

REGULATORY PANEL: 23 JUNE 2022

REPORT BY PLACE DIRECTORATE

22/00198/APP

**PLOT 1, KNOCKENDALE FARM C93 FROM B730 JUNCTION NORTH WEST OF BOGEND
SOUTH WEST TO BREWLANDS ROAD SYMINGTON SYMINGTON SOUTH AYRSHIRE KA1
5PN**

Location Plan



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Summary

Planning permission is sought for the erection of a dwellinghouse on land at Knockendale Farm, north east from Symington. The site is located in a rural area which is defined in the Adopted South Ayrshire Local Development Plan as; Core Investment Area. The application comprises an area of agricultural land located adjacent in an area known locally as 'High Knockendale'. Planning permission in principle was granted under application 21/00614/PPP for the erection of two dwellinghouses on an area of land at Knockendale Farm. Application 21/00614/PPP was granted on the basis that the proposal represented the opportunity for a limited expansion to consolidate and enhance an existing cluster, without adverse impact on the amenity of the locality.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, the emerging development plan, the Council's Rural Housing Supplementary Planning guidance, Scottish Planning Policy, PAN72, consultations, representations received (including an objection from Symington Community Council), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the local development plan and the emerging local development plan. The consultation responses do not raise any issues of over-riding concern. The matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. 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, the application is recommended for approval, subject to conditions.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 23 JUNE 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00198/APP
SITE ADDRESS:	PLOT 1, KNOCKENDALE FARM C93 FROM B730 JUNCTION NORTH WEST OF BOGEND SOUTH WEST TO BREWLANDS ROAD SYMINGTON SYMINGTON SOUTH AYRSHIRE KA1 5PN
DESCRIPTION:	ERECTION OF DWELLINGHOUSE
RECOMMENDATION:	APPROVAL WITH CONDITIONS

APPLICATION REPORT

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

1. Proposal:

Planning permission is sought for the erection of a dwellinghouse on land at Knockendale Farm, north-east from Symington. The submitted drawings show the house to be centrally positioned within the site. The dwellinghouse is 1 ½ storeys and occupies a footprint of approximately 225 sq. m. The proposed external materials comprise off white wet cast render, grey facing stone, natural slate or slate like material, anthracite uPVC windows and doors. A new access is to be formed to the south-east of the site which leads to/ from the C93 which bounds the site.

The application site is set within a rural area and comprises an area of agricultural land located adjacent to an area known locally as 'High Knockendale'. High Knockendale comprises a cluster of 7 dwellings located approximately 500m from the northern edge of the village of Symington. Access to High Knockendale is taken directly from the C93. The application site extends to an area of approximately 1170 square metres with access to the site proposed from a newly formed access which connects directly to the C93.

Planning History

Planning permission in principle application 21/00614/PPP was approved by the Council's Regulatory Panel on 6th October 2021 for the erection of 2 dwellinghouses.

Planning in principle application (16/00839/PPP), which proposed the erection of 2 x dwellinghouses and associated access road, was refused in November 2016.

Planning in principle application (21/00037/PPP), which proposed the erection of 3 x dwellings, was withdrawn by the applicant's agent.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than five competent written objections have been received from separate households and the Symington Community Council has expressed a contrary view to the recommendation that this planning application be approved.

2. Consultations:

Ayrshire Roads Alliance - offer no objection.

Scottish Water - offer no objection.

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:

8 representations have been received, 7 of which object to the proposed development, including an objection from the Symington Community Council. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows: -

- Concerns relating to the landscape impact, layout, design, and visual appearance of the development;
- Road safety concerns as proposals do not meet statutory sightline requirements and are also contrary to PAN 72;
- Drainage/ surface water run-off and flooding issues;
- Inadequate room within the site to accommodate SUDS;
- No hedging proposed which was a requirement of planning permission in principle application 21/00614/PPP;
- Overshadowing concerns; and
- Difference in site boundaries from the proposals submitted in planning permission in principle application 21/00614/PPP.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. 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.

(i) Development Plan

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

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

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

- o Spatial Strategy - Core Investment Area;
- o Sustainable Development; and
- o Rural Housing.

The spatial strategy of the local development plan seeks to encourage sustainable economic growth, improve the quality of the environment and to create sustainable communities. The LDP Rural Housing policy also allows for housing to be built within rural areas, in accordance with its provisions, and the related provisions of the Council's supplementary planning guidance entitled Rural Housing.

