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## NORTH AYRSHIRE COUNCIL

14th February 2018

### Planning Committee

Locality	North Coast
Reference	17/01191/PP
Application Registered	22nd November 2017
Decision Due	22nd January 2018
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Rose Cottage Portencross West Kilbride Ayrshire KA23 9QA
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<b>Applicant</b>	Mr David & Gordon Wright
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<b>Proposal</b>	Replacement of existing dwelling house and erection of 4no new dwelling houses
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### 1. Description

This can be ascertained by reference to the attached plans and photographs.

This application proposes the replacement of an existing house and the erection of four new houses within the grounds of Rose Cottage Portencross. The site extends to 0.72 Ha. and contains Rose Cottage, which is semi derelict and vacant for a number of years, and one other occupied house. The site is located at the northern end of Portencross and is bounded to the south by a private access road connecting the B7048 coast road to the two houses within the site, and a group of four houses at Meadow Cottages; to the west by the B7048; to the east by a private access road leading to two other houses to the north of the site, Auchenames and Auldhill Cottage; and to the north by the wooded grounds of Auchenames. The site is accessed from the public road by two lanes and a new access road is now proposed from the northern end of the B7048.

The proposed replacement house would be constructed on the same site as Rose Cottage and would be generally rectangular in plan and one and a half and single storey in height, and would be slightly smaller in scale to the house to be demolished, which is predominantly two storeys high. The proposed house would have a mix of stone and rendered walls and a slate roof.

The other proposed houses would be in two groups, two located immediately north of Meadow Cottages to the east of the site, each of similar one and a half storeys high and general appearance but incorporating different design features. The other two houses would be semi-detached one and a half storeys high and again of similar design principles and external finishes to the other proposed houses, and orientated east/west and facing south over the access road, which forms the northern boundary of the Meadow Field.

The application site is located within a Countryside allocation in the adopted Local Development Plan and the proposal requires to be assessed against Policy ENV 2 'Housing Development in the Countryside' which sets out a range of criteria to be met for proposals for housing in the countryside; Policy ENV 3 'Conversion, Rehabilitation or Replacement of Existing Buildings in the Countryside' which provides a presumption in favour of such development, subject to specific criteria; and Policy HE 4 'Scheduled Ancient Monuments and Archaeological Sites' which seeks to protect the setting of Scheduled Ancient Monuments and safeguard archaeological sites from inappropriate development.

The application also requires assessment against the relevant criteria of the General Policy of the LDP, in this case (a) siting, design and external appearance, (b) amenity, and (d) access, road layout and parking provision and the Council's Rural Design Guidance.

A similar application by this applicant (ref. 17/00771/PP) was withdrawn in November 2017 following discussions between Planning Officers and the applicant to achieve amendments to the siting and design of the proposed houses.

## **2. Consultations and Representations**

The standard neighbour notification procedure was carried out and the application was also advertised in the local press on 29th November 2017 for neighbour notification purposes.

A total of 13 letters of objection and a pro-forma style letter from 6 residents of the same property, were received, the grounds of which can be summarised as follows:

1. The proposed development would be contrary to LDP policies ENV1-ENV6, HE4  
Response - Policies ENV1 and ENV4-ENV6 are not relevant to the proposed development with ENV1 relating to non-housing rural developments; ENV4 relating to protecting prime quality agricultural land; ENV5 relating to farm diversification, and ENV6 relating to economic development and diversification within rural areas.

In relation to ENV2 objectors claim that the application site is not within a small nucleated group; that the scale of expansion, at 33%, is excessive; and that the development would prejudice future development opportunities. Portencross is considered to be a single nucleated grouping of housing, and as such ENV2 permits an expansion of up to 50% of the existing dwellings. It is considered that the proposal would represent a small-scale, sympathetic addition to the well-defined group of existing houses in accordance with Policy ENV2.

In respect of the concern of prejudicing future developments, the proposal, if approved, would permit the maximum number of additional houses in terms of Policy ENV2, however the permission would be subject to a Direction requiring the development to commence

within two years in order to prevent land banking and to allow other competing developments to be considered at that time. It is worth noting however that Portencross has not been the subject of any applications for new residential development for many years.

ENV3 relates to replacement houses in the countryside and therefore is relevant to the proposed demolition of Rose Cottage and the erection of a replacement house. The policy requires that the replacement house be of equivalent scale and siting to the building it replaces and it is considered that the proposal complies with this requirement.

