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**NORTH AYRSHIRE COUNCIL**

1st September 2021

**Planning Committee**

Locality	North Coast and Cumbraes
Reference	21/00547/PP
Application Registered	3rd June 2021
Decision Due	3rd August 2021
Ward	North Coast And Cumbraes

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**Recommendation**      Approved subject to Conditions

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**Location**                      Plot 1 Craig-En-Ros Road Millport Ayrshire**Applicant**                      Mr and Mrs F Taylor**Proposal**                      Erection of detached dwelling house and variation of  
Conditions 2 and 8 of N/06/01108/PP

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**1. Description**

The application site relates to plot no. 1 within the Craig-en-Ros residential plotted development. Craig-en-Ros Road is a late twentieth century cul-de-sac on the edge of Millport. Plot no. 1 is a corner plot on the entrance into the plotted site. It measures approx. 800sqm in area and is mostly level, although with a significant slope close to the eastern boundary down to the neighbouring property.

It is proposed to erect a one and a half storey detached dwellinghouse on plot 1 and to seek variations to conditions 2 and 8 of planning permission ref. 06/01108/PP. The floor plan of the proposed house would be split into two offset sections with a connecting passage between, and at ground level would measure 126.5sqm in area. Only the southeast section would have an upper floor, and this would measure 55sqm in area. The house would have a gabled roof design, with the single storey northwest section measuring approx. 5m to the ridge and one and a half storey southeast section measuring approx. 6m in height. The house would sit at a 45-degree angle within the plot, with its front elevation facing north. The roof of the house would be finished in standing seam metal and the walls would be finished in a mixture of white render and vertical timber cladding.

The application seeks to vary conditions 2 and 8 of Planning Permission ref. 06/01108/PP. Condition 2 states:

"That with the exception of the dwellinghouses on Plots 1, 2 and 3, the proposed house types shall accord with the design brief hereby approved. The dwellinghouses on plots 1, 2 and 3 shall be either single or one-and-a-half storey construction with no windows on the southeast roof slope and the floor level of the three dwellinghouses shall be no higher than 100mm above the present ground level at plots 1 and 2 (68.1m) shown on the plans hereby approved."

The proposed variation of this condition is to allow the floor level to be 150mm above the present ground level. It is unclear the reference to 68.1m refers in the condition, the applicants topographical survey places the ground level at approx. 21m above ordnance datum (AOD), and this appears to be accurate.

Condition 8 of 06/01108/PP states:

"That prior to the commencement of the construction of any dwellinghouses on the plots, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a plan showing the revised building zones for the plots which shall provide a minimum distance of 20m from the rear of the building zones on plots 1, 2 and 3 to the boundary with no. 5 Craig-en-Ros Road."

The proposed variation of this condition is that at the closest the proposed dwellinghouse would be located 11.5m from the boundary with no. 5 Craig-en-Ros Road.

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. In addition, the application requires to be assessed against Policy 29: Energy Infrastructure Development, of the LDP.

In terms of the history of the site, in 2003, planning permission was granted for the formation of an extension to Craig-en-Ros Road consisting of 9 no. serviced plots (ref. 02/00611/PP). A further planning permission was approved in January 2007 for the retrospective alteration of ground levels on the serviced plots (ref. 06/01108/PP). To date, none of the serviced plots have been developed although there have been previous planning permissions granted for the development of plots no. 3 and no. 9, both of which have now lapsed. Some of the road infrastructure has been formed, consisting of a mono-block roadway.

Pre-application planning advice was given to the applicant in May 2021. The advice highlighted the relevant conditions of previous planning permissions and offered comment on the design. It was noted that the proposed design did not meet the 20m setback required by condition 8 of planning permission ref. 06/01108/PP. Furthermore, it was advised that a proposed balcony would not be supported due to the potential for overlooking. In addition, it was advised that the metal roof may not be in-keeping with the character of the area, and that a tiled roof should be considered instead. The application was then submitted with no changes to the design.

Since the application has been submitted, the case officer requested and secured the removal of the balcony, in favour of a Juliet balcony, and the repositioning of the house a further 1.5m from the boundary. In addition, a proposed garage has been removed as it would have been forwards of the front building line.

The application is supported by a Design Statement which seeks to justify both the proposed design and non-compliance with the conditions of planning permission ref. 06/01108/PP.

## **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 statutory neighbour notification process was carried out, and the application was advertised in a local newspaper. Four letters of objection have been received; the points raised in which are summarised below:

1. The proposal is contrary to conditions of previous planning permissions for the plotted development, specifically conditions 2, 8 and 10 of ref. 06/01108/PP. The proposed floor level and balcony are considered contrary to condition 2, the lack of a 20m setback from the boundary is considered contrary to condition 8, and the lack of information regarding the lowering of ground levels and removal of surplus materials is considered contrary to condition 10.