With reference to the above planning history of the site, it is noted that planning permission in principle was granted under application 21/00614/PPP for the erection of two dwellinghouses on an area of land at Knockendale Farm, north-east from Symington. Application 21/00614/PPP was granted on the basis that the proposal represented the opportunity for a limited expansion to consolidate and enhance an existing cluster, without adverse impact on the amenity of the locality. The provisions of the development plan remain unchanged since the grant of planning permission 21/00614/PPP, as does the Council's supplementary guidance in relation to Rural Housing. The provisions of the LDP and related guidance allow for limited development within rural areas, in this context the current application is considered to accord with the development plan, and related supplementary guidance. Additionally, the grant of permission 21/00614/PPP is materially significant in the determination of this current application in that it establishes the acceptability of the larger portion of the site proposed under the current application for residential development; the application has been assessed in this context.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. At a meeting on 10th March 2022, South Ayrshire Council considered and agreed to accept Modifications, as recommended by the DPEA. At the same meeting, the Council agreed to submit the Plan (including those recommended modifications) to Scottish Ministers as the Local Development Plan that it intends to adopt. LDP 2 now forms a substantial material consideration in the determination of planning applications. The application site is designated as a rural area within the Adopted South Ayrshire Local Development Plan and this remains unchanged with LDP2. The application has been considered in this context.

(ii) Other Policy Considerations (including Government Guidance)

- o Scottish Planning Policy;

Scottish Planning Policy forms the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 75 states that "the planning system should:

- o In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;

- o Encourage rural development that supports prosperous and sustainable communities and business whilst protecting and enhancing environmental quality.

The erection of additional residential properties located on land at Knockendale Farm, north-east from Symington has already been considered against the terms of Scottish Planning Policy as part of the assessment of the previously approved application (21/00614/PPP) and has been considered to be acceptable.

- o South Ayrshire Council - Rural Housing Policy;

The SPG policy states that additions to clusters (defined as consisting of 2 or more houses forming a clearly identifiable group, with strong visual cohesion and sense of place) will be acceptable, subject to the following criteria;

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

The erection of additional residential properties on land at Knockendale Farm, north-east from Symington has already been considered against the terms of the Council's Rural Housing supplementary guidance as part of the assessment of the previously approved application (21/00614/PPP) and has been considered to be acceptable. The design of the proposed dwellinghouse, the details of which are submitted under the current application, is considered to provide an acceptable vernacular building of a suitable scale and appearance.

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

Scottish Government Planning Advice Note 72 - Housing in the Countryside is also relevant in the assessment of this application. The advice note recognises the significance of the scale and shape of Scotland's domestic rural architecture, which is derived largely from the simplicity of the form and proportion. Page 16 advises that the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. It is considered that the proposal is consistent with the provisions of PAN72.

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

The Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments' is relevant in the consideration of this application. This policy provides guidelines on plot spacing for new residential dwellings including minimum private garden sizes. This policy guidance also recommends a minimum of 9 metre depth for rear gardens. This policy also sets out expected private open space standards within new residential developments, which for detached properties extends to a minimum of 1.5 times the ground floor area and in any case, not less than, 100 square metres. The proposed plot extends to approximately 1,170 sq. metres in total, and the proposed house has a footprint of approximately 225 sq. metres and is to be positioned centrally within the site. A new access is to be formed at the south of the application site while the remaining ground will comprise existing/ proposed trees and open space. Overall, the development proposal is considered to meet the quantitative standards as set out in the above supplementary planning guidance.

(iii) Objector Concerns

The representations received in relation to the proposal are noted, and the following response is offered:

- o Concerns relating to the landscape impact, layout, design, and visual appearance of the development;

The footprint of the proposed houses shall occupy approximately 225 sq. m. of the overall plot, with the remainder of each plot being utilised for circulation space and garden ground provision. The proposed house is set away from shared common boundaries and is to be screened via the existing boundary treatment, and by new hedge (see planning condition 3, below). It is therefore considered that the proposed development can be absorbed within the landscape without compromising the visual amenity of the locale. An assessment of the proposed dwellings design and visual appearance are set out elsewhere in this report.

- Road safety concerns as proposals do not meet statutory sightline requirements;

The Ayrshire Roads Alliance (ARA) offer no objection to the application proposals and therefore the proposals are considered acceptable from a road safety perspective. It is acknowledged that the proposal will result in some additional traffic to the area, however, given the small-scale nature of the proposal (i.e., a single dwellinghouse) it is not considered that this will be so significant so as to warrant the refusal of the application.

- Drainage/ surface water run-off and flooding issues;

The principle of the development for the erection of 2 dwellinghouses at High Knockendale has already been granted planning permission in principle. Notwithstanding, the application site is located outwith SEPA's identified flood risk area and ARA raise no objection to the proposal within the capacity as their role as local flood prevention authority.

- Inadequate room within the site to accommodate SUDS;

A condition has been recommended which requires for full details of SUDS arrangements within the plot to be submitted for the written approval of the Planning Authority, prior to the commencement of works on site.

- No hedging proposed which was a requirement of planning permission in principle application 21/00614/PPP;

Noted. A condition has been recommended which requires for the rear (southern) boundary of the application site to be delineated by way of hedging.