In relation to Policy HE4, this policy states that proposals for development, which would adversely affect the site or setting of a Scheduled Monument, shall not accord with the LDP. Historic Environment Scotland (HES) is the responsible authority for Scheduled Monuments and has offered no objection to the proposal and advised that any impact upon views from the Scheduled Monuments of Portencross Castle and Auld Hill fort would be minimal.

2. The proposed development would be contrary to criteria (a) and (b) of the General Policy of the LDP, being of too modern and unsympathetic in appearance, and resulting in overlooking of neighbouring houses.

Response - Disagree. The proposed houses have been designed to be of a scale and design to compliment the range of traditional scales and designs in the area, with rendered walls, cement banded windows and base courses, slate roofs, and timber windows. The siting of the proposed houses would ensure adequate separation in terms of intervisibility with adjacent properties. The house of the objector, who raised this issue, would be some 35m from the nearest new house and would not be overlooked.

3. Portencross is of unique character and therefore Policy ENV2 should not apply in this case.

Response - Policy ENV2 applies throughout the Council area with the only exception being areas allocated in the LDP as 'sensitive countryside' and Portencross is not within such an allocation.

4. The proposed development would be contrary to Rural Design Guide.

Response - Disagree. The proposed layout and design of the proposed houses are considered to be relate well with the character of the settlement and of similar scale and density to other nearby buildings.

5. The proposed development could set precedent for further expansion within and on the fringe of the area.

Response - There would be no further potential for additional housing developments.

6. Portencross is characterised by two parallel linear forms of development and the proposed semi-detached cottages, being perpendicular to them, would be out of character and form an unnatural enclosure to the northern end of the meadow field.

Response - Portencross is considered to be a single nucleated grouping of housing.

7. The proposed development would have adverse impacts on SSSI's.

Response - The nearest SSSI to the application site is an area of woodland located over 200m to the north of the site and therefore unaffected by the proposals.

8. The proposed development would have adverse impacts on the Scheduled Monument of Portencross Castle, namely (i) the character and design of the proposed houses detracting from views from the viewing platform; (ii) detract from the visitor experience; and (iii) impact on the setting of the Castle. The application should have been referred to HES for their comments given the implications for the proposed development on Portencross Castle and Harbour.

Response - The proposed houses would be some 100 m - 150m distant from the Castle and would not affect the setting of the Castle. HES also consider that views from the Castle to the proposed houses to be minimal and therefore would not detract from the experience of visitors to the Castle.

9. Lack of details, and questionable accuracy of what has been submitted, with regard to foul and surface water drainage and which may not be realistic or able to gain subsequent consents from SEPA. Scottish Water should be consulted.

Response - Both Scottish Water and SEPA have not objected. Additional consents will require to be obtained from both of these agencies with regard to water supply and the treatment and discharge of foul and surface water drainage. An informative is attached to require the applicant to contact SEPA to agree the foul drainage proposals for the site.

10. The proposed houses are not needed at this location and no contribution towards affordable housing is contained in the application.

Response - The applicant does not require to demonstrate either need or to make any of the houses affordable.

11. A claim that bats are roosting in Rose Cottage.

Response - The applicant's agent has advised that whilst the house has been vacant for a number of years, there is not any evidence of the presence of bats. However the applicant has agreed that the demolition of the house would be delayed until a full bat survey is carried out and the results of which, including any necessary mitigation measures, would be submitted to the Council for approval. It is considered that a condition to require the survey work to be undertaken, prior to the commencement of the development, would be satisfactorily address this matter.

12. Japanese Knotweed is present on the site.

Response - An appropriate condition would address this matter.

13. Dispute the reference to 'Village Green' in the applicants Design Statement.

Response - Agree that the term may be misconstrued in that the area in question is rough grassland rather than what is normally envisaged as a formal village green, however the design principle of the proposed houses facing onto this open area is clearly understood.

14. Site is within the Hunterston B Emergency Evacuation area and would require to be included in the Emergency Plan.

Response - HSE (Office for Nuclear Regulation) advised that the site of the proposal is outwith the consultation zone for the power station.

15. No justification for the demolition of Rose Cottage as this is due to neglect by the owner.

Response - Planning permission is not required to demolish the existing house. Other objectors to the application have stated that they are only objecting to the four new houses and not to the replacement house.

16. This is purely a speculative development for financial gain with no intention by the applicant of living there.

Response - This is not a material land use planning consideration.

