

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



1 September 2023

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

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Thursday, 14 September 2023 at 10.00 a.m.** for the purpose of considering the undernoted business.

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

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

Yours sincerely

CATRIONA CAVES
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of:-
 - (a) 14 May 2023 (Special); and
 - (b) 27 June 2023(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).

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

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REGULATORY PANEL (SITE VISITS)

Minutes of meeting to undertake site visits on 4 May 2023 at 2.30 p.m.

Present: Councillors Martin Kilbride (Chair); Ian Cavana and Mark Dixon.

Apologies: Councillors Kenneth Bell, Alec Clark, Mary Kilpatrick and Craig Mackay.

Councillors Brian Connolly and Duncan Townson were not present at the Regulatory Panel on 30 March 2023 so could not participate in the site visits.

Attending: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; R. Lee, Supervisory Planner; B. Seditas, Environmental Health Officer; E. Little, Environmental Health Officer; A. Porter and S. Greig, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

1. Declarations of Interest

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Continued Planning Application – Crofthead Caravan Park, Ayr (Ref: 22/00483/APPM).

Reference was made to the Minutes of 30 March 2023 when it had been agreed to continue consideration of a planning application at Crofthead Caravan Park, Ayr (Ref: [22/00483/APPM](#)) to allow a site visit to be conducted.

Having viewed the site, the Panel

Decided: to continue determination of the application to the next meeting of this Panel, scheduled to take place on 11 May 2023.

3. Continued Planning Application – Crofthead Caravan Park, Ayr (Ref: 22/00929/FURM).

Reference was made to the Minutes of 30 March 2023 when it had been agreed to continue consideration of a planning application at Crofthead Caravan Park, Ayr (Ref: [22/00929/FURM](#)) to allow a site visit to be conducted.

Having viewed the site, the Panel

Decided: to continue determination of the application to the next meeting of this Panel, scheduled to take place on 11 May 2023.

The meeting ended at 3.40 p.m.

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 27 June 2023 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Martin Kilbride, and Duncan Townson.

Present

Remotely: Councillor Mary Kilpatrick.

Apologies: Councillors Alec Clark, Brian Connolly, Mark Dixon and Craig Mackay.

Attending

in County

Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; R. Lee, Supervisory Planner; E. McKie, Planner; D. Manson, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

Also

Present: W. Shand and N. Sheehy, AECOM (in attendance for items 4 and 5 only).

Chair's Remarks.

The Chair

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

1. Sederunt and Declarations of Interest.

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

2. Minutes of previous meetings.

- (1) The Panel agreed to continue approval of the minutes of 4 May 2023 ([Site Visit](#)) to the next meeting of this Panel as there was not a quorum of Members from that meeting present at this meeting to approve the minutes.
- (2) The minutes of 11 May 2023 ([issued](#)) were submitted and approved.

3. Hearings relating to Applications for Planning Permission -

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

The Panel considered the following applications:-

- (1) [23/00025/APP](#) – COYLTON - Land adjacent to number 25 Hole Road – Erection of residential development.

The Panel heard from an interested party and the applicant's agent.

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that prior to the commencement of development, 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;
- (d) 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;
- (e) the approved landscaping scheme as set out in Drawing no. 22-0620-LAND-10 Rev. F shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;

- (f) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as *British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended)*. The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development; Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (g) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with the submitted Written Scheme of Mitigation. 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;
- (h) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (i) that the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with radius curves. The access shall be constructed, as approved, prior to completion of the development;
- (j) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (k) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;

- (l) that a minimum of 24 off-road parking spaces and an additional 3 visitor parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority);
- (m) that cycle parking accommodating a minimum of 1 cycle per dwelling shall be provided within the site boundary prior to the occupation of the 11th dwellinghouse. Precise details of the siting and specifications of the cycle parking stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (n) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority;
- (o) that a 2 metre wide public footway shall be provided along the site frontage(s) on Hole Road, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, prior to completion of the development;
- (p) no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (q) the applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site;
- (r) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site; and
- (s) that the flood risk mitigation measures detailed in the submitted Flood Risk Assessment v1.2 are fully implemented to the satisfaction of the Council as Planning Authority in agreement with the Ayrshire Roads Alliance as Flood Risk Management Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity;
- (d) 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;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) to ensure all contamination within the site is dealt with;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) to encourage sustainable means of travel;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure an acceptable standard of construction;
- (k) in the interest of road safety and to avoid the discharge of water onto the public road;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (n) in the interest of road safety;
- (o) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (p) in the interest of road safety;
- (q) in the interest of road safety;
- (r) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (s) in order to ensure the development is protected against flooding in an acceptable manner.

