



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 24 January 2024** at **14:15** to consider the undernoted business.

### **Meeting Arrangements - Hybrid Meetings**

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

#### **1 Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

#### **2 Minutes**

The accuracy of the Minutes of the Meeting of the Local Review Body held on 20 September 2023 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### **3 Notice of Review: 23/00533/PP: Skelmorlie: 9 Eglinton Terrace**

Submit report by the Head of Democratic Services on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

#### **4 Urgent Items**

Any other items which the Chair considers to be urgent.

## **Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Local Review Body Sederunt

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Robert Foster (Chair)  
Timothy Billings (Vice-Chair)  
Scott Davidson  
Stewart Ferguson  
Cameron Inglis  
Amanda Kerr  
Davina McTiernan  
Jim Montgomerie  
Ian Murdoch  
Chloe Robertson

Chair:

Apologies:

Attending:



At a Meeting of the Local Review Body of North Ayrshire Council at 3.20 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Robert Foster, Stewart Ferguson, Cameron Inglis, Davina McTiernan, and Chloe Robertson.

**Present (Remote Participation)**

Timothy Billings and Amanda Kerr.

**In Attendance**

A. Hume and I. Davies, Senior Development Management Officers and J. Mack, Planning Officer (Place); R. Lynch, Senior Manager and J. Niven, Solicitor (Legal Services), and S. Wilson, Committee Services Officer (Democratic Services) (Chief Executive's Service).

**In Attendance (Remote Participation)**

D. McCaw, Committee Services Officer (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Scott Davidson, Jim Montgomerie and Ian Murdoch.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on 23 August 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Notice of Review: 23/00309/PPP: Mid Lambroughton Farm: by  
Cunninghamhead**

The Senior Manager (Legal Services) advised the Local Review Body that the Notice of Review had been due to be considered on 23 August 2023. However, following the omission of papers at that stage, advice was given that the Review be continued to today's meeting. Representations had been received from the applicant in connection with the determination of the Review and the Senior Manager advised that it was in order to proceed to consider the matter in terms of timescales.

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report. Additionally, information relative to the statement of case, as submitted by the Agent on behalf of the Applicant and which had been inadvertently omitted from the report submitted to the Local Review Body on 23 August 2023, was also provided.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer and the information submitted by the Agent on behalf of the Applicant. The Planning Adviser advised that the applicant stated within the summary of ground of appeal that the Local Review Body was invited to visit the site if they so wished.

Members asked a question and were provided with clarification that the application related solely to the principle of building a house in the site location.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request and that a site visit was not required.

Councillor Billings, seconded by Councillor Inglis, moved that the Local Review Body uphold the officer's decision to refuse planning permission on the grounds outlined in the Decision Notice. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

#### **4. Notice of Review: 23/00254/PP: 6 Alton Way, West Kilbride**

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. The Planning Adviser advised that no site visit of hearing had been requested by the applicant.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Foster, seconded by Councillor Kerr, moved that the Local Review Body uphold the officer's decision to refuse planning permission on the grounds outlined in the Decision Notice. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

The meeting ended at 3.45 p.m.

**NORTH AYRSHIRE COUNCIL**

**24 January 2024**

**Local Review Body**

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**Title:** **Notice of Review: 23/00533/PP: 9 Eglinton Terrace, Skelmorlie**

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**Purpose:** To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

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**Recommendation:** That the Local Review Body considers the Notice of Review.

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**1. Executive Summary**

1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

**2. Background**

2.1 A Notice of Review was submitted in respect of Planning Application 23/00533/PP for the erection of a detached dwellinghouse on a site to the west of St Margarets, 9 Eglinton Terrace, Skelmorlie.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report:

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Report of Handling;
- Appendix 3 - Location Plan; and
- Appendix 4 - Planning Decision Notice.

**3. Proposals**

3.1 The Local Review Body is invited to consider the Notice of Review.

#### **4. Implications/Socio-economic Duty**

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

##### **Equality/Socio-economic**

4.4 None arising from the recommendation of this report.

##### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton  
Chief Executive

For further information please contact **Diane McCaw, Committee Services Officer**, on **01294 324133**.

#### **Background Papers**

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Cunninghame House Friars Croft Irvine KA12 8EE Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100635643-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Howard"/>	Building Number: <input type="text" value="1"/>
Last Name: *	<input type="text" value="Kettle"/>	Address 1 (Street): * <input type="text" value="REDACTED"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="REDACTED"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="REDACTED"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="REDACTED"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ST MARGARETS"/>
Address 2:	<input type="text" value="9 EGLINTON TERRACE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="SKELMORLIE"/>
Post Code:	<input type="text" value="PA17 5ER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="667075"/>	Easting	<input type="text" value="219461"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Proposed new build house within grounds of 9 Eglinton Terrace

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Appendix A

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appendix A

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00533/PP

What date was the application submitted to the planning authority? \*

13/07/2023

What date was the decision issued by the planning authority? \*

12/10/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Julie Mills

Declaration Date: 20/12/2023

## **APPENDIX A**

### **9 EGLINTON TERRACE - (Original Application No. N/100635643-001)**

#### **8 – Statement**

I understand that my application for planning was rejected due to "The proposal would significantly harm the visual amenity of the wider area". I respectfully disagree with this point as similar modern bungalows are sited next door along Eglinton Terrace west boundary and next door along Annetyard Road on the south boundary (there are similarly modern properties to the north boundary also), both these roads contain properties that do not align with my property in terms of visual impact and therefore I do not understand Council reasoning that my application should be rejected on the basis of "visual amenity".

Secondly, the Council noted within its rejection "The proposed siting of the development would have a detrimental impact on the setting of the listed building". The siting of my proposed small single storey dwelling is on the lower slope of the front garden area and would be served by an existing entrance onto Eglinton Terrace. Because of the sloping nature of the ground, the proposed dwelling would be mostly hidden from view from occupants of 9 Eglinton Terrace with the added help of landscaping and vegetation planting further shielding and naturally forming a barrier/screen.

Thirdly, in respect of Policy 2 – Placemaking, I believe that the proposed bungalow will comply with the 6 subsections contained within Policy 2;

Distinctive – the proposed bungalow will be sited to take into account the sloping topography, the existing mature landscape will enhance the appearance of the proposed bungalow and along 2 elevations – South and West the occupants of the bungalow will have views and a very pleasant outlook, enhancing their satisfaction and wellbeing. Materials and colours will be used to ensure similarity with 9 Eglinton Terrace the existing dwelling.

