



Cunninghame House,
Irvine.

29 November 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 DECEMBER 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 (i) the previous meeting of the Committee; and (ii) the Pre Examination Meeting of the Committee, held on 14 November 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

3. Notice of Review: 12/00098/PP: Erection of Detached Dwellinghouse and Refurbishment of Existing Outbuilding with the Addition of a Greenhouse and Landscaping: Land Adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran

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).

4. Notice of Review: 12/00308/PP: Erection of detached dwellinghouse and formation of access: Site to East of Shore Cottage, Blackwaterfoot, Isle of Arran

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)

John Ferguson

(Vice-Chair)

Robert Barr

John Bell

John Bruce

Joe Cullinane

Ronnie McNicol

Tom Marshall

Jim Montgomerie

Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Local Review Body
14 November 2012

IRVINE, 14 November 2012 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

In Attendance

C. Hatton, Corporate Director, D. Hammond and J. Michel, Planning Advisers to the Local Review Body (Development and Environment); J. Law, Legal Adviser to the Local Review Body (Corporate Services); and D. McCaw Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

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 24 October 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 12/00321/PP: Erection of a detached dwellinghouse with detached garage at Plot 5, Steven Place, Kilbirnie

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 with detached garage at Plot 5, Steven Place, Kilbirnie. 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 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. Photographs and plans of the proposed development were displayed and the Planning Adviser 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) uphold the review request; and (b) grant the application.

4. Notice of Review: 12/00202/PP: Modification of condition no. 7 of planning permission N/05/00248/PP to permit change of use from holiday letting cottage to permanent dwellinghouse (cottage no 2) on a site to the West of Kilmichael Country House, Brodick, Isle of Arran

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the non-determination of a planning application within the two month period allowed for officers to determine applications for the modification of condition no. 7 of planning permission N/05/00248/PP to permit the change of use from holiday letting cottage to permanent dwellinghouse (cottage no. 2) on a site to the West of Kilmichael Country House, Brodick, Isle of Arran. The Notice of Review documentation, the Planning Officer's Report of Handling and a location plan, were provided as Appendices 1-3 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. Photographs and plans of the proposed development were displayed and the Planning Adviser 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 grant the application for planning permission subject to the applicant's entering into an Section 75 Agreement on terms to be agreed with Planning Officers.

The meeting ended at 3.10 p.m.

Local Review Body
14 November 2012

IRVINE, 14 November 2012 - At a Pre-Examination Meeting of the Local Review Body of North Ayrshire Council at 3.10 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

In Attendance

C. Hatton, Corporate Director, D. Hammond Planning Adviser to the Local Review Body (Development and Environment); J. Law, Legal Adviser to the Local Review Body (Corporate Services); and D. McCaw Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

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. Notice of Review: 12/00308/PP: Erection of a detached dwellinghouse and formation of access: Site to East of Shore Cottage, Blackwaterfoot, Isle of Arran

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 for the erection of a detached dwellinghouse and the formation of an access on a site to the east of Shore Cottage, Blackwaterfoot, 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 Adviser to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. The consultation process in relation to this Notice of Review is currently ongoing and the pre-examination meeting considered the manner in which the review would be conducted with a view to ensuring that it was carried out efficiently and expeditiously.

The Local Review Body agreed to continue consideration of the Notice of Review to a future meeting.

The meeting ended at 3.15 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

5 December 2012

Local Review Body

Subject: **Notice of Review: 12/00098/PP: Land Adjacent to Myrtle Cottage: Whiting Bay: Isle of 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.

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 12/00098/PP for the erection of a detached dwellinghouse and the refurbishment of the existing outbuilding with the addition of a greenhouse and landscaping on land adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice at Appendix 6.
- 2.3 The following related documents are set out in the appendices to this report:-

Appendix 1 - Notice of Review documentation;
Appendix 2 - Representation received from an interested party;
Appendix 3 - Applicant's response to additional representation;
Appendix 4 - Report of Handling;
Appendix 5 - Location Plan; and
Appendix 6 - Decision Notice.

- 2.4 The above documentation was submitted for consideration by the Local Review Body at its meeting on 24 October 2012. The LRB agreed that a site familiarisation visit be undertaken. A site familiarisation visit was duly arranged for 16 November 2012.
- 2.5 Only those Members of the Local Review Body who attended the site visit on 16 November 2012 are eligible to participate in the determination of the review request (Councillors Brown, Bruce, Ferguson, McNicol, Marshall and Steel).

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. The applicant was given the opportunity to respond to the representation submitted. The additional representation received is set out at Appendix 2 to the report and the applicant's response is set out at Appendix 3 to the report.

