

## REGULATORY PANEL: 14 DECEMBER 2022

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00747/APP

111 CRAIGIE WAY AYR SOUTH AYRSHIRE KA8 0HH

#### Location Plan

#### APPLICATION SITE



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#### Summary

Planning permission is sought for the erection of an outbuilding at the above address to support a dog grooming business. The application site is located within a residential area of Ayr as identified in the South Ayrshire Local Development Plan. The outbuilding will be situated within the side garden (to the west) of the host residential dwelling. The outbuilding would be accessed via the existing access gate, situated between the existing dwelling and boundary wall to the west. It is understood the dog grooming business is to be solely operated by the applicant on an individual appointment only basis over a 09:00-17:00 working day, Monday - Saturday. Three in curtilage parking spaces are proposed that will serve both the host dwelling and the dog grooming business. The Ayrshire Roads Alliance has no objection subject to at least 2 parking spaces being provided to the required dimensions, which can be achieved on site.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, government guidance, consultations, representations received 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 concern that cannot be satisfactorily addressed by way of 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 assessment, it is considered that the proposal by reason of its small scale and design would not have a significant impact on the amenity of the area. The proposals will support a small-scale business which can be operated ancillary to the primary function of the site as a residential plot and dwellinghouse. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions. Accordingly, the application is recommended for approval.

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 five, or more, competent written objections have been received from separate households.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 14 DECEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00747/APP</b>
<b>SITE ADDRESS:</b>	<b>111 Craigie Way Ayr South Ayrshire KA8 0HH</b>
<b>DESCRIPTION:</b>	<b>Change of use of garden ground and erection of a dog grooming unit</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

#### 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. Site description

The application site at 111 Craigie Way, Ayr comprises a semi-detached two storey dwellinghouse which is located within an established residential area of Ayr and surrounded by properties of a similar design and garden layout. The application site is a corner plot and fronts Craigie Way to the south, with the gable facing the side garden of the application site and front garden ground of No.10. Beech Grove beyond. There is a grassed area and driveway to the front of the property which is accessed from Craigie Way. A timber garden shed is currently located within the side garden area behind a brick wall (approximately 1.1 metres in height) which delineates and separates the driveway and side and rear garden area. Along the northern boundary between the application site and No. 10 Beech Grove there is a brick wall, approximately 1.1 metres in height. The boundary treatment along the rear of the application site which bounds the side and rear of no 10 Beech Grove is a wicker fence and vegetation.

#### Proposal:

Planning permission is sought for the erection of an outbuilding (in horizontally-lined timber boarding) to operate as a dog grooming unit for the applicant to run their business from. The structure is proposed to be sited within the side curtilage, set back from the principal building line. The structure will be 4.5 metres in length and a width of 2.4 metres with a monopitched roof to a maximum height of 2.7 metres. It should be noted that the outbuilding itself would have benefitted from permitted development rights should it have been proposed for domestic purposes only. However, as it is proposed to operate as a dog grooming business, planning permission is required.

A supporting statement has been submitted along with the application and it is understood that this operation of the dog grooming business is to be solely operated by the applicant and it is for dog grooming services on an individual appointment basis which is anticipated to be 2-3 appointments between the hours of 09:00-17:00, Monday to Saturday.

## **Regulatory Panel (Planning):**

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### **2. Consultations:**

**Ayrshire Roads Alliance** - No objection subject to conditions ensuring that at least 2 off road parking spaces are provided.

**Environmental Health** - offer no objections subject to proposed conditions and advisory notes with regards noise.

### **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:**

13 representation(s) have been received from 7 separate households. 10 object to the application while 3 support the application. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The objectors' concerns may be summarised as follows.

- Consider a business operating from domestic curtilage is an inappropriate precedent and does not accord with the residential surroundings
- Concerns of increased noise pollution from dog barking and dog grooming dryers which would be to detriment of residential amenity.
- Increase in traffic and concerns over where they will park Increased amount of dog fouling and drains clogging up with dog hair.
- The proposed structures proximity to the neighbouring property and impact on privacy
- Concerns over operating hours and number of animals involved

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

The points of support include:

- That the dog grooming business will be a useful locally provided service
- Dog grooming business operate on a 1 in 1 out basis so the use will not generate significant traffic
- Local business should be supported, especially during the cost-of-living crisis

In accordance with the Councils 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 the 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 South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application:

- Strategic Policy 1: Sustainable Development.
- Strategic Policy 2: Development Management.
- LDP Policy: town centre first principle
- LDP Policy: residential policy within settlements, release site and windfall sites

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

- **Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management.**

The above strategic policies seek to ensure that development proposals are appropriate to the local area in terms of layout, scale, massing, design and materials in relation to its surroundings and surrounding land uses, and importantly, make the most of sustainable economic growth that is supported by sound social and environmental objectives.

