

REGULATORY PANEL: 23 JUNE 2022

REPORT BY PLACE DIRECTORATE

22/00227/FUR

PROPOSED DWELLINGHOUSE C150 FROM A77T JUNCTION NORTH OF ST QUIVOX TO B743 JUNCTION AT SLATEHALL ST QUIVOX SOUTH AYRSHIRE

Location Plan



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office.
© Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

Summary

This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 for planning permission to allow for more time for a single dwellinghouse, approved by the Council's Local Review Body through planning permission 18/00865/APP. There has been no significant change in material considerations since the time permission approved in 2019 by way of application 18/00865/APP and it is therefore recommended that the application be approved subject to conditions.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 23 JUNE 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00227/FUR
SITE ADDRESS:	PROPOSED DWELLINGHOUSE C150 FROM A77T JUNCTION NORTH OF ST QUIVOX TO B743 JUNCTION AT SLATEHALL ST QUIVOX SOUTH AYRSHIRE
DESCRIPTION:	FURTHER PLANNING PERMISSION FOR THE ERECTION OF A DWELLINGHOUSE (18/00865/APP)
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:

A further planning permission is sought for the erection of a dwellinghouse which was previously approved by application 18/00865/APP.

The application site area is 1870sqm. The site is located on the east side of the B7035 public road which links the A77, through St Quivox, to the B743 road close to Auchincruive. There are two modern single storey cottages located approximately 16 metres to the north-west of the application site, known as 'East and West Cottage'. These are dry dash rendered with a shallow pitched tiled roof. There are also 4 traditional single storey semi-detached cottages approximately 11 metres to the south east known as 'Mount Hamilton Cottages'. These are white rendered with hipped slated roofs. The site comprises overgrown shrubbery and also an area of concrete hardstanding which currently serves as a parking for East and West Cottages. Tree planting also exists along the roadside of the B7305. Vehicular access to the site is obtained from the B7305. The application site is located within the greenbelt and also the St Quivox Conservation Area, as prescribed by the South Ayrshire Local Development Plan.

Planning History

Planning application 18/00865/APP for the erection of a dwellinghouse was refused under delegated powers by the Planning Authority's appointed officer in 2018. The applicant sought a review of the appointed officer decision whereby the Council's Local Review Body decided to overturn the decision of the appointed officer and grant planning permission subject to a number of conditions.

The aforementioned planning permission has not been implemented, and the current application seeks to renew the planning permission granted under the earlier application 18/00865/APP.

The current application is a further application which seeks to renew the earlier planning application granted under application 18/00865/APP for the erection of a dwellinghouse, thereby extending the timescale for implementing the development previously approved.

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.

2. Consultations:

No consultations were undertaken for this application.

3. Submitted Assessments/Reports:

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

None.

4. S75 Obligations:

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

None.

5. Scottish Ministers Directions:

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

None.

6. Representations:

7 representations have been received, 7 of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

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

In summary, the principal concerns of the representatives relate to;

- o The development is contrary to the Local Development Plan;
- o Previous planning application refused for the erection of a dwellinghouse on this site;
- o Road safety and access concerns;
- o Concerns relating to the landscape impact, layout, design and visual appearance of the development;
- o Impact on the conservation area;
- o Privacy concerns;
- o Amenity concerns – loss of daylight/ overshadowing;
- o Noise pollution;

- o Flooding and drainage concerns;
- o Impact on wildlife; and
- o Loss of view.

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

- o Spatial Strategy;
- o Green Belt;
- o Rural Housing;
- o Historic Environment;

As part of their assessment of application 18/00865/APP, the Council's Local Review Body (LRB) considered that the proposal was in compliance with the provisions of the development plan. In granting planning permission under application 18/00865/FUL, the Council's Local Review Body established the principle of the development proposal at this location was acceptable. This is the Council's most up to date position with regards this site and has to be afforded significant weight in the assessment of this current application which is to renew planning permission 18/00865/APP.

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 policy provisions of the LDP2 continue to permit residential development in rural locations, in certain circumstances. There have been no significant changes in policy at the application site and its surroundings under LDP2.

(ii) Other Policy Considerations (including Government Guidance)

o Rural Housing Policy Guidance;

As part of the assessment of their assessment of application 18/00865/APP, the Council's Local Review Body (LRB) considered the proposal accorded with the Council's supplementary planning policy in relation to Rural Housing, due to the principle of the proposed dwellinghouse being acceptable. In particular, the Local Review Body decided that the terms of the Council's Supplementary Guidance on Rural Housing specifically in respect of 'additions to small settlements' were clear and considered that the application proposal complied with all of the relevant criteria. The Local Review Body therefore decided that the proposal is in accordance with South Ayrshire Local Development Plan policies; Spatial Strategy (Core Investment Area), Green Belt, Historic Environment, Rural Housing, the Council's Supplementary guidance on 'Rural Housing' and the Council's Supplementary Planning Guidance on 'Open Space and Designing New Residential Developments'.

The LRB view on the Rural Housing Policy Guidance with regards 18/00865/APP has to be afforded significant weight in the assessment of this current application which is to renew the planning permission 18/00865/APP.

o Open Space and Designing New Residential Developments;

As mentioned above, the Local Review Body (LRB), as part of their assessment of application 18/00865/APP, that the proposal was considered to accord with the Council's supplementary planning policy in relation to 'Open Space and Designing New Residential Developments'.