Advisory Notes:

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

- (4) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- (5) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
- (6) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (7) Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (8) 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) 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
- (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. Further information available at
<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/>

List of Determined Plans:

- Drawing - Reference No (or Description): 22-0620-LOC-01- Location Plan;
- Drawing - Reference No (or Description): 22-0620-SITE-01 – Site Block Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-02 – Site Layout Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-02 Rev.A – Site Layout Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-10 Rev.F – Site Layout Plan Proposed;
- Drawing - Reference No (or Description): 22-0620-LAND-10 Rev.F – Soft Landscape Layout & Specification;
- Drawing - Reference No (or Description): 22-0620-LAY-005 – Topographic Survey as Existing;
- Drawing - Reference No (or Description): 22-0620-LAY-010 – Topographic Survey as Proposed;

Drawing - Reference No (or Description): 22-0620-LAY-10 Rev.A – Floor Plans – Aspen;

Drawing - Reference No (or Description): 22-0620-LAY-20 Rev.A – Ground Floor Plans - Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-LAY-21 Rev.A – First Floor Plans – Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-LAY-30 Rev.A – Ground Floor Plans - Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-LAY-31 Rev.A – First Floor Plans – Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-LAY 50 Rev.A – Floor Plans – Elm (B);

Drawing - Reference No (or Description): 22-0620-LAY 60 Rev.A – Floor Plans – Maple Plus;

Drawing - Reference No (or Description): 22-0620-ELE-10 Rev.A – Elevations – Aspen;

Drawing - Reference No (or Description): 22-0620-ELE-20 Rev.A – Elevations – Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-ELE-30 Rev.A – Elevations – Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-ELE-50 Rev.A – Elevations – Elm (B);

Drawing - Reference No (or Description): 22-0620-ELE-60 Rev.B – Elevations – Maple Plus;

Drawing - Reference No (or Description): 22-0620-SEC-AA-010 – Topographic Site Sections AA as Existing and Proposed;

Drawing - Reference No (or Description): 22-0620-SEC-BB-011 – Topographic Site Sections BB as Existing and Proposed;

Other - Reference No (or Description): Archaeological Mitigation – Written Scheme of Investigation;

Other - Reference No (or Description): Design and Access Statement; and

Other - Reference No (or Description): Flood Risk Assessment v1.2.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

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

- (2) [23/00176/APP](#) – AYR - Land to east of Holmston Roundabout, A77T from Whitletts Roundabout to Holmston Roundabout - Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works.

The Panel heard from an interested party.

The Panel adjourned for two minutes to allow the clerk to ascertain if an interested party, who had indicated that they wished to address the Panel today and was not present in person or remotely, was present at the reception area of the County Buildings. It was noted that he was not present.

Upon reconvening, the Panel heard from the applicant's agent.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (d) that prior to the commencement of development, a Species Protection Plan for bats, otters and badgers shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (e) that before any works start on site, details of the number, species and density of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion of the development, whichever is the sooner;
- (f) that before any works start on site, the developer shall submit details and specifications of the root protection area and outline measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the implementation and 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;

- (g) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (h) that energisation of the Energy Storage Facility shall not occur until the applicant has undertaken a phase-to-earth study to determine the interference levels on the Scotland Gas Networks' adjacent pipelines E27 and E53 from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the SGN pipeline(s) and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that any induced fault voltage is within appropriate limits (in accordance with BS EN 50122-1). The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of the Planning Authority, in consultation with Scotland Gas Networks, before energisation;
- (i) no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland. The CTMP shall be required to include:
- a. Full conformation of the approved/agreed routes for use by construction traffic movements, including Abnormal Indivisible Load (AIL) movements;
 - b. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
 - c. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
 - d. Full details of all arrangements for emergency vehicle access;
 - e. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person; and
 - f. Measures to control the use of any direct access onto the trunk road.

