



Cunninghame House,
Irvine.

30 August 2012

Local Review Body

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 5 SEPTEMBER 2012 at 2.30 p.m., or at the conclusion of the meeting of the Planning Committee, whichever is the later** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes

The Minutes of the previous meeting of the Committee held on 15 August 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Notice of Review: 12/00106/PP: Erection of detached dwellinghouse and formation of a new access road: Site to North of Hillhome: Portencross: West Kilbride

Submit report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers (copy enclosed).

Local Review Body

Sederunt:

Matthew Brown	(Chair)
Elizabeth McLardy	(Vice-Chair)
Robert Barr	
John Bell	
John Bruce	
Joe Cullinane	
John Ferguson	
Ronnie McNicol	
Tom Marshall	
Jim Montgomerie	

Chair:

Attending:

Apologies:

Meeting Ended:

Local Review Body
15 August 2012

IRVINE, 15 August 2012 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.40 p.m.

Present

Matthew Brown, Elizabeth McLardy, Robert Barr, John Bruce, Joe Cullinane, John Ferguson, Ronnie McNicol and Tom Marshall.

In Attendance

K. Smith, Planning Advisor to the Local Review Body and J. Law, Legal Advisor to the Local Review Body (Corporate Services); and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell and Jim Montgomerie.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the previous meeting of the Committee held on 20 June 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 11/00784/PP: Erection of one 55 kwh wind turbine on 25m high mast: Low Ballees Farm, West Kilbride

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of planning application 11/00784/PP by officers under delegated powers for the erection of one 55kwh wind turbine on a 25m high mast at Low Ballees Farm, West Kilbride. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-4 to the report.

At its meeting on 20 June 2012, the Local Review Body, agreed (a) to proceed to a site familiarisation visit; and (b) to so advise the applicant and interested parties. A site visit familiarisation visit was duly held on 13 August 2012, attended by Councillors Brown, Barr, Bruce, Ferguson, Marshall, McLardy and McNicol.

The Senior Planning Officer, as Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and that only those Members who had attended the site familiarisation visit were eligible to participate in the determination of the review request. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Members agreed that the Local Review Body now had sufficient information before it to determine the matter without further procedure.

Councillor Cullinane, who was unable to attend the site familiarisation visit, took no part in the determination of the review request.

Having considered all the information, the Local Review Body agreed to (a) uphold the review request; and (b) grant the application.

4. Notice of Review: 12/00012/PP: Erection of one-and-a-half storey extension to front of semi-detached dwellinghouse: 11 Torrlinn Terrace: Kilmory: Brodick: Isle of Arran

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for the erection of a one-and-a-half storey extension to the front of a semi-detached dwellinghouse at 11 Torrlinn Terrace, Kilmory, Brodick, Isle of Arran. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-4 to the report.

The Senior Planning Officer, as Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Members agreed that the Local Review Body had sufficient information before it to determine the matter without further procedure.

Having considered all the information, the Local Review Body agreed to (a) to uphold the review request; and (b) grant the application.

5. Notice of Review: 12/00106/PP: Erection of detached dwellinghouse and formation of a new access road: Site to North of Hillhome: Portencross: West Kilbride

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for the erection of a detached dwellinghouse and formation of a new access road on a site to the north of Hillhome, Portencross, West Kilbride.

The Senior Planning Officer, as Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. Photographs and plans of the proposed development were displayed.

The Local Review Body agreed (a) that, subject to a site familiarisation visit being undertaken, it had sufficient information before it to determine the matter without further procedure; and (b) to note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

5 September 2012

Local Review Body

Subject: Notice of Review: 12/00106/PP: Erection of detached dwellinghouse and formation of a new access road: Site to North of Hillhome: Portencross: West Kilbride

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

Recommendation: That the Local Review Body considers the Notice.

1. Introduction

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

2. Current Position

- 2.1 A Notice of Review has been submitted in respect of Planning Application 12/00106/PP for the erection of a detached dwellinghouse and the formation of a new access road on a site to the north of Hillhome, Portencross, West Kilbride.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice at Appendix 4.
- 2.3 The following related documents are set out in the appendices to this report:-

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

- 2.4 The above documentation was submitted for consideration by the Local Review Body at its meeting on 15 August 2012. The LRB agreed that a site familiarisation visit be undertaken. A site familiarisation visit was duly arranged for 31 August 2012. Only those Members of the Local Review Body who attended the site visit are eligible to participate in the determination of the review request.

3. Proposals

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

4. Implications

Financial Implications

- 4.1 None arising from this report.

Human Resource Implications

- 4.2 None arising from this report.

Legal Implications

- 4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

Equality Implications

- 4.4 None arising from this report.

Environmental Implications

- 4.5 None arising from this report.

Implications for Key Priorities


- 4.6 None arising from this report.

5. Consultations

- 5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review. No such representations have been received.

6. Conclusion

- 6.1 The Local Review Body is invited to consider the Notice of Review including any other procedure which may be required prior to determination.



ELMA MURRAY
Chief Executive

Reference :

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

Background Papers

Planning Application 12/00106/PP and related documentation is available to view on-line at www.north-ayrshire.gov.uk or by contacting the above officer.

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR & MRS F. CRAWFORD

Address HILLHOME
PORTENCROSS
WEST KILBRIDE

Postcode KA23 9PZ

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name TOM HARDIE

Address 9 KERR AVENUE
ESKBANK, DALKEITH
MIDLOTHIAN

Postcode EH22 3JW

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

NORTH AYRSHIRE COUNCIL

Planning authority's application reference number

12/00106/PP

Site address

NORTH OF HILLHOME, PORTENCROSS, WEST
KILBRIDE, AYRSHIRE

Description of proposed
development

ERECTION OF DETACHED DWELLING HOUSE AND
FORMATION OF A NEW ACCESS

Date of application

27/02/12

Date of decision (if any)

26/4/12

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

GIVEN THE IMPORTANCE OF THE ISSUE OF DESIGN AND THE AMOUNT OF SUPPORTING INFORMATION (PRODUCTS), A HEARING WOULD ENABLE THIS TO BE DISCUSSED IN FULL.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

AN ACCOMPANIED SITE VISIT WOULD BE BETTER AS PREVIOUS DISCUSSIONS WITH PLANNING AUTHORITY WOULD HAVE TO BE EXPLAINED WITH REGARD TO SITING OF PROPOSAL.

Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE SEPARATE ATTACHMENT.

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

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

RECENTLY PUBLISHED SCOTTISH GOVERNMENT GUIDANCE IS RELEVANT. WE FEEL IT NECESSARY TO EMPHASISE THIS AND RELEVANT EXTRACTS HAVE BEEN PRODUCED. THE MATERIALITY OF PLDP ENV2 IS ALSO RELEVANT.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

NOTICE OF REVIEW (STATEMENT OF APPEAL);
 PRODUCTION 1 - SCOTTISH PLANNING POLICY, PARAS 92-96;
 PRODUCTION 2 - COUNCIL APPROVED RURAL HOUSING POLICY, NOV 2010;
 PRODUCTION 3 - RURAL DESIGN FUTURE LANDSCAPES, SCOTTISH GOVT NOV 2011;
 PRODUCTION 4 - DESIGNING PLACES, PAGES 4, 5 and 18. THE SCOTTISH GOVERNMENT, 2010.
 PRODUCTION 5 - POLICY ENV 2, NORTH Ayrshire COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN, PUBLISHED 2010.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

Notice of Review

Planning Application Ref: 12/00106/PP

Proposed erection of detached dwellinghouse and formation of a new access road, Hillhome, Portencross, West Kilbride, Ayrshire

1. Introduction

1.1 We wish to seek a review to the Local Review Body (LRB) of the above application and explain and provide justification in the following Notice of Review.