Safe and Pleasant – The proposed bungalow will have ample off-street parking, good garden space, utilize existing stone wall boundary fencing and gates. The siting of the bungalow and neighbouring properties will mean no adverse impacts in terms of privacy, sightlines, excess traffic and because of the existing boundary walls there is clear distinction between public and private spaces. The proposed bungalow should not impact local crime at all due to security of boundary and gates.

Resource Efficient – the proposed bungalow will maximise usage of the existing mature garden, use existing access and egress and has no flood issues. By using existing garden space there is no impact on green belt type space.

Welcoming – the proposed bungalow will be sited within a large mature garden with much mature bushes and trees and will be welcoming for occupants set in attractive surroundings.

Adaptable – the site has considered future users; any users will have a greenspace that is private and secure and there will be no proposed changes to that.

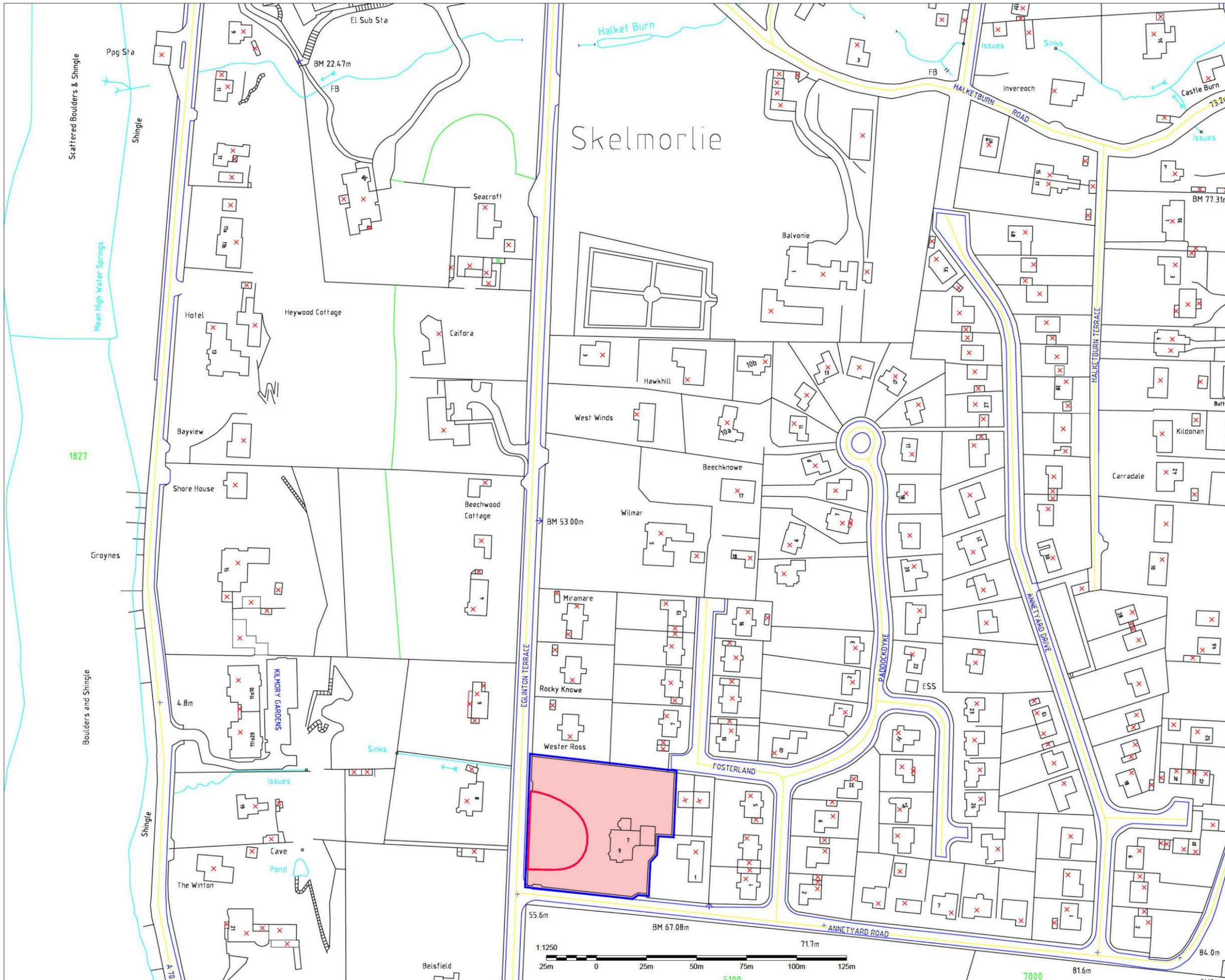
Easy to Move Around and Beyond – the bungalow will be sited by a public road, that is both walkable and driveable and as well as easy to cycle.

Fourthly, in respect of Policy 10 – Listed Buildings. Although the proposed bungalow does not involve restoration of a Listed Building as such, it does involve the re-use of garden that is part of a Listed Building. The Listed Building will not be detracted from, as the garden surrounds the Listed Building and is substantial and will remain of substantial size and nature. This Policy 10 seems to be written primarily around the 'Building' and issues, not the surrounding land and as such may not be relevant to the proposed bungalow.

Fifthly, in respect of Policy 7 of the Ayrshire LDP, I don't believe that the proposed bungalow would come under any of the subclause a-o. The proposed bungalow does not involve any work to the existing property, 9 Eglinton Terrace, nor is the garden within a conservation area, nor is the garden of national importance and a schedule monument is not involved etc. nor does the proposed bungalow have a 'significant impact on historic assets'.

Sixthly, in respect of Policy 14 of the Ayrshire LDP, I understand that this Policy is based around outcomes such as; quality places, spaces and environments – places that have healthy and pleasant characteristics etc. I believe that due to the mature garden and abundance of trees and bushes that the setting for the proposed bungalow delivers in terms of this Policy. The site for the bungalow will undeniably promote mental well being and safety, it is within the village and has a very walkable environment with very pleasant walk route to the

village stores. The intended bungalow design will endeavour to include colours and materials etc, that mix well with the environment, although the existing bungalows surrounding 9, Eglinton Terrace mentioned above do not 'mix' with the existing environment. Due to the fact that the proposed bungalow will be single story, it will be easily adaptable, suit the elderly population and potential those with a disability or wheelchair reliant and reduce any impact on existing roadway.