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless otherwise approved in writing by the Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland;

- (j) that the development shall not become operational until vehicle wheel cleansing facilities, or other suitable facilities, have been installed and brought into

operation on the site, the design and siting of which shall be subject to the prior written approval of the Planning Authority, following consultation with Transport Scotland;

- (k) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site;
- (l) that prior to operation of the development, the recommendations in the submitted Assessment of Acoustic Impact shall be implemented for the development;
- (m) that prior to the operation of the development hereby approved, a strategy for monitoring and addressing any noise complaints that may arise from the operation of the development in the future shall be submitted for the written approval of the Planning Authority and implemented as required; and
- (n) in the event that equipment becomes obsolete or redundant, it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity;
- (d) to ensure that the development has no adverse impact on Protected Species;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in order to ensure that no damage is caused to the existing trees during development operations;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) in order to ensure that a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical currents and voltage upon other utilities in the event they arise;
- (i) in the interests of road safety;
- (j) to ensure that material from the site is not deposited on the trunk road to the detriment of road safety;
- (k) to ensure that the site is drained in an acceptable and sustainable manner;
- (l) in the interests of amenity;
- (m) in the interests of amenity; and
- (n) to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

Advisory Notes:

- (1) The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening and traffic management must similarly be approved.
- (2) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland before delivery commences.
- (3) The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- (4) Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to the effect, signed by the design organisation.
- (5) Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

List of Determined Plans:

Rural Location Plan (Drawing No. 22-594-P01);
Location Plan (Drawing No. 22-594-P02);
Topographical Survey (Drawing No. 22-594-P03);
Proposed Site Plan (Drawing No. 22-594-P04);
Cross Sections (22-594-P05);
Planning Supporting Statement (Dated 06/06/22);
Pre-Application Consultation Report (Dated 06/06/22)
Pre-application Consultation – Additional Information Leaflet (Dated 06/06/22);
Pre-application Consultation – Consultee Invitation Brochure (Dated 06/06/22);
Pre-application Consultation – Copy of Notification Letter (Dated 06/06/22);
Pre-application Consultation – Copy of Press Advertisement (Dated 06/06/22);
Amended Transport Assessment (Dated 14/10/22);
Flood Risk Response and Statement to SEPA (Dated 30/11/22);
Details of Existing Watercourse – Appendix 1 of Flood Risk Response (Drawing No. 22_594_P06 Rev B, Dated 30/11/22);
Cross Section through Burn – Appendix 2 of Flood Risk Response (Drawing No. 22_594_P07, Dated 30/11/22);
Details of Existing Ditch – Appendix 3 of Flood Risk Response (Drawing No. 22_594_P06, Dated/ 30/11/22);

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

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

4. Consultation under Section 36 of the Electricity Act 1989 - 22/01029/DEEM – Camsiscan Farm, Craigie.

There was submitted a report ([issued](#)) of June 2023 by the Housing, Operations and Development Directorate advising

- (1) that this Council had been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by the Applicant for the installation and operation of a Battery Energy Storage System facility, associated infrastructure and associated ancillary development at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie;
- (2) that this Council was not the determining authority for this proposal but rather a consultee to the Section 36 process; and
- (3) that under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit required to be referred to the Council's Regulatory Panel.

Having heard from a representative from AECOM, who were acting as the Council's consultants, the Panel

Decided:

- (a) to submit this report to the Scottish Government as no objection to the proposed battery energy storage system; and
- (b) to approve delegated authority to the Director of Housing Operations and Development to conclude planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.

5. Consultation under Section 36 of the Electricity Act 1989 - 22/00654/DEEM — Scienteuch Windfarm, Straiton.

There was submitted a report ([issued](#)) of June 2023 by the Housing, Operations and Development Directorate advising

- (1) that this Council had been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by RES for the erection of a windfarm and associated ancillary development at Scienteuch Wind Farm, Straiton;

- (2) that this Council was not the determining authority for this proposal; and
- (3) that under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit required to be referred to the Council's Regulatory Panel.

The Panel heard from a representative from AECOM who were acting as the Council's consultants.

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

Decided:

- (a) to submit this report to the Scottish Government as no objection to the proposed windfarm; and
- (b) to approve delegated authority to the Director of Housing, Operations and Development to conclude planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.

The meeting ended at 11.40 a.m.

South Ayrshire Council**List of Planning Applications for Regulatory Panel (Planning) Consideration on 14th September 2023**

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	23/00495/FUR Ms Dianne Lewis (Objections) Application Summary	3 Summerfield Cottages 66 Monument Road Ayr South Ayrshire KA7 4NG	Further application to renew planning permission 20/00435/APP	Mr Hue Sweeney	Approval with Condition(s)
2.	23/00258/APP Ms Emma McKie (Objections) Application Summary	The Bothy B743 From A77T At Whitletts Roundabout To Mauchline Road Mossblown Ayr South Ayrshire KA6 5AE	Erection of 3 residential accommodation units	IFDAS	Approval with Condition(s)

