

Cunninghame House,
Irvine.

2 March 2017

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 8 MARCH 2016 at 2.15 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 (Page 5)

The accuracy of the Minutes of the meeting of the Committee held on 16 November 2016 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Notice of Review: N/16/01056/PP - Site to the south of Shore House, Brodick, Arran (Page 7)

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

Local Review Body

Sederunt:

Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Local Review Body
16 November 2016

Irvine, 16 November 2016 - At a Meeting of the Local Review Body of North Ayrshire Council at 10.10 a.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Ian Clarkson, Ronnie McNicol and Tom Marshall.

In Attendance

Anthony Hume, Planning Adviser to the Local Review Body, A. Craig, Team Manager (Litigation) (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell, Joe Cullinane and Robert Steel

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Committee held on 26 October 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: N/16/00398/PP - Willowbank Hotel, 96 Greenock Road, Largs

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the siting of a self contained biomass boiler and fuel store at Willowbank Hotel, 96 Greenock Road, Largs

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. He also advised of a request by the applicant for a site visit, further procedure and a hearing.

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

The Planning Adviser thereafter summarised the Notice of Review for the Applicant, the Report of Handling of the Appointed Officer and the representations lodged. Photographs and plans of the site were displayed.

Having considered all of the information, the Local Review Body agreed to uphold the decision to refuse planning permission on the grounds that:-

- (1) the proposed development would not accord with Criteria (a) and (b) of the General Policy of the Adopted North Ayrshire Local Development Plan as it would (i) be visually intrusive and out of character with the design and appearance of adjacent and nearby properties to the detriment of the amenity of the areas, and (i) would have a detrimental impact on the amenity of nearby properties by way of smells and emissions.

and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

The meeting ended at 10.35 a.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

8 March 2017

Local Review Body

Title: **Notice of Review: N/16/01056/PP - Site to the south of Shore House, Brodick, Arran**

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 of Review.

1. Executive Summary

- 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. Background

- 2.1 A Notice of Review has been submitted in respect of Planning Application N/16/01056/PP - Site to the south of Shore House, Brodick, Arran - erection of a dwellinghouse.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice (Appendix 3).
- 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; and
Appendix 3 - Decision Notice;

3. Proposals

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

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	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 2013.
Equality:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

- 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 further representations were intimated.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Angela Little, Committee Services Officer on 01294 324132

Background Papers

Planning Application N/16/01056/PP and related documentation is available to view on-line at www.north-ayrshire.gov.uk or by contacting the above officer.

Appendix 1

Your Ref:

26th January 2017

Committee Services
Chief Executives Department
North Ayrshire Council
Cunninghame House
IRVINE
KA12 8EE

Attention Angela Little

Dear Sirs

PROPOSED DETACHED DWELLING AT SITE TO SOUTH OF SHOREHOUSE BRODICK ISLE OF ARRAN

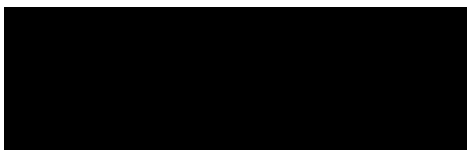
I refer to our earlier telecoms and emails confirming that an appeal would be submitted to the LRB for the above planning application Ref No. N/16/01056/PP . I am now pleased to enclose for your use a copy of the following documents:

- Notice of Review Form.
- Notice of Review Statement Document.
- Appendix A: 3D Model images of proposed dwelling.
- Appendix B: Photographs of applicant site and surroundings.
- Appendix C: Drawings & Plans as submitted to Planning (11 No. pages reduced to A4)
- Appendix D: Photographs showing examples of other recent developments on Arran highlighting separating distances.
- Appendix E: Brodick Improvements Committee 2nd Letter of Support.
- Appendix F: Neighbour Letter of Support.
- Appendix G: Neighbour 2nd Letter of support.
- Appendix H: Neighbour 2nd Letter of support.

Please process this application for Appeal for the first available LRB sitting.

I trust that the enclosed is in order and I look forward to hearing back from you in due course. In the meantime please call with any questions.

Yours faithfully



IAN COOK
Agent
Encs:

By post & email:



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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No
X ☐

Planning authority

NORTH AYRSHIRE COUNCIL

Planning authority's application reference number

N/16/01056/PP

Site address

SITE TO SOUTH OF THE SHOREHOUSE, SHORE ROAD
BRODICK ISLE OF ARRAN KA27 8AJ

Description of proposed
development

ERECTION OF DETACHED DWELLINGHOUSE

Date of application

02.11.16

Date of decision (if any)

16.12.16

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

Notice of Review

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:

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:

N/A

Statement

Notice of Review

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.

SEE ATTACHED STATEMENT DOCUMENT

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.

List of documents and evidence

Notice of Review

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.

COVERING LETTER
NOTICE OF REVIEW FORM
NOTICE OF REVIEW - STATEMENT DOCUMENT
APPENDIX A: 3D MODEL PHOTOGRAPHS
APPENDIX B: PHOTOGRAPHS OF APPLICANT SITE & SURROUNDINGS
APPENDIX C: DRAWINGS & PLANS AS SUBMITTED TO PLANNING (8 No. pages reduced to A4)
APPENDIX D: PHOTOGRAPHS OF OTHER RECENT PLANNING APPROVALS SHOWING CLOSE PROXIMITY OF DWELLINGS
APPENDIX E: BRODICK IMPROVEMENTS ASSOCIATION - 2ND LETTER OF SUPPORT
APPENDIX F: NEIGHBOUR LETTER OF SUPPORT
APPENDIX G: NEIGHBOUR 2ND LETTER OF SUPPORT
APPENDIX H: NEIGHBOUR 2ND LETTER OF SUPPORT

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:

- X Full completion of all parts of this form
- X Statement of your reasons for requiring a review
- X 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

[Redacted Signature Box]

Date

26.01.17



NOTICE OF REVIEW Ref No. N/16/01056/PP

NOTICE OF REVIEW STATEMENT

North Ayrshire Council refused Planning Permission Ref No. N/16/00142/PP on 16th December 2016 for the erection of a detached dwellinghouse at Site to the South of The Shorehouse, Main Street Brodick, Isle of Arran for Mr & Mrs Tom Tracey on the following grounds:

- 1. That the proposed development would be contrary to the Criteria (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting and scale , it would: (i) represent overdevelopment of the site and not offer an acceptable level of residential amenity for the proposed dwellinghouse; (ii) conflict with the existing linear pattern of development in the area which would not be in the interests of the proper planning of the area; (iii) detract from the privacy and amenity of the neighbouring residential properties; and (iv) if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.*

We are aggrieved by this decision to refuse permission for the proposed development, and in requiring North Ayrshire Council as the planning authority to review this case, we contend that the proposal would:

- **Accord with the criteria (a) and (b) of the general policy of the local development plan by virtue of its siting and scale.**
- **Its siting and scale would create an innovative, contemporary dwellinghouse on a challenging site, celebrating Scotland's recent year of Innovation, Architecture & Design.**
- **Fill an existing gap site within the centre of the village envelope. Creating a desirable residence with ready access to all local amenities.**
- **Support the sustainable growth of the island economy by providing employment opportunities for local businesses and trades.**

In submitting this appeal against the decision by North Ayrshire Council to refuse planning permission for the proposed detached dwellinghouse at the site to the south of the Shorehouse, we would contest that the proposed development would not be contrary to criteria (a) and (b) of the General Policy of the Local Development Plan.

We would further contest that the siting and scale of the proposed development,

- Would not Represent overdevelopment of the site.
- Would offer a high level of residential amenity.
- Would not conflict with existing linear development pattern of the area.
- Would not detract from the privacy and amenity of the neighbouring residential properties.
- Would not establish an undesirable precedent for other similar developments.

1.0 OVERDEVELOPMENT

1.0.1 In contesting that the siting and scale of the proposed development would not represent overdevelopment, we would draw the attention of the LRB to the following facts:

- Gross Site Area = 540.00M²
- Gross Building Footprint = 87.50M² (96.2M² inc balcony)
- Development Density = 16.5% (18.0% inc balcony)

This level of development density is low and compares very favourably with other recent developments on the island, it clearly demonstrates that the proposed development is not overdevelopment of the site.

1.0.2 Furthermore, The site has provision for 2 No. off street parking spaces with manoeuvring area to allow vehicles to enter and leave in a forward gear.

1.0.3 There is external circulation area around the entire building providing full access to the garden areas and facilitating access for any maintenance work required. Adequate rear garden area for clothes drying and for the existing viewing deck area for sitting out and enjoying the view across the Brodick Bay.

1.0.4 The orientation of the proposed dwelling maximises the open aspect to the front (north) to enjoy the stunning views across Brodick Bay towards the castle and Goat Fell.

1.0.5 The existing topography and site layout have influenced the proposed design. In answering the challenges presented by the site, the proposed dwelling layout meets the criteria set out in the client brief in a thoughtful way utilising the elevated position of the site, while being well aware of the site area and surrounding buildings.

This is not overdevelopment.

2.0 RESIDENTIAL AMENITY

2.0.1 The level of residential amenity associated with the proposed development is high and indeed much greater than other nearby properties, and to suggest otherwise is indeed misleading.

2.0.2 The desirable site is located centrally within the existing village envelope, it has existing direct, level vehicular and pedestrian access to the main Shore Road. It is situated 5 minutes from bus and ferry services, it is handily placed for shops, doctors surgery, school and other amenities.

2.0.3 It is serviced, or immediately adjacent to all utilities. The front garden amenity area can comfortably accommodate parking for 2 No. cars with sufficient manoeuvring room to allow vehicles access to and egress from the site in a forward gear.

2.0.4 Existing hedges and boundary treatments contain and define the site, these hedges and fences will be maintained and augmented as required. The careful design and layout of the proposed dwelling ensures that the window and door openings, minimise any potential for overview, whilst optimising the stunning views to the north across Brodick Bay to Brodick Castle and the Goatfell range.

2.0.5 The offsetting of the windows in the sitting room to the front, principal elevation draws the occupants view between the Shorehouse and the neighbouring Dunvegan Hotel towards the stunning vista beyond.

2.0.6 Maximum privacy and minimal overview potential are ensured by maintaining more than adequate separating distances between the neighbouring properties.

To suggest that there would be an unacceptable level of residential amenity is misleading and wrong. There is a high level of residential amenity.

3.0 LINEAR PATTERN CONFLICT

3.0.1 While it is accepted that the front elevation of the proposed dwellinghouse will be some 8.00M in front of the neighbouring properties of Iona & Woodlands, it is highlighted that Woodlands itself is some 9.50M in front of its neighbouring property of Lower Balmore.

3.0.2 The bulk of the industrial shed known as Arran Active (formerly Bilslands) lying to the east of the proposed development cuts through any perceived building line and flies in the face of any perceived linear pattern of development.