Project

 julie mills:  
architectural services

PROPOSED HOUSE SITE TO  
WEST OF EXISTING PROPERTY  
AT 9 EGLINTON TERRACE  
SKELMORLIE,  
AYRSHIRE, PA17 5ER

Drawing Title

LOCATION PLAN

For

MR H KETTLE

Scale(s)

1:1250

Date Drawn

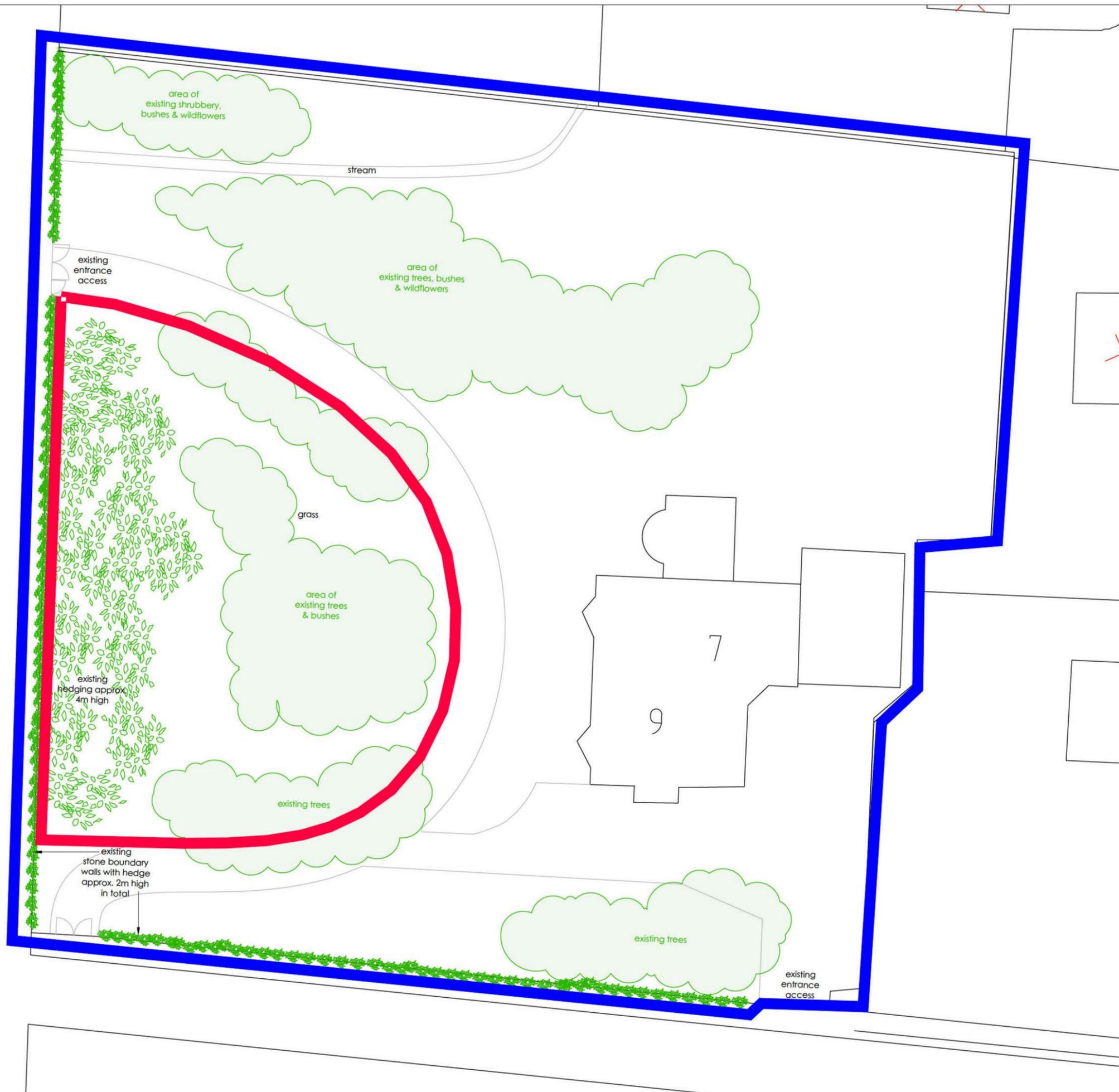
JUN'23

Drawing Number

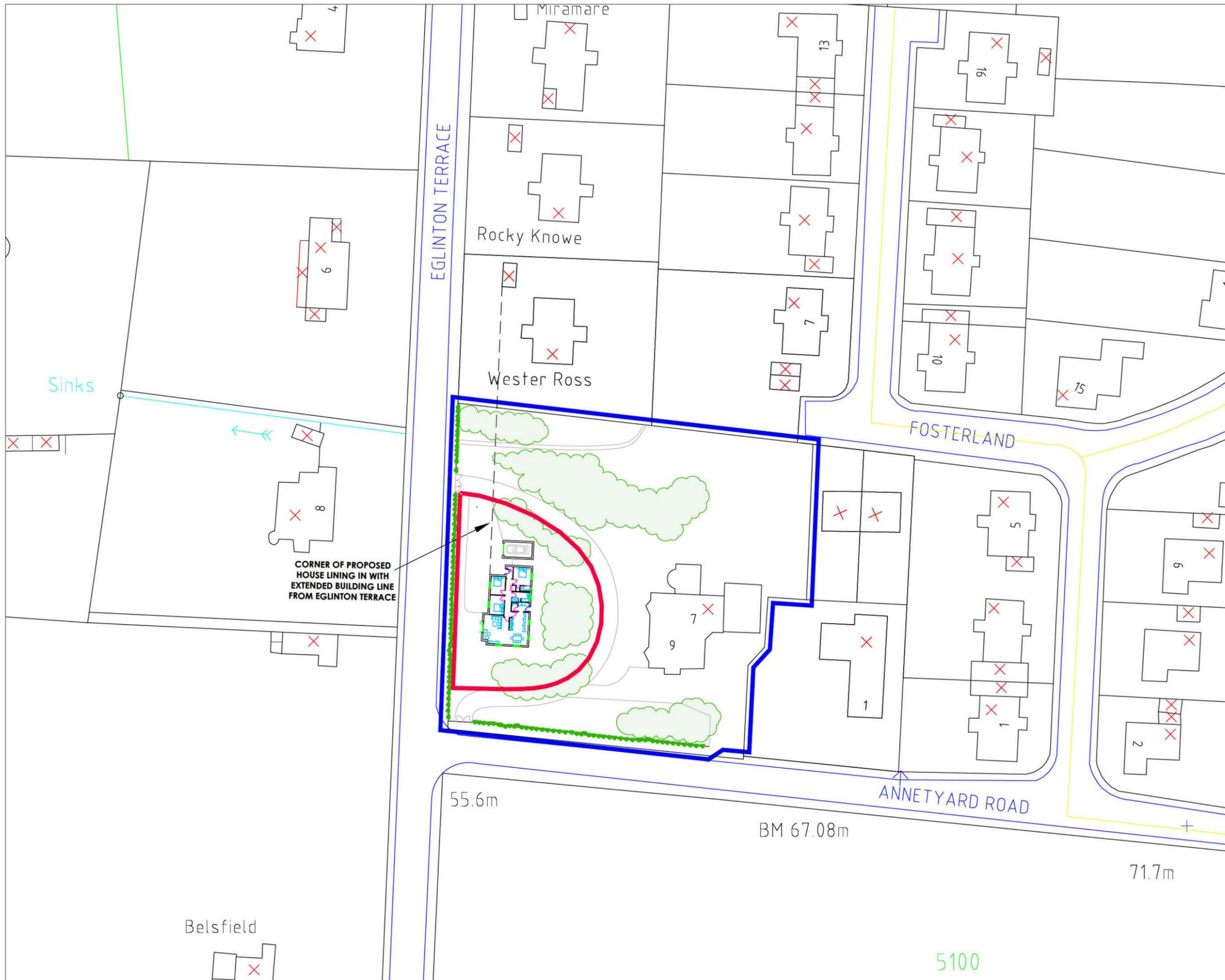
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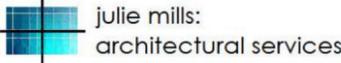
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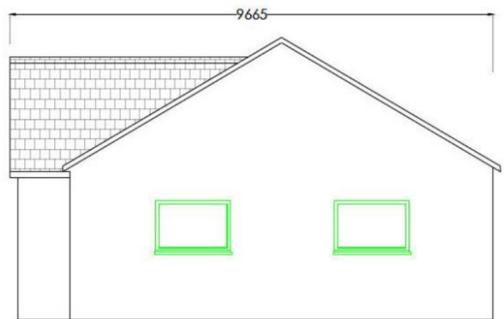
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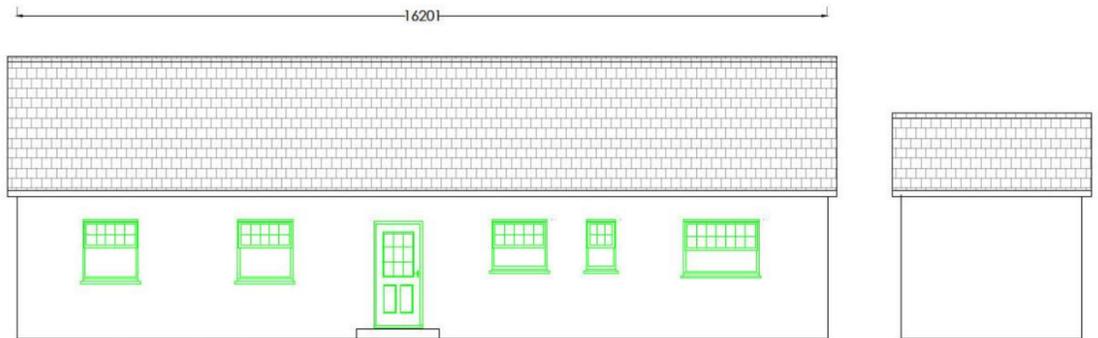