1.2 The Decision Notice (dated 26/4/12) stated the following reasons for refusal:

1.21. Reason 1 - The proposed development does not accord with Policy H2 of the North Ayrshire Local Plan, excluding the Isle of Arran (NALP), and the Council's approved guidance on Single Houses in Rural Areas, in that by reason of siting, design and appearance, the proposed dwellinghouse is not of distinct design nor would it make a positive design contribution to the locality of the area or enhance the established character of the area.

1.22. Reason 2 - That there is no locational need for the dwellinghouse which would be i) contrary to Policy ENV1 of the NALP, ii) detrimental to the amenity and appearance of the countryside, and iii) establish an undesirable precedent for further similar developments.

1.23. Reason 3 - That the proposed development would be contrary to criteria a), b) and c) in that by reason of its siting, design and impact on the landscape the proposal would be detrimental to the amenity and character of the area.

2. Appellant's Response to Reason 1

2.1 Approved Scottish Planning Policy (SPP), paras 92-96, covers national policy and objectives regarding rural development. We would refer to paragraph 94 in particular (*Production 1*), which states that:

"Development Plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, **plots on which to build individually designed houses**, holiday homes **and new build** or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding."

2.2 The proposal at Hillhome is for an individually designed house of high quality in keeping with the existing rural environment and respectful of the rural location and landscape quality of the area. It includes an integral live work business office space. Policy H2 of the Proposed Local Development Plan (PLDP) is

meant to reflect this national objective and support such development. Given this overarching national objective and consequently, the PLDP, we have been alarmed at the cynicism and negativity that our proposal has evoked with the development planners at North Ayrshire Council, especially on the issue of design, which is a highly subjective matter. A number of architectural experts in the field of design have acknowledged the quality and appropriateness of the proposed design. However, the planners have roundly ignored these views in the determination of the planning application. They have also ignored the overarching objectives of the approved SPP and their own emerging PLDP policy ENV2 both of which promote quality design in the countryside.

2.3 Instead they have rested this decision on the adopted 2005 NALP and policies H2 and ENV1 of that document and ignored the materiality of the more recent SPP, the new PLDP Policy ENV1 and the Committee approved Rural Housing policy of 29th November 2010 (*Production 2*).

2.4 More specifically, to say that the house is not of distinctive design, nor would it make a positive design contribution to the locality or enhance the character of the area is a highly subjective and overly negative view from officials who are not professional experts in design matters, and flies in the face of the views of acknowledged architectural and design experts who were consulted on the application. Some of these wrote in to support the application during the consultation process.

2.5 Great care, including consultation with, and feedback from the NALP planners, has gone into the design process and the siting and layout. The proposed house would be complementary to the main art-deco house taking design cues from some of its essential elements but at a reduced and appropriate scale. The proposal is a bold statement of modern architecture and design, incorporating up to date energy efficiency measures throughout. In our opinion, it could be an exemplar of a modern, energy passive house and set a benchmark for others to follow. It is the very essence of an individually designed house for 2012.

2.6 As for the established character of the area, we consider that there exists a mixture of traditional and pastiche rural styles ranging from converted farm steadings to some modern fairly nondescript housing in the cluster nearby, which lack rural character and quality. The main house at Hillhome stands out as an art-deco exemplar and statement of its time. We, and those architectural experts who support us, believe we are adding to this character; not diminishing it in any way.

2.7 There is an urgent requirement for better designed houses in both urban and rural North Ayrshire, and this proposal would provide a much needed boost to the quality of the built environment of the area in line with SG objectives for design standards. The appellant has followed the principles outlined in the most recent

published Design Guidance from the Scottish Government, Rural Design Future Landscapes, November 2011 (*Production 3*).

2.8 The LRB should also bear in mind that these are very difficult economic times and the fact that the appellant is willing to invest in such a high quality building at this time should be a material consideration in their decision.

3. Response to Reason 2

3.1 We cannot understand why the Council is quoting this policy, ENV1 of the NALP (2005), as a reason for refusal and would argue that it should be given less material weight than new LDP policy. Although it may be the adopted policy, it is very out of date (2005) and predates, by some considerable time, the more up to date guidance on rural housing as mentioned above.

3.2 Both the SPP (2010) and the Council's own PLDP (December 2010) supersede it and we would argue that both these documents should be given more material weight in this case. The Council approved the PLDP in December 2010 and April 2011 (paper copy) for publication and consultation. Accordingly, the PLDP now becomes a material planning consideration in the determination of all planning applications.

3.3 The Council approved a new Rural Housing Policy in November 2010 and this too should be given more material consideration than the 2005 policy quoted. Paragraph 2.3, bullet 5 of the approved policy (see *Production*) states that:

"Policies will be in favour of:

- Exemplar single houses, subject to a satisfactory design statement and landscape evaluation".

3.4 One must ask why this council approved policy has been ignored in this case, and why too the SPP's objectives (paras 94 and 95) for rural development, and even the Proposed Local Development Plan policies, all of which should be given more material weight in deciding planning applications of this kind?

3.5 The PLDP policy ENV2: Housing Development in the Countryside, allows single houses on the basis of design alone and omits any requirement for 'locational need' for such a house. In short rural planning and rural housing policy has moved on and to quote an out of date policy as a reason for refusal shows a lack of awareness for current rural economic realities and puts an unnecessary emphasis on over-regulation to the detriment of common sense.

3.6 On the issue of precedent, this is continually trooped out as an added on reason for refusal. However, we believe that good design and quality housing, which this proposal is, would be an exemplar and set a standard for others to achieve. In this case it may be a precedent but only in the sense that it is an

exemplar of quality design and would thus set an important quality benchmark for rural housing in North Ayrshire.

4. Response to Reason 3

4.1 Again it is necessary to read the Report of Handling as it is unclear from the Decision Notice which policy is being quoted here as a reason for refusal; one of a number of typos / errors with the decision notice as issued to the appellant.

4.2 We have responded on the basis that the criteria being referred to in this reason are from policy ENV1A, and not policy ENV1 from the NALP (2005), as mentioned in the previous reason for refusal. However, we are not entirely sure if this is the case (perhaps they relate to policy H2 but if so, this is also not clear). In any event, it should not be necessary for us to have to make this deduction as it should have been made explicit in the Decision Notice which policy these criteria a), b) and c) are referring to, before it was signed and issued. This significant error alone should invalidate Reason 3 as a reason for refusal.

4.3 Of the criteria mentioned:

The siting, design and impact on the landscape issues have been discussed with the council's planners at pre-application and have been undertaken according to the design process framework outlined in the Scottish Government's most recent guidance, Rural Design – Future Landscapes (published in November, 2011). Appendices A and B of this document show how the siting process was undertaken and are submitted as *Production 3*.

4.4 We would emphasise the overall aim of this document, which is to raise the standard of design and to be innovative in rural areas as this brings added value to the local community. This message is also made clear in Designing Places (published 2010), at pages 4, 5 and 18 (*Production 4*). Of particular note is the message that "good design is a means of achieving added value", not only for the landowner but also the wider community.