3.0.3 Likewise, the existing residential development behind the neighbouring properties of Dunvegan and The Medical Centre confound any attempt to adhere to a linear pattern of development or build line.

3.0.4 As can be demonstrated the existing mix of buildings neighbouring the applicant site do not conform to any linear pattern of development and it is therefore unnecessary and unwarranted to impose such a demand on this application. Refer photographs in **Appendix B:**

The proposed development does not conflict with any existing linear pattern of development.

4.0 PRIVACY AND AMENITY OF EXISTING PROPERTIES

4.0.1 The privacy and amenity of the existing properties have been carefully considered in preparing the design for the proposal.

4.0.2 The existing neighbouring properties will continue to enjoy all of their existing amenities, the layout ensures that the proposed development maintains more than satisfactory separating distances between the neighbouring properties.

4.0.3 There will be **23.00M** between the proposed dwelling and the back of the Shorehouse, and **27.00M** between the proposed dwelling and the property Grey Gables to the rear. There will be **6.00m** between the proposed dwelling and the gable of Woodlands, and **3.50M** between the proposed dwelling and the gable of Iona, who have constructed a car port tight to the boundary.

4.0.4 There are no major window openings to any apartment in the proposed dwelling overlooking the immediate neighbouring properties to the east and west, or indeed in the gables of the existing neighbouring properties. These latter separating distances to gables are quite normal and compare favourably when viewed against the examples shown in the **Appendix D:**

4.0.5 Woodlands and Iona will continue to enjoy their respective views to the north uninterrupted by the proposed development. The rear windows on the Shorehouse at some **23.00M** distant, (**21.50M** to the balcony) are mainly to bedrooms, kitchens & bathrooms, with the principal rooms in The Shorehouse facing north to enjoy the view across the bay. The commonly accepted minimum distance between facing windows in dwellings is **18.00M**.

4.0.6 The neighbours have all been informed of the proposed development, and none have raised any objection, it should be noted that some neighbours continue to actively support this proposal by writing further second letters of support to the council in support of the proposal and this appeal.
(see **Appendices E, F, G & H**)

There will be no loss of Privacy or amenity to the existing properties.

5.0 UNDESIRABLE PRECEDENT

5.0.1 North Ayrshire Council as Planning Authority should determine all planning applications on their individual merits without fear of setting any precedent.

5.0.2 The unique qualities of this application can be demonstrated to provide an innovative, contemporary structure which will sit easily within its context. It can be shown that there is no overall character or design influence within the existing residential properties, particularly when considered within the locale of The Shorehouse and Arran Active.

5.0.3 There are no other similar development sites in the surrounding areas.

5.0.4 Contemporary designs and new building finishes continue to appear within our environment, Their visual impact should enhance the overall character and amenity of their surroundings. Thoughtful innovative, contemporary design in any form should not be seen as setting any undesirable precedent,

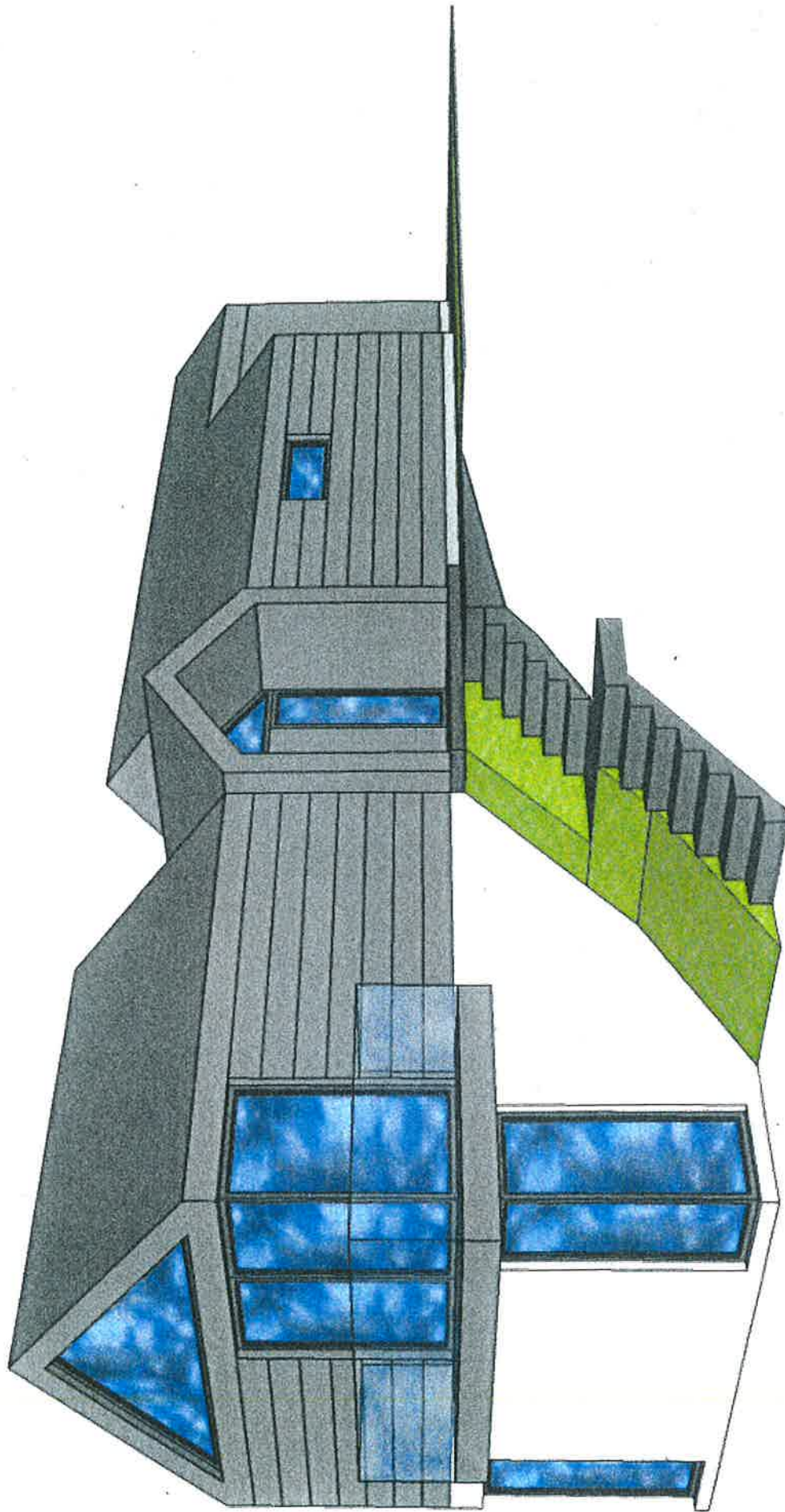
5.0.5 The character and amenity of the residential area has already been altered with the inclusion of the Arran Active 'industrial shed' adding to the eclectic mix of architectural styles. The proposed dwelling will add character and have a positive impact on the local visual amenity.

6.0 SUMMARY

- The proposed dwelling sits comfortably within its context and it does meet the Criteria (a) and (b) of the General Policy of the Local Development Plan.
- The proposal does not represent overdevelopment as has been clearly shown.
- The proposal offers a high level of residential amenity in a central location.
- The proposal would not conflict with any perceived or other linear pattern of development as has been clearly shown.
- The proposal would not detract from the privacy or amenity of the neighbouring residential properties as has been clearly shown.
- The careful design and placement of windows ensures maximum privacy and amenity for both the proposed dwelling and the existing properties.
- The proposal is an innovative contemporary design which will enhance the existing character and visual amenity of the local area.

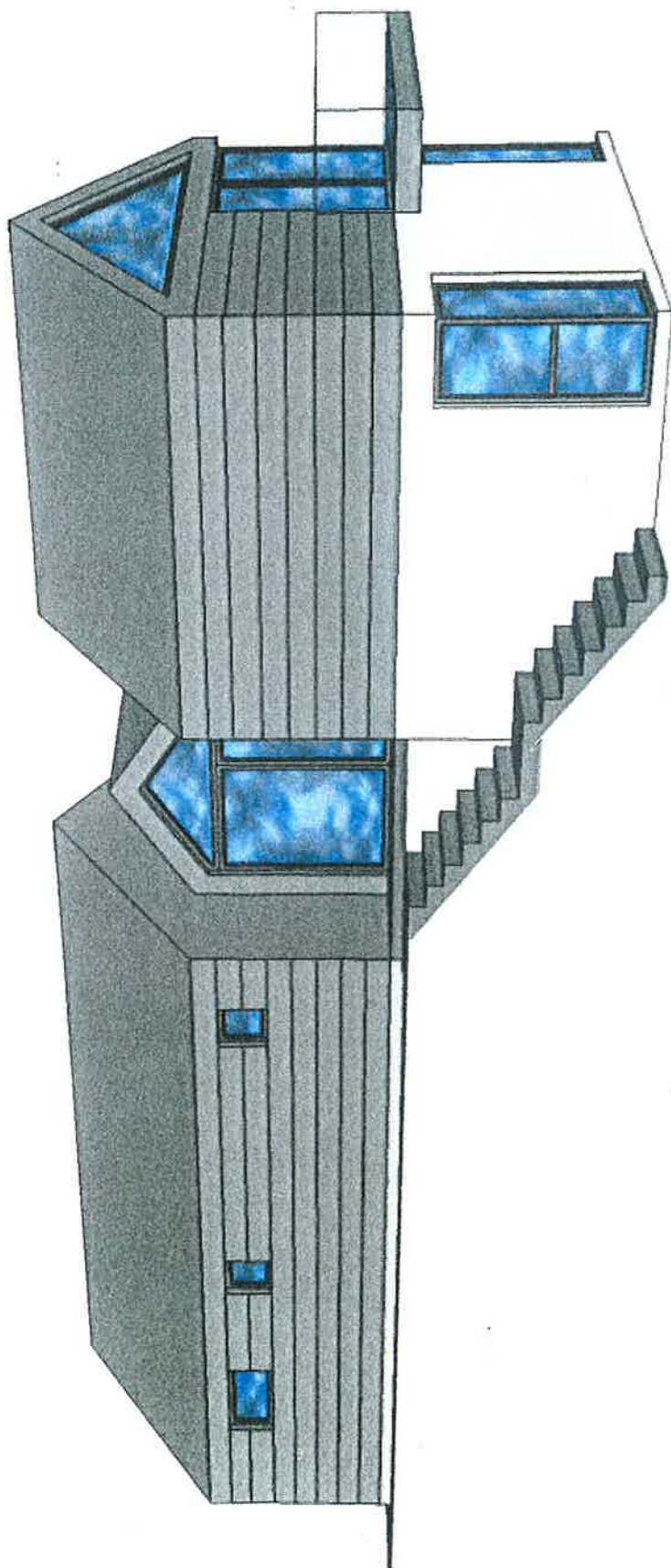
We ask the Local Review Body in reviewing this earlier planning decision and in the light of the foregoing and other attachments which clearly demonstrates that the proposals do accord with the Local Development Plan, to overturn the earlier decision and to approve planning permission for this development.