Project	
	julie mills: architectural services
PROPOSED HOUSE SITE TO WEST OF EXISTING PROPERTY AT 9 EGLINTON TERRACE SKELMORLIE, AYRSHIRE, PA17 5ER	
Drawing Title	
EXISTING SITE PLAN	
For	
MR H KETTLE	
Scale(s)	
1:200	
Date Drawn	
JUN'23	
Drawing Number	Rev.
001	A



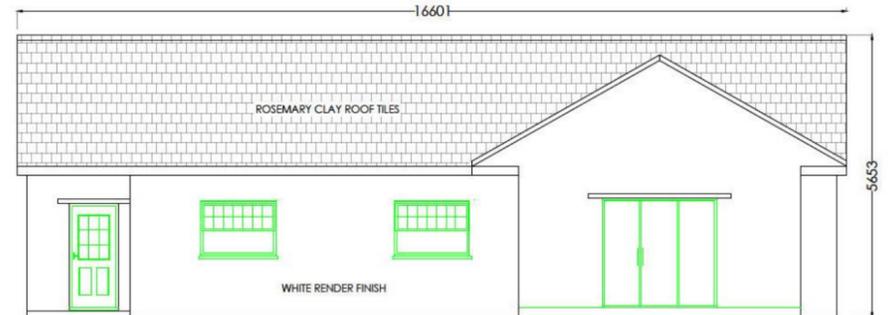
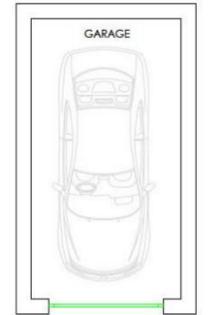
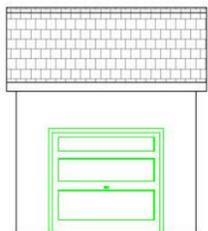
Project	
	
	
PROPOSED HOUSE SITE TO WEST OF EXISTING PROPERTY AT 9 EGLINTON TERRACE SKELMORLIE, AYRSHIRE, PA17 5ER	
Drawing Title	
PROPOSED BLOCK PLAN	
For	
MR H KETTLE	
Scale(s)	
1:500	
Date Drawn	
JUN'23	
Drawing Number	Rev.
002	A



