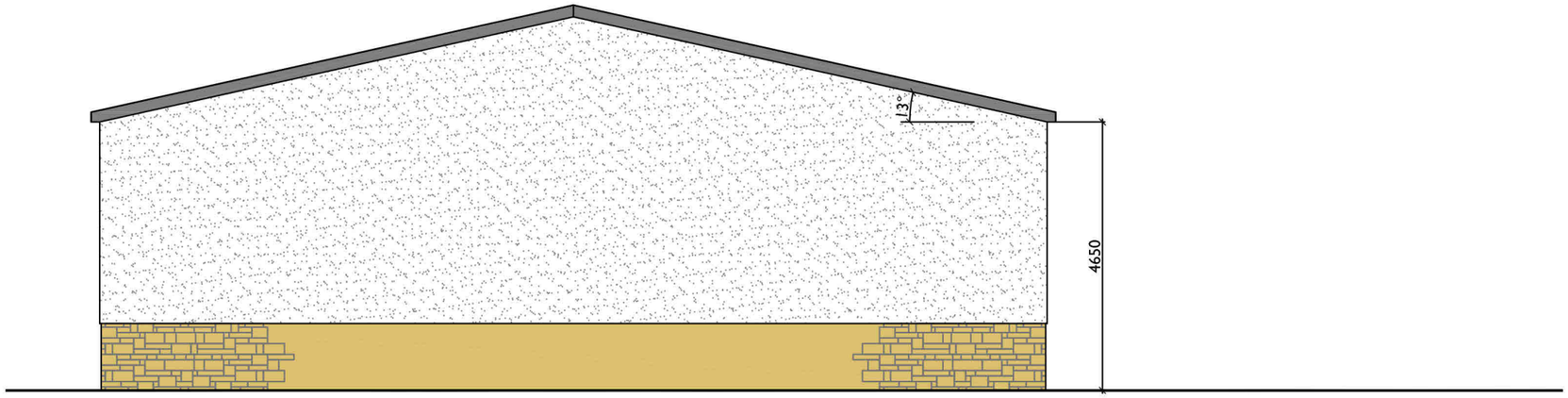
paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

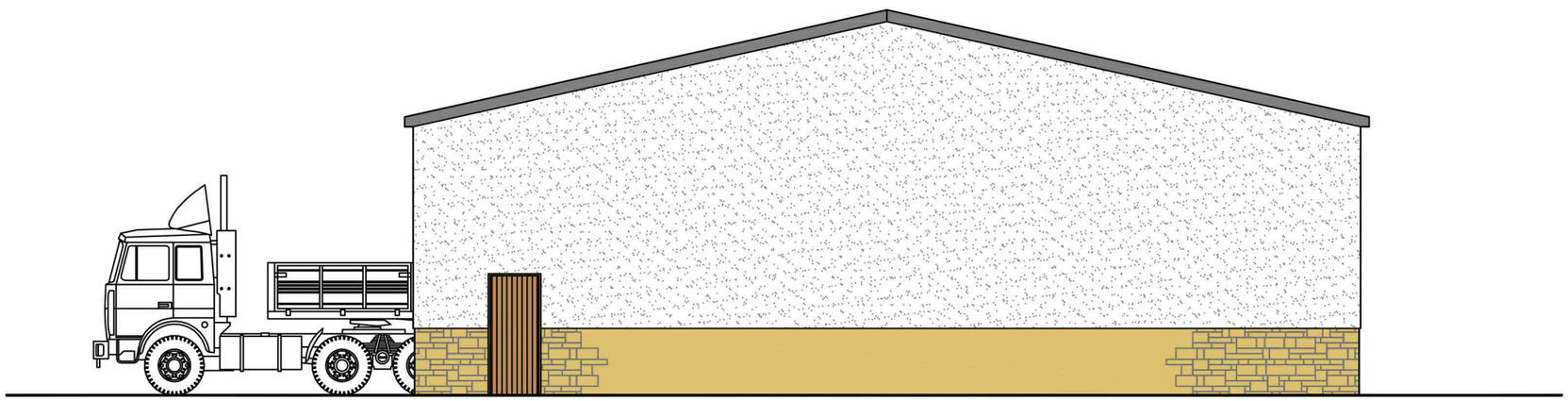
scale: 1:100 (A3)	date: 01/11/2022
drawing number: 1211-08	revision:

1 0 1 2 5

scale (metres) 1:100



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

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revision	date

Planning Application

client:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

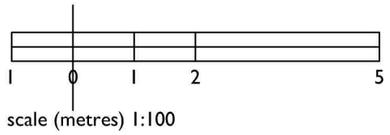
project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

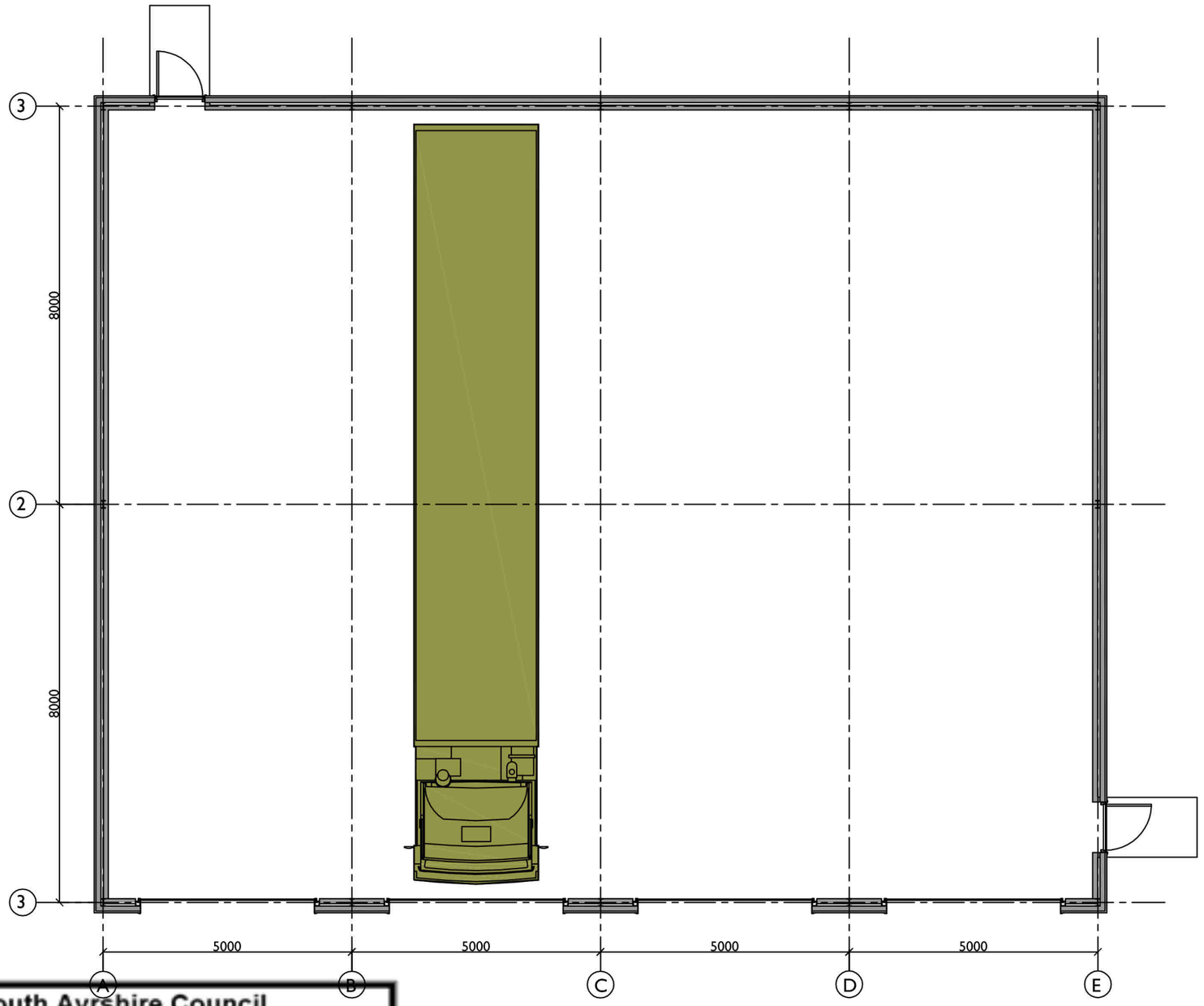
drawing title:
As Proposed
Elevations (sheet 2 of 2)

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:100 (A3)	date: 01/11/2022
drawing number: 1211-09	revision:





South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

GROUND FLOOR:

New Ground bearing concrete floor slab.

EXTERNAL WALLS:

External render finish, to match both the dwelling house and adjoining properties, over a stone base course detail, again to reflect the detailing to both the dwelling house and the adjoining property.

PITCHED ROOF:

Interlocking tile profile roof sheets (colour slate grey), incl. associated fascia, soffit, verge and ridge detailing/ flashings.

GUTTERS & DOWNPIPES:

External gutters & downpipes, colour black.

DOORS:

Roller doors to Storage accommodation to have timber effect foil finish, colour to be agreed with Planning Authority.

Personnel access/ egress doors to identified locations to be traditional ledged and braced timber doors.

revision	date
.	.

Planning Application

client:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

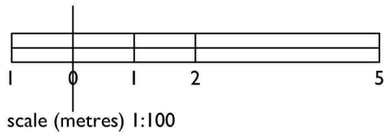
project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

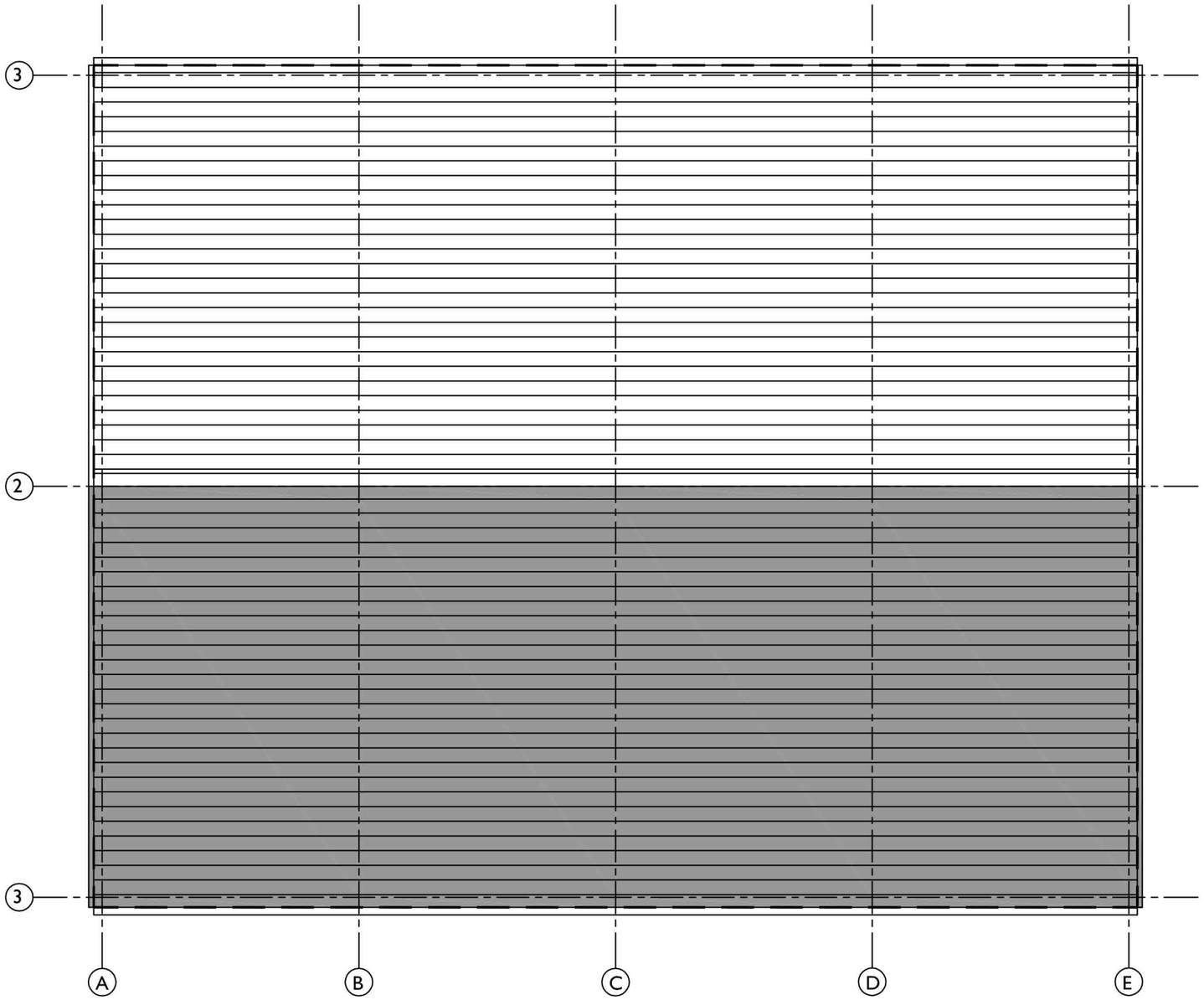
drawing title:
As Proposed
Garage Floor Plan

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
mob: 07812778826
e: paul.sisi@outlook.com

scale: 1:100 (A3)	date: 01/11/2022
drawing number: 1211-06	revision:





South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

.	.
revision	date

Planning Application

client:
Mr & Mrs John Scott
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

project:
Proposed Private Garage at:
Blairston, High Maybole Road, Alloway, Ayr KA7 4EF

drawing title:
As Proposed
Roof Plan

paul sisi architectural services
19 moor park prestwick ka9 2nj

tel: 01292 471607
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e: paul.sisi@outlook.com

scale: 1:100 (A3)	date: 01/11/2022
drawing number: 1211-07	revision:

LOCAL DEVELOPMENT

REFUSAL OF APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 22/01049/APP

SOUTH AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: **Mr & Mrs John Scott**
per Paul Sisi Architectural Services
Paul Sisi
19 Moor Park
Prestwick
KA9 2NJ

With reference to your **Application for Planning Permission** dated **11th January 2023**, under the aforementioned Regulations, for the following development, viz:-

Erection of a garage

at: **Blairston B7024 From High Maybole Road Ayr To Alloway Road Maybole Ayr South Ayrshire KA7 4EF**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the Council's website by using the application reference number noted above these and represent the refused scheme.

The reasons for the Council's decision are:

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically policies Core Principle C1, Strategic Policy 1 Sustainable Development, Strategic Policy 2: Development Management, Rural Housing and Landscape Quality as the development will have a significant detrimental visual impact and is incongruous with the existing landscape area by reason of its form, scale and siting, and will adversely affect the character of the rural locality.

(2) That the proposal is contrary to the provisions of South Ayrshire Council's Planning Guidance 'Rural Housing' and Supplementary Planning Guidance on 'House Alterations and Extensions' as the garage, by reason of its siting, scale and form, does not appear to be ancillary to the main dwellinghouse.

(3) That the proposed development is contrary to the provisions of the South Ayrshire Local Development Plan 2 by reason that it does not accord with LDP 2 policy: Greenbelt - insofar that it is neither of a suitable scale and form and the necessity and appropriateness of the proposed development with this greenbelt site is found to be unestablished and lacking with respect to the criteria of LDP 2 Policy: Greenbelt.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 1211-01

Drawing - Reference No (or Description): **Refused** 1211-02

Drawing - Reference No (or Description): **Refused** 1211-03

Drawing - Reference No (or Description): **Refused** 1211-04

Drawing - Reference No (or Description): **Refused** 1211-05

Drawing - Reference No (or Description): **Refused** 1211-06

Drawing - Reference No (or Description): **Refused** 1211-07

Drawing - Reference No (or Description): **Refused** 1211-08

Drawing - Reference No (or Description): **Refused** 1211-09

Drawing - Reference No (or Description): **Refused** 1211-10

Other - Reference No (or Description): **Refused** Statement in Support

Other - Reference No (or Description): **Refused** Statement in Support Appendices

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

Dated: 7th February 2023

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

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

[redacted]

[redacted]

Subject: RE: Initial Letter to Interested Parties - Blairston, Ayr - 22/01049/APP [OFFICIAL]

CLASSIFICATION: **OFFICIAL**

Good afternoon,

The ARA returned a consultation response associated with application 22/01049/APP of **no objection** – we do not intend to offer any further representations, and our recommendation remains unchanged.

Kind regards,

G[redacted] Senior
Team Leader - Traffic
Ayrshire Roads Alliance
[redacted]

[redacted]

Subject: Initial Letter to Interested Parties - Blairston, Ayr - 22/01049/APP

Good Afternoon,

Please find attached the appropriate letter regarding the above case.

You may wish to make further representation(s) in writing to the Local Review Body. In order to be considered by the Local Review Body, any such representations must be received no later than **Wednesday 14th May 2023**.

Kind Regards,

Local Review Body.

Connie Griffiths | Committee Services Assistant | Chief Executive's Department | [redacted] | South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR |

[redacted]

On Behalf of South Ayrshire Council
Roads and Transportation Services
Observations on Planning Application

Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org
ARA Case Officer: AP
Planning Case Officer: E McKie
Planning Application No: 22/01049/APP
Location: Blairston B7024 From High Maybole Road, Ayr

Date Received: 12/01/2023
Date Returned: 24/01/2023
Recommendation: No Objection

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

Expository Statement (if applicable):

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

APPOINTED OFFICER DRAFT CONDITIONS

SOUTH AYRSHIRE LOCAL REVIEW BODY
APPLICATION REF. NO: 22/01049/APP
APPLICANT: MR PAUL SISI
SITE ADDRESS: BLAIRSTON B7024 FROM HIGH MAYBOLE ROAD AYR TO ALLOWAY ROAD MAYBOLE AYR SOUTH AYRSHIRE KA7 4EF
DESCRIPTION: ERECTION OF A GARAGE

Conditions:

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

(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) The garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

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) In the interests of residential amenity.

SOUTH AYRSHIRE COUNCIL

LOCAL REVIEW BODY

NOTE OF CURRENT POSITION

Site Address:	PROPOSED RESIDENTIAL DEVELOPMENT KILMARNOCK ROAD MONKTON SOUTH AYRSHIRE
Application:	22/00634/APP ERECTION OF RESIDENTIAL DEVELOPMENT

Appointed Officer's Decision:	**Refusal**
Date Notice of Review Received:	3 February 2023

Current Position:	New Case for Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 8 – Report of Handling Pages 9 to 19 – Notice of Review and Supporting Information Pages 20 to 63 – Planning Application and Supporting Information Pages 64 to 65 – Decision Notice Pages 66 to 68 – Case Officer Photos Pages 69 to 83 – Interested Parties Correspondence Pages 84 to 86 – Draft Conditions
New Material:	No
Additional Material Any other Comments:	N/A
Dated:	13 June 2023

South Ayrshire Council
Planning Service

Report of Handling of Planning Application

Application Determined under Delegated Powers where less than five objections have been received. The Council's Scheme of Delegation can be viewed online at https://www.south-ayrshire.gov.uk/council-and-democracy

Reference No:	**22/00634/APP**
Site Address:	**Proposed Residential Development** **Kilmarnock Road** **Monkton** **South Ayrshire**
Proposal:	**Erection of residential development**
Recommendation:	**Refusal**

REASON FOR REPORT

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

1. Site Description:

The proposed development site is located on land north-east of Brierysde Farm, Monkton and outwith the settlement boundary of Monkton, as defined in the adopted South Ayrshire Local Development Plan 2. The size of the site extends to 1.86ha

2. Planning History:

There is no recent planning history which directly relates to the application site. The Planning Justification, submitted by the applicant agent, makes reference to applications approved within the vicinity of the application site and this is summarised, below.

3. Description of Proposal:

Planning permission is sought for the erection of a residential development on land adjacent to Brieryside Farm, north of Baird Road (B739), Monkton by Prestwick. The application is for the erection of 14 detached dwellings of 3, 4 or 5 bedrooms in a mixed and varied layout and orientation. The proposed dwellings are all 1.5 storey in height and set within plots in an 'H' formation around a new village green. Plots range from 280 sqm to 753 sqm. The new house site will be served by a new direct access from Baird Road (B739). Full details of the proposals are set out within the plans/ information which accompany the planning application submission.

4. Consultations:

Ayrshire Roads Alliance offer no response.
Prestwick Airport offer no objection.
NatureScot offer no comment.
Transport Scotland (Trunk Roads) no objection subject to conditions.
Environmental Health no objection subject to condition.
The Coal Authority offer no objection.
West Of Scotland Archaeology Service offer no objection subject to conditions.
Scottish Environment Protection Agency offer a holding objection.

5. Submitted Assessments/Reports:

In assessing and reporting on a planning application the Council is required to provide details of any

report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

A Planning justification statement dated July 2022 states that the site was a former Corn Mill, and as such, the proposal is seeking to develop on a brownfield site. A map from 1858 has been submitted with the Planning Statement which states that the application site was occupied by Adamton Corn Mill at that time.

