

REGULATORY PANEL: 14 SEPTEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00258/APP

**THE BOTHY B743 FROM A77T AT WHITLETTS ROUNDABOUT TO MAUCHLINE ROAD
MOSSBLOWN AYR SOUTH AYRSHIRE KA6 5AE**

Location Plan

APPLICATION SITE 



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Summary

The application site comprises of a grassland field of approximately 0.594 hectares at The Bothy, located within the River Garden Auchincruive, Ayr. The site and all adjacent land are owned by the charitable organisation Independence from Drugs and Alcohol Scotland (IFDAS). The wider site includes Category B listed buildings and forms part of an Inventory Garden and Designed Landscape area. The south eastern corner of the site is situated within the River Ayr Provisional Wildlife Site. The site is accessed from a private road via the B743 public road and is located approximately 5.5km to the east of Ayr.

Planning permission is sought for the erection of 3 residential accommodation units. The buildings shall provide residential accommodation for both residents and staff as part of the IFDAS recovery model, with an additional 36 bed spaces to be provided. The accommodation shall be single storey in height and formed in a courtyard layout. The external walls of each unit shall be finished with larch cladding. Additional landscaping, including a wildflower meadow and pond and tree planting are also proposed. Vehicular/pedestrian access shall be taken from a new track/road accessed from an area utilised for parking to the rear of the existing IFDAS accommodation buildings at Nellies Gate.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.

Regulatory Panel (Planning): 14 September 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00258/APP)

The application has been assessed against the various material planning considerations which include the provisions of the National Planning Framework 4, the Adopted Local Development Plan 2, consultations, representations received (48 in total), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of both NPF4 and LDP2. The consultation responses do not raise any issues of concern and the matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, it is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 14 SEPTEMBER 2023

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| SUBJECT: | PLANNING APPLICATION REPORT |
| APPLICATION REF: | 23/00258/APP |
| SITE ADDRESS: | The Bothy B743 From A77T At Whitletts Roundabout To Mauchline Road Mossblown Ayr South Ayrshire KA6 5AE |
| DESCRIPTION: | Erection of 3 residential accommodation units |
| RECOMMENDATION: | Approval, Subject to Condition(s) |

APPLICATION REPORT

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

1. Proposal:

The application site comprises of a grassland field of approximately 0.594 hectares at The Bothy, located within the River Garden Auchincruive, Ayr. The site and all adjacent land are owned by the charitable organisation Independence from Drugs and Alcohol Scotland (IFDAS). The wider site includes Category B listed buildings and forms part of an Inventory Garden and Designed Landscape area. The south eastern corner of the site is situated within the River Ayr Provisional Wildlife Site. The site is accessed from a private road via the B743 public road and is located approximately 5.5km to the east of Ayr.

Planning permission is sought for the erection of 3 residential accommodation units. The buildings shall provide accommodation for both residents and staff as part of the recovery model, with 36 bed spaces to be provided. The accommodation shall be single storey in height, with each building featuring a dual pitch roof of approximately 4.7 metres in height. Buildings 1 and 2 shall have a footprint of approximately 272 sqm and buildings 3 shall have a footprint of approximately 190 sqm. A pagoda is also proposed adjacent to building 3 which shall be approximately 4.3 metres in height, with an approximate footprint of 32 sqm. The 3 proposed residential units and pagoda shall be formed in a courtyard layout. The external walls of each unit shall be finished with larch cladding.

Additional landscaping, including a wildflower meadow, pond and tree planting are also proposed. Vehicular/pedestrian access shall be taken from a new track/road accessed from an area utilised for parking to the rear of the existing IFDAS accommodation buildings at Nellies Gate (associated planning ref. 22/00569/APP).

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.

2. Consultations:

Ayrshire Roads Alliance - Offer no objections, subject to conditions.

Environmental Health – Offer no objections.

Historic Environment Scotland – Offer no comments.

Scottish Water - Offer no objections.

Scottish Wildlife Trust – Offer no response.