4.5 Both the Design and Access Statement and the Landscape Capacity Statement submitted with the application go into the detail of the design process which was undertaken at some considerable expense to the appellant. However, these documents, and the SG advice and guidance on which they have been founded, seem to have been largely ignored by the case officer in his determination of the planning application.

4.6 We would therefore reiterate some of their main points which are:

- The garden ground at Hillhome is much larger than most of the village / urban gardens where single houses have already been allowed and developed in North Ayrshire. There would be a more than adequate area

of garden ground retained for all the residents within the curtilage at Hillhome. Incidentally, nowhere does it explicitly state in any of the advice published by NAC that houses would not be allowed in garden ground in rural settings such as this, so why is the case officer taking such a negative interpretation of policy H2 in this case? We think this is over-regulatory and entirely questionable. The important point is that the substantial garden at Hillhome is of a scale and character that could easily absorb a new house at an appropriate scale.

- The live work element is innovative too. This would create an integral office with its own separate access and parking space that would allow the new owner to operate his business from home. There is a high, unmet demand for this type of dedicated office space in new build housing and the lifestyle choice that it offers (see www.liveworknet.com). Live work is also supported by paragraph 94 of the SPP (*Production 1*).
- The proposed house would have a 'passive' energy profile and include the most up to date materials and design in this regard. Again this aspect has been overlooked despite being supported by The Climate Change (Scotland) Act 2009 and advice put forward and North Ayrshire Council's Rural Design Guidance.

5. Issue of Precedent

5.1 We also respond that the proposal would not establish a bad precedent as very few properties have the character and scale of garden ground as at Hillhome, which, although rural and "located a sufficient distance from a village" (*Production 5*), is also well connected to the village.

5.2 When considering the relevance of the issue of precedent we would remind the LRB that planning policy states that each application should be "treated on its merits" and the case for development has to be made each time. The merits of each will be quite different. The uniqueness of the Hillhome main residence and its site should rule out any possibility of "an undesirable precedent" as referred to in the decision notice.

5.3 One could argue that if the precedent being set is good, innovative housing design that creates an exemplar and standard for other developments to achieve locally then it should be supported.

6. Conclusion

6.1 Finally, we would remind the LRB that there have been no objections at all to this proposal, indeed only letters of support from qualified architects and expert designers. Indeed, the appellants have received only good wishes from their neighbours and the surrounding landowners.

6.2 Design is a subjective area and the adage that “one man’s meat can be another man’s poison” has a tendency to ring true when the subject of design is being discussed.

6.3 However, there can be no doubting the professional approach adopted by the appellants in this case. They have undertaken the planning and design process with thoroughness, spent a great deal of time and money in so doing to try and achieve something that will be distinctive, innovative, yet complementary, to the quality that already exists at Hillhome. In short, they are trying to raise the housing standard in this part of North Ayrshire and this objective should be supported at this difficult economic time when very little new quality housing is being delivered in North Ayrshire.

6.4 The appellants have followed the relevant planning policies and published guidance, both of the Council and the Scottish Government but have been frustrated by the negative attitude of the council planners and their interpretation of their own policies, including the lack of weight given to the materiality of the Council’s own emerging PLDP policies, which are more proactive and supportive of the proposal’s aims.

5.5 Whilst this proposal may be considered technically to be a departure to the 2005 adopted Local Plan, it is in line with the emerging policy in the PLDP and certainly recently published Scottish Government advice and guidance, both of which should be given considerable material weight in the determination of the appeal.

5.6 It is a sorry fact that the original art-deco house at Hillhome, which is a unique and undoubtedly distinctive building, would not be permitted at Hillhome in North Ayrshire today under the current planning regulations or the 2005 adopted local plan, or be supported by the planners at NAC. At its time, it was a bold, modernist, innovative statement that required ‘a leap of faith’ from the decision makers. We would argue that the proposed house is also a modern and innovative building, reflecting the art-deco quality of the main residence and it too deserves belief and support from the LRB now.

5.7 For these reasons we respectfully request that this appeal be supported.

Supporting Documents

The following documents have been referred to in this Notice and are put forward for scrutiny by the Local Review Panel.

Production 1 - Scottish Planning Policy, paras 92-96

Production 2 - Council approved Rural Housing Policy, November 2010

Production 3 - Rural Design Future Landscapes, Scottish Government, November 2011

Production 4 - Designing Places, pages 4,5 and 18, The Scottish Government, published 2010

Production 5 – Policy ENV2, North Ayrshire Council Proposed Local Development Plan, published 2010

Tom Hardie (Agent)
2 July 2012

RURAL DEVELOPMENT

92. The planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.
93. The character of rural areas and the challenges they face vary greatly across the country, from remote and sparsely populated regions to pressurised areas of countryside around towns and cities. The strategy for rural development set out in the development plan should respond to the specific circumstances in an area whilst reflecting the overarching aim of supporting diversification and growth of the rural economy. Development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification, whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced. Developments which provide employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.
94. The requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result a cohesive grouping. Modernisation and steadying conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so.
95. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses. In more accessible and densely populated rural areas most new development should be in or adjacent to settlements. In less populated areas, small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
96. It is essential that rural communities have reasonable access to good quality services. Major facilities are usually concentrated in larger settlements, and wherever possible they should be accessible by a range of transport modes including public transport. However, planning authorities should be realistic about the availability or likely availability of alternatives to access by car as not all locations, particularly in remoter areas, can be served by public transport.

May 2007 to Present

**NORTH AYRSHIRE COUNCIL
Local Development Plan Committee
Agenda Item 4**

29 November 2010

Subject: **Proposed Plan Policy - Rural Coastal and Island Development:
Rural Housing**

Purpose: To advise the Committee of proposed policy regarding Rural Housing.

Recommendation: That the Committee approves policy regarding Rural Housing for the Local Development Plan (LDP) Proposed Plan.

1. Introduction

1.1 With regard to the issue of Rural, Coastal and Island development, the Committee has already approved reports in respect of Definition of the Coast, Tourism Proposals, Hunterston and Coastal Access. This report addresses Rural Housing and completes the proposed policy response to this Main Issue. In the LDP context, Rural Housing policies apply to all areas outwith settlements. It should be noted that the Local Housing Strategy only recognises Arran and Cumbrae as Rural with the LDP including countryside areas on the mainland.

2. Current Position

2.1 Representations made to the Main Issues Report (MIR) on Rural Housing substantially focussed on the Isle of Arran. More diversity and flexibility in allowing housing in smaller villages or the countryside is advocated by many, with a clear message that more innovative approaches to providing infrastructure should be considered. Representations were in favour of rural housing being sympathetically designed and most agree that there are some locations which are not suitable for development. Some want to restrict development so as not to compromise the tranquil character of the island that attracts visitors and state that demand is in the settlements, not in isolated areas.

2.2 Attendees at the Garnock Valley Planning Forum (March 2010) were mostly in favour of a more flexible approach to housing in the Countryside within the Garnock Valley, as suggested by the Main Issues Report, although there was some concern regarding the sustainability of rural housing because of poorer accessibility. It was suggested that rural housing should demonstrate exemplar renewable energy features. This has not, however, been progressed by anyone through the formal consultation process.