APPENDIX A:



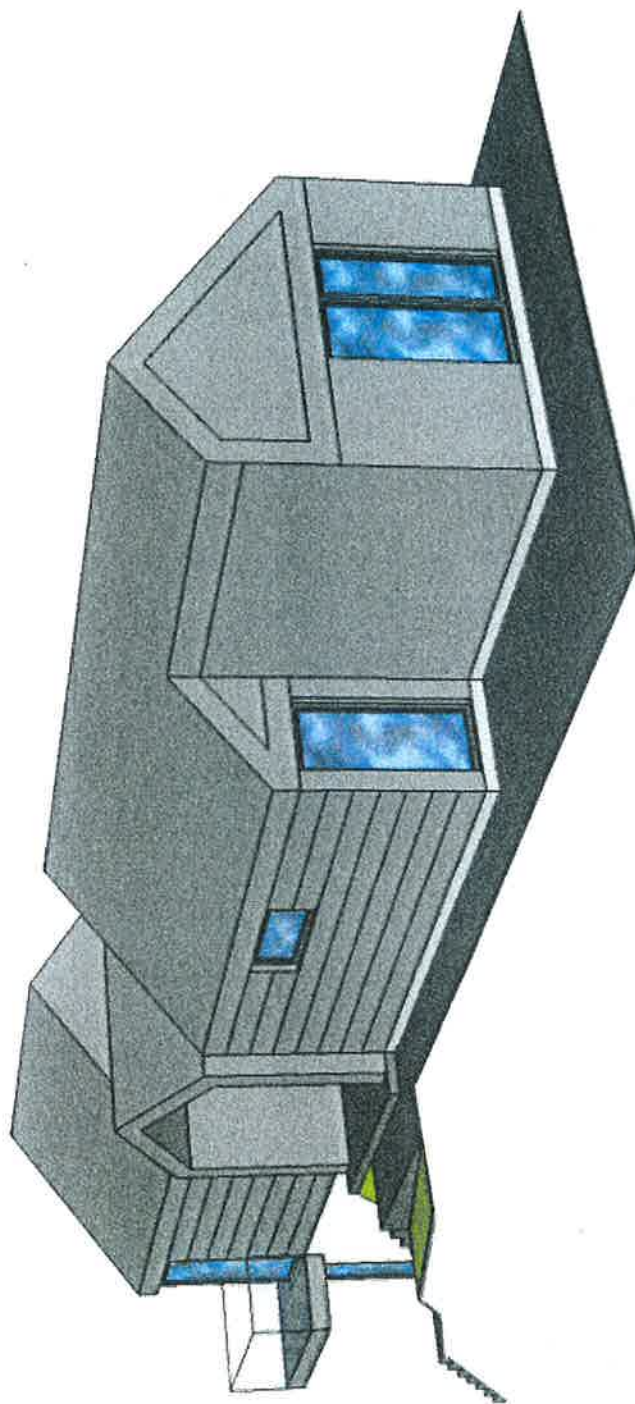
ENTRANCE VIEW OF DWELLING FROM THE NORTH WEST

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN

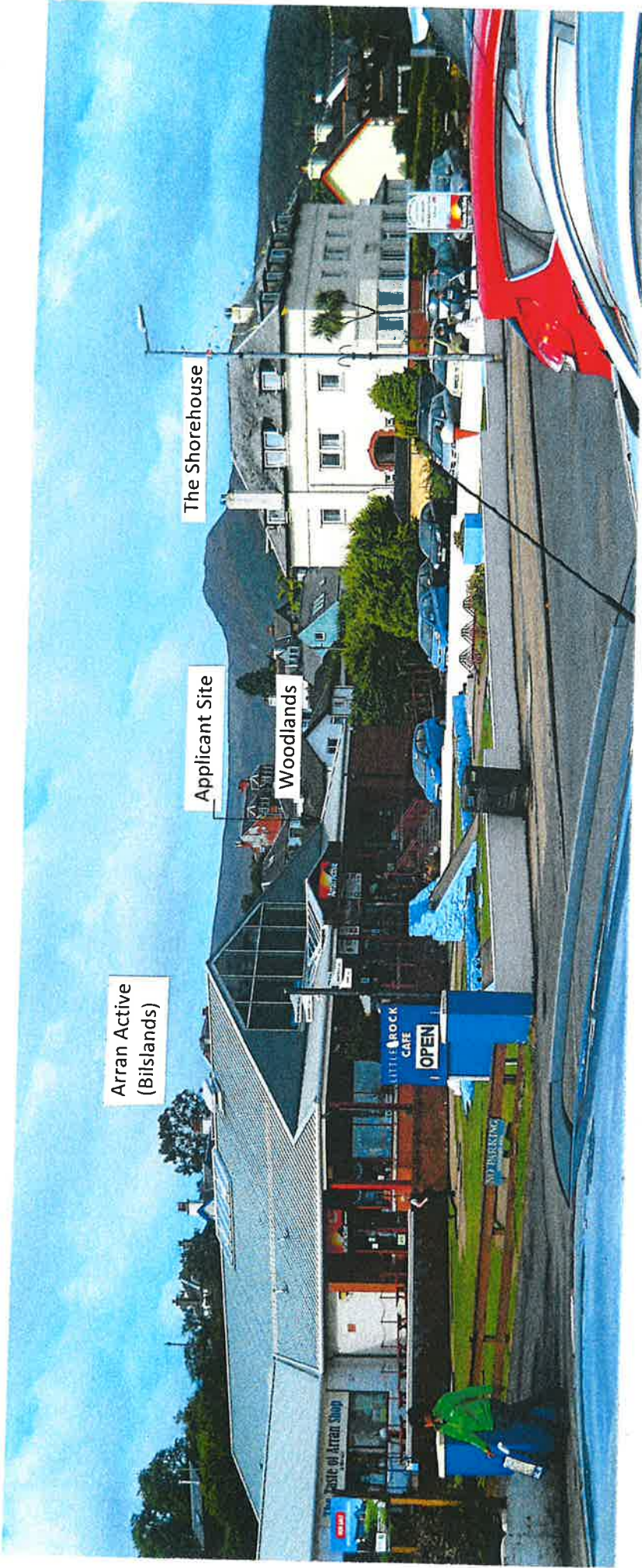


FRONT VIEW OF DWELLING FROM FRONT GARDEN EAST

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



APPENDIX B:



VIEW OF SITE FROM NORTH EAST MAIN ROAD

note the white gable of Woodlands , the blue coloured gable of Balnocoole, the imposing mass of The Shorehouse, and grey blue 'industrial' roof and size of Bilslands

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



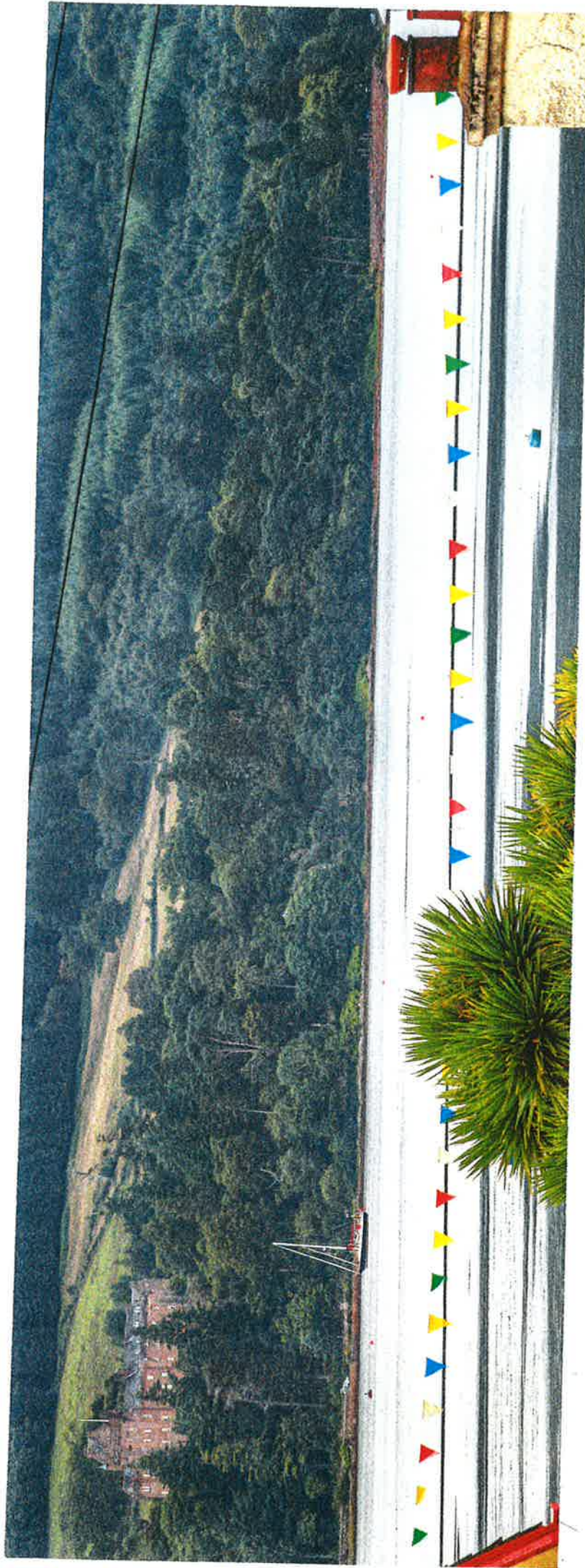
VIEW OF SITE FROM NORTH EAST MAIN ROAD

Note the neighbouring properties of Iona and Craiglea Court Lodge behind existing leylandii hedge. Glimpse of applicant site through gap with The Shorehouse. Greygables behind with blue coloured woodwork.

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



PICTURE POST CARD VIEW OF GOATFELL & BRODICK CASTLE FROM SITE



VIEW FROM SITTING ROOM LOOKING NORTH BETWEEN SHOREHOUSE & DUNVEGAN

Brodick Bay, Brodick Castle & Country Park, Goatfell and mountain range

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN

VIEW LOOKING NORTH EAST BETWEEN SHOREHOUSE & BILSLANDS

Elevation of site allows views over and between seafront buildings
Note colour and material of 'industrial' roof to Bilslands

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



Arran Active
(Bilslands)



VIEW FROM ROOF OF THE SHOREHOUSE LOOKING WEST

Note neighbouring dwellings to rear of Dunvegan and medical centre (no linear development pattern)
 Note also, site area attached to white painted bungalow in centre of shot.