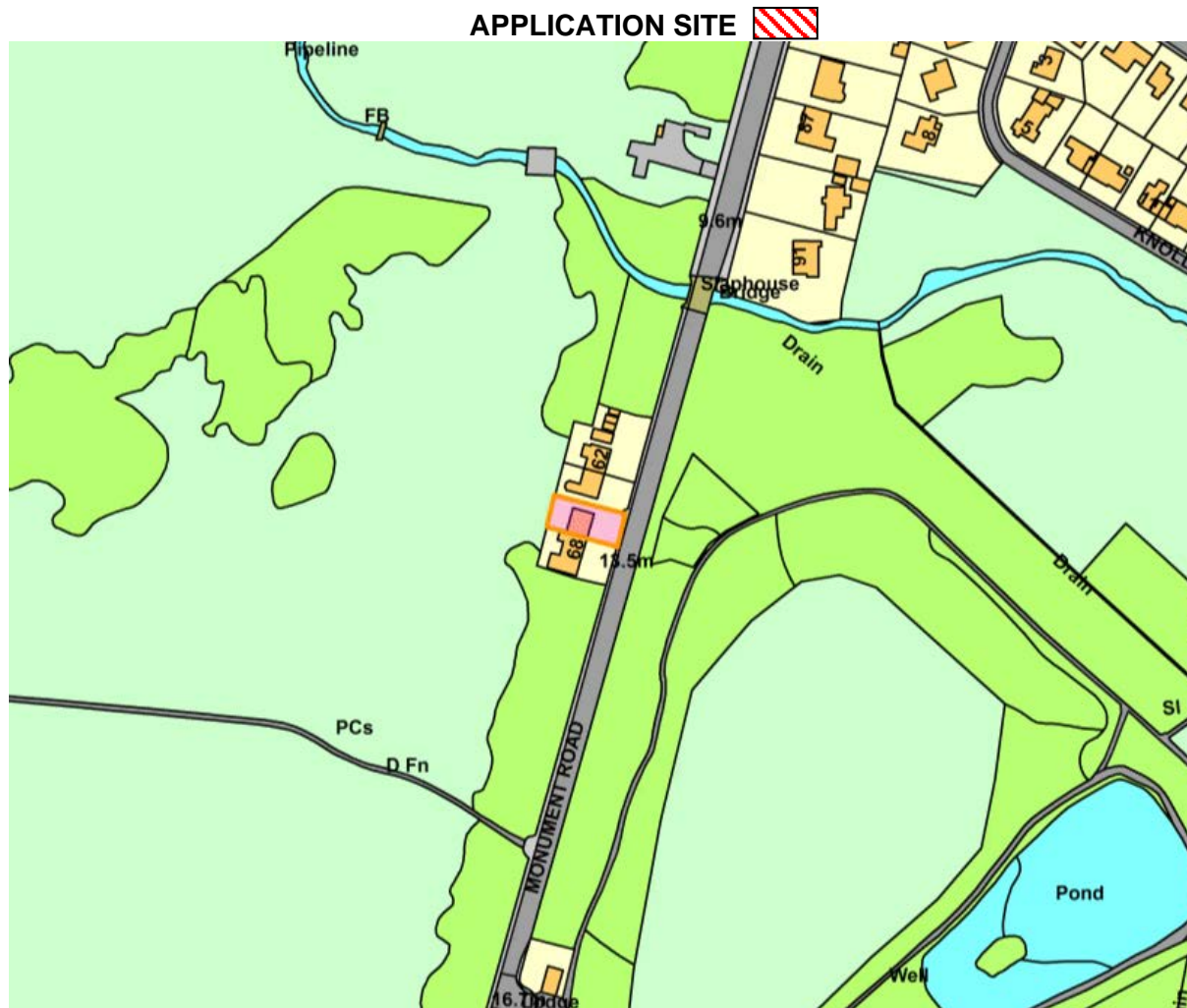
REGULATORY PANEL: 14 SEPTEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00495/FUR

3 SUMMERFIELD COTTAGES 66 MONUMENT ROAD AYR SOUTH AYRSHIRE KA7 4NG

Location Plan



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Summary

The proposal is for the formation of a vehicular access at 3 Summerfield Cottages, 66 Monument Road, Ayr. Planning permission is required for the formation of a vehicle access onto Monument Road, as it is a classified road. Planning permission was granted in 2010, 2014, 2017 and 2020 for the formation of a vehicular access at the application site. However, planning permission 20/00435/APP granted by the Regulatory Panel on 3rd September 2020 will lapse on 2nd September 2023. Therefore, Planning permission is sought to extend the timescales within which works can begin on site by a further 3 years.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application relates to land in the ownership of the Council and more than one objection has been received.