2.3 There is evidence from the responses received from the Isle of Arran that there are difficulties in interpreting current policies, which already provide for a range of appropriate development. Policies are in favour of:

- Housing associated with agriculture, forestry and small scale business (falling within class 4 of the Use Classes Order),

- where there is a genuine operational need for a worker to live on site in pursuance of the established activity or business;
- Conversion, rehabilitation or replacement of existing buildings in the Countryside, where the proposal is of an appropriate scale and character and capable of being satisfactorily serviced;
- A single house or enabling development (not exceeding 4 houses) in support of an acceptable new economic development or diversification;
- Small scale growth and extension of existing rural housing groups (4 or more houses with a maximum of 4 new housing units) ;
- Exemplar single houses, subject to a satisfactory design statement and landscape capacity evaluation; ✓
- Securing a percentage contribution for affordable housing from developers through an Affordable Housing Policy (Arran);
- Working from home.

2.4 The preparation of an information leaflet and an information day on the island, as most responses related to issues on Arran, will be included in the work programme for 2011. This will be progressed with Housing Services.

In respect of infrastructure and design:

- NAC Infrastructure and Design Services are dealing with rural roads standards on a case by case basis and are keeping the possibility of retaining tracks as they are, or with slight improvements, as the first option.
- The LDP Committee approved Rural Design Guidance in May 2009. This provides clarification on the policy and addresses interpretation regarding the definition of a nucleated group. This will be formally adopted within the Proposed Plan process.

Proposed Response:

2.5 There is no evidence that the policies indicated above need any major change. The policies have been supported by Reporters considering planning appeals and appeals have been dismissed on the grounds of impact on character of the surrounding area and landscape, visual appearance with poor siting and design and loss of amenity with damaging visual effects. There are environmental and archaeological constraints on Arran which must be acknowledged. Scottish Planning Policy still requires the majority of housing land requirements to be met within or adjacent to existing settlements to minimise servicing costs and to sustain local facilities. The unique rural environment has to be respected.

2.6 Some flexibility has been requested to count conversions as part of a group of 4 units (Policy H1 Small-Scale Growth of Existing Rural Groups). It is proposed that conversions completed before 1 January 2005 can be counted within the terms of this policy. This date is established by the adopted rural alteration. The policy would now apply to "a well defined group of 4 or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. sharing access. Expansion of such a group will be limited to 50% of dwellings existing in that group as of 1 January 2005 up to a maximum of 4 new

4.6 Local outcome 12a of the Single Outcome Agreement requires that "our environment is protected and enhanced".

5. Consultations

5.1 Housing Services have been consulted on the terms of this report.

6. Conclusion

6.1 Members are asked to agree the policy approach to rural housing , to be incorporated into the LDP Proposed Plan.

IAN T MACKAY
Solicitor to the Council

Reference : MF

*For further information please contact Margaret Ferrier , on 01294 324755.
Background Papers : 0*



RURAL DESIGN FUTURE LANDSCAPES

Guides and projects



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APS Group Scotland
DPPAS10380 (09/11)

w w . s c o t l a n d . g o v . u k

A. DESIGN CONSIDERATIONS

The following is a list of design considerations which can be tailored to suit all local authorities.

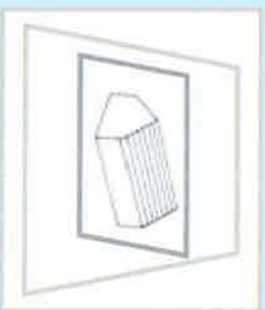
Category	Meaning	Key message	Key issue	Advice	How to achieve it
Location The location of your site within the wider landscape	The positioning of your house within the wider landscape	New houses should nestle within the landscape and respect traditional settlement patterns.	Landscape Orientation	Nestle your house into the landscape a. Roads Assess proximity and relationship to the road b. Buildings Look at the orientation of surrounding buildings c. Weather Maximise sunshine and minimise wind	Do sit the house low and within the natural lie of the land where it will not occupy a dominant position. Don't break the skyline or the waterline. Do build close to the road if this has been established as the traditional pattern. Do build either parallel or perpendicular to the road depending on the established pattern. Do follow the established building lines i.e. look at where the front door and the main wall faces on existing houses.
Siting Responding to the character of your site	The positioning of your house within the boundary of the site	Analysing the physical characteristics of your site will guide you towards achieving a well considered layout. For example, through minimising the impact of the house in the landscape and maximising shelter and solar gain.	Slope This refers to the ground levels Size This refers to the size of your house in relation to the site Shape This is the form of your house's footprint	Develop on flat land where possible or use sloping sites to create a difference in level Ensure your house fits well within your plot and relates to the scale of traditional houses in the area Create the right shapes and proportions	Do break down the size of the house to create levels that work with the natural contours of the land Don't mound your site. Don't create excessive under-build or excavation. Do make sure your house does not dominate the plot leaving no space around it. Sufficient open garden space should be considered from the beginning as an integral part of your development
Features Creating the right style and features for your house	The appearance of your house	This includes the size and shape of the roof and walls, as well as the finer details such as the positions and proportions of windows and doors. It also includes materials and colours. These features should remain consistent throughout the design and should be simple, proportionate, whilst avoiding over ornamentation.	Roof Walls Windows Doors Materials Ornamentation	Use plain and simple roof structures, pitches and finishes Avoid too much decoration Keep windows vertical Keep door consistent Use local, natural materials that are both sustainable and visually harmonious with the landscape Avoid excess decoration and embellishments	Do use a symmetrical pitch of 40-45 degrees and a simple roof form/layout Do prioritise dual pitch roofs with gables. Do ensure the same pitch is used for the entire roof structure. Do avoid using a hipped roof unless it works well with the proportions of the rest of the house. Do keep walls plain and simple. Don't use decorative features such as archways, chimney stacks and ornate brickwork. Do ensure that all windows have a vertical emphasis and a simple design. Do ensure that the proportions and shapes of windows is consistent throughout the house and have a definite lintel so that windows are clear of the eaves. Do make sure that dormer windows are of the same style, proportion and have the same pitch of the roof. Do ensure doors are simple with a vertical emphasis. Don't build up steps to the front door or set it behind a quoin arch. Do allow for finishes, where possible, to be in natural stone, wet dash render and slate. Timber, artificial slates, profile sheeting or turf roofs are alternatives. Do try to use sustainable building materials. Don't create complex or certain cut away porch designs, set out or slender chimney stacks, feature porches, or quoins and arches.

