
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast and Cumbraes
Reference	20/01084/PP
Application Registered	26th November 2020
Decision Due	26th January 2021
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	12 Kirkton Crescent Millport Isle Of Cumbrae KA28 0HJ
Applicant	Mr Cameron Mclaws
Proposal	Erection of detached dwelling house with associated parking and landscaping

1. Description

The site is located within the second phase of a plotted residential development in Millport. The first phase, 'Golf Road' was granted Planning Permission in 2005 for 22 residential plots (04/00684/PP) and is almost completed. The second phase 'Kirkton Crescent' was granted Planning Permission in 2007 and comprises of a further 15 plots (06/00854/PP). Kirkton Crescent has seen much less development and only a few plots are completed. The application plot, 12 Kirkton Crescent, lies to the south of the development with unoccupied plots on either side. The most recently finished house 16 Kirkton Crescent lies further to the east and 6 and 8 Kirkton Crescent lie to the west of the site. The plot is currently an open grass field.

It is proposed to erect a one and a half storey detached dwellinghouse on the site. The house would have a floor area of 86.24sqm and would be located in the centre of the plot. It would have a gabled roof design, with the gable ends oriented to the front and back of the building with a ridge height of approx. 9.25m to the rear and 8.75m to the front accounting for the slight slope of the plot. The majority of the fenestration would be located on the gable ends which would feature a metal standing seam perimeter, with horizontal timber cladding and large sections of glazing as the main finishing materials. There would be a small recessed first floor balcony on the front elevation. The roof and the side elevations of the house would be clad in natural slate. The site layout would feature a parking area for two

cars to the front of the house and a patio to the rear. There would be no boundary treatment to the front of the plot and 0.3m high hedging delineating the side boundaries of the front garden. The side boundaries of the rear garden and rear boundary would be demarcated by 2m high fencing. A single tree is proposed in the front garden and screen planting along the rear boundary.

In the adopted Local Development Plan the site lies within a General Urban Area allocation 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: Placemaking. A Design Brief was required to be prepared for the development under the original Planning Permission for the Kirkton Crescent development, and this is also a material consideration.

Pre-application advice was provided to the applicant in October 2020 (20/00938/PREAPP). This advice highlighted that the proposed finishing materials did not comply with criterion 6 of the Design Brief. The proposal initially included a first-floor balcony on the rear elevation, however, this was removed on the request of the case officer who concluded that such a balcony would have allowed for unacceptable overlooking of the neighbouring properties to the rear.

The application is supported by a Design Statement which summarises the design process and finished design.

Given the Covid-19 restrictions, a site visit was not undertaken. However, it is considered there is sufficient information to determine the application including that available through aerial photographs, photographs provided by the applicant and streetview resources.

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 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;

- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

2. Consultations and Representations

The standard neighbour notification was undertaken and there was no requirement to advertise the application. One letter of objection has been received; the points raised in which are summarised below:

1. The proposal in contrary to the guidance previously approved for the site.

Response: The proposal is contrary to two of the six criteria of the Design Brief, criterion 1, building lines/zones and criterion 6, finishing materials, which are discussed in the analysis section of the report.

2. The property should be restricted to one and a half storeys in height.

Response: The proposed house is one and a half storeys in height. While the first floor would have the same floor area as the ground floor, the roof pitch begins part way through the first floor meaning that the ceiling would be sloped closer to the external walls. The proposed house is similar in height to other houses on the estate.

3. The rear windows and balcony of the proposed house overlook the back garden of the neighbouring house to the southeast.

Response: It is agreed that the balcony would have resulted in unacceptable overlooking and loss of privacy for the neighbouring property to the southeast, and thus it has been removed from the proposals. While the first storey rear facing windows will still allow for a degree of overlooking of this property, the distance to the boundary is 9.2m and the distance between the rear elevations of the two properties would be approx. 18m. Furthermore, there is existing boundary planting and it is proposed to plant additional screening planting which would increase privacy. Given the distance and the screening, it is not considered that the overlooking from the first-floor windows would lead to a significant loss of privacy for the neighbouring property.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: The developer for Phase 2 of the plotted development (Kirkton Crescent) did not apply for a Road Construction Consent and as such this section of road has not been constructed to an adoptable standard. The road therefore requires to be constructed to allow further house building. The applicant is required to construct an adoptable standard of road from the adopted section of road to the driveway access to this proposed property, and along the frontage of the site. A valid construction consent for this section will need to be submitted to North Ayrshire Council and a road bond to cover the work will be required. The proposed site plan shows 2 parking spaces; as the proposal is for a four-bedroom house three spaces are required.

Response: Noted, these issues could be addressed via condition.

3. Analysis

The erection of a dwellinghouse in a General Urban Area allocation is considered acceptable, in principle, in terms of the Town and Villages Objective of Strategic Policy 1, and the detail of the application therefore only requires to be assessed in terms of Strategic Policy 2: Placemaking and Policy 29: Energy Infrastructure Development. Strategic Policy 2 states that all applications for Planning Permission should meet the qualities of successful places. The Design Brief is also a material consideration, although it is of lesser weight than Strategic Policy 2.