Sustainable Development (Landscape and Parks) – Offer no objections, subject to conditions.

3. Submitted Assessments/Reports:

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

Design and Access Statement and additional supporting statements: These documents set out the approach to designing the application site layout and include an assessment of the context and analysis of the character of the area. The statements set out that the applicant, IFDAS, operates the River Garden Auchincruive as a training and social enterprise development centre offering a 3-year residential programme for people in the early stages of recovery from drug and/or alcohol addiction.

There are currently 20 resident bed spaces within River Garden Auchincruive, with 12 members of staff. The additional 36 bed spaces which would be provided by the proposed additional 3 residential accommodation units would take the total capacity to 56 residents. As the River Garden programme operates 24 hours a day, 7 days of week, all staff work on a variety of shift patterns. The proposed development would increase the number of staff to be employed from 12 to 24. The recovery model at River Garden is such that residents in their final years of recovery become what are known as 'peer mentors'. As a consequence of this model, they have outlined that the staff numbers employed at River Garden Auchincruive are considerably lower than what would be expected in a standard recovery model.

Visitors to residents are discouraged during weekdays as these are not part of the recovery model. Visiting at the weekend is by appointment only, with times staggered between 10.00-16.00. Residents in the first 3 months of the programme do not have any visitors.

The proposed vehicular/pedestrian access track/road shall be used solely for deliveries/maintenance as the proposed residential units are to be a car free zone.

Drainage Strategy: This document states that foul water shall be treated by a sewage treatment plant to be installed, with secondary treatment being undertaken by way of filtration trench/partial soakaway to discharge into the existing network of land drainage within the wider River Garden area. SUDS shall be addressed by way of an attenuation pond which will have sufficient capacity to deal with the 1 in 200-year return event. There will be additional treatment by way of filtration trench/partial soakaway to discharge into the existing network of land drainage within the wider River Garden site.

Tree Survey: The survey was undertaken to review the condition of trees both within and adjacent to the application site. 26 trees have been recommended to be felled due to significant defects/decline/infection. The survey recommends that a tree protection zone and fencing should be established to safeguard trees to be retained during works. All replacement trees should be of native origin.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

48 representations have been received, 11 of which object to the proposed development and 37 of which are in support. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by objectors can be summarised as follows:

- Traffic and Road Safety
- Site History and Intensification of Use
- Extent of current application
- Trees and Woodlands
- Natural Environment and Biodiversity

The comments submitted in support of the proposed development predominantly refer to the positive impact of proposals as part of the wider IFDAS programme at River Garden for both individual residents, the wider community and society, through the services provided. Comments in support also refer to the River Garden project enabling the restoration of historic buildings and gardens at the locale.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

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

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

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

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

(i) National Planning Framework 4 (NPF4)

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

National Policies 1 and 2: Tackling the climate and nature crises, and Climate Mitigation and Adaptation
National Policies 3 and 4: Biodiversity and Natural Places
National Policy 5: Soils

National Policy 6: Forestry, woodland and trees
National Policy 7: Historic assets and places
National Policy 8: Greenbelt
National Policy 13: Sustainable Transport
National Policy 14: Design, quality and place

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as key to reducing emissions. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. It is recognised that planting and landscaping proposals have been included within the submission which include wildflower areas and a pond as part of a central amenity space area within the site and a variety of hedges and trees both within and forming part of the boundaries of the application site. Considering this, the proposed planting and landscaping is considered to achieve nature positive biodiversity benefits in accordance with this policy.

Policy 5 seeks to protect and minimises disturbance to soils from development. The application site is not classified as prime agricultural land and is therefore in accordance with this policy.