The determining issues in consideration of this application are its compliance with local plan policy and in particular its relevance to the surroundings and surrounding land uses. The site is within an established residential area of Ayr. This proposal relates to the erection of an outbuilding which is of a domestic scale which is considered appropriate for the location in terms of scale and massing. The proposal is for the applicant, who is also the homeowner, to use the outbuilding to operate a dog grooming business. The applicant will be the sole employee who will run the business on an appointment basis only and the dwellinghouse will continue to be used as a private residence. Given the ancillary nature of the outbuilding and dog grooming business, the proposal is considered to accord with the strategic policies of the development plan. However, careful consideration of the impact of a commercial development at this location and the impact on residential amenity in the vicinity, is set out further below.

- **LDP policy: town centre first principle**

This policy puts the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes in directing investment and influencing de-investment decisions, alignment of policies, and targeting of available resources to priority town centres sites, and encouraging vibrancy, equality and diversity. The policy encourages public and private sector development proposals and investment to town centres. Directing development proposals, to appropriate locations, by use of the sequential approach through a network of centres so as to ensure that all appropriate uses are directed to town centres, before the consideration of other locations.

By virtue of its small, domestic scale, both in terms of the size of the outbuilding and the business being solely operated by the homeowner on an appointment basis, with no more than 1 dog at any time, it is reasonable to anticipate that the operation and location of the development may primarily appeal to a generally local clientele and as such provide a commercial amenity/ service catering to local neighbourhood needs. It is therefore not considered that the proposal will compromise the town centre first approach, the corresponding policies of the Local Development Plan or the vitality and viability of the town centre of Ayr.

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- **LDP policy: residential policy within settlements, release site and windfall sites**

This policy aims to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effect on the local amenity.

The proposed outbuilding is of a single storey design, to be finished in grey timber lining board white UPVC windows on the west elevation with a door proposed on the south (front) elevation. The structure resembles a typical domestic sized outbuilding which is a common sight within a residential area. Due to its siting, scale and design the proposed outbuilding can be well accommodated in the side garden. It is not considered it would have a harmful impact on the character of the area and would not be overly prominent within the street scene.

The proposed outbuilding will be located approximately 2.5 metres from the 1.1-metre-high mutual boundary wall with the closest neighbouring property at No.10 Beech Grove to the north and approximately 6 metres from the neighbouring property itself. As such, there are no overshadowing or overbearing concerns. There are no windows proposed on the north elevation of the outbuilding so there are no overlooking concerns with respect to the neighbouring property or its side or rear garden ground. Notwithstanding this, it is recommended that a 1.8 metre fence is erected on the northern boundary with No.10 Beech Grove to create and strengthen the screening and separation between the outbuilding and dog grooming use and the neighbouring residential property.

The west elevation of the outbuilding would be approximately 2 metres from the mutual western boundary with No. 10 Beech Grove. The windows proposed on this elevation would face towards the front garden of No.10; the unconventional arrangement is such that the front garden of No.10 extends from the front of that property and to the south, alongside the side garden of the application site. Overlooking from the outbuilding towards the front garden of No.10 does not however give rise to amenity concerns as the front garden is not a private area and is visible from Beech Grove. No.10 Beech Grove benefits from a more private rear garden space which is not affected by the proposals and will be further protected by the erection of the fence required by condition.

The remaining private garden ground at the application property is considered commensurate with the immediate neighbouring property and it is considered adequate to ensure that an appropriate level of amenity is retained.

The Council's Environmental Health Service offer no objection to the proposal however they suggest a noise condition is imposed. Noise issues should they occur can be investigated and actioned as appropriate by Environmental Health as the relevant regulatory service for noise matters. It is therefore not considered necessary to impose a condition. It should however be noted that the small-scale nature of the proposal including no more than 1 dog at a time is unlikely to create a noise nuisance so significant as to impact neighbouring amenity.

The Ayrshire Roads Alliance has no objection to the proposal and their requirement for two parking spaces can be accommodated within the site.

On balance the proposal is considered to be compliant with the residential policy within settlements, release site and windfall sites.