17. Residents were of the belief that no new houses, other than on the footprint of former or existing buildings, were permitted in the settlement.

Response - The LDP allows for both new individual houses and small groups of housing to be developed within the countryside subject to policy compliance.

18. Inadequate provision for parking and turning within the development. Issues residents currently experience with poor infrastructure would be significantly exacerbated as a result of the development e.g. road access, parking, drainage, pedestrian/vehicle segregation.

Response - NAC Transportation has no objections subject to a condition requiring the applicant to provide details of a turning area to accommodate refuse/servicing vehicles. Other consultations have not raised issues with infrastructure provision.

19. Request that the proposed new access should serve all of the proposed houses without them utilising any other existing accesses to the site.

Response - The applicant claims to have rights of access over alternative access roads into the site.

20. Permitted Development rights for future extensions to the proposed houses e.g. garages/outbuildings should be removed.

Response - It is considered to be unreasonable to impose such a restriction on these houses.

21. The applicant's statement that the grounds of Rose Cottage is 'too large to maintain' should not be a justification to allow the development.

Response - Agree. The proposal requires to be assessed against appropriate LDP policies and any other material considerations.

22. Servitude Rights with regard to access and drainage etc. cannot take place without the agreement of relevant landowners.

Response - This is a legal matter to be resolved separate from this application.

#### Consultations

NAC Transportation - No objection. Conditions required to secure (i) the hard surfacing of the first 5m of the access road, and (ii) require the applicant to identify a turning area within the site for refuse and larger service vehicles. Transportation also advise that the new access road will not be adopted by the Council for maintenance purposes and that the junction of the new access road with the public road will require to be the subject of an application for a Road Opening Permit.

Response - Appropriate conditions and informative would address these matters.

SEPA - No objection. SEPA acknowledge that the nearest public sewer connection is over 2km away and would therefore not expect this development to connect to the public drainage network. The applicant proposes that the development would be served by a private arrangement, a biological sewage treatment system, and this would require to authorisation from SEPA and with a preference of the sewage treatment and effluent disposal system for the site being a holistic system for whole development rather than a piecemeal set up.

The soil conditions might not be suitable for the installation of a soakaway arrangement and any discharge to coastal waters must be extended to below the low water mark. If pipework is required to be formed within the Old or North Harbours, which are Listed Buildings, to service the site then this should be discussed and agreed with Historic Environment Scotland.

Response - The applicant advises that the existing pipework which serves existing houses in the vicinity of the site would be utilised for the new houses. For foul drainage a treatment plant is proposed which will both treat and control the flow of treated outfall to the existing discharge to the sea. For surface water SUDS treatment would be introduced prior to discharge through the same pipework as the foul drainage. There is therefore no proposal to form new discharge pipework within the Harbour. An informative is attached to require the applicant to contact SEPA to agree the foul drainage proposals for the site.

Historic Environment Scotland (HES) - No objection. The impact upon views from the Scheduled Monuments of Portencross Castle and Auld Hill fort would be minimal as the footprint of the existing settlement would not be expanded and therefore the change to the setting of these monuments would not be substantial.

Response - Noted.

West of Scotland Archaeology Service (WoSAS) - No objection, however it is possible that significant archaeological remains may survive within the application boundary and that these may be damaged or destroyed by the ground-breaking elements of the proposals and a condition should be attached to require the applicant to submit a written scheme of archaeological investigation prior to the commencement of the development.

Response - An appropriate condition would address these matter.

Scottish Water - No objection. There is capacity in the water supply network however there is no Scottish Water waste water infrastructure within the vicinity of this proposed development and the applicant should therefore investigate private treatment options.

Response - An informative is attached to advise the applicant to contact Scottish Water regarding the proposed water connections.

HSE (ONR) - No comment as site is below the consultation threshold for Hunterston Power Station.

Response - Noted.

### **3. Analysis**

This application proposes the erection of five dwellinghouses within the coastal settlement of Portencross. One of the houses would be a replacement for Rose Cottage which would be demolished to accommodate the new house, and the other four houses erected within the grounds of Rose Cottage.

Portencross lies within a Countryside allocation in the adopted LDP and the proposed four new houses require assessment against Policy ENV2 and the replacement house assessed against ENV3. Policy ENV3 allows an existing house to be replaced subject to the replacement being of equivalent scale and siting to the building it would replace. The proposed house would be built at the same location and would be of similar scale design and in use of external materials and is therefore considered to satisfy ENV3.