Policy 5 seeks to protect and expand forests, woodland and trees. It is noted that the application site is adjacent to both ancient and semi - natural woodland and is partially designated as a provisional wildlife site. As such, the application has been accompanied by a Tree Survey to assess any trees which may be impacted by the proposed development. 26 trees have been recommended to be felled due to significant defects/decline/infection. The survey recommends that a tree protection zone and fencing should be established to safeguard trees to be retained during works and that all replacement trees should be of native origin. The application submission is accompanied by a landscaping plan (Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1) which provides details of the tree protection measures to be implemented and the replacement species to be planted. The Council's Sustainable Development Officer (Landscaping and Parks) was consulted regarding the proposed development and has advised that they have no objections, subject to the attachment of appropriate conditions to any permission granted, to protect trees to be retained and to replace those to be removed. Considering this, the proposed development and tree works are not considered to result in an adverse impact on the overall value of existing woodland at the locale.

Policy 7 seeks to protect and enhance historical environment assets and places. The application site is located within an Inventory Garden and Designed Landscape. Paragraph (i) outlines that development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting. As outlined further below, the proposed development is not considered to adversely impact the character, integrity or setting of the Inventory Garden and Designed Landscape. It is noted that there are also listed buildings nearby. However, it is considered that the proposed development is sufficient distant from these buildings so as not to have an adverse impact on their character or setting. Historic Environment Scotland offered no comments with regard to the development proposals. As such, the proposed development is not considered to detrimentally impact the historic environment at this locale in accordance with this policy.

Policy 8(a)(i) permits development within an area designated as a greenbelt by an LDP for a variety of reasons, including where the proposals are for the intensification of established uses. Paragraph (a)(ii) sets out further requirements to be met in order for greenbelt development to be supported. This includes that the green belt is not undermined by the development, the proposal is compatible with the established landscape character, the proposals are designed to an appropriate scale, massing and appearance, and that the development will not result in a significant long-term impact on the environmental quality of the greenbelt. The development proposal is for the erection of 3 residential accommodation units and associated landscaping. The development is part of the existing operations of the charitable organisation IFDAS at the locale and has been both sited and designed to be compatible with the existing landscape character, as outlined further below. As such, it is considered that the development proposals are compliant with this policy.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application site is within walking distance of an existing bus stop on the B743, which is approximately 125 metres to the north of the site. In addition, the ARA has recommended that a condition be attached to any approval which requires a Travel Plan to be submitted, which should include measures and initiatives to encourage modes of travel to and from the development other than by single occupancy private car trips and to dissuade trips to and from the site via the C37 unclassified road. Further consideration of transport matters is set out below.

Policy 14 seeks to encourage and promote the 'Place Principle' and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the qualities of successful places will not be supported (under criterion c). The development proposals, by way of the intended use of the residential accommodation and its proposed siting, massing and design, are not considered to result in a detrimental impact to the amenity of the surrounding area or be inconsistent with the six qualities of successful places. As such the development proposals are considered to be in accordance within Policy 14.

For the reasons set out above, and elsewhere in this report, the proposals are considered to align with the policy provisions of the National Planning Framework 4.

(ii) South Ayrshire Local Development Plan 2

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

- LDP 2 Core Principle C1
- LDP 2 Strategic Policy 1: Sustainable Development
- LDP 2 Strategic Policy 2: Development Management
- LDP 2 Policy: Greenbelt
- LDP 2 Policy: Landscape quality
- LDP 2 Policy: Woodland and Forestry
- LDP 2 Policy: Preserving Trees
- LDP 2 Policy: Historic Environment
- LDP 2 Policy: Natural Heritage
- LDP 2 Policy: Land Use and Transport

Principle of Development (LDP2 Core Principle C1, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management and Policy: Greenbelt)

Core Principle C1 states that, "*the sustainable use of natural, built and cultural heritage resources shall be promoted.*" This includes ensuring that development proposals safeguard natural, built and cultural heritage resources and that current greenbelt is maintained.

Strategic Policy 1: Sustainable Development requires that all development '*respects, protects and where possible enhances natural, built and cultural heritage resources*', '*respects the character of the landscape and the setting of settlements*', '*protects and safeguards the integrity of designated sites*' and '*wherever possible, is in an accessible location, with opportunities for the use of public transport [...]*'. Strategic Policy 2: Development Management, which requires that all proposals '*are appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses*', and '*do not have an unacceptable impact on the amenity of nearby land uses, or committed development proposals [...]*'.