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



VIEW FROM ROOF OF THE SHOREHOUSE LOOKING SOUTHEAST

Note dwellings Cumbrae, Craiglea Court Lodge & Iona & separating distances
Note also colour and scale of Industrial roof to Bilslands

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN



Grey Gables

Woodlands

Applicant Site

Iona

The Shorehouse

Applicant Site
Access Driveway

VIEW OF SITE LOOKING UP DRIVEWAY PAST THE SHOREHOUSE

Note level, direct access driveway to site (timber garage & caravan to be removed)
Proposed dwelling on elevated site behind the Shorehouse, similar height to Woodlands (white gable to right hand side)



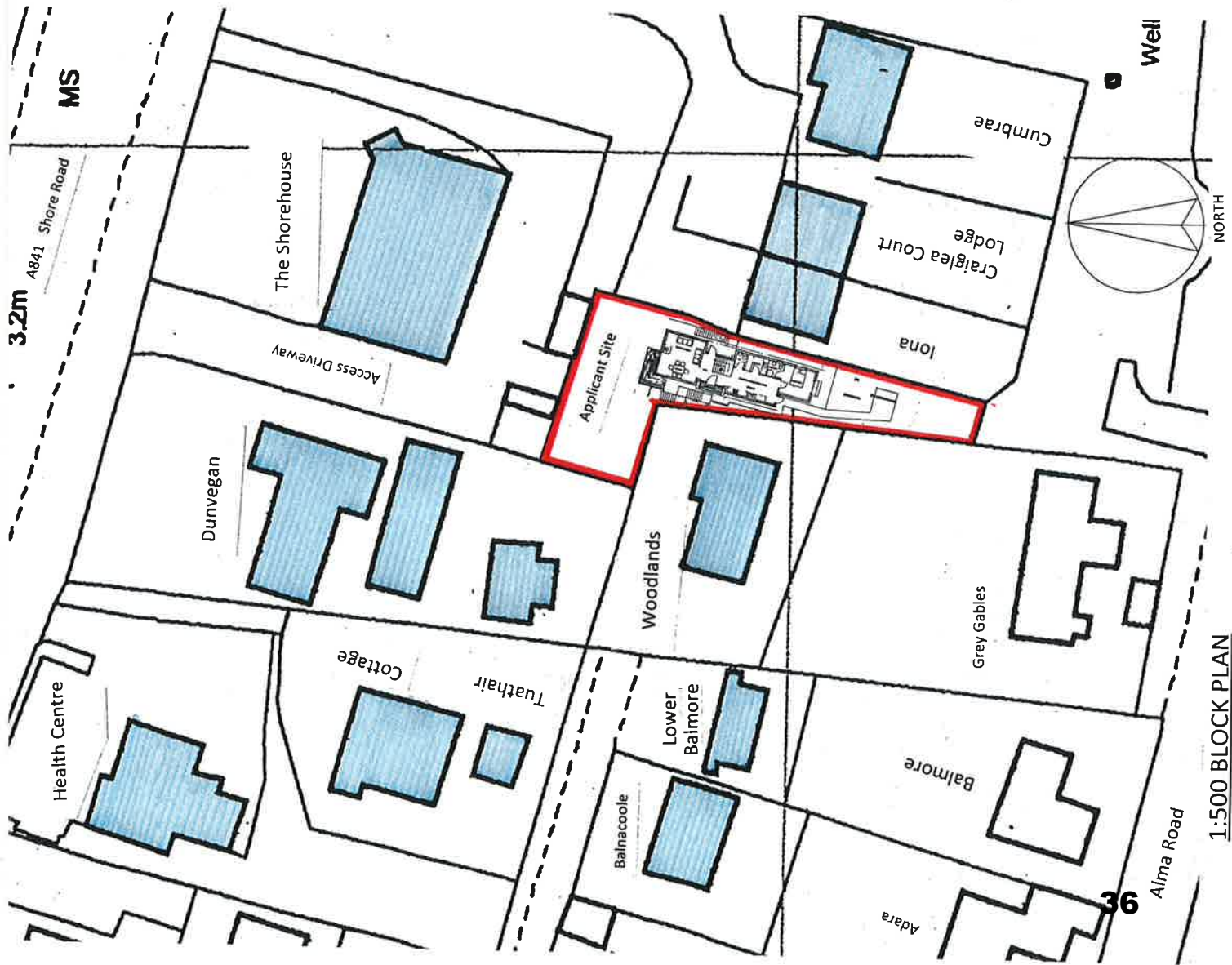
Applicant Site
Access Driveway

VIEW LOOKING NORTH FROM SITE DOWN DRIVEWAY

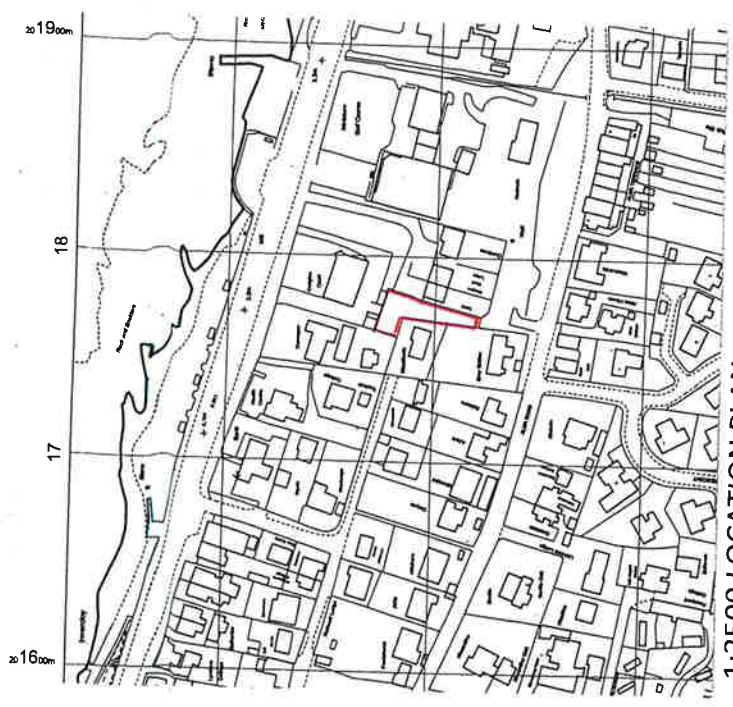
Note level direct access to Main Shore Road & all local amenities

PROPOSED DWELLING ON SITE TO SOUTH OF THE SHOREHOUSE | BRODICK | ISLE OF ARRAN | N/16/00142/PP

APPENDIX C:



1:500 BLOCK PLAN



1:2500 LOCATION PLAN

AREA OUTLINED IN RED EXTENDS TO 540.00 SQUARE METRES OR THEREBY

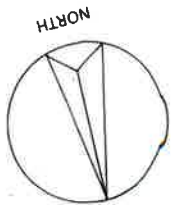


01770 700411
info@icad-arran.co.uk

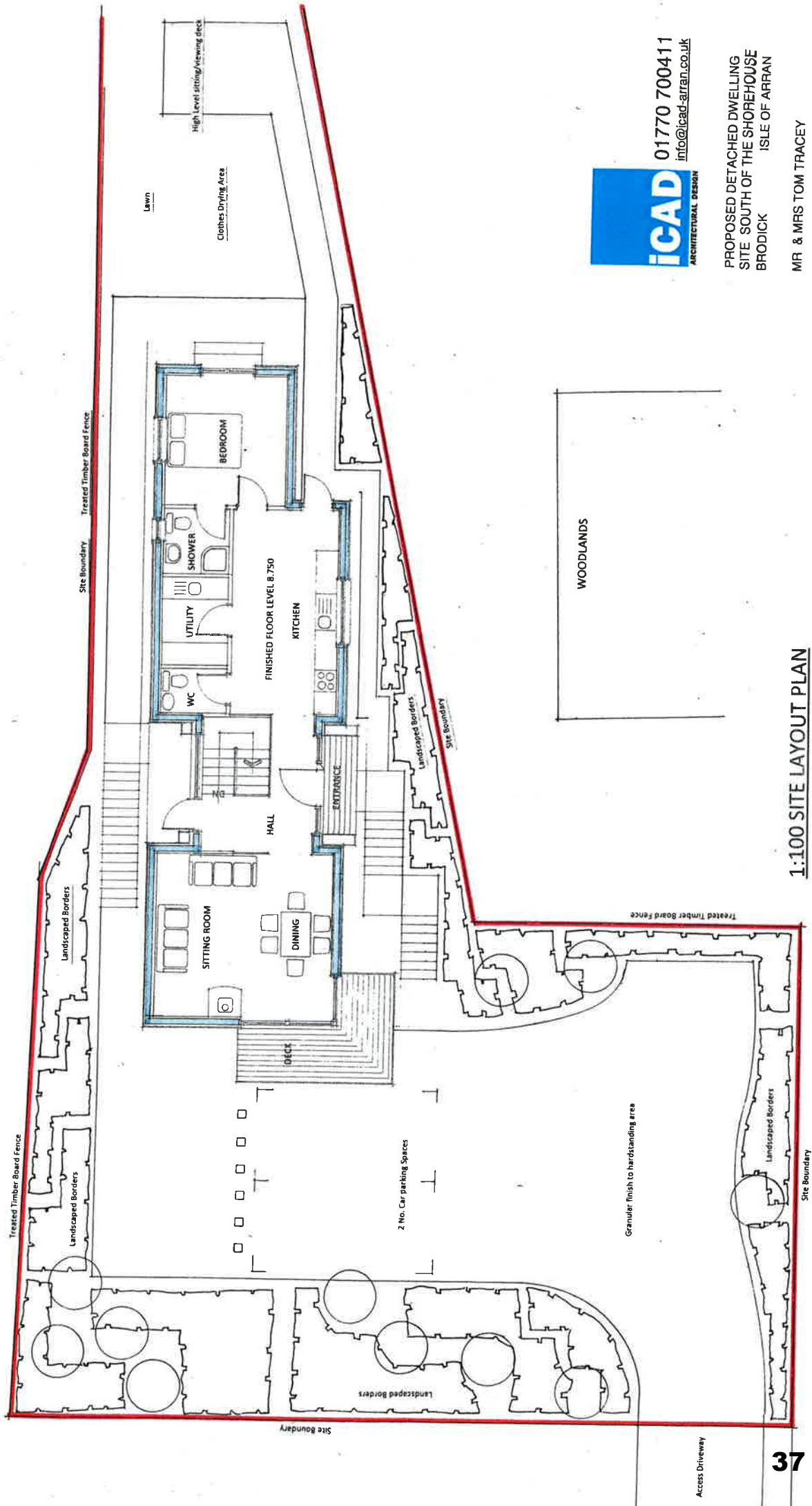
PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:2500 LOCATION PLAN
1:500 SITE PLAN