The proposed development has been assessed against the relevant policies of the Development Plan and other applicable material considerations and it is considered that – suitably conditioned – the proposal accords with the provisions of the aforementioned local development plan.

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

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 14 SEPTEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00495/FUR
SITE ADDRESS:	3 Summerfield Cottages 66 Monument Road Ayr South Ayrshire KA7 4NG
DESCRIPTION:	Further application to renew planning permission 20/00435/APP
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 is a semi-detached dwellinghouse situated within a row of 4 cottages, known as 3 Summerfield Cottages, 66 Monument Road, Ayr.

Planning permission is sought for the formation of a vehicular access at 3 Summerfield Cottages, 66 Monument Road, Ayr.

Planning permission is required for the formation of a vehicle access onto Monument Road, as it is a classified road. However, the associated formation of parking/turning area within the front curtilage of the dwelling and alterations proposed to the front boundary wall do not require the benefit of planning permission.

The principle of the formation of a driveway at the application site was established in 2010 when planning permission was first granted; Planning Ref:10/01678/APP. Thereafter, planning permission was renewed in 2014, 2017 and 2020; Planning References:14/00248/FUR, 17/00318/FUR and 20/00435/APP. The current application seeks to renew planning permission as the previous application granted in 2020 will lapse on 2nd September 2023.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application relates to land in the ownership of the Council and more than one objection has been received.

2. Consultations:

Ayrshire Roads Alliance offers no objections subject to previous conditions being attached. The recommended conditions can be attached to any Planning permission granted.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

Two representations have been received, which object to the application and can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows.

- Road safety concerns for pedestrians and other road users;
- Despite the application form declaration, the property has adequate parking and a garage at the northern end of the row of cottages;
- Land Ownership Issues -The applicant does not own of the land to which the proposal relates. There is a communally owned path by the property owners of Summerfield Cottages and land owned by South Ayrshire Council; Certificate B also has a discrepancy with the owner at no.4 Summeffield Cottages;
- Insufficient information on location plan in regard to details of any gates, etc.
- Potential drainage issues for neighbours.

These points are addressed in section 7(iii) of this report.

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

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other 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 \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

With regard to householder development proposals, Policy 16(g) outlines that such proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

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

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

(ii) South Ayrshire Local Development Plan 2

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

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

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

On every previous occasion that planning permission has been granted for the formation of the proposed access (years 2010, 2014, 2017 and 2020), it was considered to be in accordance with the relevant development plan at that time. On the granting of the consents, there was not considered to be any significant adverse effect on the amenity or privacy of adjoining properties and the proposal raised no road safety issues.

Whilst a new development plan (NPF4 and LDP2) has been adopted since the last decision in 2020, there have been no significant changes in policy or the setting or physical characteristics of the application site, or its surroundings that would lead to a different decision. It is therefore considered that the development proposal remains acceptable and in accordance with the Development Plan.

ii) Planning History

Planning permission was originally granted in 2010 for the formation of a vehicular access the application site. Planning Ref: 10/01678/APP. In assessing planning application 10/01678/APP, it was considered that the proposal for the formation of a vehicular access was not contrary to the development plan. It was further considered that there was not a significant adverse effect on the amenity or privacy of adjoining properties. It was also noted that the proposal raised no road safety issues.

Thereafter, planning permission was renewed in 2014, 2017 and 2020; Planning References:14/00248/FUR, 17/00318/FUR and 20/00435/APP.

While the development plan has changed since the approval of the permissions, there have been no significant changes in policy or the setting of the application site or its surrounding that would lead to a different decision in terms of the principle of the proposed development.

(iii) Objector Concerns

Response to representations

- Road safety concerns;

The Ayrshire Roads Alliance has been consulted on the application and offers no objections subject to conditions.

- The property has adequate parking and a garage at the northern end of the row of cottages despite the application form certification;

It is noted that the property at 66 Monument Road has off road parking in the communal area of land to the northern end of the development, which includes garages and off-road parking for all properties at Summerfield Cottages. The application under consideration is to form a new vehicular access onto Monument Road. The assessment is therefore made on the proposal submitted before the Council and not the need or otherwise of an individual.