The LDP 2 policy: Greenbelt supports development in the green belt which is of a high design quality and a suitable scale and form and is for a particular use, which includes a development which contribute to the economic and environmental sustainability of existing green belt uses.

In this instance, 3 residential accommodation units are proposed to be erected, alongside landscaping and an associated access track/road. The proposed development relates to an existing use within the greenbelt at the locale. Each unit shall be single storey in height, finished using both natural and stained larch cladding and shall be positioned in a courtyard layout. While it is considered that larch cladding is an acceptable finishing material for this locale, it is deemed appropriate to request full details of all external materials to be used by way of the attachment of a condition to any approval granted. It is noted that details of the finishing materials for the proposed access track/road have not been provided and it is therefore deemed appropriate that these details can be agreed by way of a condition as well.

The planting and landscape proposals included within the submission comprise of the planting of wildflower areas and a pond as part of a central amenity space area and a variety of hedges and trees both within and forming part of the boundaries of the application site. The buildings shall be positioned sufficiently distant from the listed buildings so as not to compromise their setting and shall be against a backdrop of an established tree-belt and woodland, which mitigates the visual impact of the buildings on the locale. As such, it is considered that the proposed development is of a layout, scale, massing and design which shall safeguard, the natural, built and cultural heritage at the locale without undermining the greenbelt designation.

On this basis and on balance, the principle of the development is considered to be established.

Landscape and Visual Impact (LDP2 Policy: Landscape Quality)

This policy includes 11 'Local Landscape Areas' which were identified following a review of specific local landscapes. A Local Landscape Area (LLA) is a non-statutory designation used by Scottish Local Authorities to identify and categorise landscapes in terms of their characteristics.

Proposals for development must conserve features that contribute to local distinctiveness, including:

- a. Community settings, including the approaches to settlements, and buildings within the landscape;*
- b. Patterns of woodland, fields, hedgerow and tree features;*
- c. Special qualities of river, estuaries and coasts;*
- d. Historic and cultural landscape;*
- e. Geodiversity of the area;*
- f. Skylines and hill features, including prominent views.*

It is noted that the application site is located within the Ayr Valley Local Landscape Area. As such the development proposals must be considered against the guidance for this LLA contained within the South Ayrshire Local Landscape Designations Review.

The Auchincruive Estate, within which the application site is located, is described as containing woodlands and parkland which are relatively intact. As previously outlined, Auchincruive is also designated as an Inventory Garden and Designed Landscape. The LLA outlines that the integrity of designed landscapes such as Auchincruive have been diminished by inappropriate development and the dilapidation of some designed landscape features. It is considered that further lack of management could threaten its Inventory listing. The LLA suggests that better management of the area including replanting of hedgerows and field boundary trees and plans to prevent any further damage to the integrity of the designed landscapes should be implemented.

The application site is well screened by an existing tree belt to the north of the site and existing woodland to the east and south. The site is screened from the west by existing buildings owned and operated by IFDAS. Given the existing landscape setting and the scale and design of the accommodation proposed, it is not considered the development shall result in an adverse impact on the landscape character of the locale.

It is recognised that planting and landscaping proposals have been included within the submission which includes a variety of hedges and trees both within and forming part of the boundaries of the application site. Notwithstanding the existing landscape setting, the addition of new landscape planting is considered to offer the opportunity for the proposals to further integrate within their surroundings and offer an opportunity for better management of the landscape of the part of the Ayr Valley LLA. Appropriate planning conditions can be attached to ensure the new landscaping and planting are provided as detailed within the submission, managed and maintained and retained to the approved standard.