6. Conclusion

- 6.1 The Local Review Body is invited to consider the Notice of Review, including any further procedures 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 12/00098/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

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

NA

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 type="checkbox"/> | <input checked="" 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:

NA

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.

Statement provided in full in separate document 194/NOR/01.

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

Yes No
X ☐

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.

No new matters have been raised that were not available to the officer at the time of application

The new material raised is explanatory and illustrative of our Notice of Review

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 Letter
194/NOR/01	Notice of Review Statement
194/NOR/02	CGI Image of proposed development
194/NOR/03	Site Plan with key of CGI position

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

4th September 2012

REF 12/00098/PP - House on land adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran, KA27 8RH

The proposal made for land adjacent to Myrtle Cottage has been rejected by North Ayrshire Council with reference to the following policies: RES 1, ENV 1 and H1/H2. We have set out below our response to the policy statements, followed by a commentary on the grounds for our Notice for Review.

Part I - Policy Response

POLICY RES 1: RESIDENTIAL DEVELOPMENT IN SETTLEMENTS

Proposals for residential development shall accord with the Local Plan if they are located within the settlement boundaries of Brodick, Lamlash, Whiting Bay, Blackwaterfoot, Lochranza, Shiskine, Lagg / Kilmory, Corrie, Sannox, Kildonan, Pirnmill and Slidery / Corriecravie.

Officer's Determination Statement

'That, the proposed development would be contrary to Policy RES 1 of the adopted Isle of Arran Local Plan, in that it would comprise residential development outwith the settlement boundaries and within the countryside, for which there is no specific locational need which would be detrimental to the amenity and appearance of the countryside and set an undesirable precedent for further similar projects.'

APPLICANT RESPONSE

We do not contest the locational principle of this policy as the site is clearly outside the existing settlement boundaries. We do contest that it would be detrimental to the amenity and appearance of the countryside or that it would set an undesirable precedent.

POLICY ENV 1: DEVELOPMENT IN THE COUNTRYSIDE

Proposals for development within the countryside shall not accord with the Local Plan unless it can be demonstrated that it meets the following criteria:

- (a) necessary non residential development associated with agriculture or forestry operations; or
- (b) there is a genuine operational need for a worker to live on site in pursuance of an established rural business; or
- (c) small scale business uses falling within Class 4 that have a specific locational need to be located on site; or
- (d) development associated with public utility operations that have a specific operational need to be located on site.

New buildings in relation to (a) above should be closely associated with existing groups of buildings.

The occupation of new houses in relation to (b) above shall be limited to persons employed in agriculture, forestry or other appropriate rural activities and their dependents, or employed in businesses allowed under (c) above.

Officer's Determination Statement

'That, the proposed development would be contrary to Policy ENV 1 of the adopted Isle of Arran Local Plan, in that the dwellinghouse is not required for persons employed in agriculture, forestry or an established rural business and consequently there is no justification for the dwellinghouse which, if approved, would establish an undesirable precedent for unnecessary development in the countryside, to the detriment of its appearance and amenity.'

APPLICANT RESPONSE

We do not contest that the dwelling is not proposed for the use of persons employed in agriculture or forestry. We do contest that it would establish an undesirable precedent or that it would be detrimental to the amenity and appearance of the countryside.

POLICY H 2: Single Houses in Rural Areas

Proposals for a single new house in a rural area 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 with 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.

Officer's Determination Statement

'That, the proposed development would be contrary to Policy H 2 of Alteration No.1 and the Council's Approved Addendum to the Rural Design Guidance given its proximity to the existing group.'

APPLICANT RESPONSE

We believe the proposal meets the criteria of policy H2, ie. the proposal is distinctive and responsive to its setting and does make a positive design contribution to the locality of the area. The proposal integrates with and enhances the established character of the area and we believe the cumulative impact of the development should be acceptable. Account was taken of the possibility of rehabilitating an existing building and the proposal does re-use a brownfield site.

The Approved Addendum to the Rural Design Guidance referenced by officers did not exist at the time of the application in February 2012 and was not officially adopted until after the original determination date in March 2012. Officers did not bring our attention to this document despite the fact that it was published during our discussions mid-application.

POLICY H 1: Small-scale growth of existing rural housing groups

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

- a) the proposal constitutes a small-scale addition to an existing well-defined nucleated group of 4 or more houses. Expansion of such a housing group will be limited to 50% of the number of dwellings existing in that group as of 1 January 2005 up to a maximum of 4 new housing units;
- b) the proposal is sympathetic to the character and form of the existing group;
- c) any individual proposal does not prejudice a future development opportunity; and
- d) the proposal complies with Roads Guidelines.