Category	Meaning	Key message	Key points	Main aim	How to achieve it
Grounds Considering the layout of the rest of the site surrounding your house	How to best access and enclose your land	Grounds, such as garden areas and outdoor spaces, access routes and parking provision, site boundaries and outbuildings, should all respect and enhance the existing surrounding landscape.	Access	Create an access from existing entrance points, where possible	Do ensure safe and sufficient access is provided and, where possible, use accesses that already exist
			Parking	Ensure safe and low-profile parking spaces	Do lower the dominance of the car by allowing for it to be parked around the back. Do use pale coloured and porous materials. Don't allow hard standing surfaces to dominate.
			Boundaries	Ensure gates/hailes and in-keeping in order to integrate the house into the landscape	Don't build high suburban style fences or concrete block walls. Do retain or build traditional boundary treatments, such as dry stone dykes and post-and-rail fences.
			Outbuildings	Arrange outbuildings to enhance the setting	Do arrange outbuildings parallel or perpendicular to the main house to provide shelter to external spaces. Do position and design outbuildings so that they complement the main house, but are less prominent.
			Garden Ground	Respect and enhance the surrounding landscape	Do ensure that garden space is considered from the outset as an integral part of the design of your house. Do use planting to soften the house's visual impact. Do use trees and planting to divert wind and reduce heat loss from the house.
Infrastructure How well your site can be serviced can influence the siting of your house	The services required for your house	Consideration should be given towards the location and installation of all infrastructure, including water supply, waste water drainage, and wires for electricity and telecommunications. The use of renewable technologies, such as solar panels and air or ground source heat pumps should be considered.	Water	Identify uses and design to maximise water saving	Do conduct Squeet Water assay in the design process. Do consider how you can design your house to maximise water re-use and recycling.
			Waste	Well-located sewerage systems that comply with Scottish Water, SIPP and Building standards	Do consider the location of private sewerage treatment systems to reduce the risk of flooding and maximise the use of natural gradients on the site.
			Wires	Connect electrical and telecom-munications	Do ensure all connections are safe and accessible
			Renewable Technology	Maximise the use of renewable energy technologies	Do consider the use of a ground source heat pump, small scale wood fuel, wind power or solar panels. Do insulate your house well to reduce heat loss.

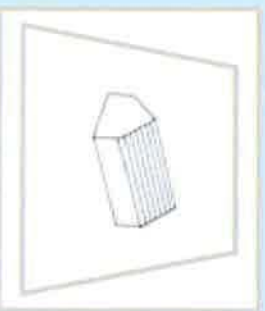
Location



Siting



Design



Infrastructure



B. DESIGN STATEMENT CHECKLIST

To assist applicants in collating information, a design statement checklist has been provided as a template for details to be inserted.

The template is set out in two sections – A and B. Section A (below) relates to basic information about your site, whilst Section B directly corresponds to the design considerations set out in Part 2 of this guidance.

The questions in section B (right) act as a prompt when developing your design, and your design statement should demonstrate how your proposal has addressed them. The questions will also be used by the Council as a checklist to determine the extent to which you have responded to the design considerations. Where particular design considerations have not been met, it is important that this is explained, as well as indicating the alternative solution(s).

Section A. Background information about your site

- Applicant name
- Architect/agent/design advisor (if applicable)
- Planning history
- Ownership of the site
- Pre-application discussions
- Description of proposal
- Location
- General description of surroundings

Section B. How have the design characteristics been applied?

Suggested drawings and info	Key questions to consider	Effectively addressed
Location <ul style="list-style-type: none"> • Location plan • Aerial photograph 	<ul style="list-style-type: none"> • How does the selected location relate the house to existing rural surroundings? • Note: An aerial photograph taken from Google Maps or Google Earth can be a cost effective and easy way to show a view of the location of your site. 	✓
Siting <ul style="list-style-type: none"> • Site plan • Cross section • Concept sketches • Landscaping • Boundary treatment 	<ul style="list-style-type: none"> • How does your design respond to the site's landscape? • How does your proposal take into account: <ul style="list-style-type: none"> - climatic considerations? - the positioning of nearby roads? - the orientation of surrounding traditional buildings? • Does the positioning of your house use existing accessways? • How does your proposal benefiting traditional features (e.g. barns) into the landscape? • How have garden ground and planting been incorporated in the overall design of the proposal? If any landscaping are proposed, how have they been designed to be complementary to the main house? • Has the overall design been simple? 	✓ ✓ ✓ ✓ ✓ ✓ ✓
Design <ul style="list-style-type: none"> • Sketches • Photographs • Materials • Colour palette 	<ul style="list-style-type: none"> • How does the size and shape of your house relate to the form of the site and surrounding traditional buildings? • Does the proposed allow for any creatively designed extensions to be added to the house at the future? • To what extent have durable materials been used? • How does the palette of proposed materials and colours relate to the character of the landscape? 	✓ ✓ ✓ ✓
Infrastructure <ul style="list-style-type: none"> • Infrastructure plans such as a technical site survey 	<ul style="list-style-type: none"> • How has the proposal minimised the area's existing infrastructure? • If the proposal requires a new drainage system, has an adequate road and surface area within the site been designated for it? • How have measures been taken to minimise the visual impact on the character of the house? 	✓ ✓ ✓



designing places

A Policy Statement for Scotland

It is the role of the Scottish Government to ensure the design of places in Scotland is of the highest quality.

Summary

Creating successful and sustainable places will depend on a shift in attitudes, expectations and practices about the design of cities, towns, villages and the countryside. We need:

1. Decision makers who understand the role of design in delivering sustainable development (page 29)
2. Development, landowners, planners and public bodies who recognise the commercial and economic value of good design (page 35)
3. Effective co-ordination between designers, professionals, local communities and others in the planning and urban design process (page 37)
4. Development plans, with strong design policies, and urban design frameworks, design guidelines and master plans to provide planning and design guidance (page 39)
5. Development, submitting design submissions with planning applications that explain the design principles on which the development proposal is based (page 41)
6. A high level of expertise and urban design skills in local authorities, including planners and consultants who are responsible for setting design standards and understanding the impact of how decisions (page 47)
7. A stronger design element in built environment professional education (page 48)
8. Better design education in colleges, universities, professional development programmes (page 49)
9. Greater commitment to higher standards of design among private sector (page 50)

Social, economic and environmental goals

Good design has always been valued by those who appreciate architecture. Today its value is recognised also as a practical means of achieving a wide range of social, economic and environmental goals, making places that will be successful and sustainable.

At one end of the scale, sensitive siting and design of single houses in the countryside can help support and revitalise rural communities without undermining the area's distinctive qualities. At the other end, Scotland's cities challenge us to find forms of sustainable development that will renew urban life.



The design of places plays a large part in determining what impact we have on the land and other scarce resources. Decisions about design determine how much energy we will use, how efficient transport systems will be, and what people and economic activities will flourish in a particular place.

In recent years we have learned a great deal, often through painful experience, about design principles and how to apply them. Opportunities for design to make successful places are taken, or missed, every day.

Every day countless decisions are made that have the potential to make a piece of a city, town or village a little more lively, welcoming and pleasant, or a little more hostile, unpleasant or unsafe; or to enhance or erode the character of some corner of rural Scotland. These are design decisions, even though they may well not be taken by designers.

The real trail of responsibility may lead back to people who write policy, set standards, draft briefs, select consultants, issue design guidance and decide whether to give a proposal planning permission. Alternatively the trail may begin with a developer or client who places little value on good design.



opportunities

for design to make successful places are taken, or missed, every day



1: Gaelic College, Skye, Highland
2: Festival Square, Edinburgh

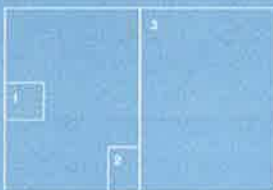


The value of good design

Good design is a means of achieving aims and adding value:

- A well thought out design process, for example, with urban design frameworks and development briefs, can provide a clear basis for communication and negotiation. Developers benefit from a good degree of certainty about what is expected, avoiding delay and saving abortive work and unnecessary expense. The design process can resolve conflicts that might otherwise emerge, messily and expensively, at a later stage.
- Good design adds value to the investment that any development scheme represents.
- Good design creates places that work. People will use and value such places, supporting regeneration and bringing long term economic benefits. Well designed places attract customers and their workplaces keep their staff.
- Good design can reduce the long term costs of energy, maintenance, management and security.
- Well designed places establish and maintain a distinct identity, to the benefit of users and investors.
- Well designed places are easy to get to and move around. The thought put into connecting them into their surroundings pays off.
- Good design is a key to achieving social, economic and environmental goals of public policy, as laid down by central and local government. It can bridge the gap between aspirations and reality.