The LRB view on the supplementary planning policy on Open Space and Designing New Residential Developments with regards 18/00865/APP has to be afforded significant weight in the assessment of this current application which is to renew the planning permission 18/00865/APP.

(iii) Objector Concerns

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

o The development is contrary to the Local Development Plan;

The principle of this same development proposal at this location was previously established through the grant of planning permission under application 18/00865/APP, by the Council's Local Review Body. The Local Review Body considered that the proposals were in accordance with the policies of the local development plan which requires to be afforded significant weight in the assessment of this application.

The design and proposals contained within the current application submission are the exact same as previously approved. As part of the assessment of this application, it is considered that the approval of application 18/00865/APP is materially significant to the assessment of the current application. There have been no significant changes in policy at the application site and its surroundings under LDP2 that would lead to a different decision. On this basis, the proposal is considered to accord with the provisions of the Development Plan.

o Previous planning application refused for the erection of a dwellinghouse on this site;

Noted. The planning history of the application site is set out elsewhere in this report.

o Road safety and access concerns;

The Ayrshire Roads Alliance (ARA) were consulted on planning application 18/00865/APP and offered no objection, subject to conditions, from a road safety perspective. The design and proposals contained within the current application submission are the exact same as previously approved, and the conditions recommended by the ARA can be attached to the current permission.

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

In their assessment of application 18/00865/APP, the Council's Local Review Body considered that the development proposal was acceptable in terms of landscape impact, layout, design and visual appearance of the development. The proposals contained within the current application submission are the exact same as previously approved.

- o Impact on the conservation area;

In their assessment of application 18/00865/APP, the Council's Local Review Body considered that the development proposal did not have a detrimental impact on the character or appearance of the conservation area.

- o Privacy concerns;

In their assessment of application 18/00865/APP, the Council's Local Review Body considered that the development proposal did not have a significant adverse impact on the privacy of neighbouring dwellings.

- o Amenity concerns – loss of daylight/ overshadowing;

In their assessment of application 18/00865/APP, the Council's Local Review Body considered that the development proposal did not have a significant adverse impact on loss of daylight or overshadowing of neighbouring dwellings.

- o Noise pollution;

It is considered that the proposal to erect a single dwellinghouse at this would not exacerbate either noise or light pollution to such a level which would adversely impact on the amenity of the neighbouring residential properties. In any case, the Council's Environmental Health Service has legislative powers to address statutory noise nuisance, should it occur.

- o Flooding and drainage concerns;

The application site is not within a flood risk area. It is considered that arrangements can be made for the management of surface water.

- o Impact on wildlife; and

The application site is not protected by way of a designated wildlife site.

- o Loss of view.

The loss of view is not a material planning consideration which can be considered in the assessment of a planning application.

(iv) Impact on the Locality

The principle of this same development proposal at this location was previously established through the grant of planning permission under application 18/00865/APP, by the Council's Local Review Body. The Local Review Body considered that the proposals were in accordance with the policies of the local development plan. The development proposal has previously been assessed as being acceptable by the Local Review Body in their decision notice dated 12th March 2019. The provisions of the development plan as contained in the Adopted SALP and emerging provisions of the LDP2 remain the broadly the same, in so far that additions to small settlements are acceptable, subject to criteria. The application has been considered in this context, and therefore, it is considered that the development proposal is acceptable.

In view of the planning history of the site, and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to the same planning conditions that were attached to the previous planning permission under application 18/00865/APP.

8. Conclusion:

The decision of the Local Review Body with regards planning permission 18/00865/APP is significantly material in the assessment of this application as it is the most recent and established Council position with regards the development of this site for a dwellinghouse. The proposals under the current application to renew 18/00865/APP are unchanged. Considering this, 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 conservation 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 the first 10 metres of the access road from its junction with the public road shall be resurfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation. A detailed specification shall be submitted for the prior written approval of the Planning Authority prior to commencement.
- (3) 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 and implemented as approved.
- (4) That 3 no. off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide, prior to completion of the development.
- (5) That parking bays shall be a minimum 5.5 metres x 3.0 metres, internal dimensions of an integral garage shall be 7.0 metres x 3.0 metres to count toward required parking provision.
- (6) That a lockable and covered cycle stand accommodating a minimum of 1 no. cycle shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site and implemented as approved.
- (7) That prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval and implemented as approved.
- (8) 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 as approved.
- (9) That before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within / 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.
- (10) Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. 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 approval in writing by this Planning Authority prior to the commencement of any works on site. Thereafter, the surface water drainage arrangement shall be implemented as approved.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interest of road safety and to ensure an acceptable standard of construction.
- (3) In the interest of road safety and avoid the discharge of water on to the public road.
- (4) In the interest of road safety and to ensure adequate off-street parking provision.
- (5) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (6) To ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (7) In the interests of visual and residential amenity.
- (8) In the interests of visual amenity.
- (9) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (10) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No (or Description): 1803-P001

Drawing - Reference No (or Description): 1803-SL001

Drawing - Reference No (or Description): 1803-SL002

Drawing - Reference No (or Description): 1803-SL003

Drawing - Reference No (or Description): 1803-SL004

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. Local Review Body decision notice dated 12th March 2019

Equalities Impact Assessment:

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

Person to Contact:

Mr David Clark, Supervisory Planner (Place Planning) - Telephone 01292 616 118