From the information submitted, it is noted that the site is overgrown, unmanaged and inaccessible with poorly maintained drainage. No details have been submitted to advise as to when the mill ceased use. The statement goes onto say that there are multiple mill structures still in situ which are below 1.5 metres in height or have been blocked up.

The statement refers to a number of recent planning permissions for areas at Woodend and Low Road within Adamton Estate which are similar to this proposal. Reference is also made to the housing allocation site MON1 within SALDP2 where planning permission has been granted for 300 units (19/00457/APPM) and that this sets the residential tone and a precedent for the provision of residential development in the area.

The statement also refers to the precedent of the applications listed below albeit the sites are not adjacent to the current application site.

21/00569/APP - Erection of 4 dwellinghouses -Woodend NE of Prestwick Monkton - Approved - 19th July 2021 (4 Houses)

17/00701/APP - Erection of residential development and associated infrastructure - Land adjacent to Walled Garden Adamton Estate Monkton - Approved - 25th August, 2017 (11 Houses).

The application submission is also accompanied by a Tree Report and Habitat Survey which consider arboricultural and natural heritage matters, respectively.

6. S75 Obligations:

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

None.

7. Scottish Ministers Directions:

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

None.

8. Representations:

1 representation has been received from the Monkton Community Council which objects to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The representation objects to the application on the following grounds; that the proposed development site is no an allocated development site identified in the Local Development Plan, there is no shortfall in housing supply, potential flood risk.

These matters are considered elsewhere in this report.

9. Development Plan:

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

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

- Core Principles and Strategic Policies (Kyle Investment Area)
- Maintaining and protection land for housing
- Rural Housing
- Affordable (including specialist) housing
- Flood and development

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

Principle of Residential Development: LDP Core Principles and Strategic Policies (Kyle Investment Area), Maintaining and protection of land for housing and LDP Policy: Rural Housing.

The application site is located to the east of the settlement of Monkton, beyond the settlement boundary as defined in the adopted Local Development Plan 2.

The Core Principles of LDP2 provide a framework for considering development proposals in general terms and provide an insight into how the more detailed policies will be interpreted and implemented. Core Principle B1 supports the principles of sustainable economic development and one of the criterion states that the development of brownfield land over greenfield land will be prioritised and that development will be directed to settlements in preference to countryside areas, unless an alternative location can be justified through LDP2 policy, economic benefit or site-specific need.

Core Principle B3 states that LDP2 prioritises development of existing residential development sites. The key principle is that a 5-year effective housing land supply is maintained by prioritising the development of existing residential sites. The Housing Land Audit 2022 has recently been agreed and published and indicates that there is no shortfall in the 5-year effective housing land supply.

Core Principle B6 seeks to prioritise the development of affordable housing. The proposed residential triggers the requirement for affordable housing on the site due to the site area. No details have been submitted as part of the planning application under consideration.

Core Principle B7 supports flexible growth within the Kyle Investment Area but will not support proposals to building on unallocated sites on the edges of other towns or village within the Kyle area where no specific need has been highlighted or justified through LDP2 policy. No justification has been provided to support the development and the application site is not an allocated site within LDP2.

Core Principle B8 supports the development of new housing in the countryside that accord with LDP policy: rural housing and non-statutory guidance: Rural Housing, however, the Council will not support housing outwith defined settlement boundaries which do not accord with the LDP policies. The proposal does not align with Core Principle B8 as there is no alignment with the criterion of LDP policy: rural housing.

It is considered the proposal has not been adequately justified in terms of its benefit to the economy, the need for it in that particular location or that it is in line with the LDP Core Principles. The text within the core investment area policy reads ‘We will not support proposals to build on unallocated sites on the edges of other towns, or villages within 'Kyle', unless justified through LDP2 policy, or a site specific need’.

It is further considered that it has not been demonstrated that there is a need for residential development

in the area of the application site, and it is considered that the proposal does not align with the spatial strategy as the application site is not an allocated housing site. The LDP Core Principles and Strategic Policies (Kyle Investment Area) is the operative spatial component of the spatial strategy policy for this site, and is of particular relevance in regard to this proposal as the policy seeks to encourage development which results in new housing on allocated sites. Therefore, it is clear that proposals on unallocated sites, particularly those beyond settlement boundaries, would not be supported. In light of this, it is considered that the proposals are fundamentally contrary to the spatial strategy.

Strategic Policy 1: Sustainable Development

STRATEGIC POLICY1: Sustainable development actually provides the overarching policy for the Plan's subject specific policies and as stated in the preamble, it should be used in the consideration of all planning applications. The criteria of this policy are therefore pertinent and include, inter alia:

- Protects natural heritage resources,
- Avoids increasing the risk of flooding,
- Respects the character of the landscape,
- Wherever possible is in inaccessible location with opportunities for the use of public transport and other sustainable means of transport, and
- When considering development proposals, due weight will be given to the consideration of economic benefit.

Supports the principles of sustainable development by ensuring that development meets a list of standards. There is little evidence submitted to support the relevant criterion including the principles of "place-making" and "6 qualities of Place" have been met .

The supporting statement accompanying the application states that the proposed development is fundamentally about delivering sustainable development through the improvement of a disused site. Furthermore, the supporting statement states that the proposal respects the character and the landscape through careful siting and use of existing natural and built features.

It is clear from the submission that the land has not been in use for a considerable time and as such the character of the landscape has evolved into a natural state with overgrown vegetation. Therefore, it is considered that the erection of a residential development would not respect the character of the landscape which is defined by overgrown vegetation.

Strategic Policy 2: Development Management

STRATEGIC POLICY 2 state that we will ensure that development meets a range of criteria, including (inter alia);

- Being appropriate in terms of scale, massing, design and materials used in relation to their surroundings and surrounding land uses'
- Are appropriate in terms of road safety and effects on the transport network,
- Include open n space and landscaping that is appropriate for the location and the use of the proposed development

and of particular importance;

- 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.

Ensure that development proposals meet a list of criteria which includes, amongst other criteria, that development proposals are located within a settlement boundary or otherwise justified by LDP2 subject policy specific policy or location need.

The supporting information refers to a number of other sites that have been granted planning permission, however, the proposals as submitted are located outwith the settlement boundary. The statement also notes that the site is outwith the settlement but goes on to state that it is not in the Greenbelt or a Protection Area and as such the proposal does not contravene the polices of LDP2. The statement also advises that the application site is adjacent to a strategic housing allocation at MON1 which is zoned for 300 houses and that this demonstrates that housing is considered acceptable for this area.

MON1 is a strategic housing allocation site within LDP2 and is located wholly within the settlement boundary of Monkton. The proposal site is not located within the settlement boundary and does sit adjacent to the MON1 housing site.

LDP Policy: Maintaining and Protecting Land for Housing states that the Council 'will ensure the maintenance of an effecting five-year supply of land for housing to meet demand. Where the supply is not maintained, we will seek an early review of the local development plan, and will assess any housing proposals on unallocated sites against relevant development plans polices and the criteria to be set out in supplementary guidance'.

The supplementary guidance "Maintaining an Effective Housing Land Supply" adopted in 2016, provides guidance in circumstances where there is a shortfall position with respect to a five-year housing land supply. The applicant's supporting documentation suggests that the Council has not maintained an effective housing land supply and consequently asserts that such a shortfall requires to be addressed.

In circumstances where the principle of a development is being suggested to be acceptable on the basis of a shortfall in maintaining a 5-year effective land supply, LDP policy: maintaining and protecting land for housing, and the Council's Maintaining an Effective Housing Land Supply Supplementary Guidance are relevant. It is important to note that the latter Supplementary Guidance (SG) was subject to statutory consultation procedures and approved by Scottish Ministers, as such comprising formal supplementary guidance which enjoys equivalent material weight and status to the LDP itself, forming part of the development plan. The statutory Supplementary Guidance explicitly sets out the method for calculating the 5-year effective housing land supply. It is crucial to note that this method of calculating housing land effectiveness is established in adopted policy and is therefore the Council's formal, definitive method and will continue to be used. The most recent Housing Land Audit for South Ayrshire (HLA 2018), using the Council's adopted method of calculation asserts that there is not a deficit in supply.

The Supplementary Guidance: Maintaining an Effective Housing Land Supply sets out a two-stage process for assessing proposals on sites not allocated in the development plan. Notwithstanding, the Council asserts, through its published 2018 Housing land Audit, and adopted methodology of calculating housing land requirement that there is not a deficit in effective housing land supply.

As the proposed development relates to housing outwith a settlement boundary, LDP Policy: Rural Housing must also be considered. This policy states that in countryside areas, including green belt, we may accept proposals for new housing comprising a replacement house, extension to existing house, conversion of redundant building or a home that is essential to a rural business. Clearly, the application does not propose any of these forms of development. The policy also states that 'in countryside areas, outwith the greenbelt we may accept proposals for new housing that are a limited extension to: an existing clearly defined and nucleated housing cluster, group of four or more houses, or small settlement subject to an acceptable impact on the existing form and character of the cluster. The development proposal is for 14 houses and as such, could not be regarded as comprising of a 'small number of houses'. Furthermore, Monkton has residual areas of undeveloped housing land allocated as a housing site in the LDP. It therefore follows that the proposal would not be in compliance with the LDP policy on Rural Housing, nor the Council's SG, entitled 'Rural Housing'.

The Affordable Housing policy sets out a target contribution of 25% affordable housing from all new housing developments of 15 units or more, or a site size equal to or more than 0.6 hectares. The proposal is for 14 units, however, the site area is approximately 1.87 hectares and as such the policy is relevant to the consideration of the proposed development under consideration. There is no reference to the policy within the submission and therefore does not meet the criterion of this policy. The proposal at hand appears to have neglected this requirement entirely, and no case has been argued in favour of resorting to a commuted sum. The development proposals are therefore considered to be contrary to LDP policy: affordable housing.

LDP policy: flood and development states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. SEPA has submit a 'holding objection' to this planning application as the proposed development may be at flood risk and as such, would be contrary to Scottish Planning Policy. There are water features present within or near the site and the nature of these water features is uncertain from the supporting application documents. As a result SEPA submits a 'holding objection' due to there being insufficient information provided to demonstrate the development is not at flood risk. The development proposals are therefore considered to be contrary to LDP policy: flood and development.

The foregoing assessment against the relevant local development plan policies indicates that the proposals are not fully consistent with the Development Plan, therefore it is recommended that the application be refused.

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.

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

Scottish Planning Policy

The SPP forms the statement of the Scottish Government's policy on nationally important land use planning matters and is considered to be relevant in the consideration of this application. In general, the SPP highlights the role of planning authorities in delivering sustainable economic growth in rural areas. SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The SPP expects development plans to respond to specific circumstances, and with regards to rural developments, the SPP advises support should be given to new housing which is linked to rural businesses.

Scottish Planning Policy (SPP) notes that the planning service should be plan led, with plans being up to date and relevant. In this instance the development plan consists of the South Ayrshire Local Development Plan 2 which was adopted in August, 2022.

SPP defines brownfield land as land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.

In terms of the context of giving weight to the 'presumption' as a material consideration, it must be borne in mind the presumption is "in favour of development that contributes to sustainable development"; a preference clarified and elaborated in SPP para. 28 wherein "the aim is to achieve the right development in the right place; it is not to allow development at any cost". A key element in the assessment of the application is its alignment with the overarching core principles and strategic policies of LDP2. and, for the reasons already outlined, it is considered that the proposals fundamentally do not accord with the LDP2. It is crucial to note that the basis of the elements of the core principles and strategic policies this proposal is considered to contravene - the non-support for development beyond settlement boundaries, and the criteria under which development within the Kyle Investment Area is encouraged

SPP statements concerning the aims of planning being to facilitate and encourage the right development in the right place. Para 75 of SPP is particularly relevant in this respect (promote a pattern of development that is appropriate to the character of the area and the challenges it face, and to encourage development…whilst protecting and enhancing environmental quality...')

Accordingly, it is considered that the proposal is unsupportable in terms of affording due weight to SPP's presumption in favour of development which contributes to sustainable development. The application site is located within a rural area and proposes a development 14 residential units.

In terms of the proposed development, it is considered that the supporting information does not provide sufficient information in order to justify whether the development is required in order to benefit the economy or that there is a need at that particular area.

11. Assessment (including other material considerations):

The application is required to be determined in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issue in this application is whether the principle of residential development on this site is acceptable.

The application site is located outwith the settlement boundary (as defined within SALDP2). Core Principle B1 states that development would not be supported outwith the boundaries of settlements, except where justified. The proposal does not provide suitable justification in support of the proposal in terms of benefits to the economy and that there is a need for it in that particular location, and that it is in line with the principles of the Kyle Investment Area. The text relevance within the Core Principle B7 refers to the Kyle Investment Area policy reads 'we will not support proposals to build on unallocated sites on the edges of other towns, or villages within the Kyle Investment Area unless justified or site specific need. The proposed development appears contrary to the provisions of LDP2 strategic polices associated core principles.

The application site is located outwith the settlement boundary (as defined within SALDP2). The defined core principles of LDP2 state that development would not be supported outwith the boundaries of settlements, except where justified, or for a site specific need.. The proposal does not provide suitable justification in support of the proposal in terms of benefits to the economy and that there is a need for it in that particular location, and that it is in line with the LPD2 core policies.

In this case, the development site is located outwith the settlement of Monkton and does not form part of a housing cluster.

It is considered that the application should be considered in the context of a plan led system, as advocated in Scottish Planning Policy, and in line with the policies which form part of the adopted local development plan. The principle of development of this land for residential purposes has not been justified.

The proposed development is contrary to both the South Ayrshire Local Development Plan (LDP2) and Scottish Planning Policy. Given the above assessment of the proposal and having balanced the applicant's right against the general interest, the application is recommended for refusal.

12. Recommendation:

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

Reasons:

1. The proposed development is contrary to the South Ayrshire Local Development Plan 2 Core Principles & Strategic policies, LDP2 policy: Rural Housing and Scottish Planning Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan 2, there is no agreed shortfall in the 5-year effective housing land supply and it has not been demonstrated that there is a need for residential development in the area concerned. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan 2 or the associated Supplementary Guidance.

2. That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Rural Housing' and Supplementary Guidance 'Rural Housing' by reason that the proposed development does not constitute a limited extension to an existing clearly defined and nucleated housing cluster to a group of four or more houses or small settlement.

3. That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Affordable Housing' as no provision for affordable housing is proposed by the application proposals, and no case has been argued in favour of resorting to a commuted sum.

4. That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Flood and development' and Scottish Planning Policy in that insufficient information has been provided to demonstrate the development is not at flood risk.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 21-0564-BP-01

Drawing - Reference No (or Description): **Refused** 21-0564-LOC-01

Drawing - Reference No (or Description): **Refused** 21-0564-LOC-01

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)02

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)03

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)04

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)05

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)06

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)07

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)08

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)09

Drawing - Reference No (or Description): **Refused** Topographical Survey

Equalities Impact Assessment:

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

Decision Agreed By:	*Appointed Officer*
Date:	*14 November 2022*

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100589922-003

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Edesign Architecture & Planning Scotland Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gareth	Building Name:	Wellington Chambers
Last Name: *	Bryden-Reid	Building Number:	64
Telephone Number: *	01292263799	Address 1 (Street): *	Fort Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Ayr
Fax Number:		Country: *	United Kingdom
		Postcode: *	KA7 1EH
Email Address: *	gareth@edesignarchitecture.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Stuart	Building Number:	26
Last Name: *	Leith	Address 1 (Street): *	Arran Crescent
Company/Organisation		Address 2:	
Telephone Number: *	01292 263 799	Town/City: *	Beith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA15 2DU
Fax Number:			
Email Address: *	enquiry@edesignarchitecture.co.uk		

Site Address Details

Planning Authority: South Ayrshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing 627725 Easting 237326

Description of Proposal

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

Attached statement, we wish a review of the process and decision.

Type of Application

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

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Supporting documents explain response and reasons for appeal, we believe our original planning statements and details of the site were not fully considered when delivering the decision and suggest site visit by LRB.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☒ Yes ☐ No

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

Completed a written response to the Planning Officers Decision Notice

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

All original planning documents and additional response to Refusal notice.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.	22/00634/APP
What date was the application submitted to the planning authority? *	24/08/2022
What date was the decision issued by the planning authority? *	14/11/2022

Review Procedure

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

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

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Hearing to raise potential benefits of the application in view of its situation is unique

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection would be benefitial to establish site situation prior to hearing

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

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☐ Yes ☒ No

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

The site can be accessed from an existing opening in the wall but is heavily overgrown and welly boots and hard hats and hi viz should be worn. It also opens onto busy road so care must be taken when attending site. It is bounded by stone walls but is not otherwise closed off to general access. Members of the client and design team would be happy to attend to guide if necessary.

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Gareth Bryden-Reid

Declaration Date: 02/02/2023

Application to Local Review Board
Application Number: 22/00634/APP
Response to Refusal
Site off Baird Road former Adamton Corn Mill

Foreword
It should be noted that below is not intended to provide additional information but clarify points which were already addressed in the original Planning Application but not suitably addressed in the decision notice. It should be noted that the Supporting Planning Statement which accompanied the original application seems to have been removed from the South Ayrshire Planning website and we request that confirmation of this is reinstated and taken into consideration for this review as it is pertinent to the application.

It should be noted that the application was advertised to the local newspaper however no objections from the community were lodged.

Point of refusal 1:
(1) The proposed development is contrary to the South Ayrshire Local Development Plan 2 Core Principles & Strategic policies, LDP2 policy: Rural Housing and Scottish Planning Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan 2, there is no agreed shortfall in the 5-year effective housing land supply and it has not been demonstrated that there is a need for residential development in the area concerned. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan 2 or the associated Supplementary Guidance.

Response to Point 1:
The original Planning Justification statement issued with the Planning Consent 22/00634/APP responds to this point in some detail. (Please refer to document dated July 2022)

The current site is a brownfield site with existing structures both partially exposed and larger areas of structure concealed by heavy overgrowth, the development is therefore rehabilitating a brownfield former working site. The site sits between an existing residential development and an active working farm, Brieryside Dairy Farm with its associated rural industries sits on the south side of. The site also benefits from proximity to existing recent successful planning consents on the Woodend sites on the north side of the A77 notably which are also not within a development boundary but received positive response at Planning stage. The recent announcement that Magenta Networks is to invest over £87M developing the Prestwick Business Park creating further 600 new jobs in skilled and technical engineering positions which are in high demand in the area would further support the need for more high-quality housing within commutable distance of the Airport and Business Parks. The proximity of the development to such development and sources of employment would encourage shorter commutes, greener transport initiative and better work life balance for prospective homeowners/workers.

The site also sits immediately adjacent to an existing housing allocated zone and inevitably the allocation of such site would logically expect the coalescence of Monkton with Monk1 with the natural boundary for development to be the A77 bypass rather than the current arbitrary boundary. The fact that this is a brownfield site bounded on 2 sides by existing development, future airport and aerospace, defence and digital infrastructure development and proximity to Monk1 would suggest that the current development boundary is unsustainable and indefensible in the long to medium term. The application should be reviewed based on policy that redevelopment of brownfield land should be prioritised over extension into greenfield sites.

The proposed development should be seen therefore as complimenting the existing MONK1 in providing a different product, larger spacious properties with good plot sizes as opposed to large volume housing of smaller plots; both of which are necessary to the housing market demands.

It should be noted that the application received no adverse objections to the application.

Point of refusal 2:
(2) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Rural Housing' and Supplementary Guidance 'Rural Housing' by reason that the proposed development does not constitute a limited extension to an existing clearly defined and nucleated housing cluster to a group of four or more houses or small settlement.

Response to Point 2:
The design of the development was in part addressing its semi-rural location and proximity to existing approved schemes of which the designs presented were intended to take inspiration from and be in-keeping with the scale and qualities of the approved schemes. The existing Adamton Estate residential sites to the North include existing Social Housing of approximately 20+ houses with Planning Approved for a further 4 dwellings and 11 dwellings on the site taking the Adamton Site to approximately 35 dwellings. An extension to this development of approximately 71%. The designs of the properties utilising red sandstone to tie in with the old Mill stone and stone walls was a way of making the design tailored to the site. The properties are designed to meet the rural housing design guide offering 1.5 storey housing in large plots with excellent space for gardens and public green space between further tying it in with the existing landscape. This also responded to the need to create buffering zones to the A77 bypass and improve biodiversity onsite.

To the West of the site recent approval for erection of 286 dwellings at the Fairfield site now under construction. The fact these developments are nearly all being constructed and many of the plots have already been sold of reserved for values ranging from £200K to £300K clearly demonstrates the demand for these properties in this area. The Planning Policy decisions were made at a time pre-pandemic and the demand in housing outside of the main Scottish cities has since accelerated and continues despite the rise in costs and inflation.

It should be noted that planning application 17/00701/APP was approved. The design of this development was intended to be complimentary but different and bespoke to the site and took inspiration from the existing site stonework for choice of materials.