IONA



1:100 SITE LAYOUT PLAN



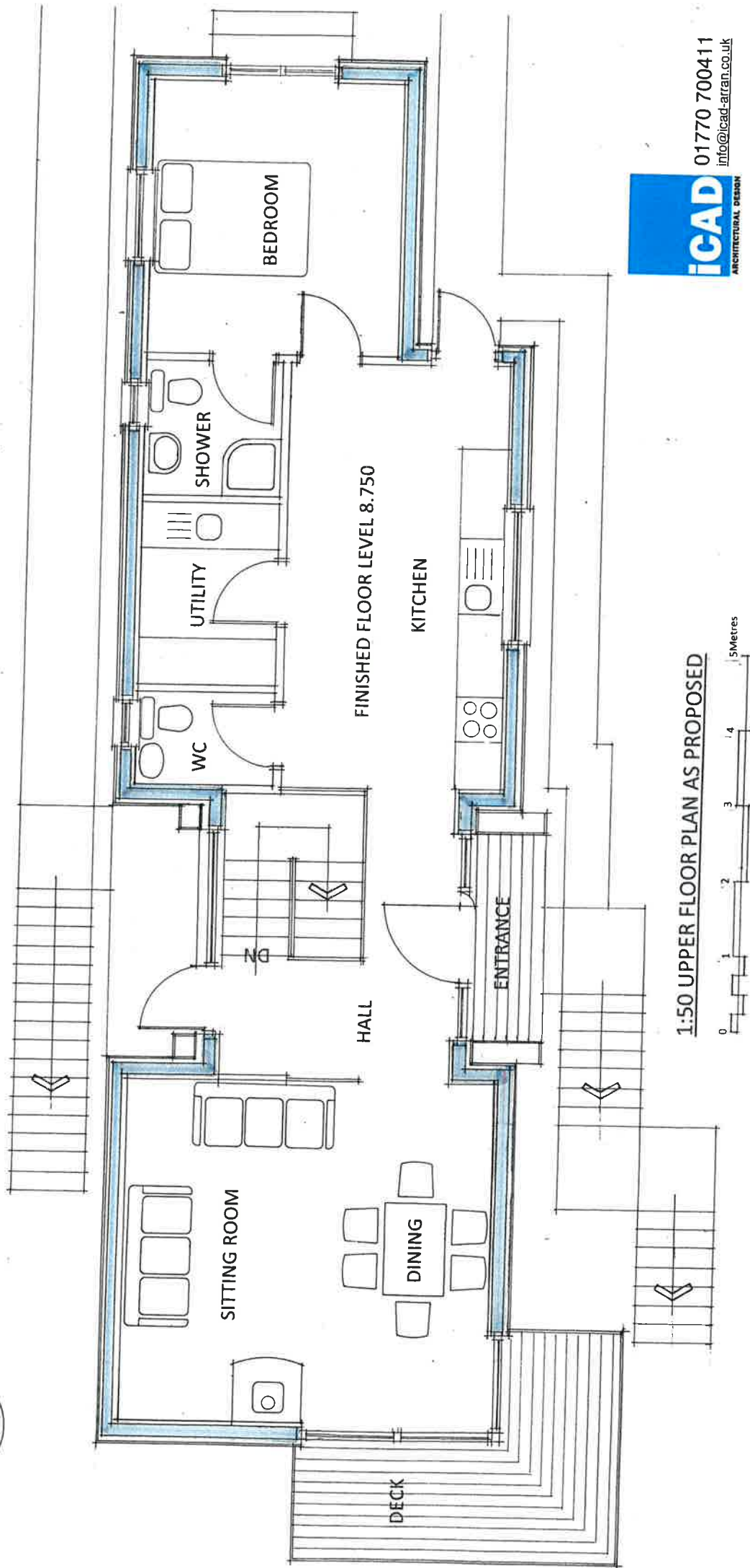
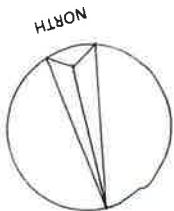
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:100 SITE LAYOUT PLAN
AS PROPOSED

1614/02 Rev Aug '16



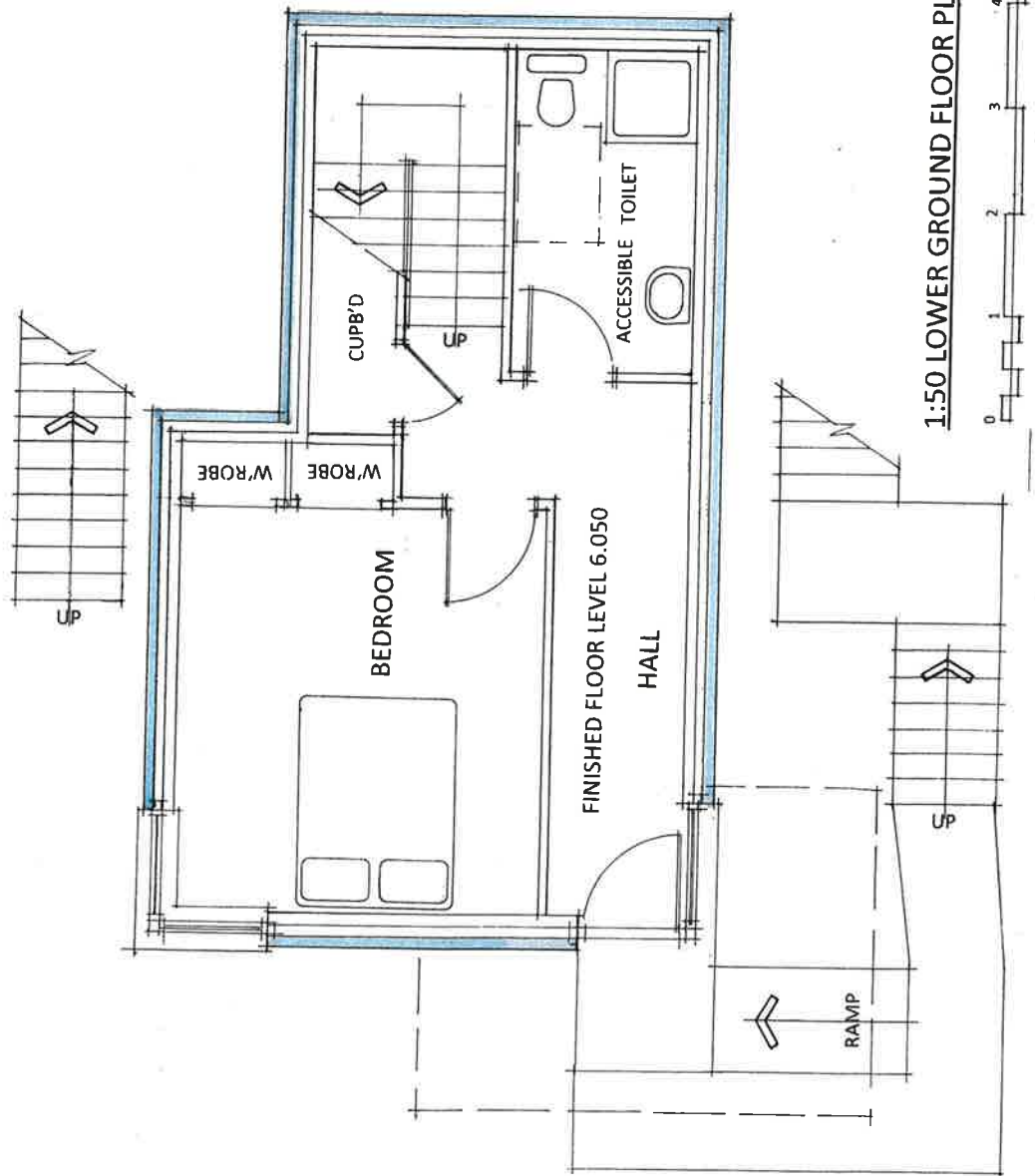
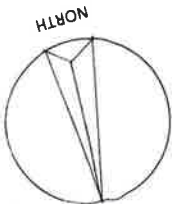
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK
ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 UPPER GROUND FLOOR PLAN
AS PROPOSED

1614/03 Rev Aug '16



1:50 LOWER GROUND FLOOR PLAN AS PROPOSED



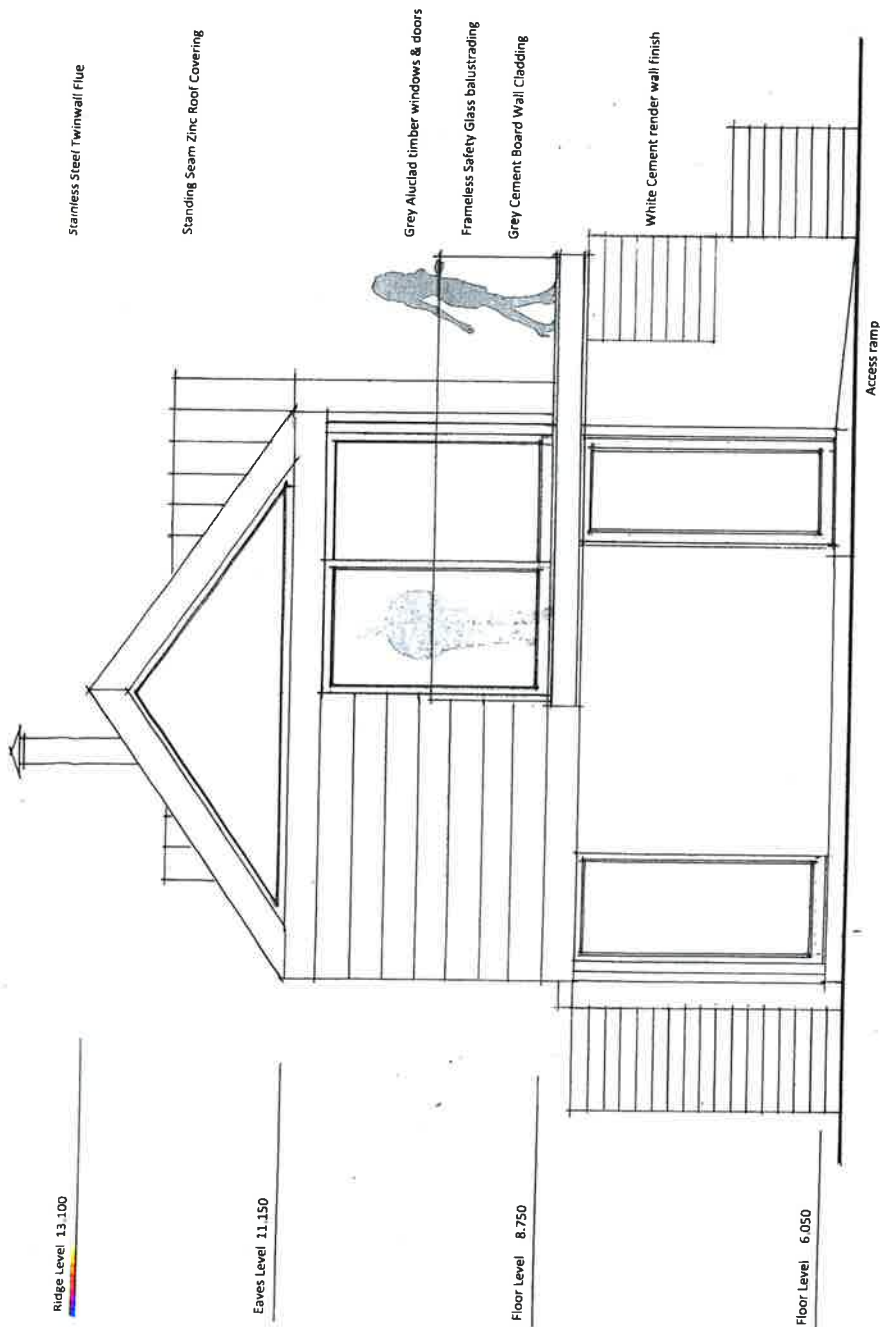
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 LOWER GROUND FLOOR PLAN
AS PROPOSED