Impact on Natural Heritage, Trees and Woodland (LDP2 Policies: Natural Heritage, Preserving Trees and Woodland and Forestry)

It is noted that the application site is adjacent to both ancient and semi - natural woodland and the south east corner is within a provisional wildlife site. LDP2 Policies: Preserving Trees and Woodland Forestry seek to protect and safeguard ancient trees and semi-natural woodland that may be adversely affected by a development proposal through measures including root protection areas and buffer zones. Where trees are required to be removed, developers will be required to provide compensatory planning using native species.

As such, the application has been accompanied by a Tree Survey to assess any trees which may be impacted by the proposed development. 26 trees have been recommended to be felled due to significant defects/decline/infection. The survey recommends that a tree protection zone and fencing should be established to safeguard trees to be retained during works and that all replacement trees should be of native origin. The application submission is accompanied by a landscaping plan (Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1) which provides details of the tree protection measures to be implemented and the replacement species to be planted.

The Council's Sustainable Development Officer (Landscaping and Parks) was consulted regarding the proposed development and has advised that they have no objections, subject to the attachment of appropriate conditions to protect trees to be retained and to replace those to be removed to any permission granted. Considering this, the proposed development and treeworks are not considered to result in an adverse impact on the value of the existing woodland at the locale.

Impact on Historic Environment (LDP2 Policy: Historic Environment)

Under this policy listed buildings and their settings shall be protected from development that adversely affects their special architectural or historic interest. The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting should be appropriate to the character and appearance of the building and its setting. This policy also seeks to protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes.

It is considered that the proposed residential accommodation units will not have an adverse impact on the character or amenity of the category B listed buildings or the wider Inventory Garden and Designed Landscape at Auchincruive. It is noted that the finishing materials shall include larch cladding to the external walls. However, it is deemed appropriate to request full details of all external materials to be used by way of the attachment of a condition to any approval granted. The buildings shall be of an appropriate scale and finished with appropriate materials, shall be positioned sufficiently distant from the listed building so as not to compromise its setting, and shall be against a backdrop of an established tree-belt and woodland, which mitigates the visual impact of the buildings on the locale.

Impact on Traffic and Transportation (LDP2 Policy: Land Use and Transport)

The Ayrshire Roads Alliance (ARA) has raised no objections to the proposed development in respect of the impact on the local road network. The ARA stated that the proposed development may result in a marginal intensification of the use of the existing vehicular access onto the B743. However, they concluded that this could be mitigated by way of attaching conditions to any permission granted. The recommended conditions require the submission of a Travel Plan and the provision of additional warning signage on the B743, prior to the occupation of the development.

The ARA conclude that they were satisfied that the development proposals could be safely accommodated into the public road network, provided these conditions are complied with. Therefore, provided that these are imposed, the proposal can be considered consistent with the aims of this policy.

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

For the reasons set out above, and elsewhere in this report, the proposals are considered to align with the policy provisions of the Adopted South Ayrshire Local Development Plan 2.

(iii) Other Policy Considerations (including Government Guidance)

Historic Environment Policy for Scotland (HEPS)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Historic Environment Scotland Managing Change in the Historic Environment

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

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

South Ayrshire Council Guidance - Historic Environment

Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings.

Supplementary Guidance Policy 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties. Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building to ensure the character of the building is not adversely impacted.

It is considered that the proposed residential accommodation units will not have an adverse impact on the character or amenity of the category B listed buildings or the wider Inventory Garden and Designed Landscape at Auchincruive. The buildings shall be of an appropriate scale and design, shall be positioned sufficiently distant from the listed building so as not to compromise its setting, and shall be against a backdrop of an established tree-belt and woodland, which mitigates the visual impact of the buildings on the locale. It is noted that the finishing materials shall include larch cladding to the external walls. However, it is deemed appropriate to request full details of all external materials to be used by way of the attachment of a condition to any approval granted.

Overall, it is considered that the proposed development shall not result in an adverse impact on the historic environment at this location, subject to conditions.