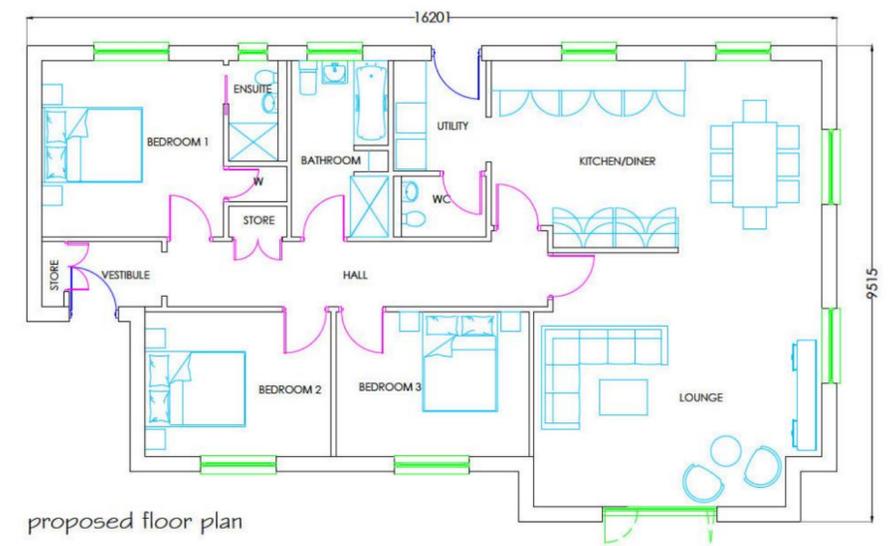
proposed south elevation



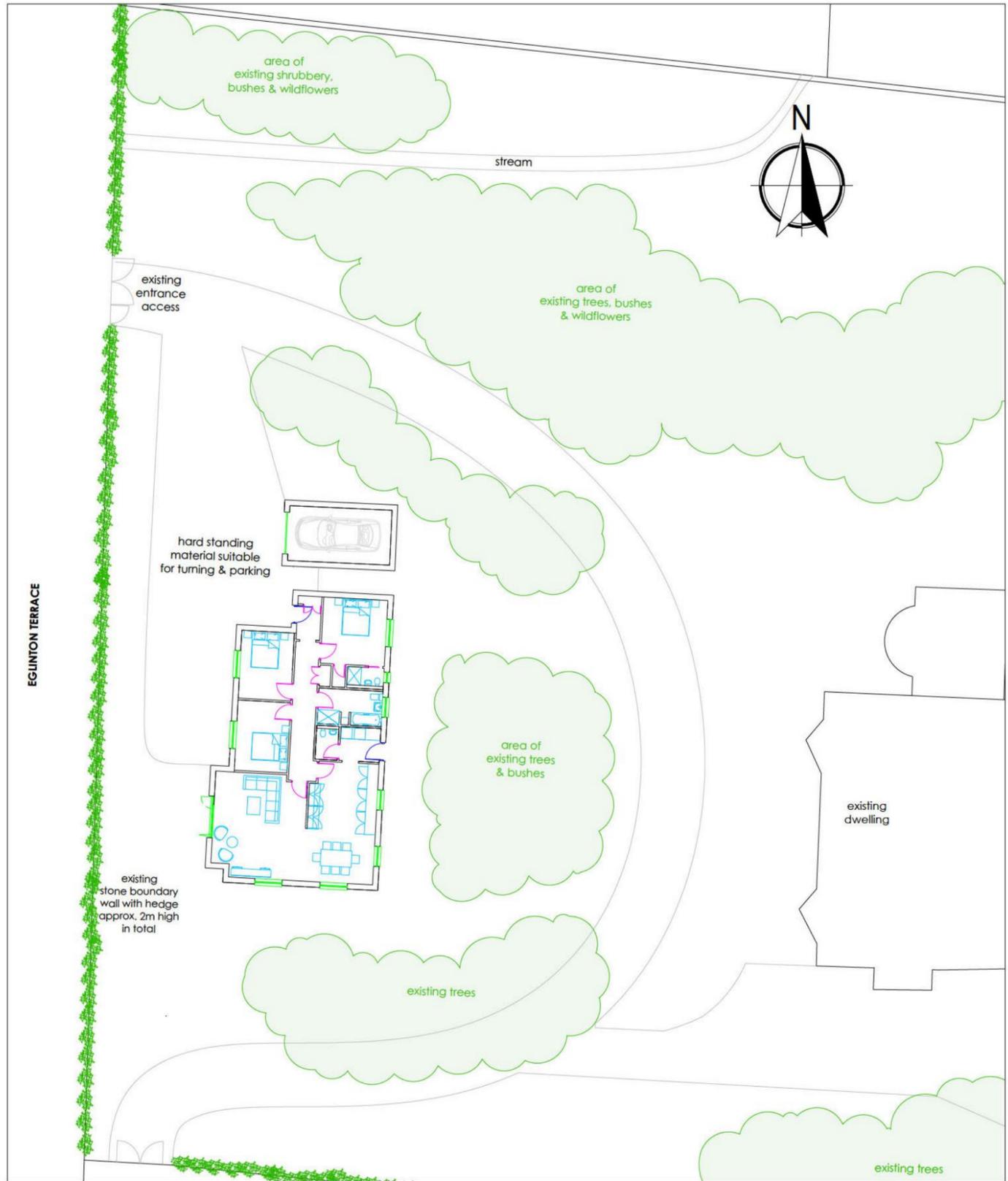
proposed east elevation



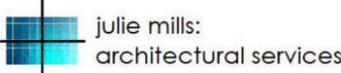
proposed west elevation



proposed floor plan



Project

 julie mills:  
architectural services

PROPOSED HOUSE SITE TO WEST OF EXISTING PROPERTY AT 9 EGLINTON TERRACE SKELMORLIE, AYRSHIRE, PA17 5ER

Drawing Title

PROPOSED FLOOR PLAN, ELEVATIONS & SITE PLAN

For

MR H KETTLE

Scale(s)

1:100/1:200

Date Drawn

JUN'23

Drawing Number

004

Rev.



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01238/TPO  
(Original Application No. N/100517761-001)

CONDITIONAL CONSENT

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER AND TREES IN CONSERVATION  
AREAS)(SCOTLAND) REGULATIONS

To : Mrs Caroline Butler-Kettle  
c/o Tree Inspector Scotland Fao Chris Calvey  
North Hourat  
A760 Largs Road  
Kilbirnie  
North Ayrshire  
KA25 7LJ

With reference to your application received on 7 January 2022 for consent under the above mentioned Acts and Regulations for :-

Removal of 2 high hedges within an area covered by Skelmorlie No. 2 Tree Preservation Order

at St Margarets  
9 Eglinton Terrace  
Skelmorlie  
Ayrshire  
PA17 5ER

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Regulations hereby grant consent, in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- |           |    |   |
|-----------|----|---|
| Condition | 1. | That prior to the removal of the hedges here by approved, the applicant shall provide a scheme of replanting for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme of replanting shall be undertaken in the first planting season and seeding season following the removal of the hedges. Any trees or plants which, within a period of five years from their planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation. |
| Reason    | 1. | In order to ensure that a suitable scheme of replanting is undertaken; in the interest of the amenity of the TPO.   |