1614/04 Rev Aug '16



1:50 FRONT (NORTH) ELEVATION AS PROPOSED



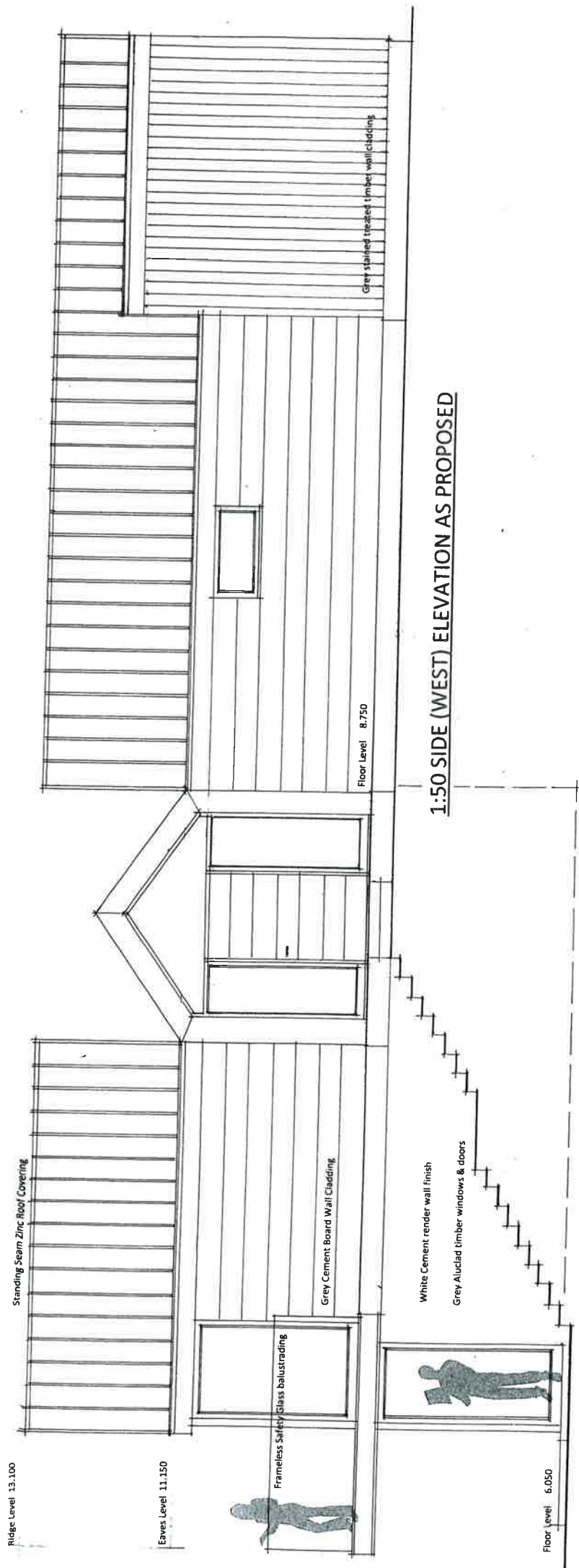
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 FRONT (NORTH) ELEVATION
AS PROPOSED

1614/05 Rev Aug '16



1:50 SIDE (WEST) ELEVATION AS PROPOSED

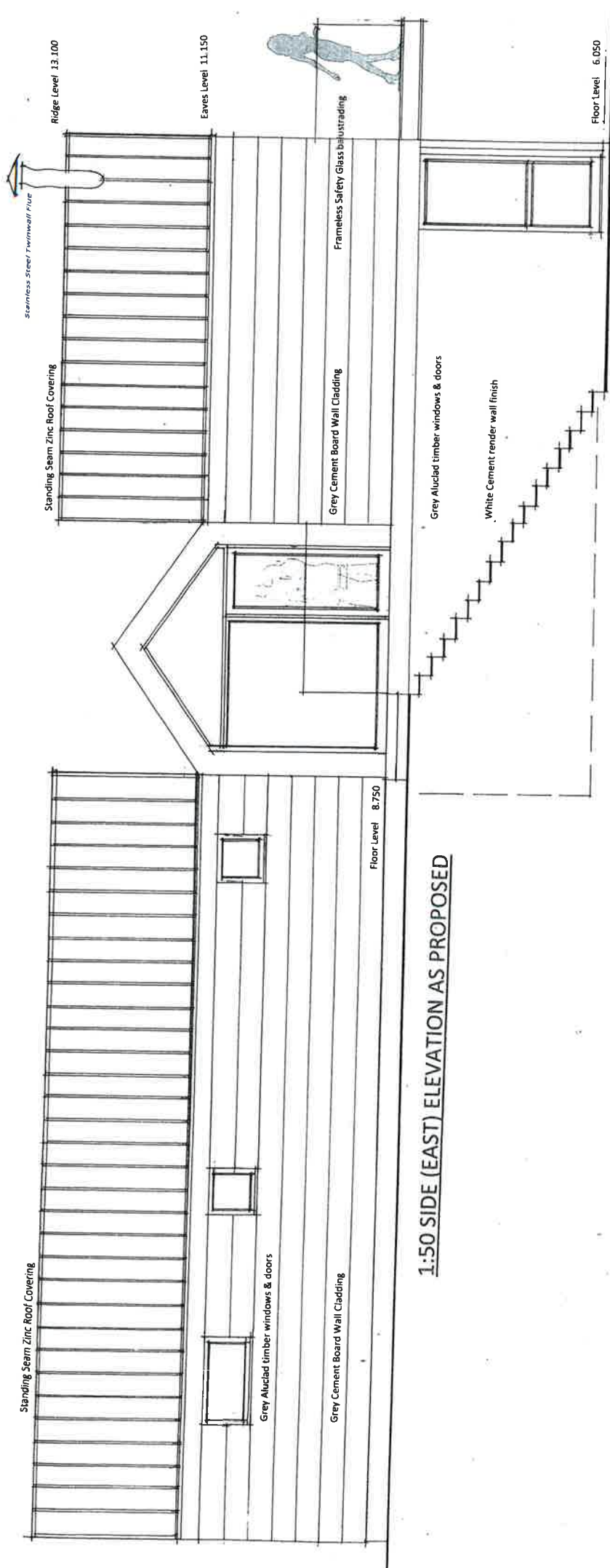


01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 SIDE (WEST) ELEVATION
AS PROPOSED



1:50 SIDE (EAST) ELEVATION AS PROPOSED



01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 SIDE (EAST) ELEVATION
AS PROPOSED

1614/07 Rev Aug '16

Stainless Steel Twinwall Flue

Ridge Level 13.100

Standing Seam Zinc Roof Covering

Eaves Level 11.150

Grey Aluclad timber windows & doors

Grey stained treated timber wall cladding

Floor Level 8.750

Floor Level 6.050

1:50 REAR (SOUTH) ELEVATION AS PROPOSED

1:50 CROSS SECTION THROUGH ENTRANCE HALL & STAIR



01770 700411
info@icad-arran.co.uk

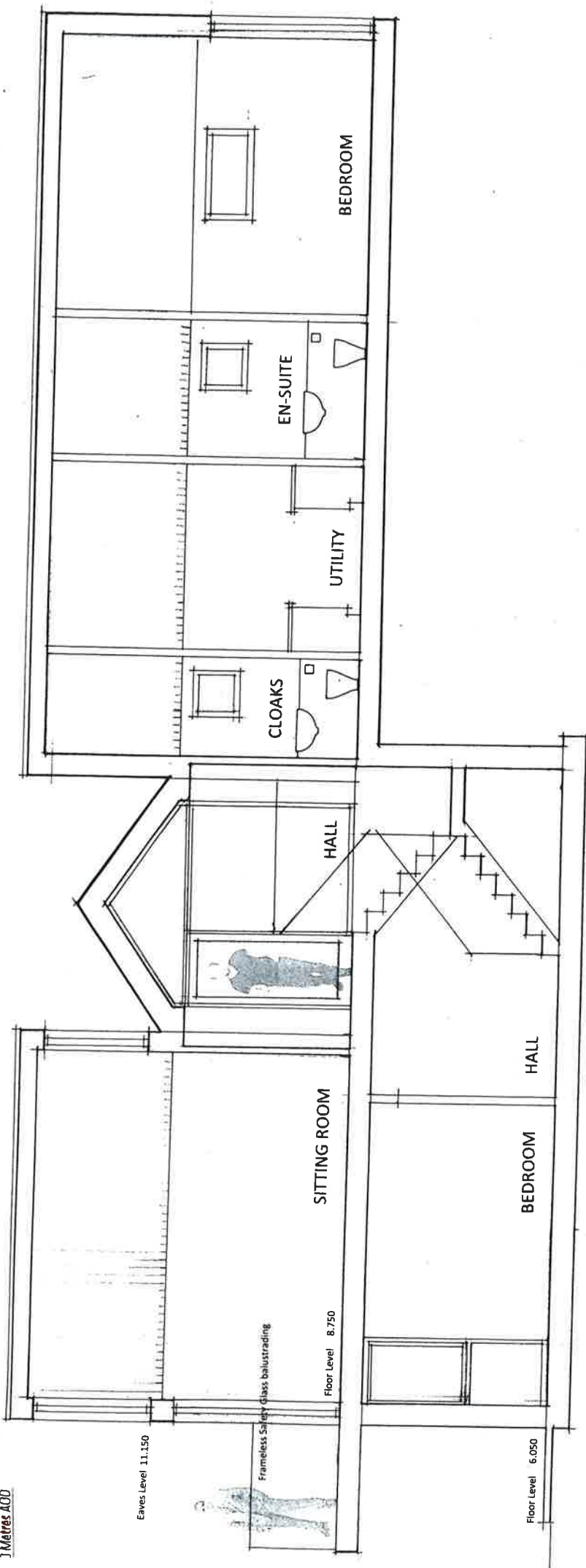
PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 REAR (SOUTH) ELEVATION
AS PROPOSED