(iv) Site History

The application site and the adjacent land within the ownership of the applicant has an extensive planning history. Of most relevance are:

17/00626/APP & 17/00672/LBC:

These applications were for the part change of use, alterations and extension of a Class 10 Education Facility to form Class 8 Residential institution and Class 3 café with ancillary retail sales and formation of car park and landscaping works. The application site included the original walled garden buildings, working gardens and ornamental gardens within the Auchincruive estate. The application was the first submitted by the charitable organisation Independence from Drugs and Alcohol Scotland (IFDAS), following the sale of part of the Auchincruive site by the Scottish Agricultural College (SRUC). The proposal involved the creation of a residential training and social enterprise development centre with space for 30-35 residents and publicly accessed businesses including café, bakery and garden nursery, alongside other craft industries. The applications established the principle of a residential institution at this locale. The applications were approved in August 2017 and development subsequently commenced.

18/00603/APP:

This application was for the part change of use of a Class 10 Educational Facility Office to form a Class 8 Residential Institution and erection of bin store and related to the buildings known as Nellies gate (to the south of the current application site). The proposal was to convert the existing building into residential accommodation for 10 long-term residents. The application was approved in August 2018, with another related application being submitted in 2022 (see below). However, it is noted that the Planning Statement forming part of the application submission outlined that the gravelled area adjacent to Nellies Gate (and the current application site) was used as an informal parking area for the entirety of the SRUC's ownership of the site and that the IFDAS intended to utilise this area for the same purpose.

19/00176/APP & 19/00177/LBC:

These applications were for the part change of use, alterations and extension of a Class 10 an Educational Facility to form Class 3 Café and related to the west classroom of The Bothy building at Auchincruive. This application related solely the earlier approval of the change of use and alterations of the existing building to for a café associated with the IFDAS operations at the site. These applications were approved in April 2019.

19/00686/APP & 19/00687/LBC:

These applications were a modification of 19/00176/APP & 19/00177/LBC relating to the formation of a café and involved the installation of a replacement roof which did not form part of the earlier consents. These applications were approved in August 2019.

22/00003/APP & 22/00004/LBC:

These applications were for the change of use and alterations of an office & storage area at the B listed The Bothy to form 2 dwellinghouses. The proposal was to form additional residential accommodation of 4 bedrooms associated with the IFDAS. This application was approved in February 2022.

22/00569/APP:

This application was for alterations and extension to the existing residential institution accommodation at Nellies Gate. This application sought to amend the previous consent 18/00603/APP. The proposals included the creation of 14 additional bedrooms and with 10 formalised parking bays within part of the adjacent gravelled area. Consent was granted for this application in September 2022. Construction works are currently ongoing.

23/00117/APP:

Most recently, planning permission was granted in May 2023 for the erection of a training/workshop building for use of both the staff and residents of the IFDAS.

(v) Objector Concerns

- *Traffic and Road Safety*

It is noted that representations raised road safety concerns regarding the exiting junction between the B743 and the private road at East Lodge gateway via which the River Garden operations are accessed. The Ayrshire Roads Alliance were therefore consulted regarding the proposed development.

The ARA have raised no objections to the proposed development in respect of the impact on the local road network. The ARA stated that the proposed development may result in a marginal intensification of the use of the existing vehicular access onto the B743. However, they concluded that this could be mitigated by way of attaching conditions to any permission granted. The recommended conditions require the submission of a Travel Plan and the provision of additional warning signage on the B743, prior to the occupation of the development.

The ARA conclude that they were satisfied that the development proposals could be safely accommodated into the public road network, provided these conditions are complied with. Therefore, provided that these are imposed, the proposals are not considered to raise any adverse traffic or roads safety concerns.

- *Site History*

It is noted that the application site and adjacent land has an extensive planning history which is discussed in section 7(iv) above.

Notwithstanding this, it is the decision of an applicant as to the nature of development for which they may seek planning permission and the applicant is not required to demonstrate a need for a proposal. As per s.3ZA of the Town and Country Planning (Scotland) Act 1997, as amended, the purpose of planning is to manage the development and use of land in the long-term public interest. Each planning application is considered on its own merits, with consideration given as to whether the proposal accords with the provisions of the local development plan (NPF4 and LDP2, in this instance) and whether there are any relevant material considerations for/against the proposal which may warrant a departure from the development plan. The application has therefore been considered in this context.