Point of refusal 3:
(3) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Affordable Housing' as no provision for affordable housing is proposed by the application proposals, and no case has been argued in favour of resorting to a commuted sum.

Response to Point 3:
The site being that of a small-scale development of less than 14 units low density out of town semi-rural setting would not make it an ideal location or settlement for the provision of social and or affordable housing. The site does not meet the threshold for social and affordable housing under the Supplemental Planning guidance and as such a commuted sum would be more appropriate to allow funding to be better allocated for affordable housing closer to the main part of the town.

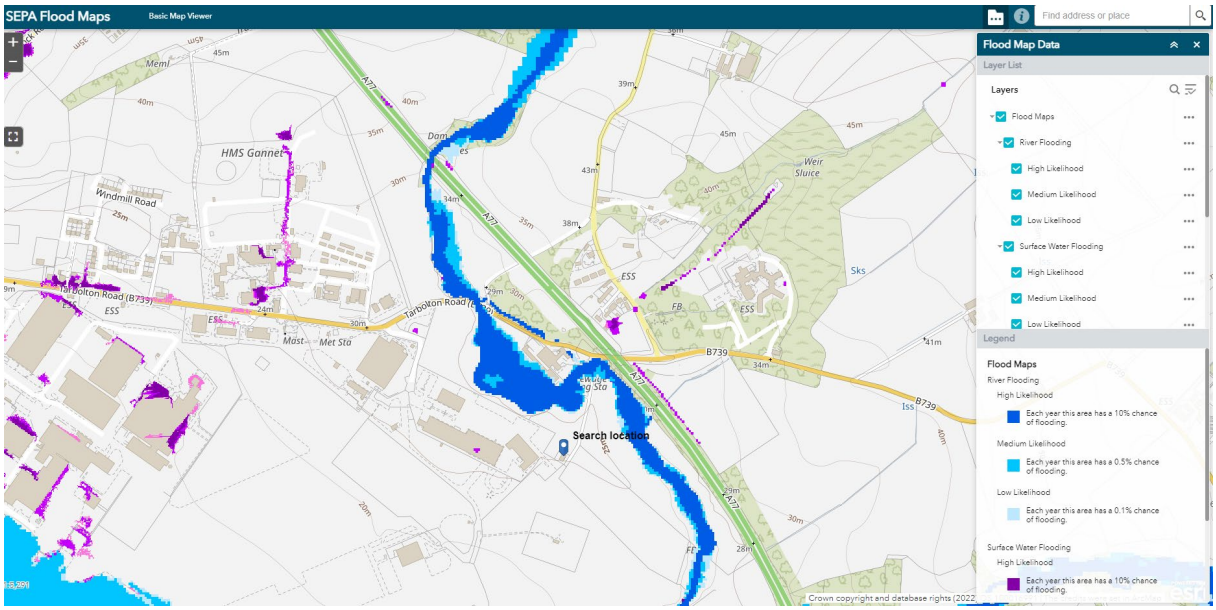
The applications 17/00701/APP previously approved of similar nature, density, palette of materials and landscaping quality. No requirement for affordable housing was required at this application due to the size of the development.

The applicant would encourage discussions of possibility of a commuted sum or introducing an element of affordable housing to the scheme.

The application received no adverse objections from the community.

(4) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Flood and development' and Scottish Planning Policy in that insufficient information has been provided to demonstrate the development is not at flood risk.

The original application statement included current SEPA flood maps of the site which indicated that flooding was not a concern for the site and all properties were sighted out with any suspected flood zone. A Topographical Study was undertaken that revealed the man-made structures to form a channel to siphon off water from the adjacent Pow Burn. This culvert has been blocked up historically and Pow Burn no longer flows into the man-made channel and is several meters below the site.



The man-made channel historically fed the Adamton Mill now in ruins and overgrown. The culvert has been blocked up historically and the burn bypasses the site providing no risk of flooding to the site. Furthermore, the site Topographic survey clearly indicates that the site level at the man-made ditch between 26.06 and 26.5; while the proposed houses sit at the top of the bank at a minimum ground level of 27.3 rising to 31.3 at the highest point of the site. The existing road sits at 24.7 - 26.2 and Brieryside farm lower still at 23.79.

The proposed new housing development was deliberately located well above the bank of the existing man-made water channel to allow for site drainage and SUDS free draining to the existing burn. The development being low-density and large areas of retained greenspace would effectively mean that there would be no net increase in surface water run-off. The development of the site would have allowed water channels to be cleared to aide better drainage of the site and include areas for attenuation which would be subject of engineered design.

No objections were made from SEPA or from Ayrshire Roads Alliance. We suggest a site visit by the LRB is required to establish the facts that flooding does not represent a risk to this site.

Conclusion

No cognizance has been taken of the contribution this site development could potentially deliver to the community in developing an unproductive brownfield site adjacent to A77 bypass close to local employment, retaining a large proportion of green space and woodland. The opportunity to provide sustainable modern high-quality homes and consolidate existing development in the area.

The current pattern of development suggests that the current development boundary is unsustainable in the long term and allocation of new sites on existing brownfield sites would be the next logical step.

The commercial developments close to the site will create a new demand for new housing which will not currently be met by the current development plan and result in greater commuting traffic.

We believe a review by the LRB taking a more holistic view of the site would be worthwhile to asses the potential of the site and its inclusion in development.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100589922-001

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

Type of Application

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

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Proposed residential development to provide 14nr dwellinghouses, landscaping and associated infrastructure

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Edesign Architecture & Planning Scotland Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gareth	Building Name:	Wellington Chambers
Last Name: *	Bryden-Reid	Building Number:	64
Telephone Number: *	01292263799	Address 1 (Street): *	Fort Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Ayr
Fax Number:		Country: *	United Kingdom
		Postcode: *	KA7 1EH
Email Address: *	gareth@edesignarchitecture.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Stuart	Building Number:	26
Last Name: *	Leith	Address 1 (Street): *	Arran Crescent
Company/Organisation		Address 2:	
Telephone Number: *	[redacted]	Town/City: *	Beith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA15 2DU
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: South Ayrshire Council

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

Address 1: LAND TO NORTH-EAST OF BRIERYSIDE FARM AND GLASGOW PRESTWICK AIRPORT

Address 2: TO NORTH-EAST OF BAIRD ROAD (B739) AT FLYOVER FROM A77, BETWEEN MONKTON

Address 3: AND TARBOLTON

Address 4:

Address 5:

Town/City/Settlement: MONKTON, PRESTWICK

Post Code: KA9 2SB

Please identify/describe the location of the site or sites

SITE SITS TO WEST SIDE OF THE A77, NORTH-EAST OF PRESTWICK AIRPORT ON THE B739 BETWEEN MONKTON AND TARBOLTON, BAIRD ROAD.

Northing 627725 Easting 237326

Pre-Application Discussion

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

Site Area

Please state the site area: 18685.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Vacant site that once housed Adamton Mill, mill buildings and culvert for mill, now disused brownfield site un-managed and overgrown. Stone structures, retaining structures and foundations evident

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☒ Yes ☐ No

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

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

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 42

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

Water Supply and Drainage Arrangements

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

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

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

In curtilage of each individual house plot is an allowance for collection and storage of refuse and recycling of waste adjacent house and garages

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 14

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Gareth Bryden-Reid

On behalf of: Mr Stuart Leith

Date: 01/08/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Planning supporting statement, Tree Report, Habitat Study, Street Elevation

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☒ Yes	☐ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☒ Yes	☐ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☒ Yes	☐ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

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

Planning Supporting statement and Design Statement, Tree report, Habitat Survey and study.

Declare – For Application to Planning Authority

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

Declaration Name: Mr Gareth Bryden-Reid

Declaration Date: 01/08/2022

Payment Details

Pay Direct

Created: 04/08/2022 12:36

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Planning justification statement
New residential development of 14 homes

LAND NORTH OF BAIRD ROAD / TARBOLTON ROAD (B739) ADAMTON MILL

MONKTON, PRESTWICK

Prepared on behalf of Stuart Leith

July 2022

CONTENTS

1 Executive Summary

1.1 This Planning Justification Statement ('statement') has been prepared by Edesign Architecture and Planning ('Edesign') on behalf of our clients Stuart Leith ('client'), in respect of a planning application submitted to South Ayrshire Council ('Council') for a proposed new residential development on former Mill Site on land north of Baird Road (B739) at the Adamton Mill, Monkton by Prestwick.

1.2 The statement relates to a full planning application seeking consent for 14 new residential dwellings on brownfield land which is part of the former Adamton Mill just south of the A77 and north of Baird Road/Tarbolton Road. The site was a former Corn Mill which originally formed part of the Adamton Estate Farm and now is overgrown, unmanaged, and largely inaccessible due to self-seeded trees and poorly maintained drainage. The 14 new dwellings are proposed to be 1.5 storey in height and of a sustainable rural design with the incorporation of renewable technologies. Such a development is considered to be consistent with other residential developments permitted in the immediate area and would complement the National Aerospace and Space Strategy Plan at Prestwick Airport by providing high quality and mixed local housing in close proximity to this important employment / innovation centre.

1.3 Edesign has been engaged by our client to prepare the planning submission, provide this statement, and to act as agent for the planning application submission.

1.4 We have undertaken a thorough review of applicable National and Local Development Planning Policy and council documents.

1.5 The documents which are 'material' to the determination of the planning application are: -

- Scottish Planning Policy ('SPP') as Revised December 2020;
- South Ayrshire Local Development Plan ('SALDP2') – approved by Council March 2022;

- South Ayrshire Supplementary Planning Guidance and Non Statutory Guidance.

1.6 A review of these documents and the assessment set out within chapter 6 of this statement details the reasons why we consider that the application is in accordance with the Council approved South Ayrshire Local Development Plan (SALDP2).

1.7 Of equal weight and relevance in the determination of this planning application submitted to East Ayrshire Council is the House of Lord's Judgement; City of Edinburgh Council v Secretary of State 1998 SLT120.

1.9 For the reasons set out herein; namely that the application supports sustainable development in overall terms by re-using an uneconomic brownfield site, will create high quality homes for the local residential housing market, and rounds off or infills the pattern of development creating a defensible boundary with the A77 it therefore accords with both National and Local Planning Policy, as detailed within the SALDP and the relevant material considerations indicate support for the proposal.

2 Introduction, site, and surroundings

2.1 This statement has been prepared on behalf of our client in respect of a full planning application for a new residential development north of Baird Road (B739) adjacent to the Adamton Mill, Monkton by Prestwick.

The Site

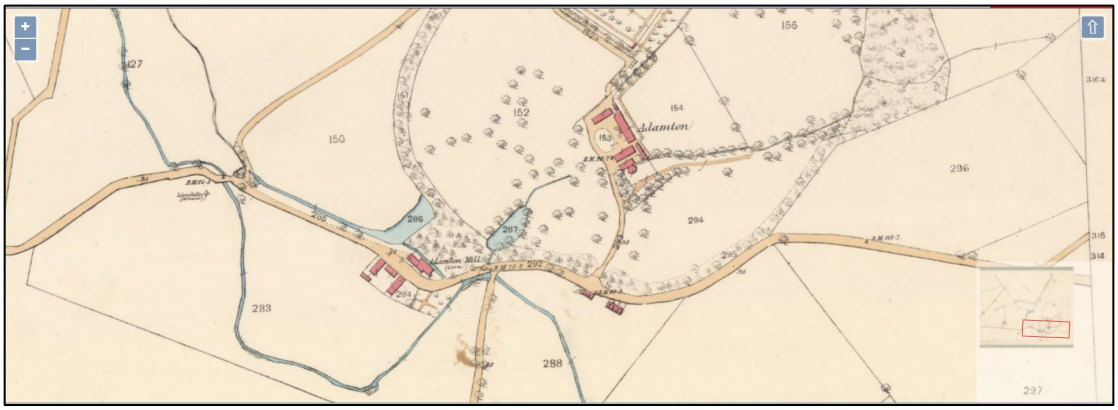
2.2 The site is triangular in shape and lies immediately south of the A77 and north of Baird Road / Tarbolton Road (B739) which form strong boundaries. It is currently unused self-seeded woodland of uniform age with young plantation and a mixture of self-seeded native and non-native woodland has grown to mature (or in some cases over mature) state. there is no active management of trees and non-native invasive rhododendron ponticum is well established. or drainage systems have failed drainage, so ground has become waterlogged and impassable in places. The ecological assessment determines the site to be of low to moderate biological value and small in size such that the loss of these habitats following potential development at Adamton estate are unlikely to affect local bird populations. It is an easy site to drive past without notice due to dense boundary wooded conditions and 2m distinctive ashlar stone wall that bounds the site to the south. The surroundings are a mix of residential,

agricultural, airport related and core transport infrastructure as part of the A77 and its underpass. The site was previously owned by Prestwick Airport and disposed of by them.

2.3 This is a brownfield site, having formerly been used as Corn Mill as part of the Adamton Estate. There are multiple Mill structures still visible on the site most of which are below 1.5m in height or have been blocked up. The water driven mill will have used flow from the adjacent Pow Burn and created lades and mill ponds across the site as well as several buildings. These water flow structures and engineered drainage systems have been abandoned and the land is no longer used for any purposes and had become unmanaged and derelict in recent years. Vegetation has taken over and has created an almost inaccessible site due to waterlogging of the mill systems, lack of land management and self-seeding trees and non-native species. The site, in its current condition, is a poor use of well positioned land on the edge of the settlement and economic growth area of the National Aerospace and Space zone around Prestwick Airport.

2.4 The application site is within the ownership of the applicant and other similar sites on the Adamton Estate have been approved for residential development within the past 5 years.

2.5 The site benefits from a number of mature trees – some of which can be retained- in particular large mature trees on the southeast corner are of higher quality and this woodland compartment is planned for retention. The site topography is flat in nature allowing the building of the new dwellings here to sit nicely within the site and surrounding rural area, with no underbuilding necessary. The size of the site extends to 1.86ha

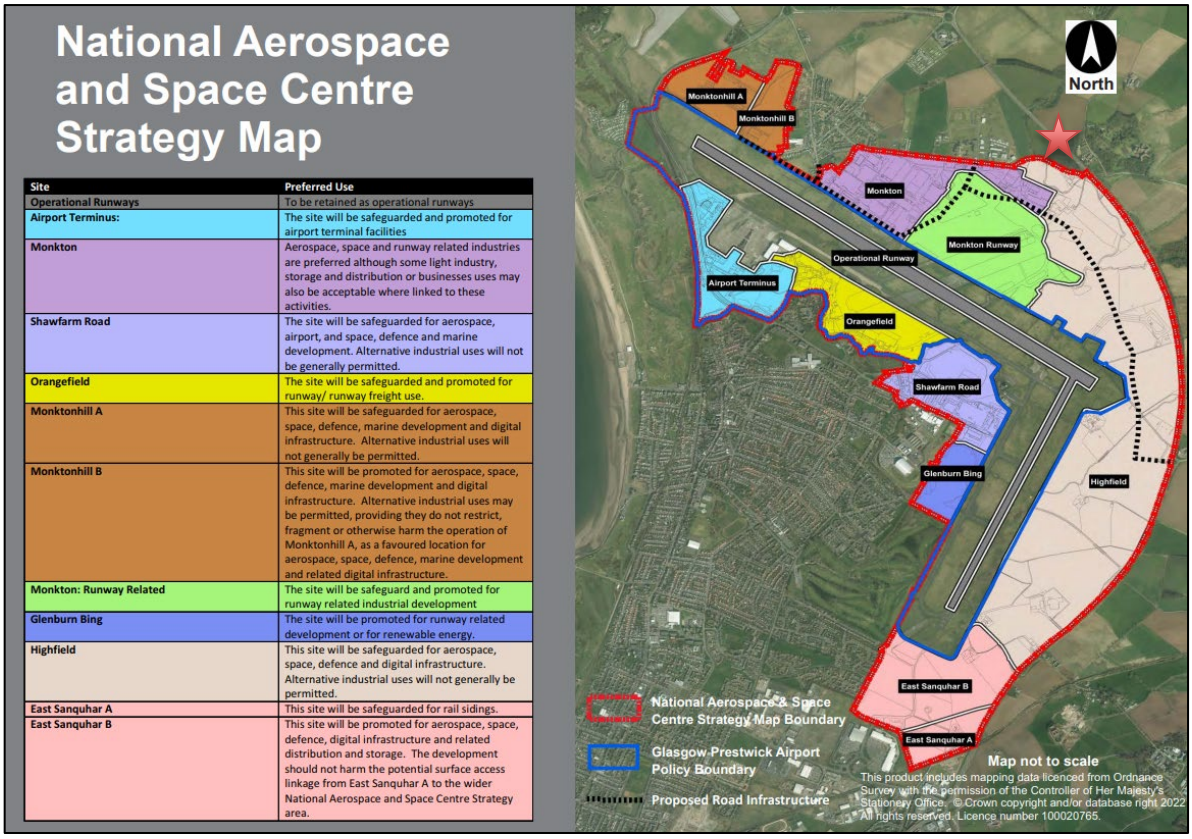


Map From 1858 comfirms site occupied by Adamton Corn Mill with associated buildings, mill ponds and lades.

The Surroundings

2.6 The immediate surroundings of the site have varying and diverse functions that range in scale and intensification. The site is located immediately adjacent to Brieryside Farm which is an operational dairy farm. Other agricultural land can be found to the west and east however much of this is also dissected or enclosed by the strategic transport infrastructure of the A77 which lies to the north of the site at a high level. An underpass below the A77 is located immediately to the east of the site taking the B739 north to south. The agricultural uses are characterised by traditional field layouts and mix of large-scale farm buildings like barns, steadings, slurry pits and sheds. The Adamton Estate which this site historically formed part of is predominately located to the north of the A77 and is now a hotel and mix of residential properties.

2.7 Whilst much of the immediate surroundings are dominated by agriculture and A77 road infrastructure the site is also on the periphery of a substantial economic zone dominated by aviation related commerce, operations, and business around Prestwick Airport. This is a key strategic growth area for South Ayrshire Council and the creation of high-quality housing close to new employment opportunities can complement each other. Much of the area (including farmland) to the south and east of the application site is zone as Highfield in the SALDP.



Site shown in context of National Areospace & Space Strategy as shown in South Ayrshire Council LDP2

Denotes Application Site

2.8 The immediate surroundings are also typified by single houses and small scale residential developments. The Adamton House immediately to the north of the site & A77 is a hotel and with much of its historic grounds already having been divided and developed for a mix of housing over several decades. This has included a number of consents within the last 5 years including at Woodend and Low Road within the Adamton Estate. Some of this low density and high-quality housing is similar to the proposal of this application.

2.9 Immediately to the west of the application site but accessed further down the B739 at Monkton is a large-scale housing allocation (MONK1). This is a strategic extension of the Monkton settlement and wraps from the village around some existing commercial / aviation uses and stops just west of the application site. Consent is already in place for around 300 units and is being built out by Persimmon Homes called 'Fairfields' and is a mix of 3, 4

and 5 bedroom homes. The housing is typical volume housebuilder high density brick and render 2 storey variations.

2.10 This statement should be read in conjunction with the documentation submitted in support of this application: -

- Completed planning application form;
- Proposed site layout;
- Proposed elevations and sections;
- Proposed plans;

3 Planning History

3.1 A review of the South Ayrshire Council planning portal shows that there is no planning history for this specific site.

3.2 However, in the immediate surrounding areas of the site, the principle of creating new residential dwellings has been established by the approval of three applications:-

1. **19/00457/APPM** | *Erection of 286 residential dwellings, formation of access roads, associated landscaping and infrastructure. | Proposed Residential Development Kilmarnock Road Monkton South Ayrshire (Persimmon Homes Fairfield)*

This approval is immediately to the west of the application site and sets a residential tone and precedent for the area on the periphery of the National Areospace and Space Strategy zone. Similar to the application site a strong boundary of settlement is provided to the north by the A77. From the A77 the application site – once developed – would be viewed in context as housing in this much larger housing site. The style and nature of this proposed development would provide much lower density in an executive setting in comparison to this volume housebuilder consent thereby creating choice and range in the local housing market.

2. **21/00569/APP** | *Erection of 4 dwellinghouses | Woodend C106 From B739 Junction Near Adamton House To C138 Junction South Of Langlands North East Of Prestwick Monkton Prestwick South Ayrshire KA9 2S*

This is a very recent application on ground within the former Adamton Estate – similar to the application site. The proposed

density, pallet of materials, scale and mass is similar within a woodland setting similar to this application.

3. **17/00701/APP** | *Erection of 11 residential dwellings and associated infrastructure | Land At C106 Junction Of B739 - C138 Junction South Of Langlands North East Of Prestwick Monkton South Ayrshire*

This development on ground within the former Adamton Estate was also designed by E-Design. The proposed density, pallet of materials, scale and mass is similar within a woodland setting similar to this application.

4 Proposed development

4.1 The statement relates to a full planning application seeking consent to provide a new residential development on brownfield land adjacent to Brieryside Farm, north of Baird Road (B739), Monkton by Prestwick as per the submitted drawings. The application is for the erection of 14 quality detached executive homes of 3, 4 or 5 bedrooms in a mixed and varied layout and orientation.