1614/08 Rev Aug '16

Ridge Level 13.100
1 Metres AOD



1:50 LONG SECTION THROUGH DWELLING



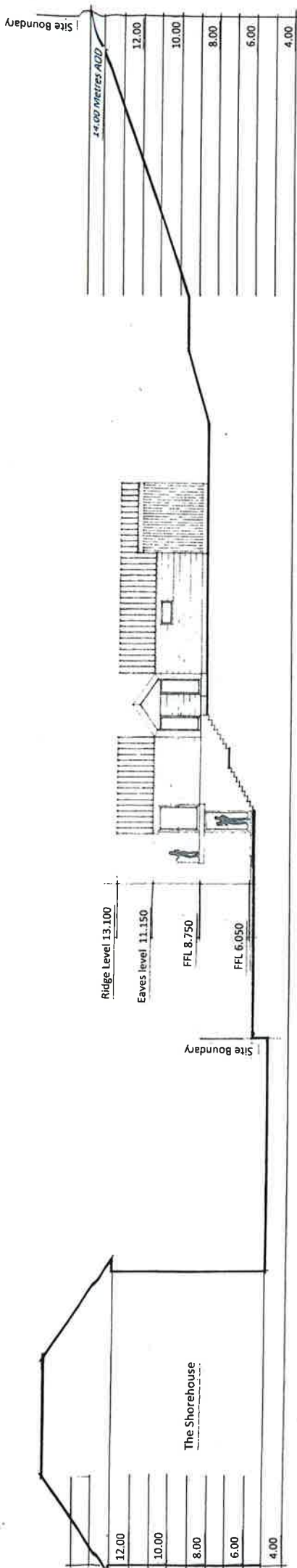
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

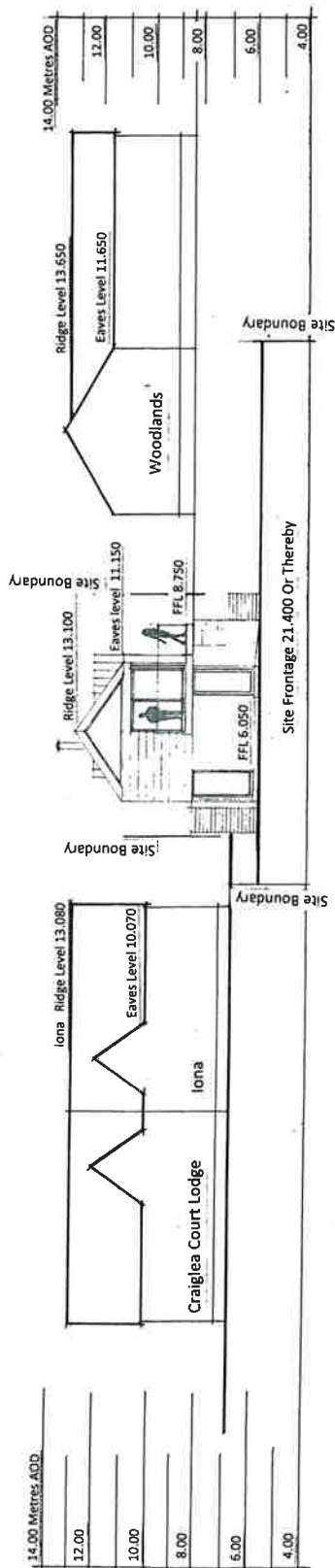
MR & MRS TOM TRACEY

1:50 LONG SECTION THRO DWELLING
AS PROPOSED

1614/09 Rev Aug '16



1:200 LONGITUDINAL SECTION THROUGH SITE



1:200 CROSS SECTION THROUGH SITE



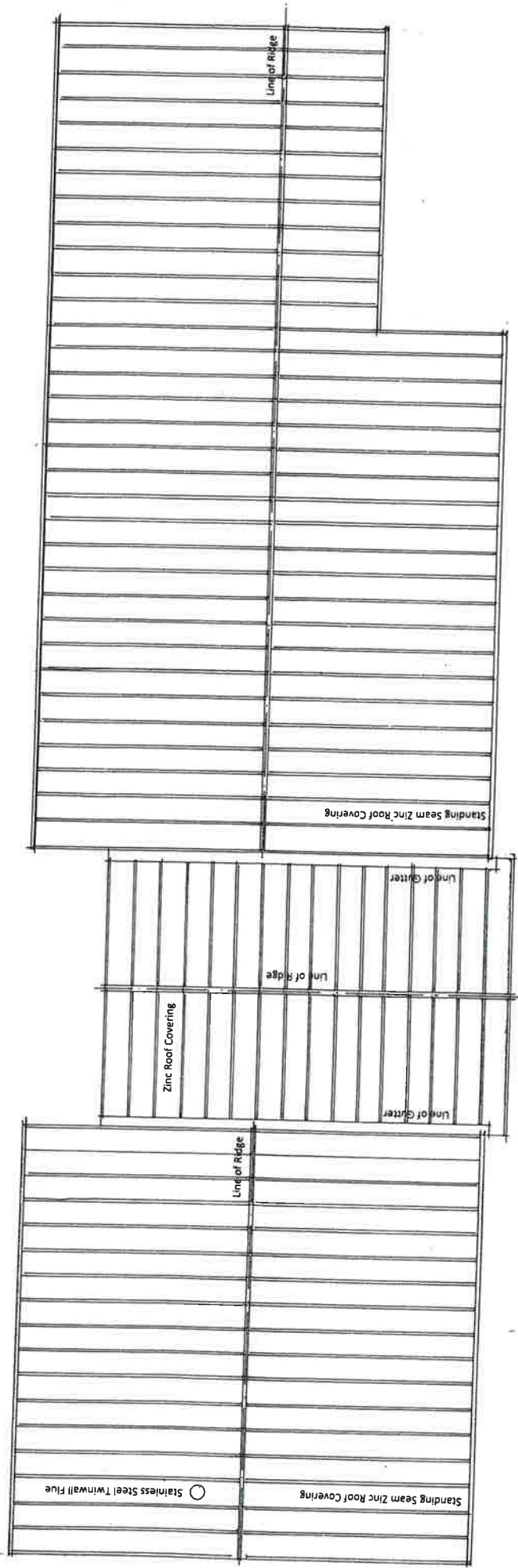
01770 700411
info@icad-arran.co.uk

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:200 LONGITUDINAL SECTION &
CROSS SECTION THROUGH SITE

1614/10 Rev Aug 16



1:50 ROOF LAYOUT PLAN



01770 700411
info@icad-arran.co.uk

ARCHITECTURAL DESIGN

PROPOSED DETACHED DWELLING
SITE SOUTH OF THE SHOREHOUSE
BRODICK ISLE OF ARRAN

MR & MRS TOM TRACEY

1:50 ROOF PLAN
AS PROPOSED

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse - Whiting Bay

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse - Whiting Bay

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse – Brodick

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse – Brodick

Appendix D

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse – Whiting Bay

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse – Lamlash

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse - Whiting Bay

Note separating distance between dwellings
& distance from dwelling to site boundary



New Dwellinghouse - Whiting Bay

Appendix D

Brodick Improvements Committee

(A Company limited by guarantee. Registered in Scotland, Company No. SC344637)



Secretary:

Bill Calderwood

Drumtochty,
Strathwhillan Rd,
Brodict,
KA27 8BQ
Tel: 01770 303922

bic.contactus@btinternet.com

Chairman:

Harry Davidson

17, Alma Park,
Brodict,
Isle of Arran.
KA27 8AT
Tel: 01770 302036

captainh@tiscali.co.uk

Attention : Committee Services,
Chief Executives Department
North Ayrshire Council
Cunningham House
Irvine
KA27 8EE

Date: 4th January 2017

Dear Sir,

We are aware of a planning application Ref. No: 16/01056/PP which was presented in December and subsequently refused.

This amended application was again discussed and again no objection highlighted specifically in relation to the earlier refusal notes. It is considered that this will actually enhance the area.

We were surprised to hear in December it has again been refusal on various points:

That, the proposed development would be contrary to Criteria (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting and scale, it would: (i) represent overdevelopment of the site and not offer an acceptable level of residential amenity for the proposed dwellinghouse; (ii) conflict with the existing linear pattern of development in the area which would not be in the interests of the proper planning of the area; (iii) detract from the privacy and amenity of the neighbouring residential properties; and (iv) if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.

To confirm our initial feedback we have again spoken with neighbours and local business owners who have confirmed no objections and indicated their support for the application and as adjoining premises have no concerns then the planners view does not appear to be indicative of those directly impacted.

In our view the proposal makes good use of an otherwise limited site which appear to offer the accommodation required by the applicant. This area of the village does not appear to have a clear building line as demonstrated by the adjoining property sitting forward of the old vets premises which is to be converted to residential accommodation. The area has very limited opportunity for significant further development. Immediate neighbours do not appear to have offered any concerns regards a loss of privacy and the mix of neighbouring properties is diverse with a mix of old, modern and commercial structures already in the area.

At a time when the island is looking to provide accommodation of quality this appears to prohibit an opportunity to use an otherwise impractical space and provide a family home with the required capacity for the applicant.

The above appears to address (i), (ii), and (iii) reasons listed and (iv) is not considered a problem in this location. Whether it may be used in other location should not restrict the development of this proposal as we understand that all applications are assessed on their individual conditions

We trust that you will revisit the decision and recognising the communities support, agree to allow this site to be developed as proposed and provide accommodation for the applicant.

Regards,

On behalf of
Brodict Improvements Committee

Appendix E

Jim Reid

The Shorehouse

Shore Road

Brodick

KA27 8AJ

Subject: Planning Appeal dwelling house to south of The Shorehouse

N./16/01056/PP

I manage and occupy The Shorehouse directly in front of this proposed development.

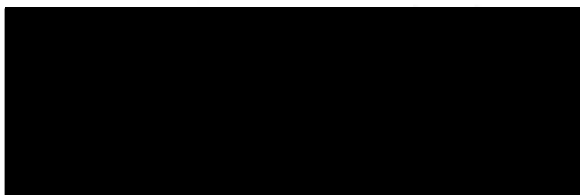
It has come to my attention that the proposed development plan has been rejected.