- *Extent of current application*

It is noted that comments were received regarding a multi-use sports pitch included within the proposed site plan but situated out with the boundaries of the application site. The Planning Service sought comment from the applicant/agent to clarify this matter. In response they advised that this element was included in error, it should not form part of the current planning application and they subsequently provided an amended proposed site plan removing this from the plan.

With respect to drainage arrangements, the application submission includes a drainage strategy, as outlined in section 3 above. The drainage system shall be situated within the application site and in adjacent land in the ownership of the applicant. The drainage layout shall be finalised via the building warrant process and in line with SEPA guidance.

Comments were also received regarding the planning history for an area immediately to the south of the application site which the application submission indicates as being utilised for car parking. With reference to the site history (see section 7(iv) above), it is noted that this area of land has been 'developed' with gravel/hardcore and was utilised as an informal parking area by the previous owner of the site (SRUC) and the subsequent owner and current applicant (IFDAS). This is considered to establish a recognised history of the use of this land. Planning application 22/00569/APP included a section of this area within the red line site boundary, marked as approximately 10 car parking bays. Thus, these bays are considered to form part of this consent which is currently being implemented. Notwithstanding this, the agent for the current application has confirmed that the area has historically been utilised for car parking and the IFDAS has, over a number of years, undertaken some essential ground maintenance works. They have advised that this is intended to be a temporary solution and the charity intend to regularise this with a planning application in the future for a more formally laid out car park.

As such, the Planning Service are satisfied that this area has been used as a car park for a number of years and that the applicants intend to formally regularise this arrangement in due course. Given that construction works are currently ongoing upon and adjacent to this area and that construction traffic is likely required to utilise this area to access the current application site, the Planning Service do not consider that it would be reasonable to pursue enforcement action at this time, as any formal parking area which was laid would likely require to be resurfaced as a result of these works.

Additionally, comments were received regarding CGI images of the development proposals and wider application site which appeared to show alterations and extensions to an existing shed adjacent to the application site. In response, it is advised that the shed is outwith the application site boundary of the current application and therefore no such works form part of the assessment of this application. If any such works were proposed, the necessary planning consents should be sought, as required. The applicant has been advised of this.

- *Trees and Woodlands*

The potential impact of the proposed development with regard to existing trees and woodland areas is addressed in sections 7(i) and (ii) of this report.

- *Natural Environment and Biodiversity*

The south east corner of the site is situated within the River Ayr Provisional Wildlife site. It is noted that the site is currently a grassland clearing, with a dirt access track running through the centre. Construction works are underway for the recent consent relating to the neighbouring buildings at Nellies Gate (ref 22/00569/APP), adjacent land is utilised as an informal parking area and the Scottish Wildlife Trust have not offered in comments in respect of the development proposals. Given the above, it is considered that there is a pre-existing level of activity within and immediately adjacent to the site resulting in disturbance within the area.

Notwithstanding, it is recognised that planting and landscaping are proposed within the site which include mixed meadow and wildflower areas and a variety of hedges and trees. Additionally, the Council's Landscape Officer offered no objections to the proposed landscaping scheme.

Notwithstanding that this is a site that has pre-existing levels of activity and disturbance, as set out above information and advice for the developer is contained within advisory notes attached to the permission with regards to European Protected Species and it is for the developer to seek the appropriate licenses under the Countryside and Wildlife Act 1981 should any protected species be present at the site.