Officer's Determination Statement

'That, the proposed development would be contrary to Policy H 1 and criteria (a) and (b) of the Development Control Statement of the Isle of Arran Local Plan, in that the proposed dwellinghouse would not constitute an acceptable addition to an existing grouping, as it would not be sympathetic to the character and form of the existing group with regard to its siting, design and external appearance.'

APPLICANT RESPONSE

Even if we were to accept the officer's judgement on the application of this policy, we would contest non-compliance with a) and the narrow interpretation of condition b).

- a) The scale of the proposed building is similar to Bourtree in the adjacent group at 1-2 storeys. Primrose Cottage and Shawfield are both 1½ storey buildings with 1st Floor bay windows and additions.
- b) The character of the group is that of a disparate collection of houses arranged on the hill to individually optimise their orientation and view, the houses do not address each other or the shared access 'green'. Although the form of the original buildings is generally traditional, the built fabric consists of split-level, 2-storey and bungalow structures with a variety of cladding including stone, render and timber. We believe the proposed house will have a negligible effect on an observers perception of this group, as it is situated across the road, will be set well back and is elevated behind the treeline.

We will expand an analysis of these policy determinations in the subsequent commentary.

Part II - Review Commentary

Policy Context

North Ayrshire Council's rejection of this application revolves around their interpretation and application of Policies H1 and H2 relating to new developments in the countryside. Officers made it clear to the applicant and agent that they were generally uncomfortable with the inclusion of these policies as directed by Central Government and that policy wording was unclear, making assessment difficult.

A single consent under the H2 policy in the five years since adoption cannot be evidence that this policy is facilitating development. The Approved Addendum to the Rural Design Guidance 'Design Guidance – single houses in rural areas' referenced in the rejection notice is unable to reference a single local example and relies on evidence of best practice from elsewhere in Scotland and England.

North Ayrshire planning officer's application of policy has resulted in a ruling that the proposed house is too close to the group to be considered under Policy H2 and too far away from the group to be considered under Policy H1, this is non-sensical. We suggest a more nuanced reading of these policies could have resulted in a consent being granted under either policy.

Policy H2

We believe we comply with the written conditions of Policy H2. What is contentious is whether we comply with what officers referred to as 'the unwritten intention' of the policy and a judgement as to whether the final development could be said to be an independent house. The applicant and agent agree with officers that there cannot be an empirical definition of acceptable proximities when assessing this policy, as every site is unique. In this case our starting point was a secluded clearing within a closely wooded hillside.

We believe that the site assessment made by the senior planner during the application process was flawed. At this time a significant amount of vegetation had been cleared to allow for site survey and landscape assessment. This had the effect of opening the site up to the road and the neighbouring group.

Standing on the site in its current state you are aware of the nearby houses with glimpses of the roofs of Primrose Cottage and Shawfield. Alma and Barrydean sit at a lower elevation and are hidden. The view of the site from the road is cumulatively screened by the hedge line perimeter and the sycamore grove, with the existing ruin barely visible.

The landscape statement appended to the application describes in detail how the site will be returned to its previous level of seclusion with a variety of indigenous species. It appears this mandated design information has not been taken into account when assessing the resultant relationships of the house.



fig.1 View from track to Myrtle Cottage



fig.2 Aerial view of dense woodland with clearing

Policy H1

North Ayrshire have been more successful in utilising this policy as exemplified locally by consented schemes at Beinnview, Blackwaterfoot, *fig 3* and at Kelvinhaugh Farm *fig 5*. Both projects involved the construction of multiple dwellings next to existing mixed clusters.

The layout of these existing groupings is by their nature reasonably random yet officers have been willing to accept building placements, which have been driven by optimum plot division.

Both applications included designs for split-level houses with a variety of cladding, including timber, large south facing windows and unusual roofscapes. If officers have accepted these designs as being sympathetic to their surrounding buildings it is difficult to understand officers objections to this proposal.



fig 3 Beinnview, Blackwaterfoot

Policy Interpretation

The wording of policy H1 that 'the proposal is sympathetic to the character and form of the existing group' has been designed to be open to interpretation by officers, encouraging an analysis of what defines this character.

The rural landscape of South Arran is populated by agricultural and residential groupings. This typology is evident locally around Knockenkelly Farm and Hawthorne Farm, *fig. 4*, where the buildings' variable scale and roofscapes create contrasting compositions.

If the starting point for the design of the new house is taken as an agricultural building, it is perfectly plausible that this building sits with the relationships proposed in the application.



fig 4 Hawthorne Farm, Smiddy Road, Whiting Bay

Policy Interpretation cont.