St Margarets  
9 Eglinton Terrace  
Skelmorlie  
Ayrshire  
PA17 5ER

No N/21/01238/TPO

Dated this : 27 January 2022



.....  
for the North Ayrshire Council

Tall Hedges Report

Tree Preservation Order CDC, Skelmorlie No. 2/1983

23<sup>rd</sup> December 2021

St Margaret's, 9 Eglinton Terrace,  
Skelmorlie  
PA17 5ER



Prepared for  
Caroline Butler-Kettle

Prepared by  
C. A. Calvey, P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons.  
THE TREE INSPECTOR (SCOTLAND)

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<u>Appendix 2: Map TPO</u>	<u>Page 5</u>

## Introduction

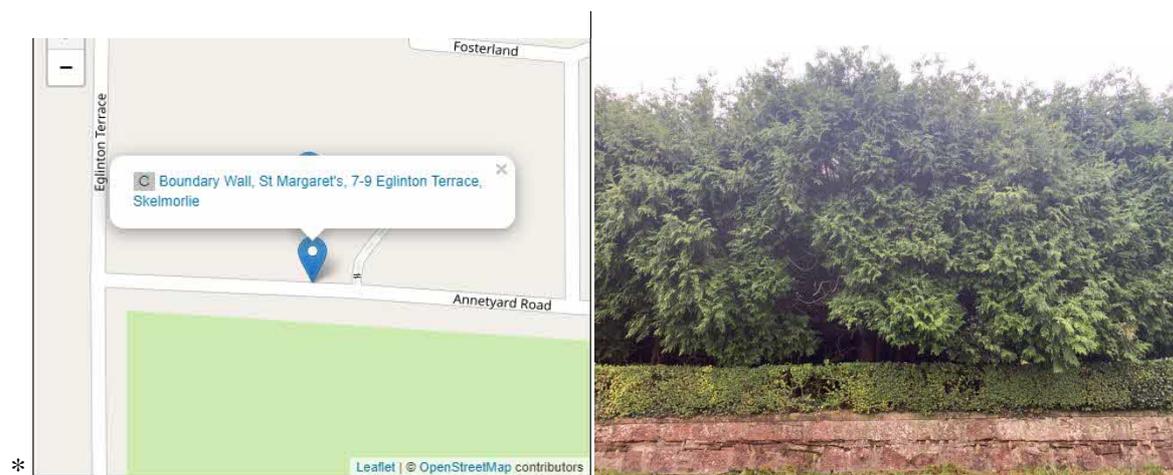
The report relates to 2 tall boundary hedges at St Margaret's, 9 Eglinton Terrace, Skelmorlie, PA17 5ER. The property is within the CDC Skelmorlie No. 2 Tree Preservation Order. The grounds extend to 0.94 acres.

The property has recently passed to new owners who wish to improve the gardens and plant herbaceous beds and specimen trees. Currently large evergreen, fast-growing hiba arborvitae (*Thujaopsis dolabrata*) forms high hedges on the south and west boundary of the property. Please refer to the site plan on page 2 with hedges 1 & 2 identified in red.

The owners wish to remove these 2 hedges for the following reasons:

1. The hedges occupy a large area of ground at 544m<sup>2</sup> proposed for tree planting. Hedge 1 Eglinton Terrace: 7-8m height and 8m in width extending to 35m and occupying 280m<sup>2</sup>. Hedge 2 Annetyard Road: 8-10m height and 8m in width extending to 33m and occupying 264m<sup>2</sup>.
2. It is unclear why 2 hedges have been planted in parallel formation and in such close proximity but the tall hedges are suppressing the low formal hedges of escallonia and privet planned for long term retention.
3. Due to the height of the hedges, they are suppressing high quality trees and shrubs set further back, creating a dark wet space which is uncondusive for new tree and shrub establishment.
4. The hedges threaten the \*Listed wall on the west and south boundary.
5. Telephone wires pass through the hedge on Annetyard road.

The owners propose planting 10 new trees in the space currently occupied by the hedge. The species list has yet to be determined but Sorbus, Prunus, Malus and Canadian Red Maple are under consideration. The owners are content that replacement tree planting is a condition of consent. The Tree Inspector supports the proposals.

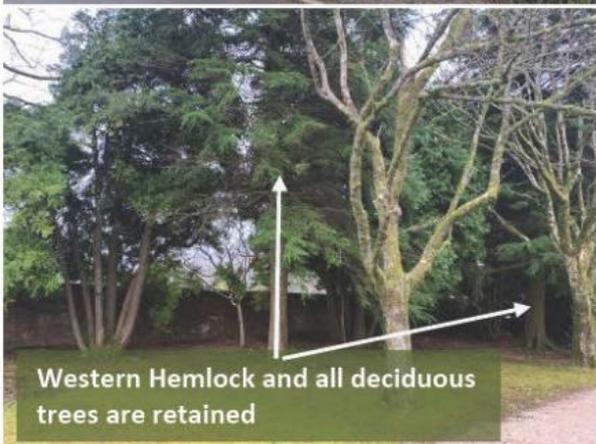




Hedge 1 Eglington Terrace



Hedge 2 Annetyard Road



Appendix 1

Applicant  
Caroline Butler-Kettle  
St Margaret's  
9 Eglinton Terrace  
Skelmorlie  
Ayrshire  
PA17 5ER



The Tree Inspector (Scotland)  
Christopher Calvey,  
North Hourat Farm,  
Kilbirnie, Ayrshire KA25 7LJ



North Ayrshire Council  
Cunninghame House  
Irvine  
KA12 8EE

Appendix 2

# TREE PRESERVATION ORDER

## Skelmorlie No. 2



<p>Address: 7/9 Eglinton Terrace, Skelmorlie.</p> <p>Grid Ref: NS 1945 6708</p> <p>Area: 0.603Ha</p> <p>Description: Mixed deciduous &amp; coniferous trees</p> <p>Date Confirmed: 26th March, 1985</p>	 <p>NORTH</p> <p>Scale: 1:2,500</p>
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## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 23/00533/PP  
**Proposal:** Erection of detached dwelling house  
**Location:** Site To West Of St Margarets 9, Eglinton Terrace,  
Skelmorlie, North Ayrshire

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**LDP Allocation:** General Urban Area  
**LDP Policies:** SP1 - Towns and Villages Objective / Strategic  
Policy 2 / Detailed Policy 10 - Listed Buildings /

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**Consultations:** None Undertaken  
**Neighbour Notification:** Neighbour Notification carried out on 10.08.2023  
Neighbour Notification expired on 31.08.2023

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**Advert:** Regulation 20 (1) Advert  
Published on:- 23.08.2023  
Expired on:- 13.09.2023

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**Previous Applications:** None

### Appeal History Of Site:

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
  - b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
  - c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
  - d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
    - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
    - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
  - f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

#### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

#### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 10 - Listed Buildings

##### Policy 10:

##### Listed Buildings

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. 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 listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or

- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
  - iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
  - iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally
- 

## **Description**

Planning permission is sought for the erection of a detached dwellinghouse and garage.