I cannot understand why this would be rejected as the addition of a modern building behind The Shorehouse can only add to the amenity and outlook from The Shorehouse.

Also, as a local businessman, it is clear that there is a lack of two bedroom houses in Brodick to accommodate the trades and professional people we need to support business on the Island.

I fully support this project and would ask that you reconsider the rejection of these plans.

Yours sincerely

A large black rectangular box redacting the signature of Jim Reid.

Jim Reid

Tel. 01770 303505

**West Winds
Brodict
Isle of Arran
KA27 8AZ**

4th January 2017

To:-
North Ayrshire Planning Department

Planning Appeal: N/16/1056/pp House Plan Rejected

Dear Sir or Madam,

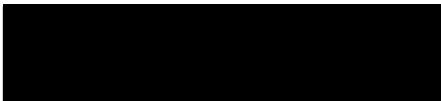
I fully support this appeal as I do not agree with the Planning Department's reasons for rejection.

I own the land immediately to the south of the proposed development and there is no other neighbour that will be more affected by Mr Tracey's proposals than me. My ground is a higher elevation than the proposal and looks down on the sheds that Mr Tracey intends to replace with one modern dwelling.

I also own the commercial properties immediately to the east of the proposed development. My opinion with regard to these properties is that any quality housing development however small will be an advantage to my business and the Island in general. I have lived as an immediate neighbour to Mr Tracey's proposed development site since 1970 and I can think of no negative side to the proposal. To me, it is the best possible use of the available space.

Yours sincerely,

Alastair H Bilisland



Mrs Helen McAdam
Dunvegan House
Shore Road
Brodict
Isle of Arran
KA27 8AJ

Planning Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

5th January 2017

**Letter in support of appeal for planning consent for building to the south of
The Shorehouse, Brodict**

Following my letters of support (7/4/16 & 17/5/16) for the planning application to the South of The Shorehouse and adjacent to my property I am again giving my support to the upcoming appeal.

I cannot understand why this application has been refused once again despite the improved design. There is no doubt that this house would improve the general amenity of the area.

Yours faithfully
Mrs Helen McAdam

By email to:
info@icad-arran.co.uk Ian Cook
eplanning@north-ayrshire.gov.uk

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	16/01056/PP
Proposal:	Erection of detached dwellinghouse
Location:	Site To South Of Shore House, Main Street, Brodict, Isle Of Arran
LDP Allocation:	Residential/Housing
LDP Policies:	RES1 / General Policy /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 02.11.2016 Neighbour Notification expired on 23.11.2016
Advert:	Not Advertised
Previous Applications:	16/00142/PP for Erection of detached dwellinghouse Application Refused on 22.04.2016
Appeal History Of Site:	None

Description

The application site relates to a site to the south (rear) of Shorehouse, located to the south side of Shore Road (A841), Brodict. The site is narrow and tapers up towards the rear south boundary; the site has an area of approximately 0.05ha. The site slopes steeply down from the rear towards the front boundary of the site; the gradient of the site becomes less steep as the site becomes wider. The site is surrounded by other residential properties. There is an existing privet hedge and fence along the east and west boundaries and a low stone wall to the north boundary of the site. There is a static caravan and outhouse adjacent to the front boundary of the site. The site would be accessed from an existing driveway which currently serves Shorehouse.

The proposed dwellinghouse would be set back from the road by approximately 59 metres. The dwellinghouse would have a footprint of approximately 88 square metres and would have a dual pitched roof with its height varying from 4.6 to 7.2 metres due to its split level design. There would be a hallway, bathroom and a bedroom on the lower ground floor; and an additional bedroom with ensuite facilities, utility room, wc, kitchen and sitting room/dining area on the upper ground floor. A raised deck area would be provided to the front of the dwellinghouse. The dwellinghouse would be finished in render, cement board cladding (grey) and a zinc

roof. The site would be bounded by a treated timber vertical board fence (1.2 - 1.8 metres high). The existing static caravan and outhouse to the front of the dwellinghouse would be demolished.

Planning application (reference 14/00642/PP) was approved subject to conditions on the 12th December 2014 for the change of use from self-catering units to 7 residential apartments at Shore House, Brodick.

Planning permission (reference N/16/00142/PP) was refused on the 22nd April 2016 for the erection of a dwellinghouse at the site to the south of Shore House. The plans, which have been submitted with this planning application, amend the footprint and design of the dwellinghouse, which was refused.

There was a 'call-in' request for this planning application to be determined by the Planning Committee and not by officers under delegated powers. At the meeting on 7th December 2016, the Committee declined the request and agreed that this planning application should be determined under delegated powers.

A Design Statement has been submitted by the applicant, which states that the orientation of the dwellinghouse has been aligned to maximise the outlook from the site. There is a mixture of buildings along Shore Road and all of the neighbouring buildings face towards the north to optimise the views. The sporadic nature of development confirms that there is no adoption of, or adherence to a building line. The applicant has advised that the revised layout reduces the projection in front of the dwellinghouses at Iona and Woodlands by 2.5 metres and also increases the separation distance to the Shorehouse by 2.5 metres to 23 metres. The revised deck area on the front balcony is reduced to 1.5 metres.

The application site extends to 540 square metres, with a gross building footprint of 74 square metres resulting in a development density of 22.5%. The overall visual impact is enhanced by the use of modern finishing materials and detailing creating a contemporary design. The existing mix of local building styles and sizes do not create an overall architectural style or character. The site topography and boundaries have naturally influenced the overall design. The applicant considers that the proposed dwellinghouse demonstrates how contemporary design can be reconciled with the need for integration within its context.

The site is located within the settlement of Brodick as identified within the adopted Local Development Plan. Policy RES1 states that proposals for residential development in areas allocated for housing on the LDP Maps shall accord with the LDP. The proposal also requires to be assessed against the General Policy of the LDP.

Consultations and Representations

Neighbour notification has been carried out, the application does not require to be advertised and no objections/representations have been received.

Consultations:

NAC Transportation - no objections

Scottish Water - no response.

16/01056/PP

Analysis

The application site is located within the settlement of Brodick, as identified within the adopted LDP and therefore the principle of the development would be acceptable as it would comply with Policy RES 1.

However the proposal requires to be assessed against the relevant criteria of the General Policy of the LDP, relating to siting, design and external appearance, impact on amenity, and access, road layout and parking provision. The main determining issue is whether any circumstances have changed since the refusal of the previous planning application reference N/16/00142/PP.

The dwellinghouse would be set back from the road by approximately 59 metres and would be to the rear of Shorehouse positioned at a higher level than Shorehouse. The only change to the previous planning application in terms of siting, is that the dwellinghouse would be set back by a further 2.5 metres due to the changes to the footprint of the proposed dwellinghouse. The site would be accessed from the driveway which serves Shorehouse. Shorehouse has consent for a change of use of the self-catering flats to private apartments. Shorehouse sits immediately in front of the proposed dwellinghouse, which would face directly towards Shorehouse. Whilst there would be a certain element of outlook from the proposed house between the buildings on Shore Road, as the dwellinghouse would be directly behind Shorehouse and positioned at a similar orientation, it would not offer an acceptable level of outlook for a residential property. Although it is noted that there are historic examples of backland development within this part of Brodick.

The dwellinghouse would be positioned further forwards than the adjacent dwellinghouses at Woodlands, Iona, Craiglea Court Lodge and Cumbrae, and would therefore break the established building line. It is acknowledged that the re-submission reduces the level of projection by approximately 2.5 metres. The siting of this dwellinghouse would therefore not be acceptable, as existing development in this area is characterised by a linear pattern and therefore the siting of the proposed, much deeper and narrower, dwellinghouse would conflict with this pattern, which would not be in the interests of the proper planning of the area. Furthermore, due to the scale of the dwellinghouse and the lack of usable garden ground, it would constitute overdevelopment of the site. It is considered that the modest reduction to the footprint of this development, would not adequately address the issue of overdevelopment. It is considered that reducing the depth and scale of the dwellinghouse to an acceptable level for this plot, would render the scheme not viable.

Amended plans have been received since the previous refusal of planning permission to alter the design and external appearance of the dwellinghouse. The dwellinghouse would be of a contemporary design, which incorporates a split level dwellinghouse with a dual pitched roof, finished in render, grey cement board wall cladding and a zinc roof. It is considered that the design and external appearance of the dwellinghouse would be a significant improvement to the dwellinghouse previously refused. The contemporary design of the dwellinghouse would not be in character with the design and appearance of the surrounding residential properties. However, there is a mixture of designs in this residential area of Brodick (as discussed above), and accordingly the design and external appearance would be acceptable in this instance.

With regard to amenity, the dwellinghouse would not have an acceptable level of outlook, as discussed above. Furthermore, Shore House has permission to be used as private apartments (rather than self-catering units), and it is therefore considered that the proposed development could have a detrimental impact on the amenity of these units. Given the tapering nature of the site and the steep rise to the rear, there would be little garden ground remaining, which would represent overdevelopment. Therefore the proposed dwellinghouse would not have an acceptable level of residential amenity, and would detract significantly from the amenity of the area.

The raised decking would have an adverse impact on the amenity of the area through overlooking and loss of privacy to the neighbouring properties. The reduction in size of the decking would not adequately address the issues with overlooking and loss of privacy. Due to the split level design of the dwellinghouse, it would not result in any significant overshadowing, with the higher section of the dwellinghouse located towards the front of the site, which is further away from the neighbouring properties.

With regard to access, road layout and parking provision, NAC Transportation has no objections (see above).

It is considered that the development would not comply with criteria (a) and (b) of the General Policy of the LDP and therefore planning permission should be refused.

Decision

Refused

Case Officer - Ms Julie Hanna

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location and Block Plan	1614/01	
Block Plan / Site Plan	1614/02	
Proposed Floor Plans	1614/03	
Proposed Floor Plans	1614/04	
Proposed Elevations	1614/05	
Proposed Elevations	1614/06	
Proposed Elevations	1614/07	
Proposed Elevations	1614/08	
Sections	1614/09	
Sections	1614/10	
Roof Plan	1614/11	

Appendix 3



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/16/01056/PP

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 2013

To : Mr & Mrs Tom Tracey
c/o Ian Cook (iCAD)
Linn Cottage
Whiting Bay
Brodick
Isle Of Arran
KA27 8PR

With reference to your application received on 2 November 2016 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwellinghouse

at Site To South Of Shore House
Main Street
Brodick
Isle Of Arran

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 would be contrary to Criteria (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting and scale, it would: (i) represent overdevelopment of the site and not offer an acceptable level of residential amenity for the proposed dwellinghouse; (ii) conflict with the existing linear pattern of development in the area which would not be in the interests of the proper planning of the area; (iii) detract from the privacy and amenity of the neighbouring residential properties; and (iv) if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.

Dated this : 16 December 2016

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

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.