
NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/00555/PP
Application Registered	3rd June 2021
Decision Due	3rd August 2021
Ward	North Coast and Cumbraes

Recommendation Approved subject to Conditions

Location 10 Kirkton Crescent Millport Ayrshire KA28 0HJ**Applicant** Ms Carol Fox**Proposal** Erection of detached dwelling house

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 less development and only a few plots are completed. The application plot is plot 7, or number 10 Kirkton Crescent. A completed house, 8 Kirkton Crescent lies to its southwest and approval was granted in January 2021 for the development of plot 8, or 12 Kirkton Crescent, to the northeast of the application site (20/01084/PP). The application plot is currently under long grass with a slight fall in levels to the rear of the site.

It is proposed to erect a one and a half storey detached dwellinghouse on the site based on the theme of a Scottish longhouse. The house would have a floor area of approx. 112sqm 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. 7.5m in height. The majority of the fenestration would be located on the gables ends, but the main access door would be located on the southwest side elevation. There would be a Juliet balcony on the first floor of the rear (southeast) elevation. The proposed finishing materials

would be slate for the roof, Cedral blue/grey weatherboard cladding on the walls, with buff facing brick as a secondary material. There would be a terrace measuring approx. 23sqm in area and 1m in height to the rear which would be accessed via patio doors. The terrace would be finished in facing brick and would have glazed balustrades. The site layout would feature a driveway to the southwest side of the dwellinghouse.

In the adopted North Ayrshire Local Development Plan (LDP) 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. Proposals for new buildings require to be assessed in terms of Policy 29: Energy Infrastructure Development. A Design Brief was prepared for the plotted development, and this is also a material consideration.

Changes to the design were secured by the Planning Officer to remove a recessed balcony on the rear elevation. It was considered that this balcony would have led to unacceptable loss of privacy through overlooking for the neighbouring property to the rear. The balcony has been replaced with a Juliet balcony, and whilst there will still be overlooking, the impact on privacy is considered to be suitably reduced. Changes were also secured to increase the proportion of the secondary brick finishing material from 15% of the external wall area to 31% to seek finishes more in keeping with the characteristics of the area.

The application is supported by a Design Statement which summarises the design concept for the longhouse and its influences, the character of the street, and describes/explains the resulting design.

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 the application was advertised in the local press. No letters of representation were received.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: Defer as the road for Phase 2 of the plotted development (Kirkton Crescent) has not been upgraded to an adoptable standard. A valid Road Construction Consent and Road Bond will need to be submitted.

Response: Noted. Permission has been granted previously to develop plots at Kirkton Crescent subject to the condition to ensure that a valid Road Construction Consent and Road Bond are submitted, and that the road is constructed to adoptable standards up to access of the proposed house. It is considered that a similar condition could be attached to this proposal in order to address these requirements.

3. Analysis

The principle, of the erection of a dwellinghouse on this site, was established by the initial Planning Permission for the plotted development (06/00854/PP). The erection of a dwellinghouse in a General Urban Area allocation is considered acceptable in principle in terms of the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy of the LDP, 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 Kirkton Crescent Design Brief is also a material consideration, although it is given lesser weight than Strategic Policy 2 in terms of the determination.

Criterion 1 of the Kirkton Crescent Design Brief states that each plot shall be developed within the Building Lines set on the overall development plan and no house shall cover more than 30% of the plot area. In the development plan the build zone for the application site (plot 7) allows for an 8m deep building footprint. The proposed house would be in line with the front building line but would breach the rear building line by approx. 8m. It is considered that a breach of the rear building line may be acceptable. Permission was granted earlier this year for a proposal on the adjacent plot, which also breached the rear building line (ref. 20/01084/PP). The rear elevation of the proposed house would be in line with the rear elevation of the existing house to the southwest. There would be approx. 7.7m between the rear elevation and the rear boundary. It is not considered that this would lead to any significant amenity issues and therefore the non-compliance with criterion 1 of the Design Brief can be accepted in this instance. With regards to the site coverage, the proposed house would cover approx. 23% of the plot, which accords with the Design Brief. The proposed house would be one and a half storeys and 7.5m in height which is considered appropriate and in-keeping with the area. It also accords with criterion 5 of the Design Brief.