- Land ownership issues as the applicant does not own of the land to which the proposal relates. There is a communally owned path and land owned by South Ayrshire Council and the Land Ownership Certificate B states that the owners of the property at no.4 Summerfield Cottages is a Mr and Mrs McKenzie, however, this is not accurate;

It is acknowledged that the land which fronts all properties known as Summerfield Cottages is owned by South Ayrshire Council and that the footpath behind that land is communally owned by all properties at Summerfield Cottages. For the avoidance of doubt, an applicant does not need to own all of the land to which planning application relates. The applicant is legally required to complete a Land Ownership Certificate and submit it as part of the planning application submission. If an applicant does not own all of the land or property to which an application relates, the applicant is legally required to notify all owners. In terms of the consideration of the planning application, the correct ownership notification has been served on all relevant properties and the Council's Estates department.

It is also important to note that the granting of planning permission for the formation of a vehicular access at 3 Summerfield Cottages does not preclude the applicant from seeking other permissions which are not regulated by Planning legislation i.e., South Ayrshire Council Estates Department and other joint owners of Summerfield Cottages.

Ownership notification has been raised with the applicant, who has confirmed, in writing, that notification was hand delivered and served on all of the neighbouring properties. The applicant has confirmed that the correct owner, Ms L McKechnie, at no.4 Summerfield Cottages was served notification and the Land Ownership Form has been amended accordingly with the correct owner's name. On this basis, the land ownership notification has been served correctly.

- Insufficient information on location plan;

It is noted that the application is not accompanied by any submitted plans and is a 'Further application'. A Further application is sought to extend the time period of Planning Permission before the period lapses. Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 provides that where a previous application was granted planning permission, development has not begun and the duration of the previous permission has not expired, a further application for planning permission (or planning permission in principle) for the same development does not need to include all of the information specified in regulations 9 or 10. Planning Permission 20/00495/APP expires on 2nd September 2023. Notwithstanding, the submitted plans which accompanied Planning application Ref: 20/00495/APP were considered sufficient for the purposes of the application proposals and allowed for a robust assessment to be undertaken.

- Potential drainage implications for neighbouring properties;

Condition 4 requires details of surface water drainage for the access to be submitted prior to works commencing to prevent discharge of water onto the public road. The associated parking/turning area within the front curtilage of the dwelling does not require the benefit of planning permission; with regards any perceived drainage implications on neighbours, this would be a private civil matter between the parties involved.

(iv) Impact on the Locality

In assessing planning applications 10/01678/APP, 14/00248/FUR, 17/00318/FUR and 20/00435/APP it was considered that the proposal for the formation of a vehicular access was not contrary to the development plan, is not considered to detract from the character and appearance of the property or surrounding locality, and it was further considered that there was no significant adverse effect on the amenity or privacy of adjoining properties that would merit a refusal of planning permission. Therefore, there has been no material change in circumstances since the consideration of the former planning applications that would materially affect the assessment of the current planning application. On this basis, it is recommended that the current application is approved subject to conditions.

It is also important to note that the granting of planning permission for the vehicular access at 3 Summerfield Cottages does not preclude the applicant from seeking other permissions required i.e., from the Council's Estates department and property owners at Summerfield Cottages.

8. Conclusion:

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

Given the above assessment, it is recommended that the application is approved with conditions.

9. Recommendation:

It is recommended that the application is approved with conditions;

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) That the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3.6 metres wide over its initial 5 metres and be surfaced for a minimum of 5 metres, as measured from the rear of the public footway prior to operation.
- (4) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- (5) That junction access visibility sightline splays of 2.4 metres by 43 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays.
- (6) That prior to completion of the development any gates shall open inwards away from the public roadway.

Regulatory Panel (Planning): 14 September 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00495/FUR)

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) In the interest of road safety and to ensure an acceptable standard of construction.
- (4) In the interest of road safety and avoid the discharge of water on to the public road.
- (5) In the interest of road safety and to ensure acceptable visibility at road junctions.
- (6) In the interest of road safety.

9.2 Advisory Notes:

- (1) (i) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.

(ii) The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.

(iii) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

9.3 List of Determined Plans:

N/A

9.4 Reason for Decision (where approved):

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

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

Background Papers:

1. Planning application form and land ownership certificate;
2. Planning Application form, plans and photos for planning permission:10/01678/APP; 14/00248/FUR; and 17/00318/FUR and 20/00495/APP;
3. National Planning Policy 4 (NPF4) and South Ayrshire Local Development Plan2 (LDP2);
4. Representations Received.
5. Consultation Response

Equalities Impact Assessment:

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

Person to Contact:

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

REGULATORY PANEL: 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

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 form 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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