The application relates to a plot of land situated within the curtilage of 9 Eglinton Terrace (St Margarets), a C Listed Building, located within the settlement of Skelmorlie. The application site is land located to the west of the host property and is currently utilised as garden grounds belonging to the host property. A variety of trees and bushes exist within the application site. The site is located within Skelmorlie No2 Tree Preservation Order (TPO). The surrounding area is residential and features properties of a variety of designs and sizes.

The proposed development would sit approx. 22m west of the listed building at 9 Eglinton Terrace. The proposed house would be rectangular on plan and would measure approx. 16.2m by 9.5m. It would accommodate three bedrooms, 2 bathrooms, a utility room and a kitchen/living space. The house would reach a height of some 5.6m at its highest point and would feature a gable ended roof. Openings are proposed for the west, east and south elevation of the house. The proposed garage would sit to the north of the proposed house. On plan, it would be rectangular in form and would measure some 6.1m by 3.6m. It would have a gabled roof and would reach a height of some 4m at its highest point. The garage would have one opening to its front (west) elevation. The proposed finishing materials would consist of white render to the external walls of the house and garage. The roof of both buildings would be composed of rosemary clay roof tiles and the openings would be composed of white uPVC. The house would be accessed via the existing entrance from Eglinton Terrace which is north of the proposed house.

Regarding planning history, pre-application advice was given earlier in 2023 (ref:23/00118/PREAPP) regarding the proposal. The advice given was that a proposal in this location would be unlikely to be supported. Furthermore, the application site has been granted various permissions for tree works within the grounds of the listed building over the last few years. Most recently, consent was granted in 2022 for the removal of two high hedges subject to a replanting condition (ref: 21/01238/TPO). The high hedge located along Annetyard Road (south boundary) has already been removed but the high hedge situated along Eglinton Terrace (west boundary) is still present.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within the General Urban Area allocation of Skelmorlie and therefore the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: 23/00533/PP

Placemaking. As the application site is located within the curtilage of a listed building, the application also requires to be assessed against Policy 10: Listed Buildings. All development proposals require to be assessed against the adopted National Planning Framework 4 (NPF4).

## **Consultations and Representations**

Neighbour notification was carried out in accordance with statutory procedures. The application required to be advertised in the local press. No representations were received in response to the application.

No consultations required to be undertaken.

## **Analysis**

The site is located within the General Urban Area of Skelmorlie as identified in the Local Development Plan. The erection of a dwellinghouse within a general urban area is acceptable in principle in terms of Strategic Policy 1: Spatial Strategy and therefore, the application only requires to be assessed against Strategic Policy 2: Placemaking and Policy 10: Listed Buildings. All development proposals must also be assessed against NPF4.

Strategic Policy 2 states that all applications for planning permission should meet the qualities of successful places. Policy 14 of NPF4 reiterates the qualities of a successful place. The key qualities are considered to be 'distinctive' and 'safe and pleasant,' (expressed as 'pleasant' in Policy 14).

The proposed dwellinghouse would be sited directly in front of the principal elevation of the host property, a C-Listed building. Whilst it is considered that there is sufficient space for potential development to occur, due to the substantial sized grounds belonging to the host property, it is not considered that the proposed siting of the house would be appropriate.

As the host property is a listed building, the siting of a proposed house directly in front of the host property is considered to have a detrimental impact on the setting of the listed building as well as the visual interest of the surrounding area. The principal elevation of the listed building is west facing and has a frontage onto Eglinton Terrace. The proposed siting of the development would result in the listed building losing its frontage onto Eglinton Terrace and therefore, the outlook of the listed building would be adversely impacted by the siting of the proposed development.

The proposed dwellinghouse would also be forward of the houses located along Eglinton Terrace to the north. It would be in line with detached garages belonging to these properties. However, it is not considered that this proposal respects the building line of the street. The proposed dwellinghouse would not only be positioned in front of the principal elevation of a listed building but would also be forward of the existing building line of Eglinton Terrace. Given this it is considered that the proposed development would have a detrimental impact on the character and setting of the listed building and on the visual amenity of the surrounding area. As such, it is not considered that the proposal would be acceptable in terms of siting.

The design of the proposed dwellinghouse would be fairly simple and would consist of a gable roofed bungalow property with detached garage. It would not necessarily draw upon the character of the listed building although, some of the finishing

materials would complement those of the host property. The proposed design would have some similarities with the neighbouring properties to the north of the application site in terms of scale. However, due to the proposed siting of the development it is not considered that a dwellinghouse of any design would be acceptable in this location. The proposal does not therefore draw upon the positive characteristics of the area. It does not promote visual quality and does not support attractive built spaces. The proposal does not meet the 'distinctive' and 'safe and pleasant' qualities of Strategic Policy 2 of the LDP and the 'distinctive' and 'pleasant' qualities of Policy 14 of NPF4.

In terms of amenity, the development is not considered to result in any significant loss of privacy or overlooking to any surrounding properties. However, as mentioned above, due to the proposed siting of the development it is considered that the proposal would have a detrimental impact on the setting of the listed building and on the visual amenity of the surrounding area. It is also not considered the proposal would give rise, subject to conditions if permission were granted, of any potential adverse impacts on trees covered by the Tree Preservation Order.

Given the above, it is not considered that the development accords with the criteria of a successful place.

In terms of Policy 10: Listed Buildings, 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 Listed Building. In this case, the proposed dwelling and garage would be sited directly in front of the principal elevation of 9 Eglinton Terrace (St Margarets) which is a C Listed Building. It is considered that the siting of the development directly in front of the listed building would cause a significant impact on the setting of the Listed Building. The principal elevation of the host property faces west and the siting of the proposed house in this location would result in the listed building losing its frontage onto Eglinton Terrace and therefore, it is considered that this would significantly impact the historic setting and siting of the house. As mentioned above, the design of the proposed house would be relatively simple and would not necessarily draw upon the character of the listed building. Given the above, it is not considered that the proposed development would be appropriate to the character and appearance of the listed building in terms of siting and design and therefore, would be contrary to the criteria of Policy 10.