(ii) **Other Policy Considerations (including Government Guidance)**

### **Scottish Planning Policy SPP**

Scottish planning policy is a statement of Scottish Government policy on how nationally important land use matters should be addressed across the country and reflect Scottish minister's priorities for the operation of the planning system in Scotland. SPP contains principal Policy on sustainable development but reinforces the statutory status of the development plan as the starting point for decision- making. Its policy principles include making efficient use of existing capacities of land, buildings and infrastructure including support town centre and regeneration priorities and supporting delivery of accessible development including retailing. SPP'S other principal policy is on placemaking, and its policy principles include directing the right development to the right place, similarly entailing (inter alia) optimising the use of existing resource capacities and using land within settlements for a mix of uses to promote places that are adaptable, resource efficient and easy to move around.

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SPP subject policy; supporting business and employment considers that planning can support sustainable economic growth by providing a positive policy context for development. It contains principles (para 93) whereby the planning system should (inter alia) promote business development that increases economic activity and given due weight to the net economic benefit of the proposed development. Whilst in this case the economic benefit realised is likely to principally comprise the personal financial gain of the applicant, the policy nevertheless considers (para.95) that plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs. It is considered clear that the use configuration, scale and operating nature of the proposal (noting e.g 1-1 consecutive appointments only) variously aligns to several of the latter categories and the proposal warrants some material support on this basis.

Scottish Planning Policy- Promoting Town Centres- SPP explains 'the town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision making that considers the health and vibrancy of town centres'. Its principles (para. 60) set out inter alia that planning for town centres should be flexible and proactive' and the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people (para 69 further states that planning authorities should be flexible and realistic in applying the sequential approach). The latter sets a pragmatic context which takes account of development scale and the activity it generates as a precursor for directing development to town centres first, and necessarily so in order that a town centre first approach can remain practically compatible with support for home-based enterprise set out above. By the same reasoning that the proposal at hand is found to align with a micro-business operating on a life work format, it is appropriate to conclude such a proposal does not by its nature attract significant numbers of people for the purpose of invoking the precedence of a town centre first approach( and in turn is not realistically likely to compete directly for town centre business to an extent that it would demonstrably bear significant negative effect on the vitality and viability of existing centres), and the material balance thus falls to policy provision favouring economic development.

### (ii) Objector Concerns

- Consider a business operating from domestic curtilage is an inappropriate precedent and does not accord with the residential surroundings.

The outbuilding and associated use as a dog grooming business is sufficiently small scale to be ancillary to the main residential use of the site and so as not to undermine the established residential character of the area. The confined usage characteristics, within an appointment- only operation by a sole operator, are of a low intensity and likely to be unobtrusive in nature. 1 dog and any one time will ensure that the operation is of a scale appropriate to the residential area and is not expected to create significant amenity concerns with regards noise and activity.

- Concerns of increased noise pollution from dog barking and dog grooming dryers, increased amount of dog fouling and drains clogging up with dog hair

As captured elsewhere within this report, the Council's Environmental Health Service offer no objection however they suggest a noise condition is imposed. Noise issues should they occur can however be investigated and actioned as appropriate by Environmental Health as the relevant regulatory service for noise matters. It is therefore not considered necessary to impose a condition. It should however be noted that the small-scale nature of the proposal including no more than 1 dog at any time is unlikely to create a nuisance so significant as to impact neighbouring amenity. With regards to waste management and drainage, this would be an operational management issue incumbent upon the applicant to control with and appropriately dispose of and waste in a responsible fashion.

- Increase in traffic and concerns over where they will park

It is noted that the property has sufficient space for off-street parking that meets with the requirements of the Ayrshire Roads Alliance (ARA) as captured in section 2 of the report. A condition is recommended to ensure the parking requirements are achieved.

- The proximity of the outbuilding to the neighbouring property at No.10 Beech Grove and impact on privacy which would be to detriment of residential amenity.

Please refer to section (i) above.

- Concerns over operating hours and number of animals involved

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The presence of one dog on site at one time for the days and timescales specified is not expected to create significant adverse amenity issues.

### **(iii) Impact on the Locality**

The main issues for consideration pertaining to this application are as follows:

#### **Principle of Development**

The business would be operated by the resident of 111 Craigie Way as a small business venture. There would be no other employees and only one dog would be groomed at a time. The proposed business, as listed in the supporting statement, would primarily include grooming of dogs operated on an appointment system. Parking for visitors would be available within the front curtilage of the dwellinghouse. The principle of the proposal is considered to be acceptable given its small-scale nature which is unlikely to be detrimental to the amenity or character of the residential area.