4.2 We have taken inspiration from other buildings in the surrounding area – particularly those within recently consented schemes at Adamton Estate - and chosen a simple palette of materials as well as off-white pale colours and natural slate roof to tie in with the surrounding area. Notably some of the former Mill's character is sought to be respected and reimagined through the use of ashlar feature stone (to match the distinctive historic boundary wall) and timber window treatments on some of the elevations.

4.3 The proposed homes are all 1.5 storey in height and set within generous plots in an 'H' formation around a new village green. Plots range from 280 sqm (Plot 14 3-bedroom House Type 1) to 753 sqm (Plot 7 5 bedroom House Type 2). The proposal is what we consider to be an appropriate and well-designed new residential development on what certainly appears to be a well-defined brownfield 'plot'. We do not consider that this proposal will have any detrimental impact upon the countryside zone or development pattern due to its enclosed location and strong boundary of the B739 to the south and A77 to the north.

4.4 The new house site will be served by a new direct access from Baird Road (B739). This road is in good condition and already used for a variety of

traffic movements including residential. It is noteworthy this is the same stretch of road being used by the much larger Persimmon Homes development further to the west. There are no perceived visibility splay issues with this proposed new vehicular access to the development. The internal road layout includes a shared surface for traffic calming and prioritising pedestrians.

4.5 The aim of this development is to create a high-quality residential setting that is accessible to the transport network and employment areas as well as bringing a historically used site back into productive use. The development therefore includes substantial public and recreational space to retain certain tree clusters and environmental features. Notably it is proposed to create a meadow area to the east and sustainable drainage systems to the south and east.

4.6 There are a number of existing mature trees on the site which we propose to retain. Screening from these trees as well as new and existing hedgerows and substantial ashlar boundary wall will provide natural screening and backdropping to the new development that will further integrate the new dwellings into its setting. New tree belts will be planted of native species around all boundaries. Enhanced structural planting with more robust trees will be planted to the north to screen and act as a buffer between the new homes and the A77. To the A77 side an acoustic timber fence is proposed will be constructed to provide initial acoustic and screening protection for planting and trees to become established and eventually naturally take over the boundary to the A77.

4.7 The proposed dwellings will incorporate high specification energy efficient credentials and environmentally sustainable renewable technologies including solar panels, heat pumps or potentially combined heat and power or centralised power and heat systems. Each house will have efficient lighting and heating as well as being of high insulation value. Natural planting will be utilised to control solar gain. Rainwater harvesting and efficient flushing dual flush toilets and aerated taps to reduce water usage. High-quality long-lasting materials sourced locally from renewable sources.

5 Planning Policy

5.1 The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with Development Plan unless material considerations indicate otherwise.

5.2 Of equal importance to any decision made by the Local Planning Authority is the House of Lord's Judgement, City of Edinburgh Council v Secretary for State 1998 SLT120.

5.3 The former SPP1 summarised at Paragraphs 46 – 48 the above judgement regarding the steps to be taken to determine a planning application. The House of Lords ruled that if a proposal accords with the development plan and no material considerations indicate that it should be refused, planning consent should be granted. It ruled that *"although priority must be given to the development plan in determining planning applications, there is a built-in flexibility depending on the facts and circumstances of each case."* The judgement set out the following approach to determining a planning application:

- Identify any provisions of the development plan that are relevant to the decision.
- Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of the policies.
- Consider whether or not the proposals accord with the development plan.
- Identify and consider relevant material considerations for and against the proposal.
- Assess whether these considerations warrant a departure from the development plan.

The policy context for the determination of this application is set by national as well as regional and local planning policy.

Scottish Planning Policy (SPP)

5.4 A revised version of the document Scottish Planning Policy (SPP) was published in 2020.

Presumption in favour of Sustainable Development

5.5 Paragraph 28 of SPP introduces a presumption in favour of approving proposals that are considered sustainable development. It notes that the

planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

5.6 Amongst other things the SPP at Paragraph 29 also states that decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure;
- supporting delivery of accessible housing, business, retailing and leisure development;

5.7 Paragraph 33 of the SPP confirms that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP.

Requiring Good Design

5.9 SPP (paragraph 36) states that planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal, or regeneration of our urban or rural built environments. It is recognised that planning should take every opportunity to create high quality places by taking a design-led approach.

5.10 Paragraph 37 of SPP states that high-quality design can deliver positive outcomes for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles.

5.11 SPP and associated guidance in respect of design sets out the following:

- The importance of good design;
- The planning objectives good design can help achieve;
- Guidance on well-designed places;

- Guidance on how buildings and the spaces between them should be considered;
- The planning process and tools which can be utilised to achieve good design; and
- Design issues which relate to particular types of development.

5.12 SPP also states that development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area.

5.13 Design is only part of the planning process, but it can affect a range of economic, social, and environmental objectives beyond the requirement for good design in its own right. Planning decisions should seek to ensure the physical environment supports these objectives.

Local Planning Policy

5.14 A review of the recently approved South Ayrshire Local Development Plan (SALDP2) details the relevant planning policy applicable to the determination of this application.

5.15 **Core Principle A1** outlines that the Council will support the aims of the Ayrshire Growth Deal and amongst other priorities will support projects like the Airport/Spaceport Masterplan.

Comment: This new residential development outside but adjacent to the Airport / Spaceport Masterplan zone will support creating a vibrant and varied housing market for those looking to live close to new employment opportunities similar to the recently approved Fairfield development but catering to more executive market.

5.16 **Core Principle B1** outlines that the Council will support the principles of sustainable economic development amongst other matters the prioritisation of development of brownfield land over greenfield land.

Comment: The historic maps show this site is previously developed land that through many decades of negligible management has become overgrown and contributes little to the local surroundings. This proposal will bring this brownfield site back to economic purpose and remove risk of further environmental degradation.

5.17 **STRATEGIC POLICY1: Sustainable Development**

Confirms that the Council will support the principles of sustainable development by making sure that development meets the following standards:-

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Protects and safeguards the integrity of designated sites.
- Protects peat resources and carbon rich soils.
- Does not have a negative effect on air or water quality
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Respects the character of the landscape and the setting of settlements.
- Respects, and where possible contributes to the Central Scotland Green Network.
- Makes efficient use of land and resources.
- 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.
- Contributes to an efficient use of, or provision for public services, facilities and infrastructure.
- Embraces the principles of 'place-making' and the '6 qualities of Place'
- Wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking.
- Designed to maximise energy efficiency through building siting, orientation and materials, Helps mitigate and adapt to the effects of climate change.
- Includes the use of micro-renewables, wherever appropriate
- Wherever possible, Incorporates or facilitates the development of District heating / heat networks.
- Respects the Scottish government's Zero waste Objectives.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.

Comment: This proposed development is fundamentally about delivering sustainable development through the improvement of a

historic but now disused site so directly making efficient use of land and resources. It also respects the character and the landscape through careful siting and use of existing natural and built features to assimilate the development into its setting.

5.18 **STRATEGIC POLICY2: Development Management**

The Council will ensure that development proposals are in accordance with the site's land use, as defined on the on the 'Proposals Maps' and:-

- Are appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Do not have an unacceptable impact on the amenity of nearby land uses, or committed development proposals (with Planning Permission or allocated LDP development sites).
- Are appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Are designed in a way that helps prevent crime.
- Are not within Health and Safety Executive safeguarding zones if this would lead to increased risk or danger.
- Address issues of land instability where they are identified as being present on the site.
- Make appropriate provision for all infrastructure implications of the development.
- Are located within a settlement boundary or otherwise justified by LDP subject specific policies or locational need.
- Include open space and landscaping that is appropriate for the location and use of the proposed development.
- Do not result in the loss of an area of maintained amenity or recreational open space unless allocated for development in the Policy and Proposals Maps.
- If contrary to specific LDP policies are justified to our satisfaction, on the basis they are (1) of over-riding community interest, or (2) will contribute significantly to the implementation of the Ayrshire Growth Deal or the regeneration of Ayr; and will have no significant, adverse environmental effects

Comment: Whilst not within a core settlement zone the site is not located in a protected zone such as Greenbelt or Protection Area. The site is brownfield and is on the periphery of the National

Aerospace and Space centre where development of commercial ventures is supported. The application site is adjacent to strategic housing allocation MONK1 which is zoned for around 300 homes which demonstrates housing is considered acceptable for this are area – between Prestwick Airport and the A77.

5.19 **LDP policy: National Aerospace & Space Centre** To protect the current operation of the airport, and any associated industrial or office use, and ensure the airport's future economic stability and growth, the Council expects development proposals within the National Aerospace & Space Centre Strategy Area to be compatible with the preferred uses shown in the National Aerospace & Space Centre Strategy Map. Low carbon technology manufacturing, operation or servicing within the National Aerospace & Space Centre area will also be supported. When assessing any development proposals within the Strategy Area we will consider the potential impact they may have on the service and access arrangements of the airport and seek assurance that they will not compromise the operational functionality of the Airport, or runway related aerospace/ space uses surrounding the airport. A masterplan will be developed to provide further guidance to manage development within the wider area at Prestwick and Monkton, also including the Glasgow Prestwick Airport estate and National Aerospace and Space Centre Strategy area.

Comment: As highlighted in the Masterplan extract at section 2 the application site lies to the northern periphery of the Airport Masterplan Zone – just outside area designated as 'Highfiled'. Given the commercial expansion of the area a mix and choice of housing would be of benefit to the local workforce and improve appeal for those relocating or investing in the area.

5.20 **LDP policy: development opportunities** We will actively encourage development on brownfield ,vacant and derelict sites instead of greenfield sites. To strengthen the vitality and vibrancy of all town centres, we will encourage the redevelopment of town-centre brownfield sites over other potential sites outside of town centres, where the proposed use is in keeping with town centre uses. A Development Opportunities Schedule is provided as Appendix E to this Plan. Additional guidance will be prepared to provide plans of the sites, together with information on potential uses.

Comment: As shown from the historic plan extracts dating back to the 1800's the application site formed part of the Adamton Estate. The specific site contained a Corn Mill with numerous buildings,

ponds and other associated infrastructure. Many of these structures and engineering can still be seen at the site today at a low level or presence understood where vegetation has overgrown. Notably the 2m ashlar stone wall is a prominent feature of the site and indication of the sites former developed nature. The intention is to reuse much of this wall as a feature creating distinction and providing a heritage context to this new development. This is consistent with the principles of successful place making and this policy through the re-use of uneconomic brownfield sites.

5.21 **LDP policy: maintaining and protecting land for housing** We will ensure the maintenance of an effective five-year supply of land for housing to meet demand. Where the supply is not maintained we may seek an early review of the local development plan, and will assess any housing proposals on unallocated sites against relevant development plan policies and the criteria set out in supplementary guidance 'Maintaining an Effective Land Supply'. We will encourage housing development on appropriate brownfield sites, rather than greenfield sites. To meet current housing need and demand, residential development on sites identified in the local development plan settlement maps will be acceptable. Proposals for development other than housing on land identified in the housing land supply or identified for housing development in the settlement maps will have to show they will have environmental, economic or social benefits or encourage regeneration. The proposal must also have an acceptable effect on the amenity of surrounding uses, especially residential uses, in line with LDP policy: residential policy within settlements, release sites and windfall sites.

Comment: This application is proposing to erect a new sustainable residential development on brownfield land therefore consistent with the fundamental requirements of this policy. Furthermore, the construction will provide social, economic and environmental enhancements through the re-creation of this unmanaged and overgrown site with new opportunities for housing and native planting.

5.22 **LDP policy: residential policy within settlements, release sites and windfall sites** We will aim to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effects on the local amenity. Within settlements, we will normally allow residential development, housing extensions, replacement houses and residential property

conversions as long as: a. the site has adequate access for vehicles, which is separate from other property and which directly connects to the public road network; b. the layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area; c. it does not affect the privacy and amenity of existing and proposed properties; d. the site does not form an area of maintained amenity or recreational open space unless it is already part of the established housing land supply, or identified for residential development on the Proposals Map; e. the site provides a suitable residential environment; and f. it provides appropriate private and public open space in accordance with the requirements of LDP policy: open space, and our open space guidelines. On windfall sites outwith settlement boundaries we will also need to consider the effect on the landscape. You can find more advice on the design, amenity and open-space standards we expect in the Councils planning guidance and supplementary guidance documents.

Comment: This proposal is a brownfield redevelopment on a windfall site outwith a settlement boundary – a category explicitly within this policy. Such developments require to give cognisance to effect on wider landscape. It is considered the landscape and visual impacts of this proposed development is one of its strongest attributes as the site is a rounding off or infilling of existing development wedged between the Airport masterplan zone and the A77. Furthermore, visual and landscape impacts are significantly reduced by the existing treebelt and substantial stone wall the bounds the site. All other design, open space and amenity are complied with as outlined in the below assessment of the Council's Supplementary Guidance.

South Ayrshire Council Supplementary Guidance and Planning Guidance:

5.21 Supplementary Guidance and Planning Guidance documents are also a material consideration that can be taken into account when determining a planning application.

5.22 **South Ayrshire – Open Space & Designing new Residential Developments: Planning Guidance 2010**

The Design Guide sets out key design principles which should be taken into account when planning new housing development in many different locations including outwith settlements. The purpose is to encourage high

quality design of housing which respects South Ayrshire's landscapes and building traditions – and creating meaningful design solutions that respect place principles. Guidance is provided regarding how relevant policy relates to landscape, siting & layout, and design & character considerations.

5.23 Page 14 of the Guidance specifically refers to the benefits of infill development and developments which is consistent with our proposal – given the application site is previously developed land wedged between the Airport Masterplan Zone, Housing allocations and A77 to the north. The term infill developments may cover 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.

5.24 The guidance also provides suggestions towards site layout, massing, ratio's accessibility, planting, safe and welcoming features, treatments all relating to open space.

5.25 Having undertaken a review of what is considered to be the most relevant National and SALDP policies and Supplementary Guidance for this application, the next section of this report will analyse the key planning issues associated with the application; as per the House of Lords judgement and then detail how the proposed new house as detailed in the application is either in keeping, or not with the planning policy as detailed within this section of the statement.

6 Analysis of Key Planning Issues

6.1 Within Chapter 5 of this statement the most relevant LDP, as well as National Planning Policy Statements, and SG, against which this planning application will be determined were detailed.

6.2 Taking into consideration the House of Lord's Judgement which set out an approach to determining planning applications, this chapter of the statement will work through the following:

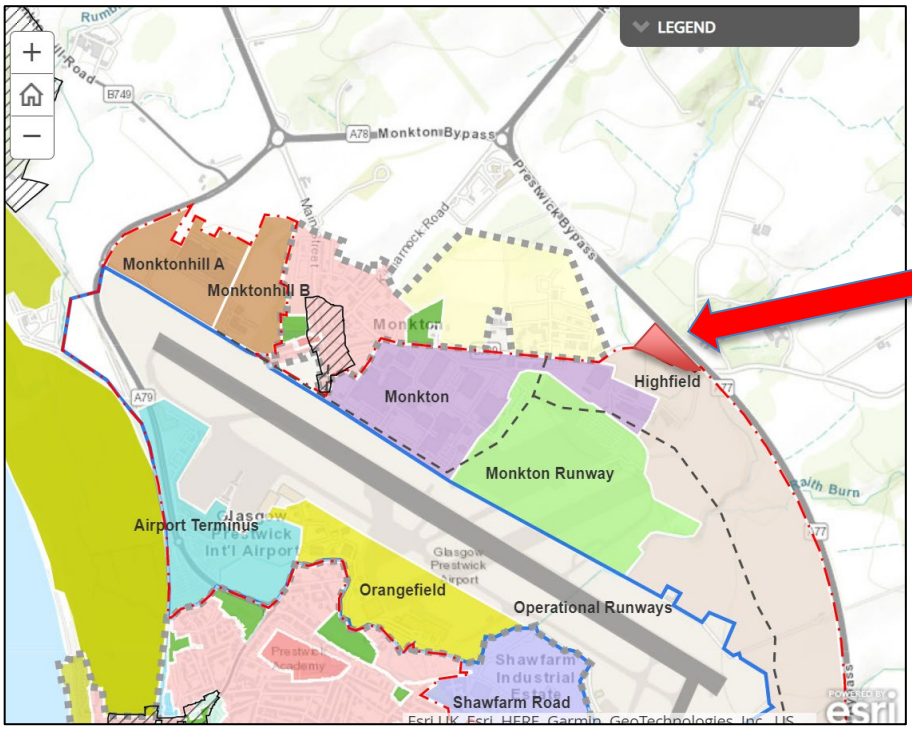
- Interpret the provisions of the development plan and other relevant planning policy statements and guidance as well as the detailed wording of the policies;
- Consider whether or not the proposals accord with the development plan;
- Identify and consider relevant material considerations for and against the proposal; and
- Assess whether these considerations warrant a departure from the development plan.

Development Strategy, Infill & Rounding Off of Settlement Pattern

6.3 National and local policy contained within the SPP and LDP plus its supplementary guidance support 'sustainable development' and encourage new development in locations where there is existing infrastructure, services and amenities to support thereby making best use of resources. This application site is ideally located on the periphery of Prestwick and Monkton to provide executive housing that is close to businesses and existing transport networks. It can be assimilated discreetly into the landscape due to its unique location within a historic landscape and existing features such as the substantial tree belt and substantial ashlar wall. The proposal seeks to use as much of the existing wall and boundary trees as possible to integrate the new development into its surroundings.

6.4 The proposed development can be considered as **infilling and rounding off** development in terms of the settlement strategy as it can be shown from **below plan extract**. Its location on the northern perimeter of the safeguarding zone for Highfields (part of the National Areospace & Space Zone) is ideally located to provide high quality, low density housing for the high value jobs and employment opportunities that will be created by the expansion of Prestwick Airport. Furthermore, there is no opportunity for

wider coalescence as the site is well defined and restricted to the A77 to the north. The site is therefore well contained and identified within existing built form in terms of the established settlement pattern.



PLAN EXTRACT FROM LDP2

Highlighting application site as Infill / Rounding Off in context of Areospace and Space Masterplan Zone, A77 and other housing allocations.

Established Residential Use Area

6.5 Development such as this, where there is also well-established and expanding residential development (notably housing allocation Monk1 which is being built out by Persimmon) confirms there is existing services, utilities, access arrangements and activity supports the integration of the new build into the most appropriate location. This is not a standalone newbuild development in isolated countryside – rather it is a catalyst for achieving environmental gains through the redevelopment of brownfield land that will viewed as a cluster within southern A77 boundary in context of the other residential and commercial development in the immediate area. This is consistent with **LDP policy: maintaining and protecting land for housing.**

6.6 The previous residential approvals at Adamton Estate and large scale strategic housing site at Fairfield (referred to in Chapter 3, above) which are immediately adjacent to the application site reinforce the location as a residential site. Moreover, this application site has been specifically selected to utilise and redevelop a brownfield site which has been unmanaged and currently provides no benefits to the locale.

The regeneration and investment is therefore making a contribution to this policy as it is making the best use of land which would otherwise remain uneconomic or unviable. It is therefore supporting sustainable development.

Redevelopment of Brownfield Sites for environmental & economic benefits

6.7 Both national and SALDP refer to the importance of making the best use of land and having the 'right development at the right place'. By upgrading the brownfield site, the approach to Adamton Mill will be improved in visual and setting terms in contrast to its current use as waste ground that currently detracts from the locale. The siting and design of the residential development aims to retain as much of the existing Mill wall and mature trees as possible and use a pallet of materials that will integrate to its surroundings. The design and materials are consistent with other approvals at Adamton Estate consented within the past 3 years. Environmental and biodiversity enhancements will also be achieved through the retention of existing trees and planting of new native hedgerows.

6.8 The principle of development, in high level terms, at this location is therefore consistent with national and local policies relating to development strategy due to presumption in favour of sustainable development and economic reuse of this abandoned brownfield site. Therefore the development should be considered consistent with policy ensuring that it complies with other technical and site specific criteria that is laid out and is referenced below.

Design

6.9 'Placemaking' and quality of design is specifically referenced within SPP, LDP and specific Design Guides on Open Space. The evolution of this residential development to create 14 high quality executive homes has taken cues in terms of massing, finishing materials, roof pitches and vernacular to assimilate the recently consented other residential developments at Adamton Estate (referred to in Section 3) . The character of the dwellings is consistent with both form and function of this established mixed use cluster.

6.10 When developing the design, we have given cognisance to the South Ayrshire – Open Space & Designing new Residential Developments:

Planning Guidance 2010. As the plans accompanying the application show, the proposal is to create a 'village green' which will create communal recreation space close to the centre of the development and a larger open space to the southeast. Both will be landscaped with native trees to improve biodiversity. This open space will create environmental benefits for wildlife and biodiversity plus open up the site for access where there currently none exists. All of the housing plots exceed the minimum requirement of open space required by this guidance.

Enhancements to biodiversity

6.11 The landscaping proposal is bespoke sympathetically designed to create strong tree belts to the north and east screening and backdropping the A77. This boundary treatment will include native species.