Policy 7 of NPF4 reiterates Policy 10 of the LDP and states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. It is not considered that the proposed development would preserve the character of the listed building, nor its historic and architectural interest given the siting of the proposal directly in front of the listed building. It is therefore, considered that the proposed development would not meet the criteria of NPF4 Policy 7.

As the proposal does not meet all of the qualities of a successful place, it does not accord with Strategic Policy 2: Placemaking of the LDP or Policy 14 of NPF4. Additionally, the proposal does not accord with LDP Policy 10: Listed Buildings or Policy 7 of NPF4. The proposed siting of the development would not preserve the character or setting of the listed building and would be forward of the existing building line and therefore, the proposal would have a detrimental impact on the character of the listed building and the amenity of the surrounding area. It is therefore, considered that the proposal should not be supported, and it is recommended that planning permission be refused.

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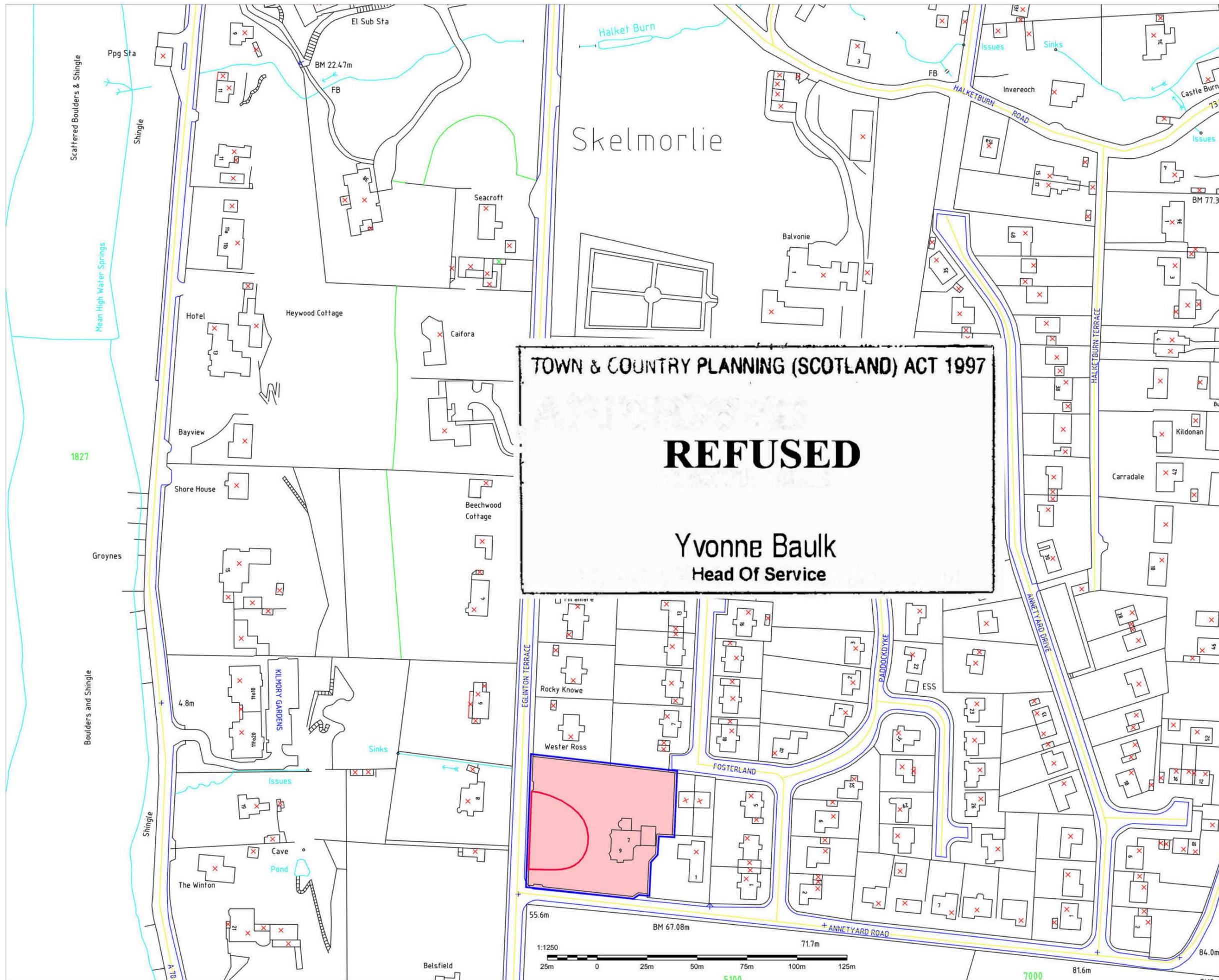
**Decision**

Refused

Case Officer - Charlotte Conway

## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Site Plan	001	
Block Plan / Site Plan	002	
Location Plan	003	
Proposed Plans and Elevations	004	
Block Plan / Site Plan		
Location Plan		
Proposed Elevations		
Site Plan		



Project	
	julie mills: architectural services
PROPOSED HOUSE SITE TO WEST OF EXISTING PROPERTY AT 9 EGLINTON TERRACE SKELMORLIE, AYRSHIRE, PA17 5ER	
Drawing Title	
LOCATION PLAN	
For	
MR H KETTLE	
Scale(s)	
1:1250	
Date Drawn	
JUN'23	
Drawing Number	Rev.
003	A



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Yvonne Balk : Head Of Service (Housing & Public Protection)

No N/23/00533/PP

(Original Application No. N/100635643-001)

Type of Application: Local Application

**REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013

To : Mr Howard Kettle  
c/o Julie Mills  
27 Bellard Walk  
West Kilbride  
Ayrshire  
KA23 9JL

With reference to your application received on 10 August 2023 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwelling house

at Site To West Of St Margarets 9  
Eglinton Terrace  
Skelmorlie  
North Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposal does not accord with the qualities of successful places and would not preserve the character or setting of the listed building.  
The proposed siting of the development would have a detrimental impact on the setting of the listed building. The proposal would significantly harm the visual amenity of the wider area. The proposal is therefore contrary to Strategic Policy 2: 'Placemaking' and Policy 10: 'Listed Buildings' of the adopted North Ayrshire Local Development Plan and Policy 7: 'Historic Assets and Places' and Policy 14 'Design, Quality and Place' of National Planning Framework 4.

Dated this : 10 October 2023



.....  
for the North Ayrshire Council

(See accompanying notes)



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013 – REGULATION 28

Yvonne Baulk : Head Of Service (Housing & Public Protection)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