As is being demonstrated by the permission granted for 3 new houses on land adjacent to the outbuildings of Kelvinhaugh Farm, the H1 policy creates loose, mixed compositions of the residential and the agricultural.

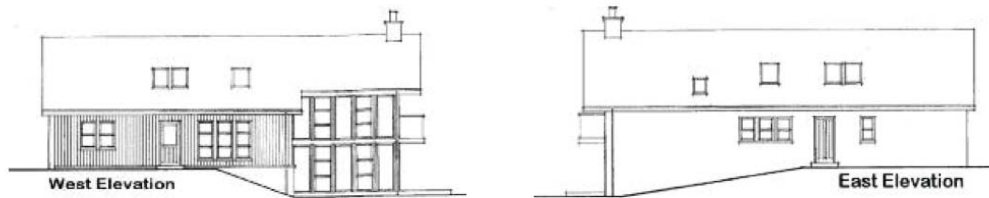


fig 5 Kelvinhaugh, Smiddy Road, Whiting Bay



fig 6 View of Kelvinhaugh Development, Smiddy Road, Whiting Bay

The Proposal Site and Building Location

The application site is brownfield, as it is occupied by the remnants of a group of houses. When the applicant was advised that the existing ruins could not be reused for development under Policy ENVIA the whole site came under consideration for the placement of a new house.

After careful consideration the position of the house has been chosen for a variety of compelling reasons:

The existing clearing and proximity to track would result in the least impact on the existing site and wildlife. Officers suggested during subsequent planning negotiations that it would be preferable to locate the house elsewhere on greenfield land even if this resulted in clearing trees. This would not be our preferred approach to a sustainable development.

The house would benefit from an environmentally positive southerly orientation, provided by the open grove. This is the foundation of our desire to construct an exemplar of sustainable design. Although environmental considerations in earlier times were more concerned with shelter from prevailing weather it is surely not a coincidence that original structures benefitted from this amenity.

The chosen position would not overlook any other buildings whilst maintaining views of the sea to the east and the grove to the south. Officers have suggested that a new house should be positioned to the south on the roadside. This would immediately overlook Primrose Cottage and Shawfield and their gardens, adversely impacting their privacy.

Design Rationale

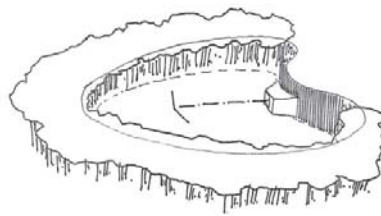
The design of this new house has been developed with a detailed understanding of its historical and environmental context, as explained by the Design Statement appended to the original application. We consider the submitted proposals to be a sensitive response to this context which successfully integrates the building with its setting.

From a starting point whereby existing structures could not be reused it was clear to the client and his agent that a new house should be just that and reflect modern requirements within an idiom of high quality environmental design. Although modern architecture is often characterised by novel forms and a need to stand out, it was important to the team that the design should use forms and materials, which were indigenous to the island and the local landscape. The shape, section and cladding materials have all been designed to harmoniously integrate with the site in ways that have been illustrated and explained in our Design Statement.

To summarise; the house has taken inspiration from the simple forms of local barns whose scale is modified through the addition of lean-to structures providing a porch and a garden room. The house has been curved to maximise solar gain and minimise visual impact and is stepped to follow the site gradient. The timber cladding to the south facade has been chosen to blend with the silver birch on the site as part of an overall landscape design incorporating native island species.



barn



grove



lean-to

Despite officers stating that they were impressed by the quality of the design and overall application submission, they were not willing to engage in any discussion on the features, which they found unacceptable. The applicant and agent could only conclude from this reticence, that officers were not confident in the concerns that they had.

We have augmented the drawn information previously submitted with an additional CGI of the house as it will be viewed from the southeast corner of the site. (ie. not the road where the view would be restricted to glimpses).



fig 7 View of house from South / East

Part III - Consultation Process

The applicant and his agent are well versed with the planning process, with many years of experience on sensitive sites including on the Isle of Arran.

We were particularly careful to develop our ideas within the context of the available policy and design guidance and to describe our thoughts to officers as the proposals developed. It was disappointing to say the least that it took until the final week of the application process for officers to state categorically that a house of this type would not be acceptable 'anywhere on the application site'.

The applicant and his agent met with a planning officer on site in August 2011 before any design work was progressed. When the officer stated that a house could be considered within the context of Policy H2 if its design was exemplary the applicant and agent stated this was their intention. The planning officers stated later that they considered the site more aligned with an H1 policy, but the correspondence included a copy of Policy H2 for guidance. The application follows this guidance.