Use of existing infrastructure

6.12 The shared surface internal road is also specifically chosen to create a distinctive community and exclusive experience – as well as naturally manage traffic speeds and prioritise pedestrians. The feeder road from the B739 Baird Road is already a key route for accessing other residential developments in this vicinity and visibility splays plus road conditions are considered good to accommodate this development.

Providing a mix of housing for local market area

6.13 The residential development will have an external finish as shown on the submitted planning drawings. Careful consideration has been given to the choice of materials and finishes, which include Pitched Roof, simple palette of materials, feature stone elevations to match existing historic wall, natural slate roofing, low profile rooflights, smooth off white cement render, pale colours and timber windows. The massing of the proposed dwellinghouses is sympathetic to the generous executive plot size and the existing nearby properties. It is a different product from the adjacent Fairfield development which is stereotypical volume housebuilder and much denser than what is proposed as part of this application. The creation of a varied housing market is a benefit to the sustainable growth of Prestwick / Monkton.

6.14 The site has been specifically chosen to redevelop an unmanaged and neglected piece of brownfield land that currently has no productive value. The site is low lying and flat in nature, therefore not requiring substantial groundworks or underbuilding. This will also ensure that the skyline is not

broken from surrounding viewpoints. It will be viewed in the context, screened and backdropped by the existing substantial ashlar wall, A77 and tree belt. The proposal would enhance the visual appearance of infill development and improve the environmental quality of this part of the Adamton Estate.

6.14 Having reviewed all the material matters applicable to this application before the Council: National Planning Policy, Local Planning Policy; Supplementary Guidance, Planning Guidance all set in the context of the Scottish Government's SPP 1, which introduces a presumption in favour of development that contributes to sustainable development, we consider that this application is in compliance with these and therefore should be approved.

7 Conclusions

7.1 This statement has been prepared to accompany the planning application submitted on behalf of our clients and forms part of the suite of supporting documents.

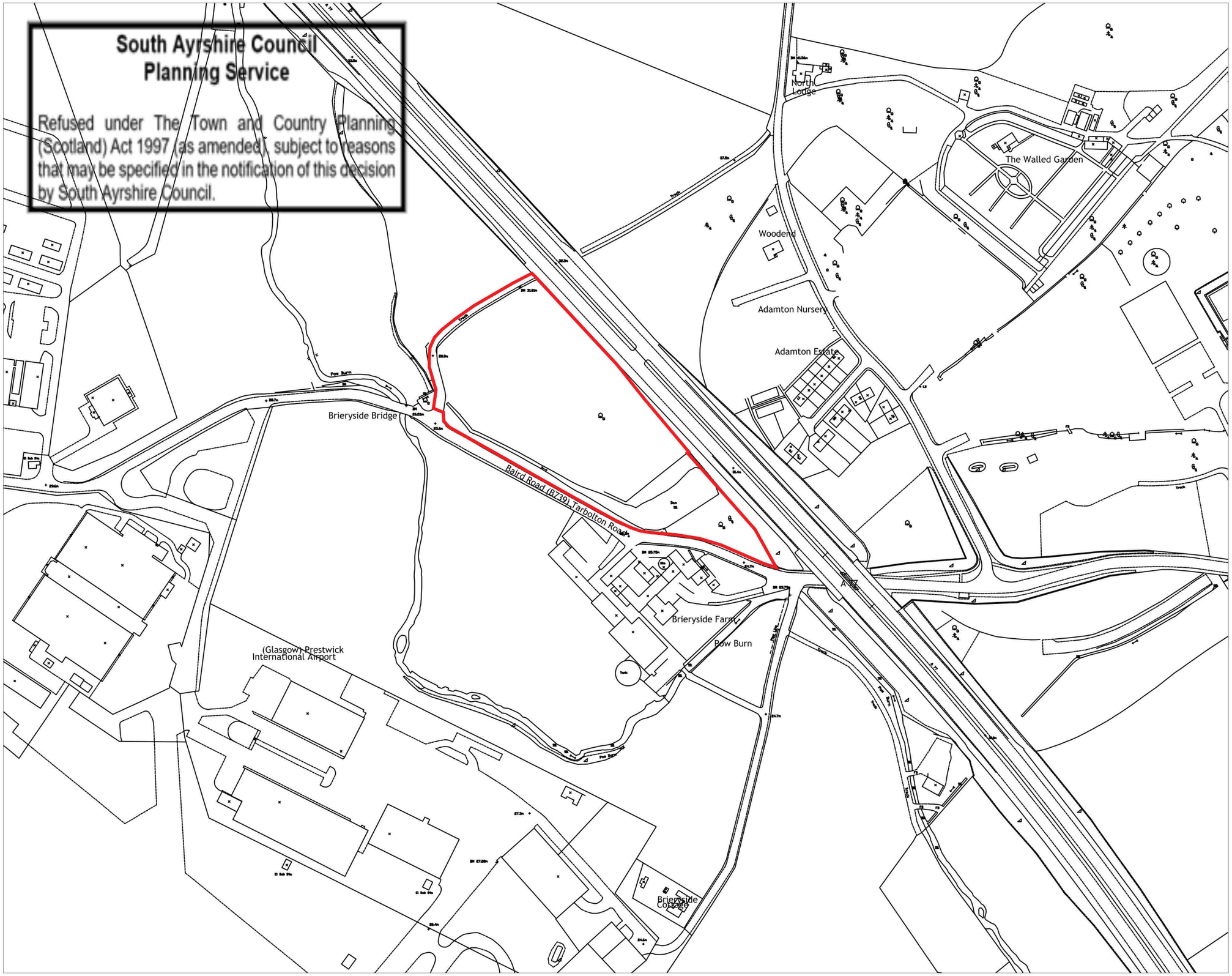
7.2 We have undertaken a comprehensive review of the relevant National, Local and SG which will be relevant to the determination of this application.

7.3 When reviewed against the House of Lord's judgement which set out an approach to determining a planning application, it is considered that the proposal submitted accord with the development plan and identified relevant other material considerations for and against the proposal, and, therefore the application should be supported and approved by South Ayrshire Council.

7.4 We therefore trust that the planning authority will approve this application, as it is in accordance with the Local Development Plan, and we consider it to be a sustainable development and we do not consider that there are any material considerations against it.

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



SCALE 1:2500 in metres

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NORTH

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
SITE LOCATION PLANS

Drawing No. **21-0564-LOC-01**
Revision -

Scale 1:2500 @ A3
Drawn JMcC
Date 28/07/2022

64 WELLINGTON CHAMBERS, AYR, KA7 1E
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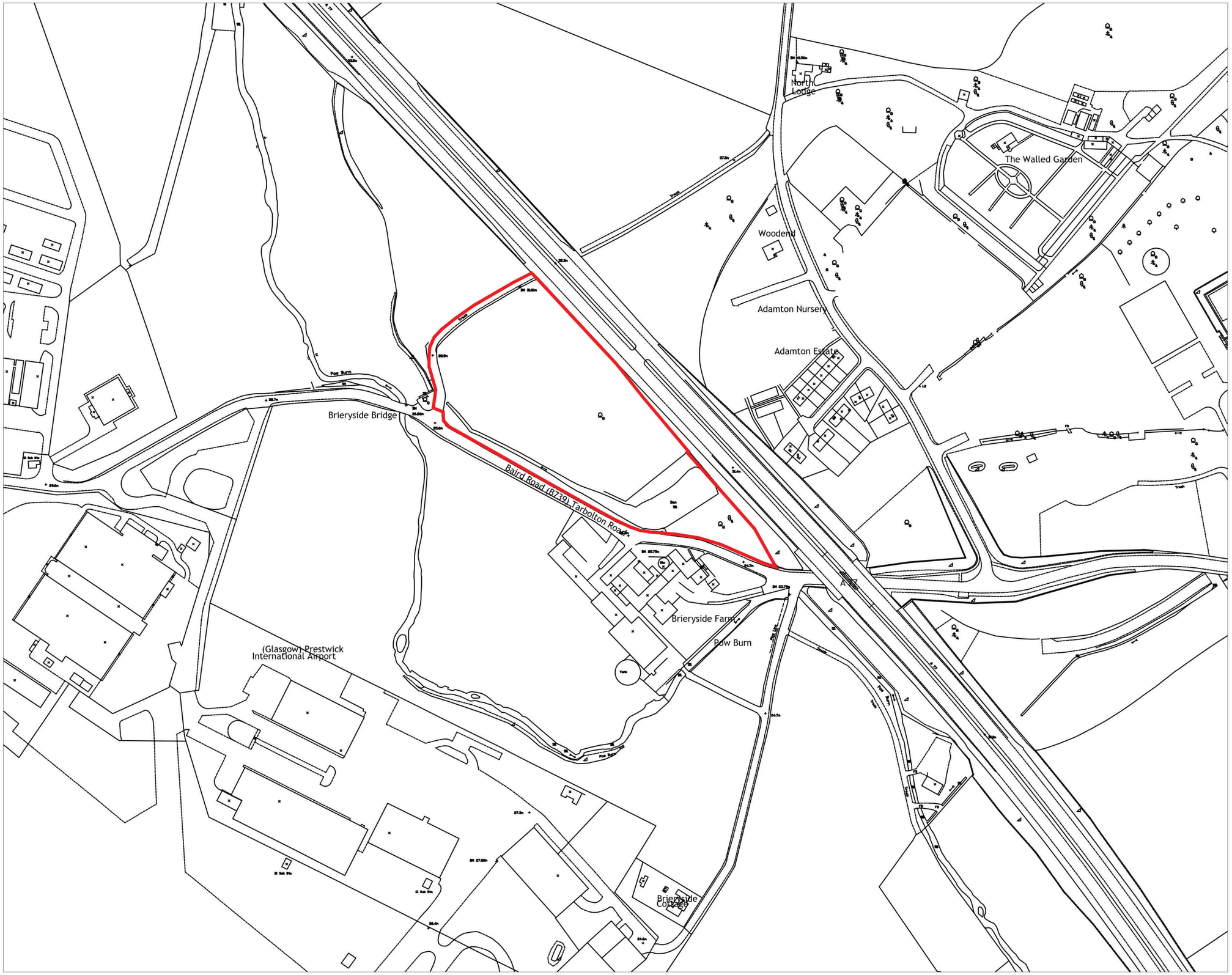
E :ENQUIRY@EDESIGNARCHITECTURE.CO
W:WWW.EDESIGNARCHITECTURE.CO.U



SCALE 1:2500 in metres

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South Ayrshire Council
Planning Service

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NORTH

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
SITE LOCATION PLANS

Drawing No. **21-0564-LOC-01**
Revision -

Scale 1:2500 @ A3
Drawn JMcC
Date 28/07/2022

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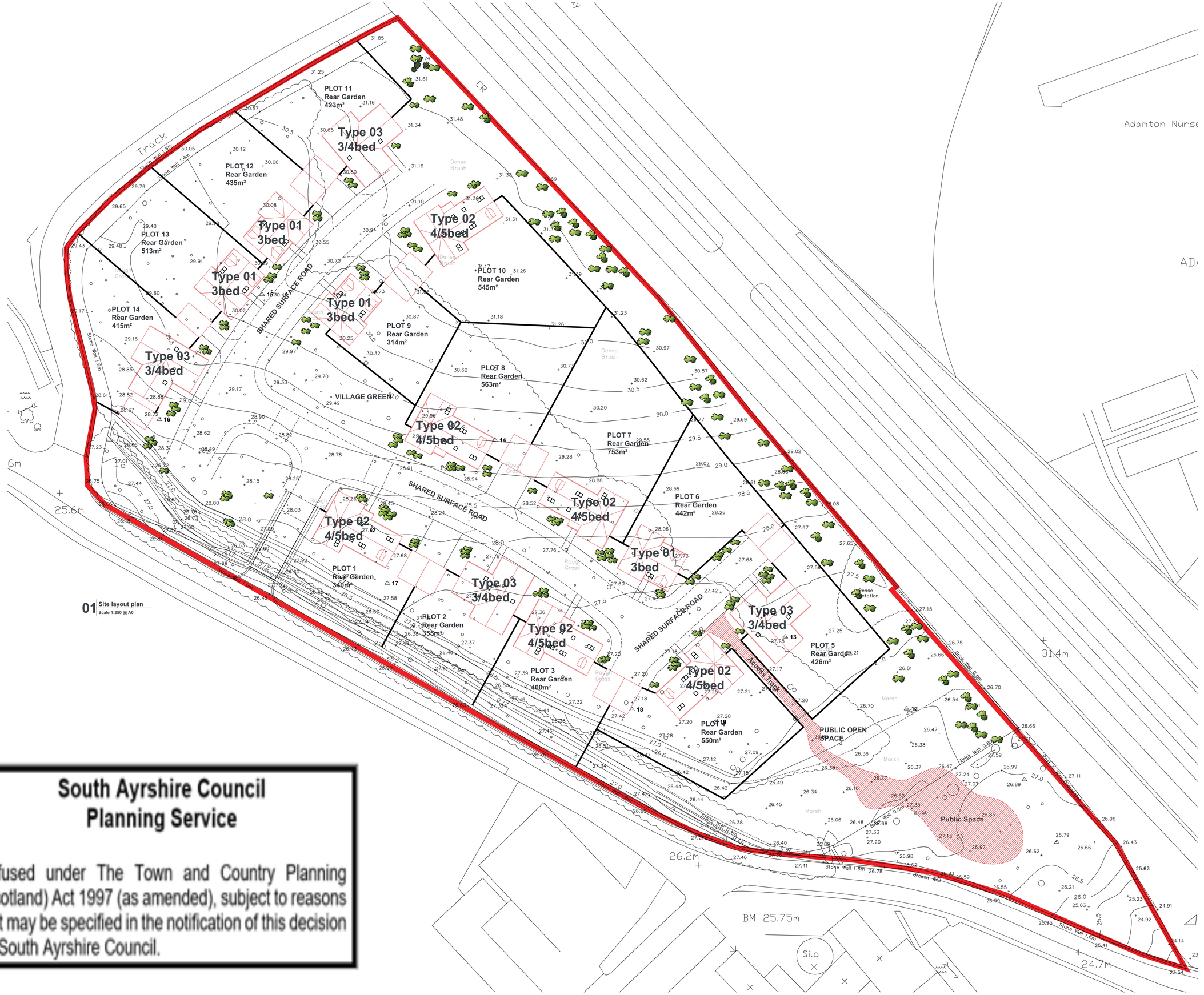

01 Site layout plan
Scale 1:250 @ A0

South Ayrshire Council
Planning Service

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NORTH

SCALE 1:250 in metres
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Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
SITE LAYOUT PLAN SHOWING EXISTING SITE LEVELS TO BE RETAINED

Drawing No.
21-0564-SK-(--)10

Revision
-

Scale
1:250 @ A0

Drawn
JMcC

Date
19/05/22

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Adamton Nu

Adamtc

BM 31.81m

BM 25.75m

28.9m

25.6m

31.4m

24.7m

Track

Baird Road (B739) Tarbolton Road

Stone Wall 1.0m

Dense Brush

Rough Grass

Dense Vegetation

Marsh

Silo

01 Site layout plan
Scale 1:250 @ A0

NORTH

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

EDESIGN
ARCHITECTURE & PLANNING

SCALE 1:250 in metres
0 2 4 6 8 10 20

Rev	Description	Date

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
As existing Block plan

Drawing No.
21-0564-BP-01

Revision
-

Scale
1250 @ A0

Drawn
JH+JC

Date
28/07/2022

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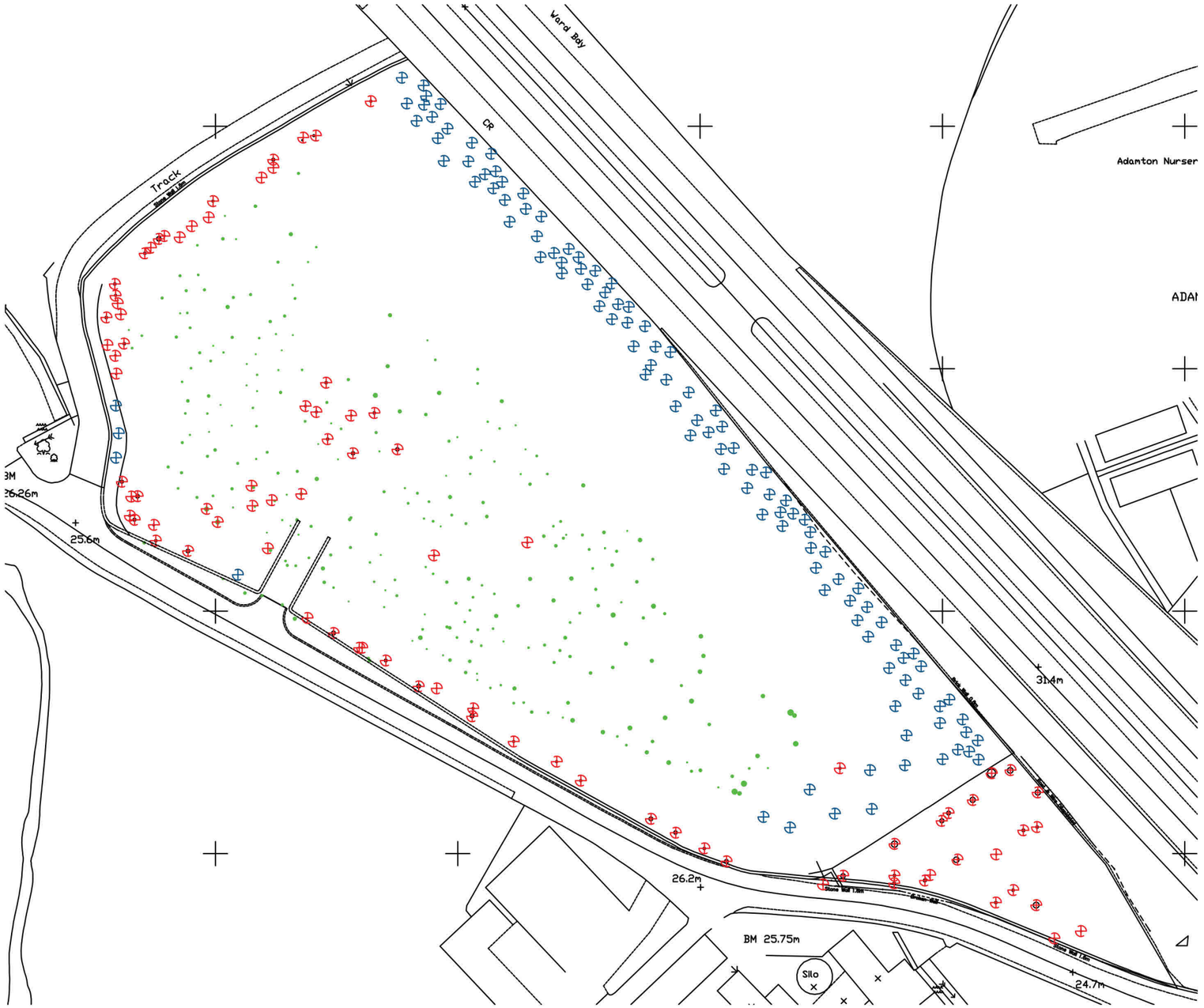
EDESIGN
ARCHITECTURE & PLANNING



- Trees to be retained if healthy
- Trees to be added
- Trees to be removed

South Ayrshire Council
Planning Service

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NORTH

SCALE 1:1000 in metres

0 10 20 30 40 50 100

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
TREE REPLACEMENT PLAN

Drawing No. **21-0564-SK-(--)07**
Revision -

Scale 1:1000 @ A3
Drawn JMcC
Date 19/05/22

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627850N

627800N

627750N

627700N

627650N

627600N

237200E

237250E

237300E

237350E

237400E

237450E

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

Link Feature Legend

- Bottom of bank
- Building
- Building Overhang
- Ditch
- Fence
- Foliage
- Hedge
- Kerb
- Low Kerb
- Pipeline
- Stream
- Top of bank
- Verge
- Wall
- Water Line

Point Feature Legend

- Air Valve (AV)
- O.S. Benchmark (BM)
- Bollard (Bol)
- Borehole (BH)
- Bus Stop (Bus)
- British Telecom (BT)
- Cable T.V. (CTV)
- Culvert (Culv)
- Drain (Dr)
- Electricity Pole (EP)
- Earth Rod (Erod)
- Fire Hydrant (FH)
- Gas Valve (GV)
- Gully (G)
- Inspection Cover (IC)
- Invert Level (IL)
- Kerb Outlet (KO)
- Lamp Post (LP)
- Manhole (MH)
- Meter (Met)
- Marker Post (MP)
- Post (P)
- Rodding Eye (RE)
- Road Sign (RS)
- Spot level (+)
- Stop Cock (SC)
- Stop Valve (SV)
- Telegraph Pole (TP)
- Threshold Level (TL)
- Traffic Signal (TS)
- Trial Pit (TP)
- Ridge Level (Ridge Ht)
- Eaves Level (Eaves Ht)

Tree (To scale)

Notes:

Horizontal Control points are relative to the NATIONAL GRID.