#### **Design, scale and massing**

The application site is set within a largely residential area, which is characterised by residential properties of a similar type. The proposed outbuilding is found to be generally acceptable in its physical characteristic; it resembles a typical domestic outbuilding which is of single storey construction. Noting its domestic scale, set back from the established building line and enclosure behind a 1 metre wall which partially screens the structure from approaches along the street elevation, the proposal is considered acceptable. Adequate garden ground would remain for the host property.

#### **Residential Amenity**

As captured in section (i) above, the proposals are not expected to have significant adverse amenity impacts. The small-scale dog grooming business will be ancillary to the main use of the site as a dwellinghouse. The nature of the business is likely to serve local customers and the applicant has confirmed that services would only be provided via an appointment system for up to three dogs each day with no more than 1 dog at any one time. Any noise generated from the modest use is unlikely to be significant or for such longevity to cause significant harm. However, any statutory noise nuisance, should it occur, can be addressed through the Council's Environmental Health Service.

The outbuilding is to be sited and designed so as not to create any overshadowing, overbearing or overlooking impacts. Notwithstanding this, a condition is recommended to strengthen the boundary treatment to the north of the site to enhance the physical separation between No.10 Beech Grove to the north and the application site/ dog grooming outbuilding.

It is considered that the imposition of relevant conditions relating to the operational aspects of the proposal will ensure that the amenity of occupiers of neighbouring residential properties will not be significantly affected.

#### **Roads and traffic**

Access to the property is via a private driveway serving the site which is located off the main section of road serving Craigie Way. Directly to the front of the property there is a driveway. There is space to accommodate the two off road spaces (including required dimensions) as requested by the Ayrshire Roads Alliance. Given the low-key nature of the business and the fact that the applicant only envisages up to three dogs per day, it is not considered the proposed business will lead to a significant increase in comings and goings or parking issues within the locality. The Ayrshire Roads Alliance offer no objections to the proposal.

## **8. Conclusion:**

Overall, the proposed development complies with the development plan for the reasons as outlined in this report. The principle of the proposal is considered acceptable, and it is not anticipated that the proposals will have a significant adverse impact on the amenity of the area. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by suitable conditions. Equally, the points raised in the objections have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application.

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### 9. Recommendation:

It is recommended that the application is approved, subject to condition(s).

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) The outbuilding and associated dog grooming business hereby approved shall operate in strict accordance with the operational statement dated 13 September 2022. Specifically, the dog grooming business shall:
  - Be operated solely from the outbuilding hereby approved
  - Be operated by the applicant that resides at 111 Craigie Way, Ayr and without any employees
  - only operate between the hours of 9am-5pm Monday-Saturday
  - Not exceed one dog at any one time or appointment
- (4) That prior to the dog grooming business operating from the outbuilding hereby approved, a minimum of 2 off-road parking spaces shall be provided within the existing application site curtilage 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 first be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) and thereafter implemented as approved.
- (5) That parking within the existing application site curtilage shall have dimensions of a minimum of 6m x 3m, per vehicle space.
- (6) That no permission is granted for the display of any advertisement, either within the curtilage of the property at 111 Craigie Way or on or attached to the outbuilding hereby approved or the residential dwellinghouse at 111 Craigie Way.
- (7) That prior to the dog grooming business operating from the outbuilding hereby approved, a screen fence measuring 1.8 metres in height when measured from ground level shall be erected along the northern boundary of the application site with No.10 Beech Grove (parallel with the gable of No.10. Beech Road).

### 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 residential amenity
- (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 adequate off-street parking provision.
- (6) In the interests of the residential amenity and character of the area
- (7) in the interests of neighbouring amenity

### 9. Advisory Notes

#### (1) Road Opening Permit:

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) Roads (Scotland) Act:

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) New Roads and Street Works Act 1991:

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) Costs of Street Furniture:

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.



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**9. List of Determined Plans/ documents:**

Drawing - Reference No (or Description): 2022/70/1

Drawing - Reference No (or Description): 2022-70-3

Drawing - Reference No (or Description): 2022-70-3

Drawing - Reference No (or Description): 2022-7-2(REV.A)

Drawing - Reference No (or Description): 2022-70-5

operational statement dated 13 September 2022

**Background Papers:**

1. Application form, plans and submitted documentation
2. Representations
3. Adopted Local Development Plan 2
4. Scottish Planning Policy

**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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