18



1 & 2: George Street, Edinburgh
3: Hunter Square, Edinburgh



Production 5.

North Ayrshire Council Proposed Local Development Plan Part 2 - Detailed Plan Policies



April 2011



NORTH AYRSHIRE
COUNCIL

POLICY ENV 2: HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Single houses in rural areas

Proposals for a single new house in a rural area shall not accord with the LDP unless it can be demonstrated that:

- a) the proposal demonstrates outstanding quality of design; **AND**
- b) is distinctive and responsive to its setting, making a positive contribution to the locality of the area; **AND**
- c) the proposal integrates with, complements and enhances the established character of the area and the cumulative impact on the landscape of the development is acceptable; **AND**
- d) is located a sufficient distance from a village or settlement to ensure that the development is considered as part of an established rural area rather than a built up area; **AND**
- e) account has been taken of the possibility of converting, rehabilitating or replacing an existing building in the countryside or of locating a new building in a brownfield location; **AND**
- f) the development is not proposed in an area of sensitive countryside, is not of a suburban character and takes cognisance of the Rural Design Guidance where applicable; **AND**
- g) the proposal has been closely scrutinised and positively endorsed by a design review panel (internal to the Council) and/or Architecture and Design Scotland.

Small scale growth of existing rural housing groups

Proposals for development in rural areas not defined in the LDP as a settlement or village shall accord with the LDP subject to satisfying the following criteria:

- a) the proposal constitutes a small-scale, sympathetic addition to an existing well-defined nucleated group of 4 or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Expansion of such a group will be limited to 50% of dwellings existing in that group as of 1 January 2005 up to a maximum of 4 new housing units (rounded down where applicable); **AND**
- b) the proposal is not suburban in character and takes cognisance of the approved Rural Design Guidance; **AND**
- c) any individual proposal does not prejudice a future development opportunity; **AND**
- d) the proposal complies with relevant Roads Guidelines.

The sensitive infilling of any available gap sites consolidating existing groups will be particularly encouraged.

Housing for workers engaged in a rural business

Proposals for housing for workers engaged in an appropriate rural business (such as agriculture, forestry, or other operations provided for under Policy ENV 1) shall accord with the LDP subject to the following criteria:

1. The dwelling is for a farmer who owns and operates a viable agricultural holding full time which has no farmhouse at present; **OR**
2. A farmer is the owner and occupier of an agricultural holding and proposes to erect a dwelling for a family member in full time employment on the farm and who intends to take over the farm in time; **OR**
3. A genuine operational need for a worker to live on site in pursuance of an established rural business

has been demonstrated; **AND**

4. All proposals will also be required to demonstrate that:

- a) accommodation cannot be reasonably provided by another existing dwelling on site or in the area (including by any buildings after re-use, replacement, conversion or rehabilitation at reasonable cost) or within existing rural housing groups suitable for expansion under the other provisions of this policy;
- b) there are no existing planning consents (not time expired) for residential developments which have not commenced and would provide a suitable accommodation arrangement;
- c) the siting, design and external appearance of the new development (including any conversion) complements any existing building group on the site;
- d) the scale of the housing provided is commensurate with the need of the person or persons who will occupy it; and
- e) cognisance has been taken of the Council's Rural Design Guidance.

Note:

In the case of housing for a worker engaged in a rural business, where an operational need requires to be demonstrated, this should take the form of an independent report/business plan prepared by a suitably qualified professional. This justification should demonstrate the ongoing viability of the business and provide reasons why residential accommodation located on site is essential to the functional needs of the business, and is not merely for convenience.

For housing justified as 'housing for workers engaged in a rural business', occupation of such shall be limited to persons employed (and any dependents) in agriculture, forestry or other rural activities allowed under Policy ENV 1 and this will be secured via planning condition and/or legal agreement as appropriate.

All proposals will require to be supported by a design statement, inclusive of landscaping proposals particularly in regard to urban fringe sites, to assist the Council to fully assess the proposal.

The submission of an area landscape capacity evaluation will normally be required for all development in the countryside.

It will be a condition that the development be commenced within two years to prevent land-banking.

In the case of single houses in rural areas, permitted development rights may be removed in recognition of the high standard of design required from the development.

No applications for planning in principle shall be accepted for development. Pre-application discussions are encouraged prior to the submission of a full application.

Existing Buildings in the Countryside

- 8.6 The suitable conversion and rehabilitation of existing buildings in the countryside is supported by the Plan. This policy aims to promote sustainable land-use management by encouraging the sympathetic re-use of traditional rural buildings.

REPORT OF HANDLING



Reference No:	12/00106/PP
Proposal:	Erection of detached dwelling house and formation of a new access road
Location:	Site To North Of Hillhome, Portencross, West Kilbride, Ayrshire
Local Plan Allocation:	Countryside/Rural Community
Policies:	POLICY H2
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 27.02.2012 Neighbour Notification expired on 19.03.2012
Advert:	Regulation 20 (1) Advert Published on:- 07.03.2012 Expired on:- 28.03.2012
Previous Applications:	None

Description

The proposed detached villa would comprise two bedrooms, an office, utility room and entrance hall on the ground floor and an open plan living/kitchen area leading to a terrace on the upper floor. It is rectangular in plan with a flat roof and a single storey extension to one side containing an en-suite bathroom and dressing room, also with a flat roof. A detached double garage is proposed which would be square in plan with a flat roof.

The proposed external finishes would be off-white render to the walls while windows and doors would be black aluminium framed. Roof parapets would be finished with granite stone square edged coping.

The site is located less than 1 mile to the north-west of West Kilbride and on the north side of Portencross Road. It is currently garden ground attached to a large, three storey Art Deco style inter-war villa known as Hillhome which has been subdivided into a number of residential units. The site is bisected by the driveway leading to Hillhome from a single track road to the north. The proposed house, an independent driveway and private garden would lie to the west of the driveway while the garage and an attached area of decking, further areas of garden and a pond lie to the east.

In the adopted North Ayrshire Local Plan (excluding Isle of Arran) the site is located within a countryside area. Policy ENV1 is opposed to new housing in the countryside unless related to agriculture, forestry or other rural activity where there is an occupational need to be resident on the site. The site furthermore is at the southern extremity of a larger area where Policies IND4 and TRA6B specifically apply.

Policy IND4 safeguards the site for large scale trading and industrial development of significant national importance requiring deep water access. Development unrelated to the deep water access and considered to be otherwise acceptable should, the policy states, be located to the south of the electricity pylon lines. Policy TRA6B states that proposals for industrial development of significant national importance Hunterston shall be subject to an integrated transport study.

Policy H2 is also relevant as it relates to single new houses in rural areas. It states that such developments shall not accord with the local plan unless it can be demonstrated that:

- (a) The proposal is distinctive and responsive to its setting, making a positive design contribution to the locality of the area;
- (b) The proposal integrates and complements and enhances the established character of the area and the cumulative impact on the landscape of the development is acceptable; and
- (c) It is demonstrated that account has been taken of the possibility of converting, rehabilitating or replacing an existing building in the countryside or of locating a new building on Brownfield.