In January 2012 a full set of plans and elevations was submitted to the case officer and Senior Planner for comment in advance of making an application. The only advice forthcoming at a subsequent meeting was that the application should include explanatory notes stating the case for consideration under policy H2.

During the application process officers offered no feedback until a meeting was called following an otherwise uneventful consultation process. It was at this meeting that officers stated their fundamental opposition to the scheme stating that the proposal would never have complied. Even at this point officers could not substantiate how they had come to this conclusion other than to say this was their interpretation of the policy and reading of the site. This meeting and the resultant negotiation delayed determination of the application by 3 months. In the absence of any constructive design feedback this was limited to adjustments of building position and shape, which remained unacceptable to officers, hence the eventual rejection.

Conclusion

We believe the proposals made for this new house are based on a great affection for the site and its locale, a careful analysis of the environmental and planning context and a creative design response.

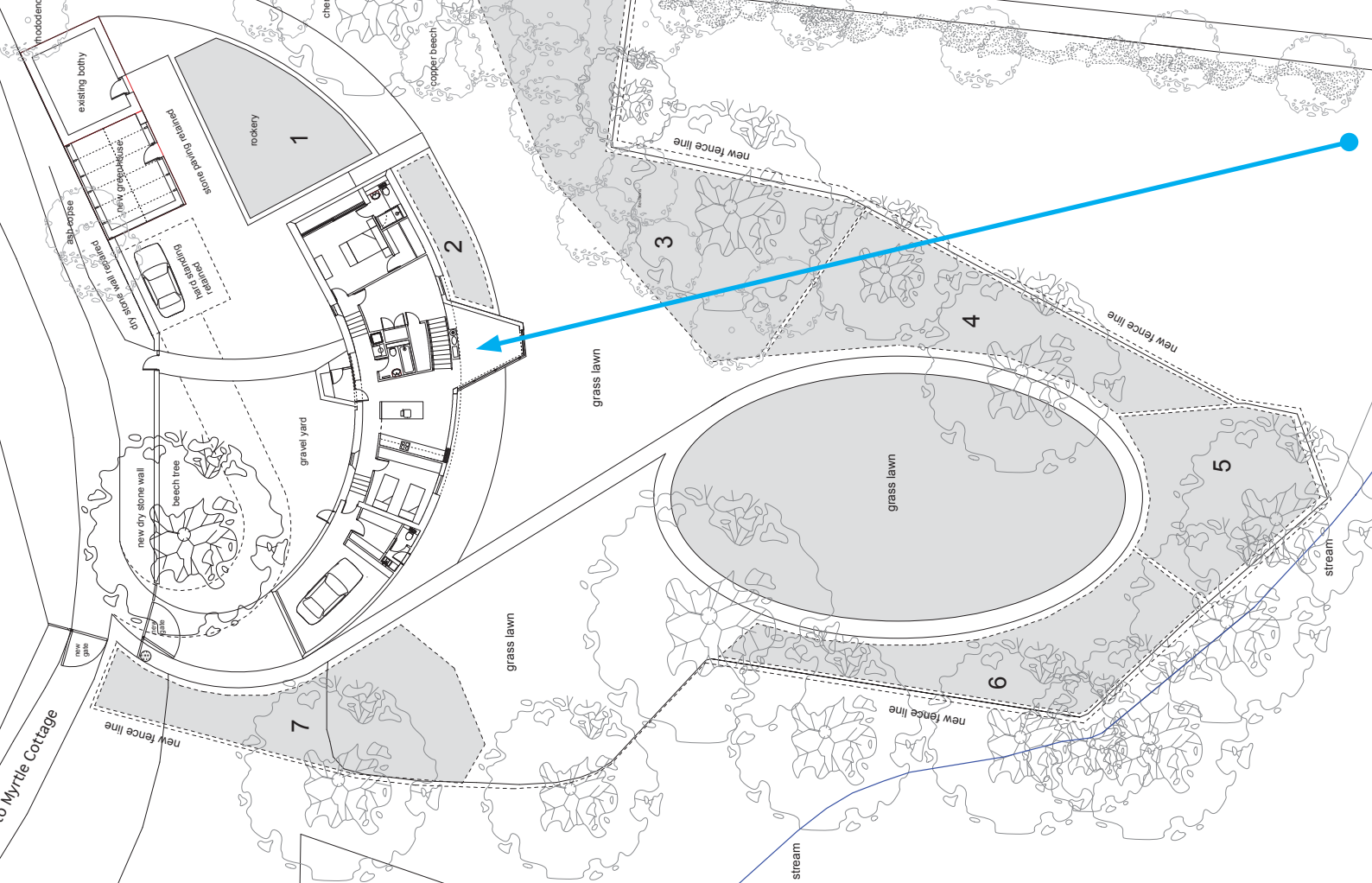
The policies central to officer's rejection are important checks on inappropriate development in the countryside, which we fully support. As we believe we comply with these policies when applied as described we are not seeking any dispensations.