*Response: Variations to these conditions are being sought by the applicants as part of their proposals. Discussion on the proposed variations is included in the Analysis section of this report. With regards to condition 10, the ground levels to the rear of plots 1, 2 and 3 were built up with surplus materials taken from plots 4-8 which forms a flat development plateau ending in a steep slope down to the boundary with no. 5 Craig-en-Ros Road. Condition 10 required that within 6 months of the approval (July 2007) a plan for removing the surplus material and lowering the ground levels on these plots should be submitted. No such plan was ever submitted. Planning permission was subsequently granted on plot three for the erection of a house with no requirement to adjust the ground levels in January 2011 (ref. 10/00771/PP). The applicants have been advised to remove excess material and form a gentler slope in the rear garden. However, they have responded that this would require the removal of a large amount of material off the island which, they state, would make development financially unfeasible. Given the fact that the developer did not submit a plan for the removal of the excess material within the date specified and given the subsequent approval with no requirement to remove the material, it is not considered that Condition 10*

*still applies, and the ground level as existing is now considered to be the established ground level of the site.*

2. The proposed metal roof is not in-keeping with the character of the area where all the houses have roof tiles.

*Response: Agreed. This matter was highlighted to the applicant at the pre-application stage, as noted above. The applicant's Design Statement seeks to justify the use of a metal roof by stating that it is a high-quality material with a long history in Scotland. It is considered that while not in-keeping with the surrounding area, the metal roof would not detract from the appearance of the area and is important to the contemporary design which is being proposed; the use of a tiled roof would likely detract from the overall design aesthetic, in their view.*

3. No reference is made in the application to underlying geological issues or the proposed foundations. The ground level at plots 1-3 have been formed by materials removed from plots 4-8.

*Response: These are matters that would require to be considered during the building warrant stage.*

4. The developer removed the vegetation on site during the bird nesting season which led to the death of local wildlife.

*Response: Planning permission is not required for the removal of vegetation and the applicants have stated that it was not them who removed the vegetation from the site. Any alleged wildlife crimes are Police matters and should be reported directly by any concerned person.*

5. There is concerns over the potential for construction noise to affect the amenity of neighbouring properties. Craig-en-Ros Road is unfit for construction traffic due to its steep topography and tight bends.

*Response: Construction traffic for the erection of a single dwellinghouse does not raise significant amenity issues. Any noise disturbance can be reported to North Ayrshire Council Environmental Health, should this occur.*

6. There are at least four other potential applications at Craig-en-Ros Road who are waiting to see the outcome of this application before submitting. The Council should delay the start time of the current applications so that all development takes place at the same time, to minimise the disruption for neighbours.

*Response: This application at Craig-en-Ros Road is currently the only one, which has been submitted, and the application requires to be determined in line with the statutory processing period that applies to local developments. A time-extension has been agreed as the application requires to be determined by the Planning Committee.*

7. The amended scheme only contains minor changes to the original application, and the proposed development is still contrary to conditions of the previous planning permissions.

*Response: The proposed changes were to remove the proposed balcony and replace it with a Juliet balcony, to set the building back a further 1.5m from the boundary and to remove the proposed garage. However, the proposal remains contrary to conditions 2 and 8 of planning permission ref. 06/01108/PP and accordingly the applicant is seeking variations of these conditions.*

**NAC Active Travel and Transportation:** Craig-en-Ros Road has not yet been adopted and needs to be upgraded to an adoptable standard. Other standard conditions are suggested.

*Response: An appropriate condition would address these matters.*

### **3. Analysis**

The principle, of the erection of a dwellinghouse on this site, was established firstly by planning permission ref. 02/00611/PP in 2003 and again in 2007 with planning permission ref. 06/01108/PP. In addition, the erection of a dwellinghouse in a General Urban Area is acceptable in principle in terms of the Towns and Villages Objective of Strategic Policy 1 of the adopted Local Development Plan. 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 (distinctive, welcoming, safe and pleasant, adaptable, resource efficient and easy to move around and beyond.)

With regards to the proposed siting, the applicant has chosen to orientate the dwellinghouse at a 45-degree angle with relation to the plot boundaries. The reason for this siting is to take advantage of views to the south towards the sea, which would also result in the front elevation facing north and addressing the corner. The proposed diagonal siting results in the house breaching the setback of 20m from the boundary with no. 5 Craig-en-Ros Road as required by condition 8 of Planning Permission ref. 06/01108/PP, as the corner of the proposed house would be located only 11.5m from the boundary. However, given the angle of the proposed house, the majority of the proposed house would be further away from the boundary, and the siting would also ensure that windows would not directly overlook the side elevation of the neighbouring property. The 20m no build zone established by condition 8 of Planning Permission ref. 06/01108/PP was conceived on the basis that the house would be arranged parallel to the road to prevent overlooking of the side elevation of no. 5 Craig-en-Ros Road. Due to its diagonal orientation, the proposed dwellinghouse would not overlook the side elevation of 5 Craig-en-Ros Road and the siting is considered acceptable. It should be noted that a previous application at plot 3 also permitted a variation of condition 8 to allow a breach of the 20m no build zone (10/00771/PP). The angled orientation of the proposed dwellinghouse is considered acceptable given the corner plot location.