All levels are relative to ORDNANCE DATUM.

RTK corrections were obtained using the Trimble VRS Active Network.

CONTROL STATION COORDINATES

STN	EASTING	NORTHING	LEVEL
12	237392.131	627674.650	26.600
13	237367.657	627689.171	27.460
14	237309.008	627728.928	29.819
15	237262.021	627758.351	30.575
16	237241.219	627733.098	28.889
17	237287.270	627700.013	27.610
18	237336.717	627674.497	27.335
19	237353.504	627672.003	27.376

Aspect
Land + Hydrographic Surveys
CHARTERED SURVEYORS
Thornhouse Business Centre
Ballot Road
Irvine
KA12 0HW
Tel : 01294 313399 Fax : 01294 313389
E-mail: mail@aspectsurveys.com
Web: www.aspectsurveys.com

Client :

EDESIGN ARCHITECTURE & PLANNING SCOTLAND
WELLINGTON CHAMBERS
64 FORT STREET
AYR
KA7 1EH

Project Title :

TOPOGRAPHIC SURVEY
PLOT 1 & 2
ADAMTON ESTATE
MONKTON

Project No: A8073	Scale : 1:500
Surveyed date : 15th February 2022	Issued date : 24th February 2022
Surveyed by : DM	Checked by : SJS
Sheet No. : 1 of 3	Plot Scale: 1:1 @ A1

01 Site layout plan
Scale 1:250 @ A0

02 Street Elevations to Baird Road
Scale 1:250 @ A0

EDESIGN
ARCHITECTURE & PLANNING

Suds

Public Space

SCALE 1:250 in metres
0 2 4 6 8 10 20

Rev	Description	Date

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
SITE LAYOUT PLAN PROPOSED + STREET ELEVATIONS

Drawing No
21-0564-SK-(--)08

Revision
-

Scale
1:250 @ A0

Drawn
JMcC

Date
19/05/22

64 WELLINGTON CHAMBERS, AYR, KA7 1EH
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01 Site Layout
Scale 1:1000 @ A3

SCALE 1:500 in metres
0 5 10 15 20 25 50

02 Street elevation to Baird Road
Scale 1:500 @ A3

EDESIGN
ARCHITECTURE & PLANNING

Suds

Public Space

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
PROPOSED SITE LAYOUT + STREET ELEVATION

Drawing No. **21-0564-SK-(--)02**
Revision -

Scale 1:1000 @ A3
Drawn JMcC
Date 19/05/22

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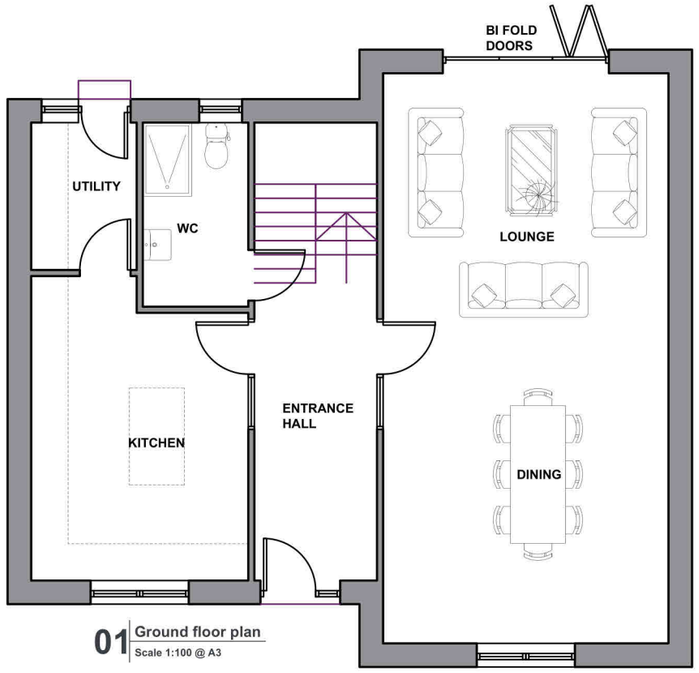

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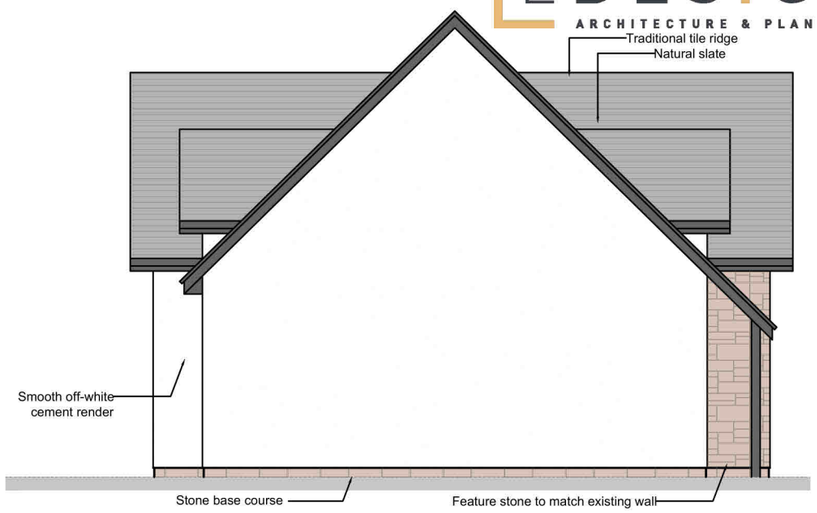
Scale 1:100 @ A3

03 Front elevation
Scale 1:100 @ A3



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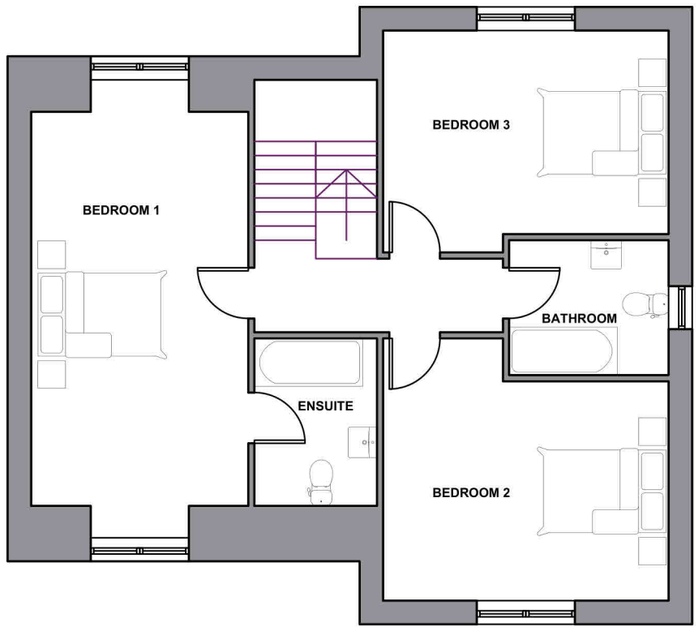
Scale 1:100 @ A3



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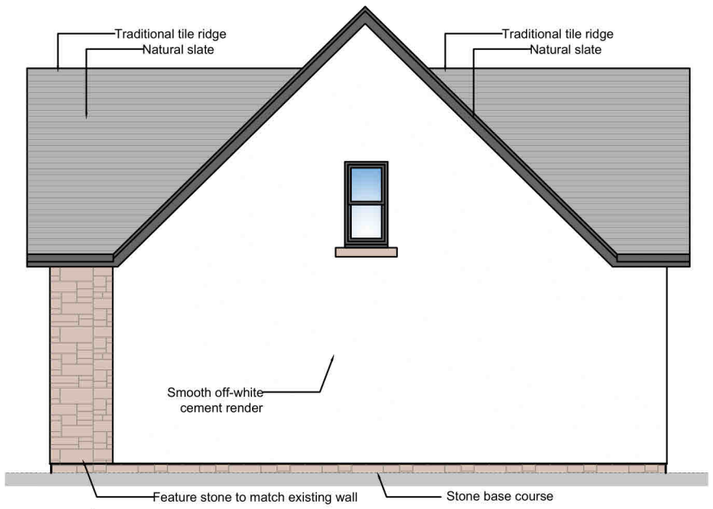
Scale 1:100 @ A3



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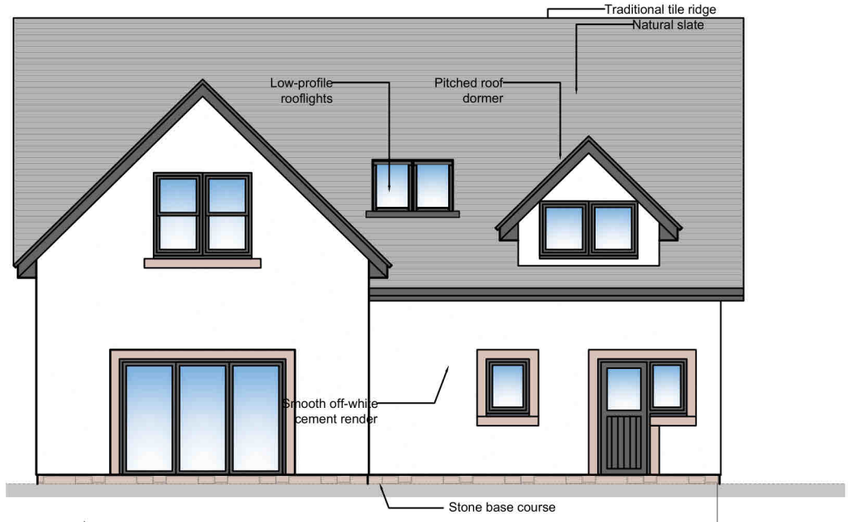

06 Rear elevation
Scale 1:100 @ A3

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

SCALE 1:100 in metres

0 1 2 3 4 5 10

EDESIGN
ARCHITECTURE & PLANNING

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
House Type 01 LAYOUTS

Drawing No. **21-0564-SK-(--)03**
Revision -

Scale 1:100@ A3
Drawn JMcC
Date 19/05/22

64 WELLINGTON CHAMBERS, AYR, KA7 1EH
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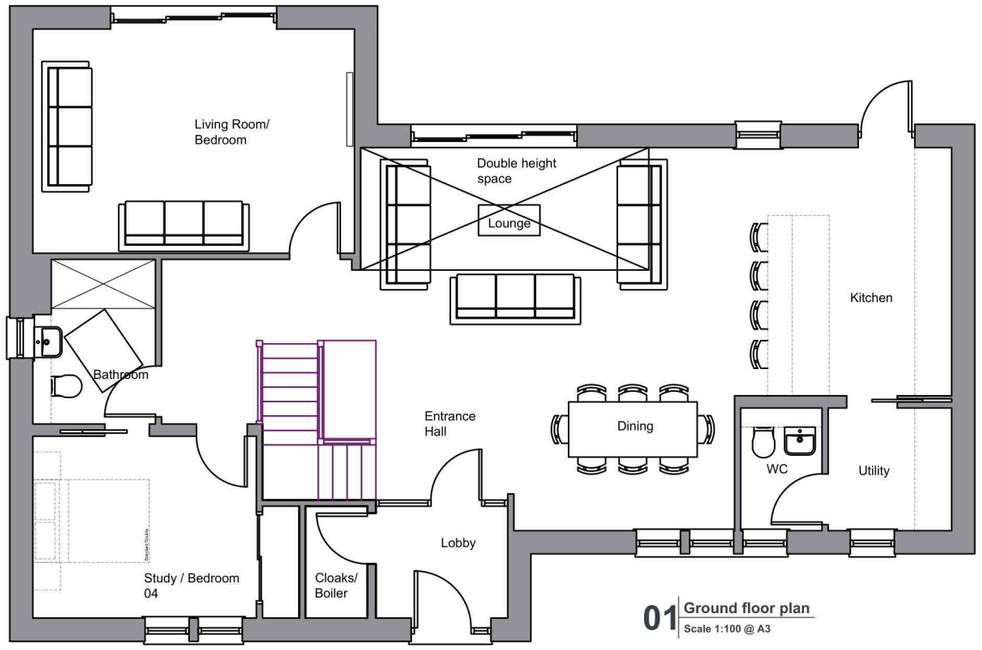

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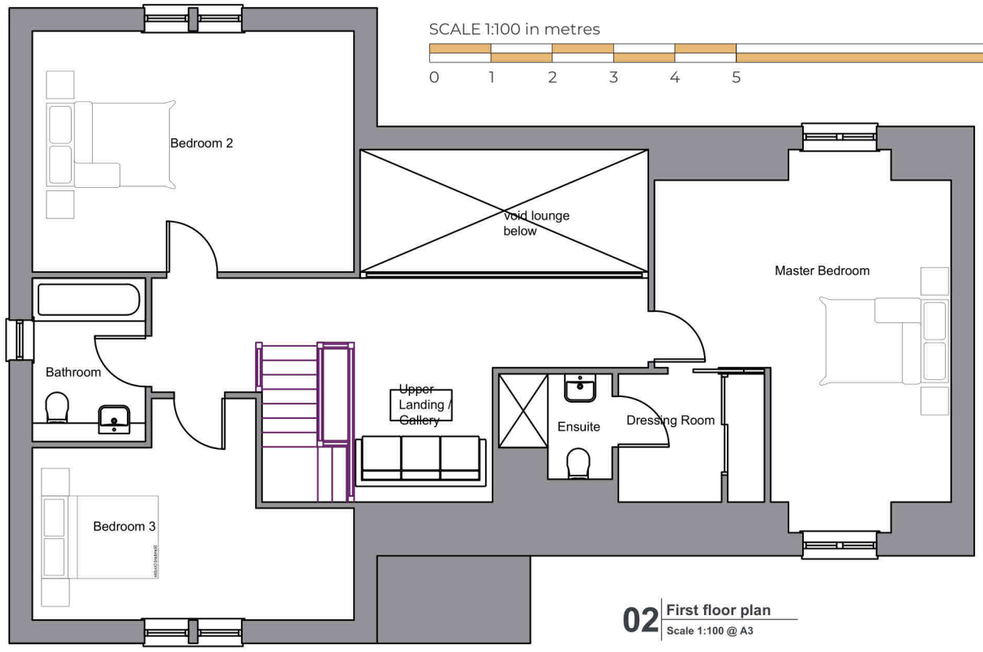
Scale 1:100 @ A3



02 First floor plan
Scale 1:100 @ A3

SCALE 1:100 in metres

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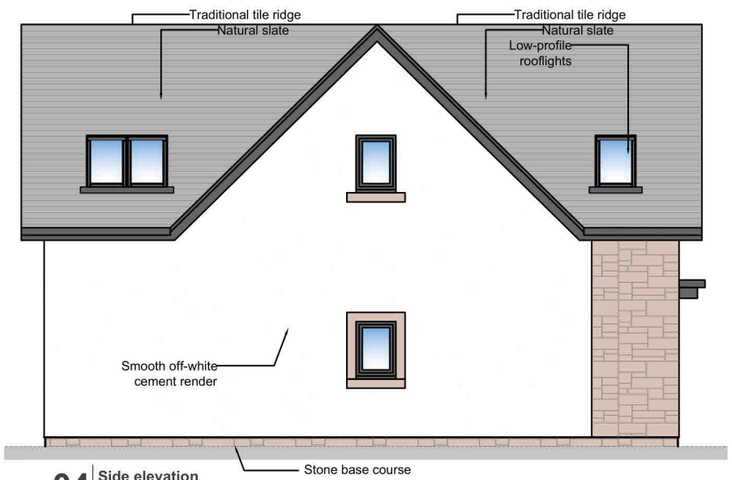
03 Front elevation
Scale 1:100 @ A3

06 Rear elevation
Scale 1:100 @ A3



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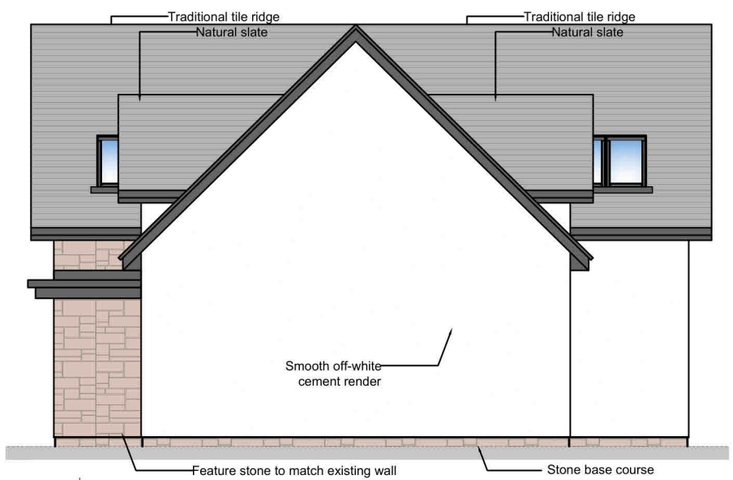

05 Side elevation
Scale 1:100 @ A3

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
House Type 02 layouts

Drawing No. **21-0564-SK-(--)04**
Revision -

Scale 1:100@ A3
Drawn JMcC
Date 19/05/22

64 WELLINGTON CHAMBERS, AYR, KA7 1EH
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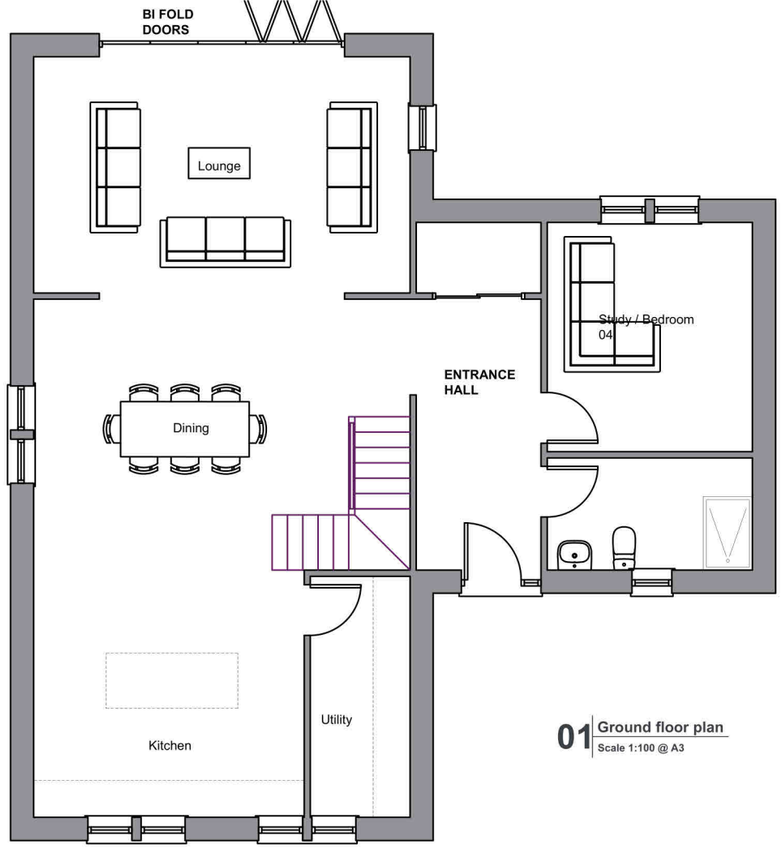

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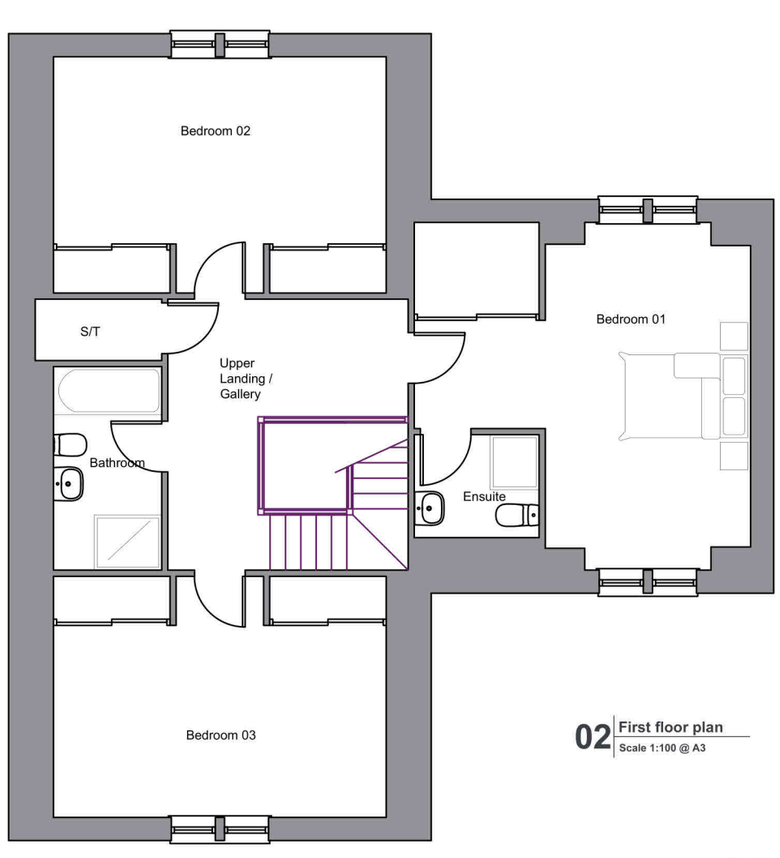
Scale 1:100 @ A3