We expect the house to be an exemplar for the Isle of Arran and North Ayrshire, demonstrating a responsible environmental and contextual design approach.

Hutchison Kivotos Architects

4th September 2012







Planning App No: 12/00098/PP
Bill Calderwood
to:
dmccaw
27/09/2012 09:42
Hide Details
From: "

To: <dmccaw@north-ayrshire.gov.uk>

Isle of Arran Community Council

Planning Application No. **12/00098/PP**

The Community Council have discussed the review notice for the above application at our meeting on the 25th sept and would submit the following statement.

We have reviewed the refusal statements and debated the reasons given.

It is understood that although the applicant is not employed in agriculture or associated business he does intend to establish a professional business at the proposed premises. The original application has not been the subject of any significant local objection and although the design is not necessarily of traditional design it is of high quality and considered not as extreme as some properties which have been approved around the island. There does not appear to be any "standard" design for the dwellings in the surrounding area and this proposal therefore is considered does not create an unnecessary deviation from the standard. We also note that there are more obvious deviations from local designs which have been agreed in other locations on the island. We do not wish to have random styles proliferate but we were unclear as to the interpretation of the regulations in this case.

We hope the comments are helpful to your review process and look forward to the conclusion. If you wish to respond to any of the above we would welcome an explanation which may help us in future considerations apply a reasoned response.

On Behalf of Arran Community Council.

Community Council Contact:
Bill Calderwood.
Secretary.

8th October 2012

194/2.01/gh

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

Dear Diane,

COMMUNITY COUNCIL REPRESENTATION - PLANNING REVIEW - APPLICATION 12/00098/PP

PROPOSED DWELLING ON LAND ADJACENT TO MYRTLE COTTAGE, WHITING BAY, ISLE OF ARRAN, KA27 8RH

We welcome the representation made by the Community Council to our Review Notice with the following observations: -

The applicant plans to run his architectural business from the new house with economic benefits to the local community during construction and beyond. Although we accept there is no policy based locational need for this activity as associated with agriculture or forestry uses it does coincide with other policy provisions in North Ayrshire's UDP eg. Policy IND 6 Business and Industry in the Countryside and Policy RES 5 Working from Home. North Ayrshire Council's guidance on how to use the Local Plan states: -

The Plan has to be read as a whole. It may be necessary to look at policies in more than one chapter to obtain the full policy context for any topic. Weighting given to policies is a matter of balanced judgement for particular proposals.

Although the location for the proposal is due to the applicant's family ownership over generations we believe the proposal is complementary with this rural location.

We welcome the Community Council's comments on the quality and appropriateness of the design in this rural context.

North Ayrshire Council's policies in this area are clearly a work in progress as they attempt to implement direction from Central Government. Although we think it is unacceptable that the proposal has been refused quoting guidance that was made public after the application was submitted (Addendum to the Rural Design Guidance / Single Houses in Rural Areas - May 2012), we feel this document could have been written with our proposal in mind.

Our application represents an opportunity for the Council to reflect on the primary reasons for introducing Policies H1 and H2 as described in Scottish Planning Policy - Feb 2010.

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.

We believe the scheme exemplifies these aims in spirit and detail and would encourage the Planning Committee to support this view through the Review Process.

Yours sincerely,

Gavin Hutchison

Cc David Hutchison

REPORT OF HANDLING



Reference No:	12/00098/PP
Proposal:	Erection of detached dwellinghouse and refurbishment of existing outbuilding with addition of a greenhouse and landscaping
Location:	Site To East Of , Myrtle Cottage, Whiting Bay, Brodick Isle Of Arran
Local Plan Allocation:	Countryside/Rural Community
Policies:	POLICY ENV1POLICY RES1POLICY H1POLICY H2Development Control Statement
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 22.02.2012 Neighbour Notification expired on 14.03.2012
Advert:	Regulation 20 (1) Advert Published on:- 09.03.2012 Expired on:- 30.03.2012
Previous Applications:	None

Description

Planning permission is sought for the erection of a detached dwellinghouse to the east of Myrtle Cottage, Whiting Bay. The site is located within North Kiskadale to the north of and outwith the settlement of Whiting Bay. It lies to the west of a single track Smiddy Road, which leads to Whiting Bay by way of Smiddy Brae to the south and to Knockenkelly to the north. Myrtle Cottage is situated approximately 80 metres to the west and there are a number of residential properties to the east, predominately one and a half storey detached dwellinghouses of traditional design. The proposed house would be located on the site of a previous house of which only a few remnants of the walls remain. The site is screened by trees from the road and neighbouring houses.