- Overshadowing concerns and residential amenity;

In terms of residential amenity, the closest residential properties at Heather Lodge and Kilberry House are located in excess of 20 metres approximately from the front elevation of the proposed dwellinghouse. It is considered that the proposed dwellinghouse, which reaches a height of approximately 7.4 metres, is sited a sufficient distance from neighbouring dwellings so as not to create adverse overshadowing concerns,

- Difference in site boundaries from the proposals submitted in planning permission in principle application 21/00614/PPP.

It is noted that the identified red line site proposed by the current application differs from that approved by planning permission in principle application 21/00614/PPP. The assessment requires to consider the red-line site and proposal submitted by the current application. It should, however, be noted that the principle of the development for the erection of 2 dwellinghouses at High Knockendale has already been granted planning permission in principle and this is a significant material consideration to the assessment of the current application.

(iv) Impact on the Locality

The principle of residential development on land at Knockendale Farm, north-east from Symington has already been considered to be acceptable under application 21/00614/PPP. This permission is materially significant in the consideration of the current application in that the site proposed under this application occupies part of the larger site previously proposed under application 21/00614/PPP. It remains the case that the application site, along with the adjacent dwellings, is considered to represent a cluster in physical and visual terms and therefore the principle of erecting a dwellinghouse in this location is acceptable in terms of the LDP and related supplementary guidance. As noted above, the current application also involves the formation of an access road. The access road is acceptable in visual amenity and road safety terms and considered to meet with the provisions of the SALP and Rural Housing SG.

In terms of siting, the submitted drawings show the proposed dwellinghouse to be positioned centrally within the application site. It is considered that the proposed house is of a height, scale, mass and design which is appropriate for a rural location. The proposed dwellinghouse is not considered to detract from the character and appearance of the locality. The proposed house is 1 ½ storeys in height and the finishing materials are considered to be appropriate for the rural location. In terms of residential amenity, the closest residential properties at Heather Lodge and Kilberry House are located in excess of 20 metres approximately from the front elevation of the proposed dwellinghouse. As such, it is considered that the proposed house is set sufficiently far enough away from neighbouring properties so as not to adversely impact on their residential amenity.

The submitted plans also show that trees are to be planted as part of the application proposals. However, to preserve that the landscape setting of the application site, it is considered necessary to attach a condition to the planning permission which requires for the rear (southern) boundary of the application site to be defined by way of appropriate hedging. For these reasons, it is considered that the site can be developed without significant adverse impact on the landscape setting of the site.

It is also noted that the proposed SUDS is to be located within the curtilage of the application site. It is proposed to attach a condition which requires for full details of the system to be submitted for the prior written approval of the planning authority before the commencement of development on site.

In terms of the road safety/ traffic impact of the development proposals, the Ayrshire Roads Alliance has been consulted on this application and offers no objection.

For the reasons noted above, and elsewhere in this report, it is considered that the proposal will not have an adverse impact on the rural character and appearance of the area, or on the residential amenity of the neighbouring properties.

8. Conclusion:

There are no policy objections to this proposal, and it is considered that this proposal will not have an adverse impact on the character or residential amenity of the surrounding area, nor will it have an adverse impact on the character, appearance or setting of the rural area. 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 subject to the following conditions: -

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That full details of SUDS arrangements within the approved plot shall be submitted for the written approval of the Planning Authority, prior to the commencement of works on site, and shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8 and thereafter shall be implemented in accordance with the arrangements to be approved under the terms of this condition.
- (3) That notwithstanding the plans hereby approved, the rear (southern) boundary of the application site shall be delineated by way of native hedging, the details of which shall be submitted for the prior written approval before the commencement of development on site. Thereafter, the native hedging scheme as approved shall be implemented within first planting season following the completion or occupation of the dwellinghouse, whichever is the sooner.
- (4) 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 in accordance with the details to be approved under the terms of this condition.

Reasons:

- (1) To be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006.
- (2) To ensure the site is drained in an acceptable and sustainable manner.
- (3) In the interest of visual amenity, and so as to retain the rural character and setting of the locality.
- (4) In the interests of visual amenity.

Advisory Notes:

N/A.

List of Determined Plans:

Drawing - Reference No (or Description): 0801 PP 0.01

Drawing - Reference No (or Description): 0801 PP 1.01

Drawing - Reference No (or Description): 0801 PP 1.02

Drawing - Reference No (or Description): 0801 PP 1.03

Reason for Decision (where approved):

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

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

Background Papers:

1. Application form, plans and submitted documentation
2. Representations
3. Adopted South Ayrshire Local Development Plan
4. Modified Proposed Local Development Plan 2
5. Town Centre and Retail Local Development Plan
6. Rural Housing Policy Guidance
7. Supplementary planning policy in relation to 'Open Space and Designing New Residential Developments'.
8. Planning Advice Note 72 - Housing in the Countryside (2005);
9. Scottish Planning Policy
10. Planning permission in principle application 21/00614/PPP
11. Consultations

Equalities Impact Assessment:

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

Person to Contact:

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