The other variation proposed is to condition 2 of planning permission ref. 06/01108/PP, to allow for the floor level to be 150mm above the ground as opposed to 100mm. The proposed variation of 5cm would not lead to excessive underbuilding and the amendment to condition 2 can therefore be supported.

The proposed dwellinghouse would occupy 126.5sqm of an approx. 800sqm plot, which is considered to be an appropriate level of density for a suburban location. The one and a half storey height of the proposed house is in-keeping with the neighbouring properties and



condition 2 of planning permission ref. 06/01108/PP. The proposed design takes inspiration from more traditional rural Scottish building forms but utilises high quality modern materials. While this finish may contrast with the more traditionally suburban character of the nearby houses, it is not considered that it would detract from the overall appearance of the area. Final full details of the finishing materials could be ensured via condition.

No details have been provided with regards to hard or soft landscaping or boundary treatments. Such details could be ensured via condition. A parking area for at least two vehicles would be provided in the front curtilage. Given that any additional development in the rear garden of the proposed dwellinghouse could impact upon the amenity of no. 5 Craig-en-Ros Road, it is considered prudent to remove permitted development rights for rear extensions and ancillary buildings.

Turning to amenity, as previously stated, the proposed house would be located 11.5m from the boundary with the neighbouring property, 5 Craig-en-Ros Road, at the closest point. This point would be located 16.5m from the side elevation of No. 5 Craig-en-Ros Road. Due to the proposed house being positioned at an angle, no windows would directly overlook the first-floor side window of no. 5. The proposed first floor Juliet balcony would allow for a degree of overlooking of the back garden within the neighbouring plot. The applicant initially proposed a full balcony; however, it would have resulted in an unacceptable loss of privacy for the neighbour. The Juliet balcony would be located approx. 25m from the boundary with No.5 when measuring its direct southerly outlook, and given this distance, and the removal of the balcony, it is not considered that this overlooking would lead to a significant loss of privacy for the neighbour.

Overlooking of the back garden within the neighbouring plot, would also be possible from the back garden of the propose house, due to the raised ground to the rear of the plot. While Planning Officers sought the re-grading of the rear garden to reinstate a gentler slope, the applicants state that it is not considered feasible. It is further noted that the raised slope is set back from the boundary and a degree of overlook is common in residential areas. The only other upper floor window would face north onto the public road. The neighbouring development plots would not be overlooked. The proposed dwelling would be located a sufficient distance from the plot boundaries to ensure that there would not be overshadowing of neighbouring properties. The proposed development would meet the six qualities of a successful place and is therefore in accordance with Strategic Policy 2: Placemaking.

Policy 29: Energy Infrastructure Developments, requires applicants to demonstrate that at least 10% of the current carbon emission reductions targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The proposed dwellinghouse would have solar photovoltaic panels on the rear elevation. Full details of these panels can be ensured via condition to seek compliance with policy 29.

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, full details of the finishing materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

**Reason**

In order to ensure that the final appearance of the finishing materials is acceptable; in the interest of visual amenity.

**Condition**

2. That prior to the commencement of the development hereby approved, full details of any proposed boundary treatments shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

**Reason**

In order to ensure that the size, location and appearance of any proposed boundary treatments is acceptable; in the interest of amenity.

**Condition**

3. 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 turving 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**

4. That, notwithstanding the permission granted by Article 3 of and Classes 1A, 1B, 1D, 3A and 3B of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the curtilage of the dwellinghouse, hereby approved.

**Reason**

In order to ensure that no additional structure or extension is erected in the rear garden of the dwellinghouse hereby approved utilising permitted development rights, which would negatively affect the amenity of the neighbouring dwellinghouse.

**Condition**

5. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid Construction Consent and Road Bond for the upgrading of the access road from the end of the currently adopted section of Craig-en-Ros Road up to the 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**

6. That the first 2m of the driveway of the dwellinghouse hereby approved shall be surfaced in a hard, bituminous material to the satisfaction of North Ayrshire Council as Planning Authority and designed to ensure that no surface water shall issue from the access onto the road. Vehicular access to the site shall be provided with a drop kerb crossing to be formed as detailed in the Roads Development Guidelines.

**Reason**

In order to ensure that no loose material or surface water is issued from the road; in the interest of road safety.

**Condition**

7. That prior to the commencement of the development hereby approved, full details of the solar photovoltaic panels shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

**Reason**

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

James Miller  
Chief Planning Officer

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

## Appendix 1 – Location Plan

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