The dwellinghouse would adopt a linear form with all habitable rooms facing south and the footprint would be curved to maximise its frontage and to take advantage of sunlight, the garden and views to the sea. It has been designed to respond to the sloping site, to maximise the area facing the sea and to reduce the area shaded by the trees to the east. Combining this stepped approach with a split level section, provides a combination of single and two storey accommodation. The dwellinghouse would be finished in vertical hardwood cladding and a low mono-pitch zinc roof. It is

also proposed to refurbish an existing outbuilding including the addition of a greenhouse. Access would be from an existing track leading to Myrtle Cottage. The north entrance boundary would be defined by a dry stone wall and new stob and wire fencing would be erected where boundaries are not already defined.

The applicant has submitted a comprehensive design and landscape capacity statement in support of the planning application. Various constraints have suggested that the house should be placed at the north end of the site with access from the track to Myrtle Cottage. It has been designed to respond to the sloping site to avoid substantial excavation, retaining and underbuilding. The design of the proposed house incorporates elements from nearby residential/agricultural buildings. The material palette will utilise natural unfinished materials sympathetic to its natural setting. The dwellinghouse has been orientated to maximise natural light and solar gain, to have the least impact on any neighbouring houses and to avoid any issues of overlooking.

With regard to the Landscape Capacity Statement, the character and typology of the local landscape surrounding the site is predominantly agricultural grazing land inter-dispersed with areas of managed forests. Agricultural land is typically divided into small parcels bordered by native hedging. The land has mild undulations with a slow, even gradient down to the coastline to the east. The site specifically is characterised by deciduous mixed tree cover. Due to the undulating landscape and vegetation, the site is well secluded. A landscaping design document has also been submitted, which includes current landscaping, proposed landscaping and features and hard landscaping.

In the adopted Local Plan, the site is located within an area of countryside and is unaffected by any site specific policies or proposals therein. Policy RES 1 states that residential development within the settlement boundaries shall accord with the plan. Policy ENV 1 is opposed to residential development in the countryside unless it is required for persons employed in agriculture, forestry or other appropriate rural activities.

Policy H 1 of Alteration No. 1 to the Local Plan permits small scale growth of existing rural housing groups of four or more houses, providing the proposal is sympathetic to the character and form of the existing group, it does not prejudice a future development opportunity and it complies with the Council's Road Guidelines. Policy H 2 of Alteration No. 1 permits single houses in rural areas if 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 with 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.

High quality design for single houses in the countryside is required and houses of a suburban character will not be accepted.

Policy ENV 2 of the prepared Local Development Plan (modified plan) proposes to vary the terms of the Policy H2 to clarify that this would relate to single new stand alone houses, which was the original intention of Policy H 2.

All development proposals require to be accessed against the relevant criteria of the Development Control Statement of the adopted Local Plan. The proposal also requires to be assessed against the Rural Design Guidance.

The Addendum to the Rural Design Guidance (non-statutory supplementary rural design guidance which will become statutory planning policy on adoption of the Local Development Plan) relates to single houses in rural areas, which provides greater clarification for Policy H 2 proposals. The addendum states that the first option for providing housing in rural areas is considered to be via the conversion, rehabilitation, or replacement of an existing building in the countryside. Where this is not possible small scale additions to existing groups should be the next option to be considered. It also states that H 2 proposals will not be acceptable if the site is close to an existing building or group of buildings.

Consultations and Representations

Neighbour notification was carried out and the application was advertised in the local press on 9th March 2012 for neighbour notification purposes. Three representations were received (one objection, one representation and one letter of support) and the grounds can be summarised as follows:

1. Drainage and flooding - water run-off has caused significant damage to Smiddy Road and the cul-de-sac to the other adjacent properties, after heavy rain. The applicant should be required to ensure that the surface water from the property is properly diverted. Smiddy Road is in a poor state of repair and there should not be a significant increase in traffic if the application is successful and any damage to the track should be repaired. The applicant has not approached the neighbouring residents for consent to upgrade the road and the road alterations should be the subject of further consultation with the residents. The fir hedge that has been planted adjacent to Smiddy Road is out of keeping with the surrounding area and will significantly reduce the amount of sunlight reaching the adjacent properties.