Criterion 1 of the Kirkton Crescent Design Brief states that no house shall occupy more than 30% of the plot area. The area of the plot is 469sqm and the proposed house would be

86.24sqm., which amounts to approx. 18% of the plot area and therefore the size of the proposed development is considered acceptable. Criterion 1 also states that plots shall be developed within the building lines set in the development plan. In the development plan the application site (plot 8) is narrow and only allows for an 8m deep building footprint. The proposed house is in line with the front building line but extends beyond the rear building line by approx. 3m. Given the constrained building zone for this plot, it is considered that this slight breach of the rear building line would be acceptable. The proposed house is one and a half storeys in height, which complies with criterion 5 of the Design Brief. At 9.25m to ridge at the highest point to the rear it would be slightly higher than the other recently completed houses in the development, however, to the front it would appear similar in height to the other houses.

The proposed finishing material for the roof would be natural slate which accords with criterion 6 of the Design Brief. However, the proposed finishing materials for the walls (slate on the side elevations and timber/metal on the front and rear) do not accord with criterion 6, which states that walls should be finished in a mixture of render, stone and facing brick. The Design Statement produced by the applicant states that the Design Brief is quite prescriptive and that architecture for new houses in Scotland has moved on since it was produced in 2007. The Design Statement also states the precedent established by 6 and 8 Kirkton Crescent (two of the most recently constructed houses of the development) which use elements of timber and metal cladding. No. 8 in particular has a modern design utilising metal framed gables similar to that currently proposed. The Design Statement claims that this is evidence of changes to the design of domestic architecture in Scotland which have taken place since the Design Brief was drafted. This justification provided for the departure from the Design Brief is accepted; the proposed finishing materials are all high quality, robust natural materials which would give the house an attractive contemporary appearance. It is considered that any attempt to amend the materials to conform with the Design brief would compromise the design and have a negative impact on the appearance of the house. A condition could be used to secure further details of the finishing materials including colour and texture.

In terms of amenity, the proposed house would have vacant plots on either side, and thus the only neighbouring property would be the one to the rear. The neighbouring property to the rear has a relatively small back garden and thus is close to the boundary with the application site. While the existing boundary planting is likely to screen any overlooking between the gardens or ground floor windows of the two properties, the upper floor windows of the proposed dwellinghouse would allow for a degree of overlooking of the neighbouring properties back garden and rear windows. However, given the distance between the two properties and the boundary screening, it is not considered that this overlooking would lead to a significant loss of privacy for the neighbouring property.

NAC Active Travel and Transport (AT&T) has recommended a number of conditions relating to access, including one that requires that Kirkton Crescent is upgraded to adoptable standards to the access for the dwellinghouse. In addition, AT&T states that a further parking space is required in addition to the two displayed on the site plan. It is considered that there is sufficient space within the curtilage to accommodate another parking space without compromising the appearance of the garden.

Criterion 3 of the Design brief states that no boundary treatments shall be erected to the front of the dwellinghouses; none are proposed. It also states that 0.3m high hedges shall delineate the front garden; this is shown on the proposed site plan. Side and rear

boundaries are proposed to be 2m high fences which again conforms with Criterion 3. Criterion 4 states that every house shall have a tree in the front garden. One is shown on the proposed site plan; however, no details of species or maintenance has been provided. In addition, planting is shown along the rear boundary which will provide a screen between the proposed house and the houses to the north of Bute Terrace, however the plan does not show any further details. Details of landscaping can be secured via condition.

Policy 29 of the LDP states that proposals for all new buildings will be required to demonstrate at least 10% of the current carbon emissions reduction set by the Scottish Building Standards will be met through operation of low and zero-carbon technologies. A condition could be added to any permission, if granted, to require the exact detail of the low and zero carbon technologies to be provided. Subject to such a condition the proposal also accords with Policy 29.

The proposed development meets the qualities of successful places as highlighted above, and therefore it complies with Strategic Policy 2: Placemaking and the Towns and Villages Objective of Strategic Policy 1. While the proposal is contrary to two of the six criteria of the Design Brief, the justification provided for the departure from the Design brief is acceptable. Although the Design Brief is a material consideration, the main design policy consideration is Strategic Policy 2, which the proposal accords with. There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the applicant shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the final choice of finishing materials is acceptable in terms of appearance and durability.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid construction consent, including Road Bond, for the upgrading of Kirkton Crescent to adoptable standards up to the driveway access to the dwellinghouse hereby approved. The road shall then be upgraded prior to the first occupation of the dwellinghouse to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the dwellinghouse can be accessed by a road constructed to adoptable standards.

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall provide details of an additional parking space to be provided on site, bringing the total number of on-site parking spaces to three, for the written approval of North Ayrshire Council as Planning Authority. The parking spaces shall then be provided in accordance with such details as may be approved prior to the first occupation of the dwellinghouse.

Reason

Dwellinghouses consisting of four or more bedrooms require a minimum of three in-curtilage parking spaces. In order to ensure that a sufficient level of car parking is provided.

Condition

4. That the first 2m of the driveway shall be hard surfaced to the satisfaction of North Ayrshire Council as Planning Authority. No water surface shall issue from the driveway onto the public carriageway.

Reason

In order to prevent loose material or water from issuing onto the public road; in the interest of road safety.

Condition

5. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

In order to ensure that the site is suitably landscaped; in the interest of amenity.

Condition

6. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, 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

In order to ensure that the landscaping is suitably maintained.

Condition

7. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be

implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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