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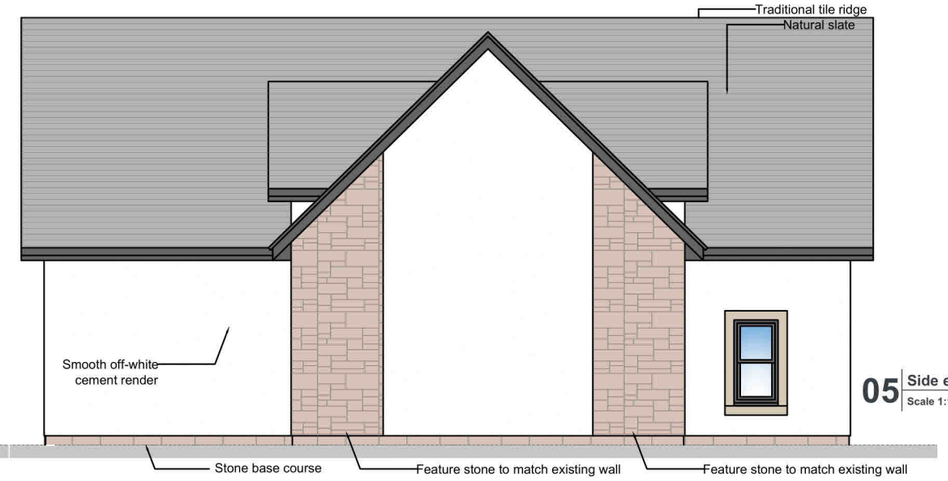
03 Front elevation
Scale 1:100 @ A3



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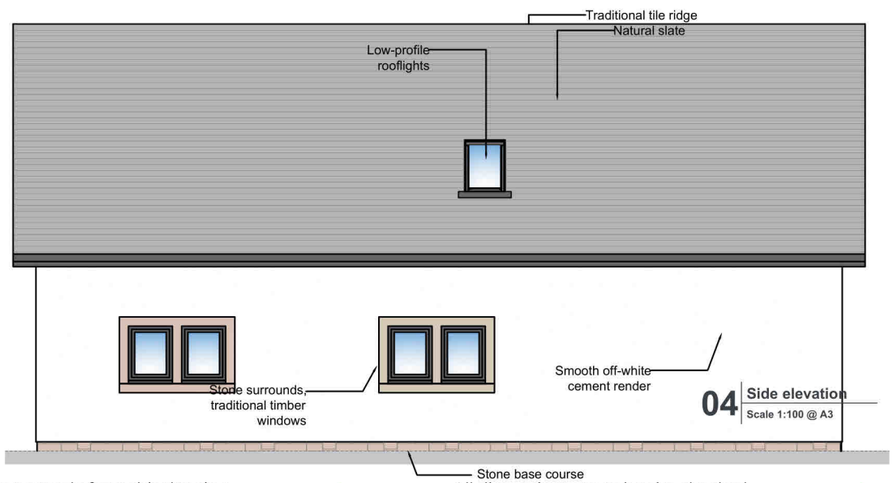

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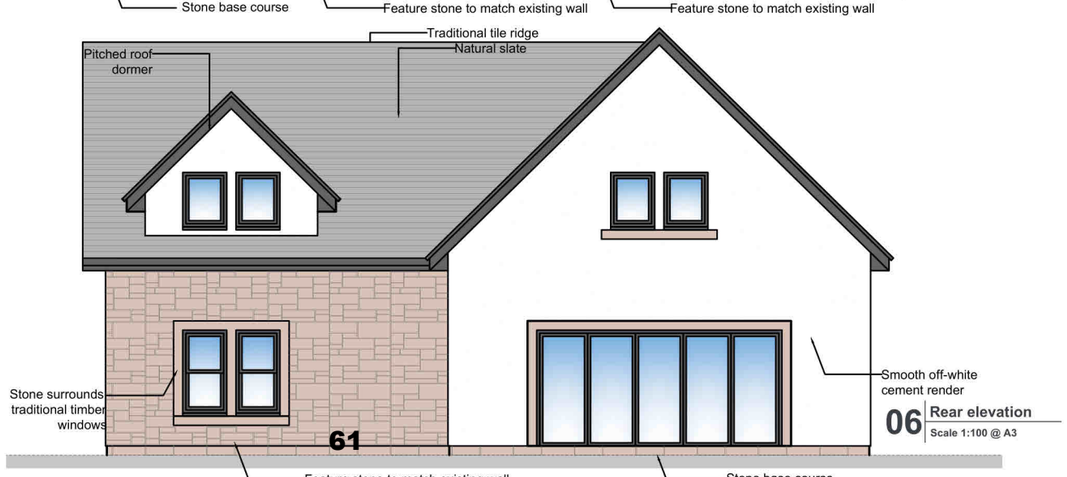

06 Rear elevation
Scale 1:100 @ A3

61

South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

SCALE 1:100 in metres

0 1 2 3 4 5 10

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
House Type 03A LAYOUTS

Drawing No. 21-0564-SK-(--)05
Revision -

Scale 1:100@ A3
Drawn JMcC
Date 19/05/22

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01 Ground Floor Plan
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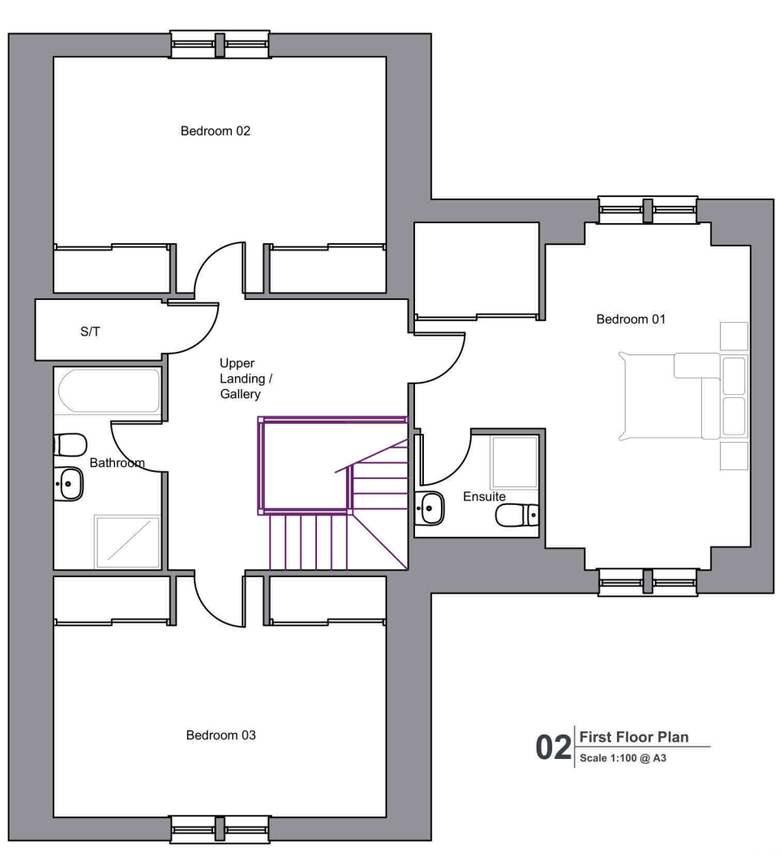
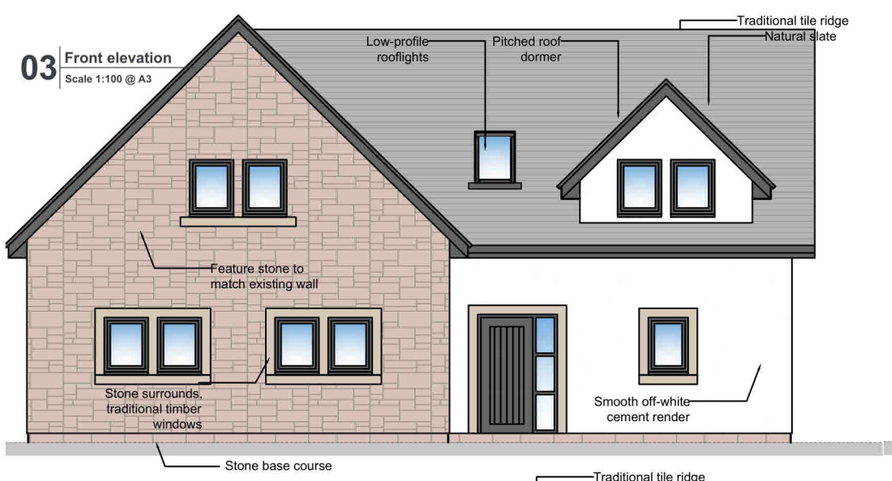


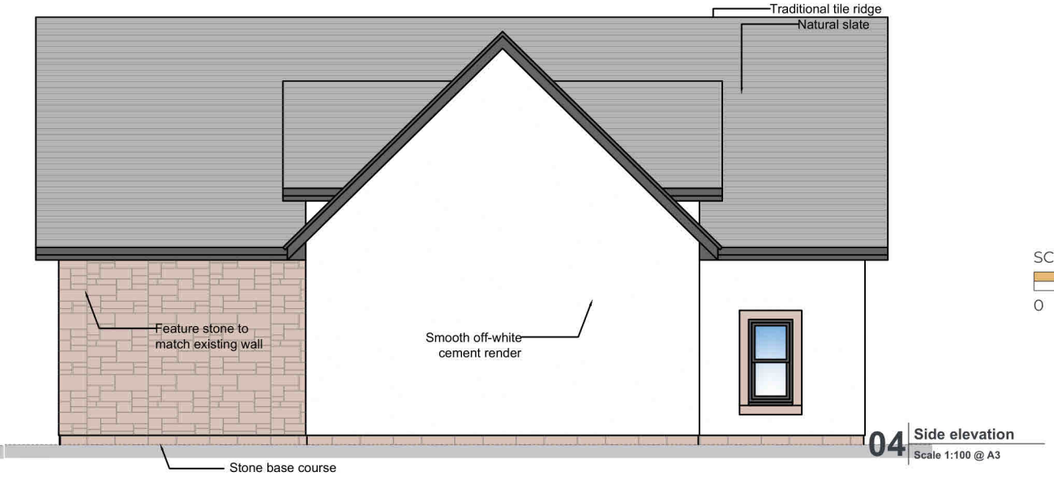
02 First Floor Plan
Scale 1:100 @ A3

South Ayrshire Council
Planning Service

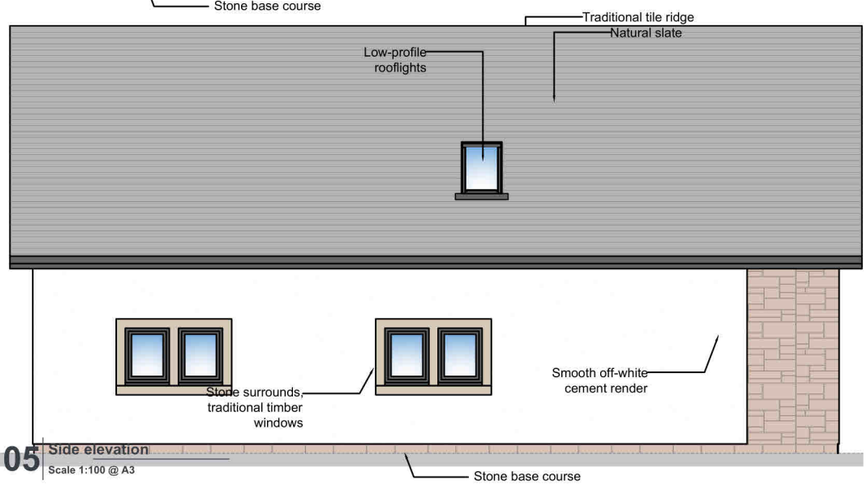
Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



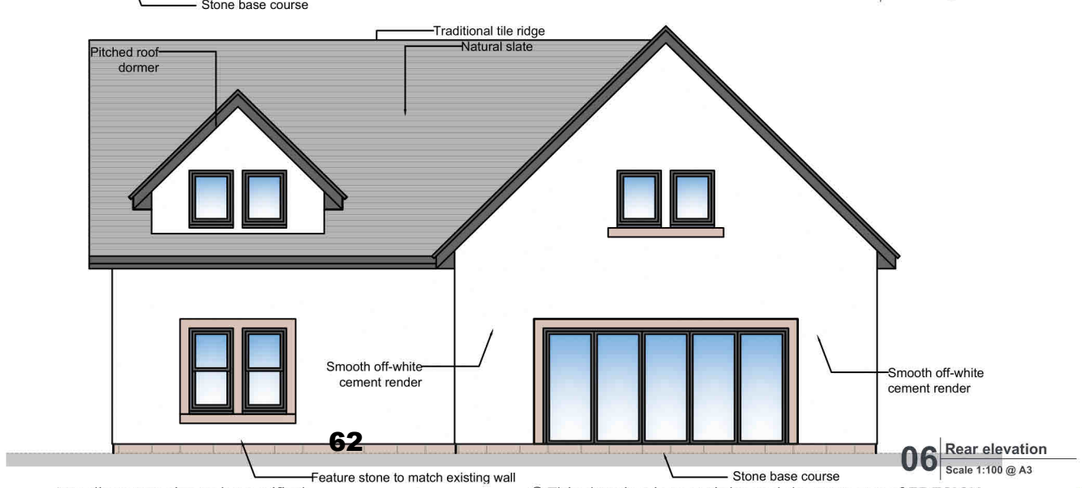
03 Front elevation
Scale 1:100 @ A3



04 Side elevation
Scale 1:100 @ A3



05 Side elevation
Scale 1:100 @ A3



06 Rear elevation
Scale 1:100 @ A3

SCALE 1:100 in metres

0 1 2 3 4 5 10

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

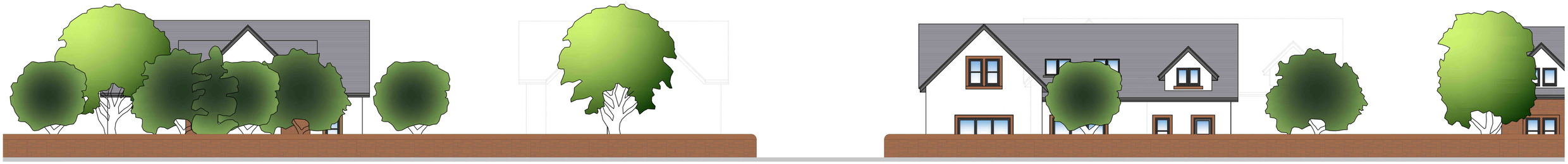
Site
ADAMTON MILL, NR PRESTWICK AIRPORT

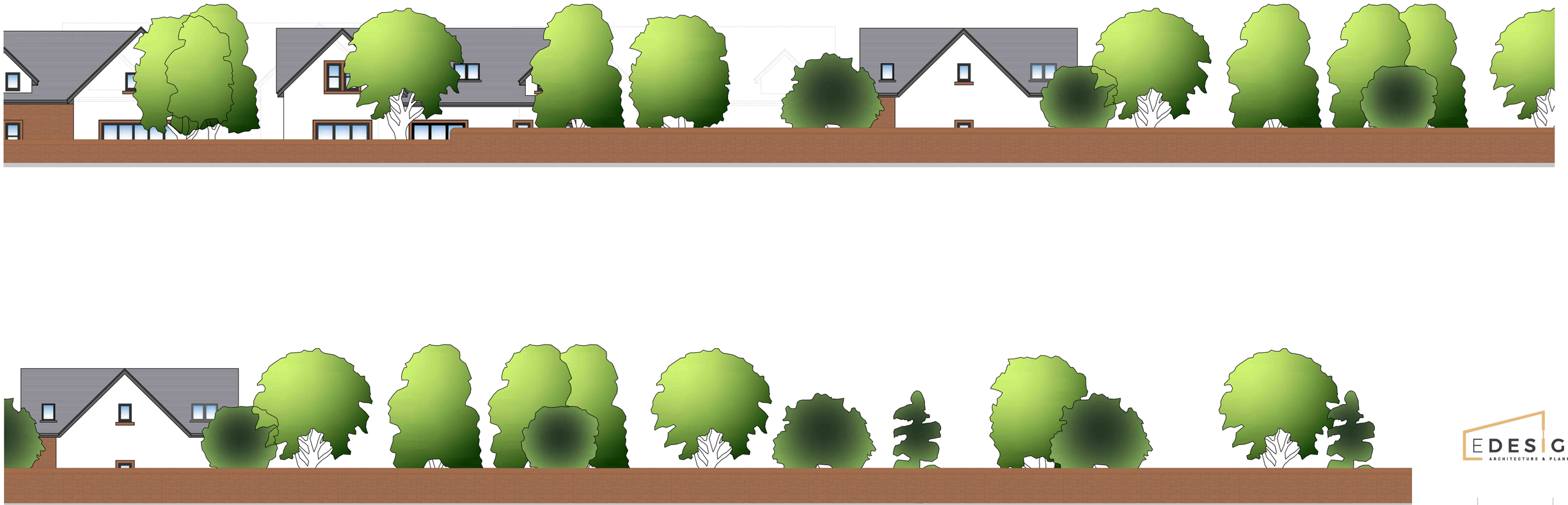
Drawing Title
House Type 03B LAYOUTS

Drawing No. 21-0564-SK-(--)06
Revision -

Scale 1:100@ A3
Drawn JMcC
Date 19/05/22

64 WELLINGTON CHAMBERS, AYR, KA7 1EH
T :0 1 2 9 2 2 6 3 7 9 9
E :ENQUIRY@EDESIGNARCHITECTURE.COM
W:WWW.EDESIGNARCHITECTURE.CO.UK





South Ayrshire Council
Planning Service

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

63

SCALE 1:100 in metres

0 1 2 3 4 5 10

EDESIGN
ARCHITECTURE & PLANNING

Rev	Description	Date
-	-	-

Status
PLANNING

Project
RESIDENTIAL DEVELOPMENT

Client
STUART LEITH

Site
ADAMTON MILL, NR PRESTWICK AIRPORT

Drawing Title
LARGER SCALE STREET ELEVATION

Drawing No. **21-0564-SK-(--)09**
Revision -

Scale 1:100 @ A1
Drawn JMcC
Date 19/05/22

64 WELLINGTON CHAMBERS, AYR, KA7 1EH
T :0 1 2 9 2 2 6 3 7 9 9
E :ENQUIRY@EDESIGNARCHITECTURE.COM
W:WWW.EDESIGNARCHITECTURE.CO.UK

LOCAL DEVELOPMENT

REFUSAL OF APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 22/00634/APP

SOUTH AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

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

To: **Mr Stuart Leith**
per Edesign Architecture & Planning Scotland Ltd
Gareth Bryden-Reid
Wellington Chambers
64 Fort Street
Ayr
KA7 1EH

With reference to your **Application for Planning Permission** dated **24th August 2022**, under the aforementioned Regulations, for the following development, viz:-

Erection of residential development

at: **Proposed Residential Development Kilmarnock Road Monkton South Ayrshire**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the Council's website by using the application reference number noted above these and represent the refused scheme.

The reasons for the Council's decision are:

(1) The proposed development is contrary to the South Ayrshire Local Development Plan 2 Core Principles & Strategic policies, LDP2 policy: Rural Housing and Scottish Planning Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan 2, there is no agreed shortfall in the 5-year effective housing land supply and it has not been demonstrated that there is a need for residential development in the area concerned. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan 2 or the associated Supplementary Guidance.

(2) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Rural Housing' and Supplementary Guidance 'Rural Housing' by reason that the proposed development does not constitute a limited extension to an existing clearly defined and nucleated housing cluster to a group of four or more houses or small settlement.

(3) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Affordable Housing' as no provision for affordable housing is proposed by the application proposals, and no case has been argued in favour of resorting to a commuted sum.

(4) That the proposed development is contrary to South Ayrshire Local Development Plan 2 policy 'Flood and development' and Scottish Planning Policy in that insufficient information has been provided to demonstrate the development is not at flood risk.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 21-0564-BP-01

Drawing - Reference No (or Description): **Refused** 21-0564-LOC-01

Drawing - Reference No (or Description): **Refused** 21-0564-LOC-01

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)02

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)03

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)04

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)05

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)06

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)07

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)08

Drawing - Reference No (or Description): **Refused** 21-0564-SK-(--)09

Drawing - Reference No (or Description): **Refused** Topographical Survey

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

Dated: 14th November 2022

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

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

22/00634/APP – Appointed Officers Photographs – Proposed Residential Development Kilmarnock Road Monkton

From:	Robins, Paul (NRS)
To:	Planning Development; Clark, David
Subject:	22/00634/APP - Erection of residential development | Proposed Residential Development Kilmarnock Road Monkton South Ayrshire (OFFICIAL)
Date:	07 September 2022 08:51:53
Attachments:	image002.png image003.png external.png first_time_sender_warning.png

OFFICIAL

Dear David,

I refer to the above application for planning consent which was sent recently to the West of Scotland Archaeology Service for comment.