Policy ENV2 makes provision for the small scale expansion of existing rural housing groups, with an up to a 50% increase and a maximum of four houses within a group. The cluster of houses at Portencross, from the public car park at its southern end to Rose Cottage at the north is considered to form a well-defined nucleated group. This group does not include houses close to, but visually separated from the application site, to the north, nor does it include houses at South Banks or West Point some 100m south of the car park.

Within the identified group there are some 15 houses which would permit up to the maximum four house limit subject to the proposed development (i) not being suburban in character and taking cognisance of the Rural Design Guide, (ii) not prejudicing a future development opportunity; (iii) complying with the relevant Roads Guidelines, and not being located within an area of 'sensitive countryside'.

In response to the above criteria, the proposed houses are considered to be appropriately sited and of a scale and design reflecting advice provided in the Rural Design Guide. The development if approved would be subject to a two year time limit under the terms of ENV2, intended to prevent land banking and to allow other development proposals to come forward if an approved development was not to proceed, thereby ensuring that the development would not prejudice any future development opportunity. The site does not fall within the definition of 'sensitive countryside' in the LDP and NAC Transportation has offered no objection to the proposals. The proposed four additional houses are therefore considered to satisfy ENV2.

Policy HE 4 'Scheduled Ancient Monuments and Archaeological Sites' seeks to protect the setting of Scheduled Ancient Monuments and safeguard archaeological sites from inappropriate development. HES, as the responsible authority for Scheduled monuments, did not object to the proposal, advising that any views from the Castle towards the proposed houses would be of minimal impact given the separation distance (some 110m - 150m) and due to the houses being within, and not representing an expansion of the settlement.

WoSAS has no objection subject to a condition to require the applicant to undertake an archaeological investigation of the site. Accordingly the proposed development is considered to satisfy HE4.

With regard to the General Policy criteria, as previously discussed in both responding to the grounds of objection and in assessing ENV2 and ENV3, the siting and design of the proposed houses is considered to be acceptable and thereby also satisfies criterion (a) of the General Policy. Similarly, the potential impact of the proposed development on criterion (b), amenity, and (d) access, road layout and parking, have been discussed earlier in this report and found to be acceptable.

In view of the above the proposed development is considered to comply with the relevant provisions of the Local Development Plan and it is recommended that conditional planning permission be granted subject to the Direction that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 do not apply to the erection of the dwellinghouses on plots 1 - 4 as respects this planning permission with the substitution for the period of 3 years referred to in each of those subsections, for the period of 2 years.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.

##### **Reason**

In recognition of the archaeological significance of the site.

##### **Condition**

2. That, prior to the commencement of the development, details of remediation measures to eradicate Japanese Knotweed from the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the remediation measures as may be approved shall be undertaken and the developer shall appoint a suitably qualified person to certify that Japanese Knotweed has been eradicated from the application site, all to the satisfaction of North Ayrshire Council as Planning Authority.

##### **Reason**

To ensure that Japanese Knotweed is safely eradicated from the site.

##### **Condition**



3. That, prior to any demolition works taking place to Rose Cottage, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a full survey of the building to establish if it is being used by roosting or hibernating bats; if bats are discovered, applications shall be made for appropriate licences, and details of measures to minimise the disturbance to bats shall be submitted, for the approval in writing of North Ayrshire Council as Planning Authority prior to any works taking place.

**Reason**

To minimise the impact of the development on roosting or hibernating bats.

**Condition**

4. That the first 5 metres of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway.

**Reason**

To meet the requirements of North Ayrshire Council as Roads Authority.

**Condition**

5. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a plan indicating the provision of a turning area within the site to accommodate large service vehicles. Thereafter, the proposals as may be approved shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any of the houses hereby approved.

**Reason**

To meet the requirements of North Ayrshire Council as Roads Authority.

**Condition**

6. That the new access road hereby approved shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any of the houses hereby approved.

**Reason**

To meet the requirements of North Ayrshire Council as Roads Authority.

**Condition**

7. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details/samples of the proposed external finishes.

**Reason**

In the interest of the amenity of the area.

**Condition**

8. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a phasing plan to indicate the sequence and timescale for the erection of the various components of the development hereby approved. For the avoidance of doubt plots 3 and 4 and the combined

plots 1 and 2 will each require to have commenced within the 2 year period as instructed by the Direction to the planning permission.

**Reason**

In order to prevent land banking.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr Gordon Craig Planning Officer on 01294 324380.

## Appendix 1 – Location Plan

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