The proposed finishing material for the roof would be natural slate which would accord with criterion 6 of the Design Brief, however, the proposed finishing materials for the walls, which would be primarily fibre cement cladding with small areas of facing brick, does not accord with criterion 6. Criterion 6 states that walls should be finished in a mixture of render, stone and facing brick, The Design Statement provided by the applicant states that the approved 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 that the precedent for a variation to the finishing materials was established by the Planning Permissions for 6, 8 and 12 Kirkton Crescent which all use a combination of finishing materials not in compliance with the finishing materials listed in the Design Brief. The justification for the departure from the Design Brief is accepted. Furthermore, the proposed finishing materials are high quality, robust materials which would give the house a contemporary and attractive appearance. Design changes were secured by the case officer to increase the area of brickwork in order to seek finishes more in keeping with the characteristics of the area. A condition could be added to secure further details of the finishing materials.

Criterion 5 of the Design Brief states that on plots 7, 8 and 9 the houses shall not have upper floor windows on their southeast roof slope. The proposed house would not have a southeast roof slope but would have an upper floor Juliet balcony window on its southeast gable. The initial proposal included a balcony on the upper floor rear elevation, but considering the rear elevation is 7.7m from the boundary it was considered that this design feature would have led to an unacceptable loss of privacy for the neighbouring property to the rear. The balcony was therefore removed at the request of the case officer and replaced with a Juliet balcony. While the Juliet balcony would still allow for a degree of overlooking of the back gardens of the neighbouring property to the rear, it would not significantly impact on the residential amenity of that property. Upper floor windows on the rear elevation were also approved at the adjacent plot 8 in January 2021(20/01084/PP).

The proposed house would also have windows on the side elevations which may allow for a degree of overlooking of the plots to either side. The existing house to the southwest has upper floor dormer windows facing directly onto the application site. A degree of mutual overlooking between the side facing windows of the proposed house and the neighbour to the southwest would be possible but would not significantly impact upon the privacy of either property. Any overlooking from the proposed terrace to the rear could be addressed by boundary treatments and screening which could be covered by Planning conditions. The proposed house is a sufficient distance from the boundaries of the site to ensure it would not overshadow any neighbouring properties.

NAC Active Travel and Transportation has recommended deferral of a decision on Planning Permission for a number of reasons including the requirement for a Road Bond and Construction Consent. It is considered that all these issues could be addressed by Planning Condition as these matters have been for other Planning Permissions on plots in Kirkton Crescent.

Criterion 3 of the Design Brief states that no boundary treatments shall be erected to the front of the dwellinghouses and that 0.3m high hedges shall delineate the front garden. 2m high fences are permitted to the sides and rear. No details of boundary treatments have been provided; these can be secured via condition. Criterion 4 relates to landscaping and states that each house shall have a tree in the front garden and that no more than 25% of the curtilage can be covered in hardstanding. The site plan shows a tree in the front garden and less than 25% of the plot would be covered in hardstanding, however, further details of landscaping are required and could be ensured via condition. Criterion 4 also states that on plots 7 ,8 and 9 shall have a mature planting screen along their southeast boundary. No details of such a screen have been provided, although this could also be ensured via condition. The proposed development meets the qualities of successful places as highlighted above, and therefore it complies with Strategic Policy 2: Placemaking.

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

While the proposal is contrary to a number of the criteria of the Design Brief, the justification provided for the departure from the Design Brief is considered to be 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 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. Thereafter, the development shall progress in accordance with the approved details 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 a 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 road is upgraded to adoptable standards; in the interest of road safety.

Condition

3. That prior to the first occupation of the dwellinghouse hereby approved, the first 2m of the driveway shall be hard surfaced to the satisfaction of North Ayrshire Council as Planning Authority, and designed to ensure that surface water shall not issue from the driveway onto the public footway or carriageway.

Reason

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

Condition

4. 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.

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 a suitable scheme of landscaping is undertaken and the landscaping maintained; in the interest of amenity.

Condition

5. That no development shall take place until details of a mature planting screen along the southeast boundary of the site is provided for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the screen shall be provided in accordance with the approved details within 6 months of the occupation of the house.

Reason

In order to provide suitable screening between the site and the neighbours to the rear; in the interest of amenity.

Condition

6. That prior to the commencement of the development hereby approved, the applicant shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with the approved details to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the boundary treatments are in-keeping with the appearance of the area; in the interest of visual amenity.

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 order to ensure that the proposed building meets the carbon emission reduction requirements through the use of low and zero carbon generating technologies.

James Miller
Chief Planning Officer