This application lies in an area of archaeological sensitivity based on the presence of recorded sites and monuments in the surrounding landscape of prehistoric and medieval date. The Ayrshire coastal plain generally has a raised sensitivity due to the richness of the archaeological records both existing and as generated by more recent investigations in the landscape. Although there are no recorded sites within the application area, with the recorded extensive and multi-phase evidence for prehistoric activity in the surrounding land, the area has high potential to produce buried archaeology. Any buried remains that survive would be affected or destroyed by the excavations required by the proposals and so a potential archaeological issue is raised.

Government policy as set out in Scottish Planning Policy is that planning authorities should ensure that prospective developers arrange for any archaeological issues raised by their proposals to be adequately addressed. Since there is potential for more discoveries in this area, any piece of new ground disturbance stands a reasonable chance of encountering buried remains and hence some form of archaeological mitigation is required for this proposal. In order to effect this a condition relating to the archaeological issue should be placed on any consent granted by your Council for these or future proposals. The suggested wording of such a condition is given below. This is based on current best practice and experience, and reflects the principles outlined in Planning Advice Note 2/2011:-

No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

This condition would be implemented by means of the developer appointing a professional archaeological contractor to prepare the written scheme of investigation (WSI) required by the condition. This is basically a project design document, which should set out the various phases of work that may be required to suitably address the impact of the proposal on archaeological material. As the first stage of this process, the archaeological contractor would be required to undertake an archaeological evaluation of the application site ahead of any proposed ground disturbance. Depending on the scale and significance of the deposits encountered, further stages of archaeological work may be required such as open area excavation. Any such discoveries will have to be excavated before their destruction by the development including any post excavation analyses and publication required.

Please contact me by email if you require any further information or advice.

Regards

Paul

Paul Robins
Senior Archaeologist
West of Scotland Archaeology Service
231 George Street, Glasgow, G1 1RX
[redacted]

WoSAS Archaeological Impact Mitigation System – Recipient of a Commendation in Development Management, 2014 Scottish Awards for Quality in Planning

For further information and to view the council's Privacy Statement(s), please click on link below:www.glasgow.gov.uk/privacy

Your Ref: **22/00634/APP**

Date: **15th September 2022**

David Clark
Planning Service
South Ayrshire Council
County Buildings
Wellington Square
Ayr, KA7 1DR

Dear David

Erection of residential development
At:
Proposed Residential Development, Kilmarnock Road, Monkton

I refer to your consultation request notification received **31st August 2022** regarding the above planning application.

I have reviewed this application in accordance with our obligations as a statutory consultee under the *Safeguarding of Aerodromes: Scottish Planning Circular 2/2003* and confirm that Glasgow Prestwick Airport Limited (GPA) has no objection to this proposed development on statutory safeguarding grounds.

Our non-objection only relates to the current proposal subject to implementation of any statutory conditions advised below. If there are any modifications to this proposal, we will need to be re-consulted.

Finally, this response only addresses our statutory safeguarding responsibilities and is without prejudice to any other response GPA may be entitled to submit in respect of this application.

Statutory Notices:
Cranes
Guidance should be considered relevant to users of all cranes exceeding a height of 10 metres / (18.5km) above ground level (AGL) or that of the surrounding structures or trees (if higher).

For guidance to crane users on the crane notification process and obstacle lighting and marking please refer to CAA CAP Document 1096 which is available at: http://www.caa.co.uk.

Please be aware any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

Your Ref: **22/00634/APP**

Date: **15th September 2022**

David Clark
Planning Service
South Ayrshire Council

Noise

While this development does not fall within the aerodrome safeguarding regime, we are concerned that the residents of this development may believe that they are adversely affected by aircraft noise. We are keen to minimise any complaints that may arise from their proximity to the airfield, as we can only envisage traffic growing from current levels.

Birds / FOD

Any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping that is considered and wherever possible in close proximity to an aerodrome the developer should incorporate measures to minimise their attractiveness whilst the works are being carried out.

Bird mitigation measures should be drawn up and submitted to Glasgow Prestwick Airport (GPA), (Greg Feighan, Airside Operations Manager) further details of these measures can be obtained from CAA CAP 772 / AOA Advice Note No. 3.

Surface Water Run-Off

The developer must ensure that this developments drainage infrastructure has no adverse impact on GPA due to excess surface water run-off into the Pow Burn which run beneath the airfield from North to South of main runway 12-30 and contribute to flooding of GPA's airfield or land. We trust that flood modelling and pipework capacity calculations will be undertaken to ensure surface flooding and subterraneous risks are kept to a minimum and acceptable level.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely

Susan Lynn
Safeguarding Officer
For and on behalf of Glasgow Prestwick Airport Limited

150922_Ref1179_Letter_22_00634_APP

Glasgow Prestwick Airport Ltd
Aviation House, Prestwick, Ayrshire, Scotland, KA9 2PL

www.glasgowprestwick.com

Registered in Scotland 135362, VAT No. GB 617 1965 28

From: Sustainable Development Team
To: David Clark
Ref: 22/00634/APP
Date: Tuesday 13 September 2020

south AYRSHIRE COUNCIL
Comhairle Siorrachd Àir a Deas

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
ERECTION OF RESIDENTIAL DEVELOPMENT AT:
PROPOSED RESIDENTIAL DEVELOPMENT KILMARNOCK ROAD MONKTON SOUTH AYRSHIRE
GRID REFERENCE: 236302 628281

Planning application: 22/00634/APP

I refer to your recent correspondence regarding the above and can confirm that I have considered the application documentation together with a desktop study using aerial photography (>2012) from the South Ayrshire Council GIS WebMap application and The National Biodiversity Network Atlas (NBN) species and habitat mapping analysis tool, and would make the following comments in relation to biodiversity.

The habitat survey has identified that several trees, including deadwood, has suitable roosting sites for bats. Recommendation from habitat survey is for a 'licensed bat worker conducts further investigations with the use of an endoscope to confirm the presence or absence of bats within these features'. Would also request a bat survey to determine bat presence in areas other than the 'features' identified and to ascertain foraging/commuting habitat.

Having looked at the aerial view of the proposed development site, woodland into adjacent farmland is suitable habitat for badgers. Recommend further survey done by persons with the appropriate knowledge of badger ecology and practical experience of badger survey work.

While retaining many mature trees a significant number of trees and vegetation suitable for nesting birds will be removed. Removal of trees/vegetation to be outwith the breeding bird's season, specifically March to August (inclusive) and development will incorporate additional planting.

I offer no objection to this application. However I would ask that the following points be made to the applicant / developer:-

1. There is a requirement for a further bat survey, in season, to identify if there are any bat roosts present on the proposed development site.any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.

2. If a bat survey demonstrates that bats and / or a known roost are likely to be affected by the proposed development and planning permission is to be granted then a condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence (EPS) before work commences.

3. If bats are present at proposed development site a species protection plan is produced by a licensed bat ecologist.

4. If a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat then where possible linear features such as tree lines should be retained, and compensatory planting should be considered.

5. If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.

6. Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.

7. Where possible the developer considers the inclusion of bird and bat boxes within the development.

8. Additional badger survey should be undertaken and the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).

9. If badger setts are present in proposed development site a badger protection plan must be produced and if required a license from NatureScot. Application forms can be found on the NatureScot website along with guidance.

10. Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from NatureScot may be required and the ecologist should be able to determine this.

11. Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive.

12. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.

13. Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.

14. That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (Prunus spinose), Crab apple (Malus sylvestris), Elder (Sambucus nigra), Hawthorn (Crataegus monogyna), Hazel (Corylus avellana), Holly (Ilex aquifolium), Rowan (Sorbus aucuparia) and Silver birch (Betula pendula). * *Prestwick Airport may wish to be consulted regarding planting schemes.*

15. All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.

16. The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.

17. Best practise design of SUDs basin to improve ecological and recreation value of area, habitat mosaics that include permanent, semi-permanent and temporary ponds would provide greater ecological vale. Guidance on good practice in management and creation of small waterbodies are available from SEPA.

18. Amenity spaces should incorporate native wildflower meadows and not be predominately short amenity grass. Management regimes should minimise use of herbicides and fertilisers. Consider involving the development in the Irvine to Girvan Nectar Network for best practice guidance.

I hope that this information is of assistance however if you need anything further please do not hesitate in contacting me.

Kind regards,

Joanne McEwan

Our Ref: 6393
Your Ref: 22/00634/APP

David Clark
Planning Service
South Ayrshire Council

SEPA Email contact:
[redacted]

By email only to: [redacted]

27 September 2022

Dear David Clark

Town and Country Planning (Scotland) Acts
Planning Application: 22/00634/APP
Erection of residential development
Kilmarnock Road, Monkton, South Ayrshire

Thank you for your consultation which was received by SEPA on 31 August 2022 in relation to the above application. We understand the reason for consultation is flood risk.

We submit a **holding objection** to this planning application as the proposed development may be at flood risk and as such, would be contrary to Scottish Planning Policy. There are water features present within or near the site and the nature of these water features is uncertain from the supporting application documents. As a result SEPA submits a holding objection due to there being insufficient information provided to demonstrate the development is not at flood risk.

Scottish Planning Policy states in paragraph 255, that "the planning system should promote a precautionary approach to flood risk from all sources", as well as flood avoidance and flood reduction, where appropriate. It further defines in paragraph 256 that, "the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity."

This **holding objection could be reviewed** if it can be demonstrated that the development is not at flood risk and lies outwith the functional floodplain.

In the first instance, we would require the following information to be submitted. However, it should be noted that if this does not fully address the flood risk at this site then a flood risk assessment may be required.

- Information on whether the off-take from the Pow Burn is still operating and discharging flow to this site
- If the off-take is operating, clarification on the nature of this discharge i.e. current restrictions on flow and if any flow is diverted to the site if the off-take is overtopped. Confirmation on whether the channel within the site can accommodate the off-take flow and where the flow exits the site.

- If appropriate to consider, clarification on whether the proposed development is suitably elevated above the maximum flow level in the channel along the southern boundary and water feature. This may be shown by using comparison levels from the already existing topographical survey.

Advice for the planning authority

1. Flood risk

1.1 This application site lies partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there may be a medium to high risk of fluvial flooding.

1.2 The layout of the 14 proposed homes with the underlying topography, is illustrated on the "Site Layout Plan Showing Existing Site Levels to be Retained" (drawing 21-0564-SK-(--)10, 19.5.2022). As shown there is a drop in the ground level by several metres in a general north to south /south-east direction and it is proposed to distribute the plots all around the site at various ground levels.

1.3 On this drawing and the "Topographic Survey" (24.2.2022), it is unclear whether there is a watercourse channel running in a south-west to south-east direction, parallel with the southern site boundary and whether (and where) this channel exits the site. In the "Phase 1 Habitat Survey" (June 2022), Figure 1 shows a watercourse running along this southern boundary and terminating in a large blue water feature. This channel and water feature have been shown as SuDS on the "Proposed Site Layout + Sheet Elevation" (drawing 21-0564-SK-(--)02, 19.5.2022).

1.4 It would appear this channel may be fed by an offtake from the Pow Burn in the south-west corner of the site close to the Brieryside road bridge (B739 road crossing). This channel may be a legacy from past milling activities on the site as it is detailed in the "Planning Justification Statement" (July 2022) that, milling structures can still be seen on the application site. It is stated that "*The water driven mill will have used flow from the adjacent Pow Burn and created lades and mill ponds across the site as well as several buildings. These water flow structures and engineered drainage systems have been abandoned and the land is no longer used for any purposes and had become unmanaged and derelict in recent years*."

1.5 No details are given in the Planning Justification Statement on the characteristics of this Pow Burn offtake channel, if there are any restrictions on the flow entering the offtake or if this offtake has been blocked off and no longer currently operates. It may be possible that this channel and water feature are legacy features which now collect overland flow from the site, which would be considered in any drainage assessment.

1.6 As displayed on the "Site Layout Plan Showing Existing Site Levels to be Retained" (drawing 21-0564-SK-(--)10, 19.5.2022) plots 1, 2 and 3 lie adjacent to the channel feature and plots 4 and 5 lie next to the water feature.

1.7 For plots 1, 2 and 3 there would appear to be a drop of 1m -1.5m from the proposed rear garden ground level to a low point in the possible channel feature running along the southern site boundary. Similarly there is approximately a 0.5-1m drop in ground level from the rear gardens of plots 4 and 5 and the water feature labelled as "marsh" on the Site Layout Plan. But it is unclear whether these gardens are adjacent to a flowing watercourse or an overland flow drainage collection feature.

1.8 We would wish to comment that it would appear that most of the proposed development is

suitably elevated above these potential water features, and it is only plots 1, 2, 3, 4 and 5 which lie adjacent to these water features.

1.9 In addition, if there is no inflow from the Pow Burn into these water features and they are a legacy of past milling activities and now are only collect points for overland flow from the site, then any surface water and drainage issues are a matter under the remit of the local Flood Risk Management Authority. Therefore, it is for South Ayrshire Council Flood Risk Management Team to comment on the drainage design and the acceptability of the development in relation to any associated risk. If this is the case SEPA would not require to be re-consulted on flood risk issues on the site, however this would need to be confirmed to us so we could withdraw the holding objection.

2. Other planning matters

2.1 For all other planning matters, please refer to our Triage Framework and Standing Advice.

Advice for the applicant

3. Regulatory advice

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

If you have queries relating to this letter, please contact planning.sw@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

Buchanan, Courtney

From: Planning South [redacted]
Sent: 07 February 2023 10:02
To: Local Review Body
Subject: RE: Initial Letter to Interested Parties - Proposed Residential Development Kilmarnock Road Monkton - 22/00634/APP
Attachments: 22_00634_APP-Consultation_Response_-_SEPA-1043852.pdf

OFFICIAL

Hi there,

Thank you for contacting SEPA regarding the Notice of Review lodged with the Local Review Body in relation to the above planning application. We can confirm we have no further comments at this stage beyond our advice to the planning authority dated 27 September 2022 (reattached for information).

If you have any further questions, or require any further input from us, please just let us know.

Kind regards,
Simon

[redacted]
Senior Planning Officer
Scottish Environment Protection Agency (SEPA)
[redacted]

OFFICIAL

From: Local Review Body [redacted]
Sent: 07 February 2023 09:32
Subject: Initial Letter to Interested Parties - Proposed Residential Development Kilmarnock Road Monkton - 22/00634/APP
Importance: High

Good Morning,

Please find attached the appropriate letter regarding the above case.

You may wish to make further representation(s) in writing to the Local Review Body. In order to be considered by the Local Review Body, any such representations must be received no later than **Tuesday 21 February 2023**.

Kind Regards,

M E M O R A N D U M

Tel: (01292) 618222
Our Ref: /PR/22/03087/PLNAPP
Your Ref:
Date: 30 September 2022

From: Service Lead: Trading Standards & Environmental Health
5 – 7 River Terrace
Ayr
KA8 0BJ

To: Planning Service
County Buildings
Wellington Square
Ayr
KA7 1DR

SUBJECT: Planning Application Reference No.
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
ERECTION OF RESIDENTIAL DEVELOPMENT AT:
PROPOSED RESIDENTIAL DEVELOPMENT KILMARNOCK ROAD MONKTON SOUTH AYRSHIRE
GRID REFERENCE: 236302 628281
Planning application 22/00634/APP (saved in IDOX).

I refer to the above planning application consultation submitted to this section on 31 August 2022 and can advise as follows.

Following perusal of these plans the comments and representations I would advise that:

Prior to planning consent being granted the following comments and representations should be complied with to satisfy Environmental Health:

Following perusal of these plans the comments and representations I would advise that:

Prior to planning consent being granted the following comments and representations should be complied with to satisfy Environmental Health:

1.The proposed development may introduce a noise sensitive development to an area affected by traffic noise from Glasgow Prestwick Airport and A77 motorway and potential noise from the operational dairy farm located at Brieryside Farm.

Prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted determines the impact of noise from the above.

In terms of Planning Advice Note 1/2011 (PAN) The noise impact assessment shall be carried out in accordance by a suitably qualified acoustic consultant or other competent person, with the principals outlined in Technical Advice Note (TAN) Assessment of Noise.

All Noise sensitive receptors in the high and medium category (table 2.1 TAN) shall be identified and the level of significance determined.

Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination

LAEQ16hrs	30dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	52dB	(0700-2300)	outside amenity space

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site. To avoid noise disturbance in the interests of residential amenity.

2. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the planning authority.

Reason: To ensure all contamination within the site is dealt with.

This response was prepared by Ms Pauline Reid, Environmental Health Officer to whom any further enquiries can be made on 01292 616138.
This response with recommendation(s) was prepared by , to whom any further enquiries can be made on .

Transport Scotland

Roads Directorate
Network Operations - Development Management

TRANSPORT SCOTLAND

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To South Ayrshire Council Planning Service, South Ayrshire Council	Council Reference:-	22/00634/APP
	TS TRBO Reference:-	NSW/144/2022

Application made by Mr [redacted] Leith per Edesign Architecture & Planning Scotland Ltd, G[redacted] Bryden-Reid Wellington Chambers 64 Fort Street Ayr KA7 1EH and received by Transport Scotland on 01 September 2022 for planning permission for erection of residential development located at Proposed Residential Development Kilmarnock Road Monkton South Ayrshire affecting the A77 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission ☐
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☑

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A77) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NEW SOUTH WEST
Address:-	150 Polmadie Road, Glasgow
Telephone Number:-	
e-mail address:-	[redacted]

CONDITIONS to be attached to any permission the council may give:-

1	Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. This shall include details of the proposed structural planting and acoustic timber fence.
2	There shall be no drainage connections to the trunk road drainage system.
3	Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

REASON(S) for Conditions (numbered as above):-

1	To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents
2	To ensure that the efficiency of the existing trunk road drainage network is not affected.
3	To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished

Transport Scotland Response Date:- 06-Sep-2022

Transport Scotland Contact:- S[redacted] Phillips

Transport Scotland Contact Details:-
Roads - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number:
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006
Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

SOUTH AYRSHIRE LOCAL REVIEW BODY

APPLICATION REF. NO: 22/00634/APP

APPLICANT: EDESIGN ARCHITECTURE & PLANNING SCOTLAND LTD, GARETH BRYDEN-REID, WELLINGTON CHAMBERS, 64 FORT STREET, AYR, KA7 1EH

SITE ADDRESS: PROPOSED RESIDENTIAL DEVELOPMENT KILMARNOCK ROAD MONKTON SOUTH AYRSHIRE

DESCRIPTION: ERECTION OF RESIDENTIAL DEVELOPMENT

Recommended conditions in the event that the LRB are minded to grant planning permission:

1. That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

2. That the development hereby permitted must be begun within three years of the date of this permission.

3. That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

4. That, prior to the commencement of work on-site, details shall be submitted for the prior written approval of the Planning Authority of the all the proposed boundary treatments. Thereafter, the proposed boundaries shall be installed as per the agreed specification, to the satisfaction of the Council, as Planning Authority.

5. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

6. That prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted determines the impact of noise from the above.

   In terms of Planning Advice Note 1/2011 (PAN) The noise impact assessment shall be carried out in accordance by a suitably qualified acoustic consultant or other competent person, with the principals outlined in Technical Advice Note (TAN) Assessment of Noise.

   All Noise sensitive receptors in the high and medium category (table 2.1 TAN) shall be identified and the level of significance determined.

   Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination

LAEQ16hrs	30dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level

LAEQ 16hrs 52dB (0700-2300) outside amenity space

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings, and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site.

7. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the planning authority.

8. That prior to the commencement of development on site, an arrangement/ agreement between the Council and the applicant/ agent shall be reached so as the residential development accords with the Council's supplementary planning guidance in relation to the Council's Adopted Supplementary Planning Guidance entitled 'New Housing Development and Affordable Housing' - A Guideline for Developers, or subsequent updated guidance, and shall be to the satisfaction of the Council.

9. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. This shall include details of the proposed structural planting and acoustic timber fence.

10. There shall be no drainage connections to the trunk road drainage system.

11. Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

Reasons;

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

2. 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.

3. In the interests of visual and residential amenity.

4. In the interests of visual and residential amenity.

5. In order to identify any archaeological remains which exist within the site.

6. To avoid noise disturbance in the interests of residential amenity.

7. To ensure all contamination within the site is dealt with.

8. To comply with the Council's policy on the provision of affordable housing.

9. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

10. To ensure that the efficiency of the existing trunk road drainage network is not affected.

11. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

Advisory Note

1. Please note that works associated with the development approved shall be undertaken in full compliance with the legislation and guidance relating to NatureScot https://www.nature.scot/professional-advice