All development proposals require to be assessed against the relevant criteria of the Development Control Statement of the Local Plan.

A design and access statement has been submitted in support of the application, as required by Policy H2, which analyses the site and landscape, outlines the design process and applicant brief and explains the reasoning behind the siting/orientation – at an angle to Hillhome to ensure privacy between neighbouring properties and the new dwelling – and the building design which takes influences from Hillhome and complements the 1930's style, form and structure. It points out that the building has been “kept simple with mass formed by three cuboid units of varying heights, utilising linear shapes, vertical forms and cubic structures as reflected within the adjacent building.” The southern elevations feature large expanses of fenestration to benefit from solar gain, while east and north elevations would be “solid providing for heat storage and enhanced insulation surpassing current standards.”

Solar panels would also be deployed on the flat roof structure tilted at an angle but hidden by the feature parapet walls. The document concludes that a house in this location can be justified on both design and live/work grounds in line with Policy H2 and the prepared Local Development Plan. The proposal is in line with national planning policies which aim to promote good quality design in new housing and the creation of live/work opportunities in rural areas. The garden ground at Hillhome has capacity to take a new house without detrimentally impacting on the amenity of the original house or its neighbours. The house can be justified in terms of its unique design potential and maintenance of residential plot ratios commensurate with other garden ground development in North Ayrshire.

The Design Statement notes that the visual impact on road users, both vehicular and pedestrian would be non-existent as the building would be screened by existing hedgerows, tree line and buildings. However new tree, shrub and landscaping to the proposed development would enhance the setting in conjunction with the existing pond and water feature.

A Landscape Capacity Evaluation has been submitted in addition which analyses the site and its surroundings and the impact of the dwelling on the landscape. It concludes that the landscape character of the area will be largely unaffected by the proposal and indeed would be enhanced. The landscape capacity it states is able to accommodate the proposed alterations and changes without negative impact on its character.

Consultations and Representations

Neighbours were notified on 27th February 2012 and an application was placed in the local newspaper on 7th March 2012 for neighbour notification purposes. No objections were received. Three letters of support were received from a firm of architects, an architect and the managing director of a local construction company.

Reasons for support:

1. The design has been carefully thought out and the building has been designed to suit the site. The garage adjacent to the pond offers good visual and material links between the garden areas on either side of the driveway.

Response: The Design Statement as noted above details the process that led to the selection of the proposed design.

2. The design statement makes reference to the history of the property suggesting that originally a chauffeur's dwelling was proposed in the grounds. Without this realisation the development at Hillhome remains incomplete.

Response: The original intention in the 1930's regarding development of the ground is not a material planning consideration in this case.

3. The design complements the simple cubic form of Hillhome which is based on the Art Deco style. The finishes are also in Art Deco style. The architecture is in context with the existing dominant building and its setting.

Response: Noted. See Analysis.

4. The sympathetic orientation of the proposed dwelling minimises overlooking of neighbouring properties.

Response: Noted. This was indicated in the Design Statement.

5. The live/work concept, incorporating an office with an independent access accords with Scottish Government Policy on new housing in the countryside.

Response: While it has an independent external access the office is also linked internally to the house and is therefore ancillary to the main use as a residence.

6. The plot size is generous, the site is well concealed and the development proposed would not cause offence to anyone.

Response: It is accepted that the plot size is generous. The site is visible from nearby rural roads and a core footpath/national cycle route some 200m to the east.

7. The house would make full use of renewable energy sources and would utilise passive energy thereby in line with Scottish Government's zero carbon objectives.

Response: Noted.

Infrastructure & Design Services (Roads): No objection.

Response: Noted.

Office for Nuclear Regulation: No objection. The site does not fall within the consultation criteria for a development in the middle zone of a nuclear installation.

Response: Noted.

SEPA: No objection. SEPA's preferred method for disposal of septic tank effluent is the provision of sub-soil soakaway system. The possibility of this should be investigated. Percolation testing will also be required. To comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 the applicant must register the discharge of treated sewage effluent with SEPA. Surface water from the site should be treated in accordance with SUDS. Construction works associated with the development site must be carried out with due regard to SEPA's guidelines on avoidance of pollution.

Response: Conditions could be imposed with regard to disposal of foul and surface water drainage. The applicants could be advised by note to contact SEPA with regard to registering the discharge of treated sewage effluent with SEPA and also with regard to their guidelines on avoidance of pollution.

Analysis

The site is located within a countryside area in the adopted local plan. Policies IND4 and TRA6B are specifically applicable to this area. They relate to large scale trading and industrial development of significant national importance and are therefore not relevant to the current application.

Policy ENV1 is opposed to new residential development in the countryside other than housing for workers in agriculture, forestry or other established rural business where there is a genuine operational need for the worker to live on the site. The applicant is not seeking permission for a house due to an employment related need and therefore the proposal does not accord with Policy ENV1.

The main determining issues therefore are whether the proposal accords with Policy H2 and the relevant criteria of the Development Control Statement of the Local Plan. The Council's recently approved Guidance on Single Houses in Rural Areas is also a material consideration.

The aim of Policy H2 is to permit development of stand alone dwellings of exemplar design within their own setting in a rural location. As indicated in the Design Statement, the style of the house proposed is substantially influenced by that of Hillhome and it cannot therefore be considered to be unique or distinctive. It is situated within garden ground attached to Hillhome and some 60m from it. Rather than making a positive design contribution to the locality, it mimics Hillhome. Furthermore it is considered that it would detract from its architectural significance and setting. While it is noted that the house would make full use of renewable energy sources and would utilise passive energy this is not sufficient to overcome the shortcomings of the development in relation to Policy H2.

With regard to the criteria of policy H2, (a) requires that the proposal is distinctive and responsive to its setting, making a positive design contribution to the locality of the area. While the proposal is unusual in form it is not considered to be distinctive as it makes reference to the unique design of Hillhome which with its distinctive Art Deco style is inconsistent with the general scale and design of properties in this rural area. This "non-conforming" building stands in isolation thereby contributing to its uniqueness and appeal. It is considered that given the proximity of the proposed house to Hillhome, it would result in a negative cumulative impact which would contribute to an increased level of residential development in the locality. As such it is not considered that the proposal meets with the requirements of criterion (a).

Criterion (b) requires the proposal to integrate with and complement and enhance the established character of the area and the cumulative impact on the landscape of the development should be acceptable. The character of the area is that of relatively open farmland. As noted above, Hillhome is inconsistent with the general scale and design of properties in the area. The proposed dwellinghouse reflects the unique style of Hillhome and accordingly it is considered that it does not complement or enhance the established rural character of the area. The cumulative impact on the landscape would not therefore be acceptable.

Criterion (c) requires that it is demonstrated that account has been taken of the possibility of converting, rehabilitating or replacing an existing building in the countryside or of locating a new building on Brownfield land. There are not in this case any suitable buildings for a conversion, rehabilitation or replacement to provide a new building on the site.

In view of the foregoing therefore it is considered that the proposed development can not be justified in terms of Policy H2. Essentially, the house is not in an appropriate location nor is it of exceptional architectural quality to merit approval under policy H2.

The relevant criteria of the Development Control Statement are the siting, design and external appearance of the house and its impact on amenity and landscape character.