(vi) Impact on the Locality

Notwithstanding, consideration also requires to be given to the impact of the proposed development on the amenity of the surrounding area. All land immediately adjacent to the application site is in the ownership of and operated by the applicant. It is noted that there is a residential property at East Lodge, which shares use of the private access road to/from the B743. However, it is noted that the operating model of the charity is such that residents of the program do not regularly leave the site and only a maximum of 12 additional staff members will be required as a result of the proposed development. As such, it is considered that only a marginal intensification of the use of the existing vehicular access onto the B743 is likely to occur and the development proposals are not considered to adversely impact the amenity of the neighbouring residential property or the wider area.

In terms of the access and road safety matters in relation to the development, the Ayrshire Roads Alliance has offered no objections, subject to conditions. The ARA stated that the proposed development may result in a marginal intensification of the use of the existing vehicular access onto the B743. However, they concluded that this could be mitigated by way of attaching conditions to any permission granted. The recommended conditions require the submission of a Travel Plan and the provision of additional warning signage on the B743, prior to the occupation of the development. Appropriate planning conditions are proposed to address matters such as, external materials, and other matters raised by consultees in their consideration of the proposals.

Overall, for the reasons noted above, and elsewhere in this report, the proposed development is considered to be appropriate in terms of its layout, scale, massing, design and materials in relation to its surroundings.

For the reasons noted above, it is considered that the development proposal broadly aligns with the provisions of National Planning Framework 4, the Adopted South Ayrshire Local Development Plan 2. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application is approved, subject to the following conditions.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (47 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on the residential character or amenity of the locality.

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

9. Recommendation:

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) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details.
- (4) That prior to the commencement of development, full details of the finishing materials to be used to form the access track/road, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details.
- (5) That before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall also dissuade trips to and from the site via the C37. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan.
- (6) The applicant shall make provision of warning signage consisting of Diagram 506.1 (Side road ahead) signage compliant with the TSRGD on the B743 on both directions of approach to the site access junction at the East Lodge gateway, prior to occupation of the development. The precise details and siting of the signage shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority).
- (7) That before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.
- (8) That the existing trees, other than those agreed or approved for removal, shall be retained, and protected in accordance with BS5837:2005 Trees in relation to Construction, and the arboricultural recommendations in the submitted Tree Survey Report, to the satisfaction of the Planning Authority.
- (9) The developer shall utilise the protective measures necessary to safeguard the trees on the site during operations as specified in Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1. The Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- (10) The approved landscaping scheme as set out in Drawing No. 577-G1-B15-XX-DR-A-SITE04 Rev. P1 shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The landscaped area shall be retained for the lifetime of the development and to this approved standard.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To ensure that the materials are appropriate for the site and in the interests of visual amenity.
- (4) To ensure that the materials are appropriate for the site and in the interests of visual amenity.
- (5) To encourage sustainable means of travel.
- (6) For the purposes of road safety and the functional operation of the local road network.
- (7) In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.
- (8) In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site
- (9) In order to ensure that no damage is caused to the existing trees during development operations.
- (10) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

9.2 Advisory Notes:

- (1) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (2) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- (3) 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. Further information available at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/>
- (4) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-LP01 Location Plan
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE01 Rev P2 Site Plan as Existing
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE02 Rev P4 Site Plan as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SITE04 Rev P1 Landscaping as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN01 Building 1 Floorplan as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN02 Building 2 Floorplan as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-PLAN03 Building 3 Floorplan as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL01 Building 1 Elevations as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL02 Building 2 Elevations as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-EL03 Building 3 Elevations as Proposed
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-Tree01 Tree Survey
Drawing - Reference No (or Description): 577-G1-B15-XX-DR-A-SP03 Rev P1 Drainage Plan as Proposed
Other – Reference No (or Description): Tree Survey
Other – Reference No (or Description): Drainage Strategy

9.4 Reason for Decision (where approved):

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (47 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on the residential character or amenity of the locality.

Regulatory Panel (Planning): 14 September 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00258/APP)

Background Papers:

1. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. South Ayrshire Council Guidance - Historic Environment
5. Historic Environment Policy for Scotland
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting
7. Consultation Responses.
8. Representations.

Equalities Impact Assessment:

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

Person to Contact:

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