The siting of the proposed dwellinghouse is considered to be unacceptable as it would be located within the countryside and as noted above is not justified under Policy ENV1 or Policy H2. The angling of the dwellinghouse to its boundaries, brought about by the need to avoid creating a backland situation and an outlook towards the rear of Hillhome, places its orientation in conflict with that of Hillhome which it is considered would be detrimental to the setting of Hillhome and visual amenity. The design and appearance of the house are not sufficiently unique or exceptional to justify approval.

With regard to amenity, as there is no justification for the dwellinghouse in this location it would represent an unnecessary intrusion into an area of relatively open countryside which would be detrimental to visual amenity and establish an undesirable precedent for unnecessary residential development within the countryside.

The site is located within the “raised beach coast” landscape character type which broadens at Hunterston. It is strongly contained by steep hill slopes and is intensively farmed. The development would represent an unnecessary intrusion into the landscape and intensification of residential development which would be detrimental to the landscape character of the area.

Accordingly, in view of the foregoing the proposal does not accord with the Development Control Statement.

Finally with regard to the Council’s approved Guidance on Single Houses in Rural Areas this reinforces the Council’s aim to encourage new homes of exemplar design quality in appropriate locations. As discussed above the design of the proposed house is not considered to be exemplar nor is the location considered appropriate. Therefore the proposal does not accord with the Design Guidance.

In view of the foregoing, the proposed development is contrary to local plan policy and the Development Control Statement and planning permission should therefore be refused.

Decision

Refused

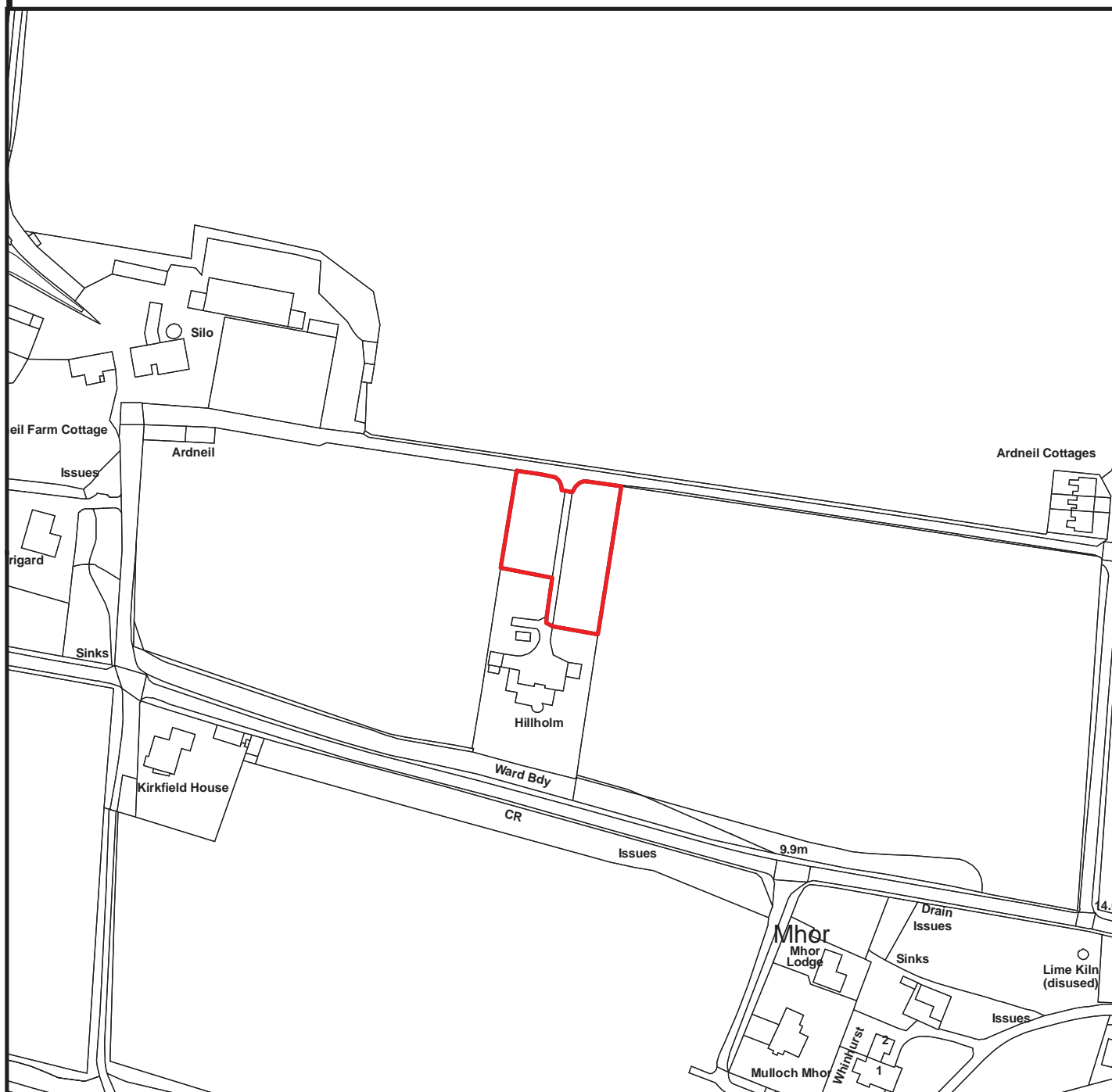
Case Officer - Mr John Michel

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location and Block Plan	11.151.001A	
Proposed Floor Plans	11.151.002A	
Proposed Elevations	11.151.003A	
Proposed Plan	11.151.004	

Local Review Body

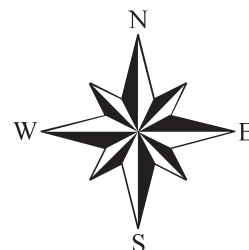
12/00106/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





IAN T. MACKAY : Solicitor to the Council (Corporate Services)

No N/12/00106/PP

(Original Application No. N/000035502-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2008

To : Mr Frank Crawford
c/o Thomson Architects Fao Neil Rodgers
21 Portland Road
Kilmarnock
KA1 2BT

With reference to your application received on 27 February 2012 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwelling house and formation of a new access road

at Site To North Of Hillhome
Portencross
West Kilbride
Ayrshire

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

1. That the proposed development does not accord with Policy H2 of the North Ayrshire Local Plan (excluding Isle of Arran) and North Ayrshire Council's approved Guidance on Single Houses Rural Areas, in that by reason of its siting, design and appearance, the proposed dwellinghouse is not of distinct design nor would it make a positive design contribution to the locality of the area or enhance the established character of the area.
2. That there is no locational need for the dwellinghouse which would be : (i) contrary to policy ENV1 of the adopted North Ayrshire Local Plan (excluding Isle of Arran); (ii) detrimental to the amenity and appearance of the countryside; and (iii) establish an undesirable precedent for further similar developments.
3. That the proposed development would be contrary to criteria (a), (b) and (c) in that by reason of its siting, design and external appearance, would detract from the setting of Hillhome and would have an unacceptable cumulative impact on the landscape which would be detrimental to the amenity and character of the area.

Dated this : 26 April 2012

.....
for the North Ayrshire Council

(See accompanying notes)



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2008 – REGULATION 28

IAN T. MACKAY : Solicitor to the Council (Corporate Services)

FORM 2

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