Response: If the development was deemed to be acceptable, planning conditions could be imposed regarding drainage, flooding and roads issues. Infrastructure and Design Services (Roads) have raised no objections (see below). The planting of a hedge does not require planning permission and in Scotland there is no restriction on the height of such hedges.

2. The proposed dwellinghouse would be clearly visible reducing the amenity of the neighbouring properties. The character of the area would be adversely altered to become more suburban which would be inappropriate in this semi-rural area. The dwelling would have a high impact in a small area of traditional houses and is thoroughly out of character. There is no linked design to the existing dwellings in the area; the proposal is for a high impact large curved building in a prominent position on higher ground. The objector was not neighbour notified of the planning application and there is confusion regarding the boundary of the site and the applicant's ownership of land. The ownership of the objector is wrongly identified within the submission.

Response: noted. It is agreed that the proposed dwellinghouse would be out of character with the existing group of traditional dwellinghouses within the rural area. There was no need to notify the objector as the property is in excess of 20 metres from the application site. The application was however advertised in a local newspaper. The application site is outlined in red on the submitted plans and an area shaded blue denotes other land in the applicant's ownership. The location plan solely identifies the location of the application site in relation to neighbouring properties. The plans are not an accurate portrayal of the ownership of neighbouring properties.

The letter of support welcomes the proposed development.

Consultations:

Infrastructure and Design Services (Roads) - no objections. The applicant should improve the section of track (Smiddy Road) along the frontage of the site, between the track to Myrtle Cottage and the track to Bourtree and construct one passing place along its section. The passing place could be constructed on land in the applicant's control.

Response: Planning conditions could be imposed in this regard.

Scottish Water - no objection. A totally separate drainage system would be required with the surface water discharging to a suitable outlet. Scottish Water requires a Sustainable Urban Drainage System (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Response: A planning condition could be imposed in this regard.

Arran Community Council - no objection.

Response: Noted.

Analysis

The site is located within a countryside area in the adopted Isle of Arran Local Plan and the proposed development would not therefore accord with policy RES 1. The proposed dwellinghouse is not required for persons employed in agricultural, forestry or an established rural business and cannot, therefore be justified in terms of Policy ENV 1.

The main determining issues are whether the development accords with Policy H 1 or Policy H 2 of Alteration No. 1 and the relevant criteria of the Development Control Statement of the local Plan.

With regard to Policy H 1, it is accepted that the existing dwellinghouses in this vicinity comprise an identifiable cluster applicable for consideration under Policy H 1. However, the proposal does not constitute an acceptable addition as it would not be sympathetic to the character and form of the group in terms of its scale, design and siting. It would result in the creation of a large, curve-shaped dwellinghouse over two storeys, sited to the north of the application site, which does not reflect the nature and character of the existing group of houses and would set an undesirable precedent. In addition, the tree cover and proposed landscaping to provide seclusion from the other buildings in the group further accentuates the segregation of the

proposal rather than its association with the group. It is therefore considered that the proposal development would not accord with Policy H 1.

In addition, it is considered that the proposal fails to meet the terms of policy H 2, given the proximity of the proposed dwellinghouse to the existing group and its discordant design. While it is acknowledged that the proposed dwellinghouse exhibits a high quality of design, the intention of the policy was to permit new dwellinghouses of exceptional design within their own landscape setting rather than adding to existing groups or villages.

It is considered that the design is certainly distinctive. However it is considered that it is not responsive to its setting in that it is at odds with the existing dwellinghouses in the adjoining group. The design as noted above would be out of character to the traditional form and context of the group. As a result, it is considered that there would be neither a complementary or enhanced impact on the rural landscape as a result of the proposal. The proposal would not therefore comply with criteria (a) and (b) of Policy H 2.

With regard to Criterion (c) of Policy H 2, it is accepted that there are no suitable buildings for conversion, rehabilitation or replacement to provide a new building at the site.

In view of the above, it is considered that the proposal would not comply with Policy H 2 of the adopted Local Plan. Furthermore, the proposal would not comply with the Addendum to the Rural Design Guidance (assessment provided above in terms of conversion, rehabilitation or replacement, Policy H 1 and Policy H 2).

Discussions have taken place with the applicant/agent regarding the proposed development. They suggested re-siting the dwellinghouse 6 metres westwards from the current site. Such a small movement of the building would not however be sufficient to overcome the conflict with policies H 1 and H 2. They were not prepared to re-site the dwellinghouse further away from the grouping in order to allow Policy H 2 to be applicable. They were also advised of the option of lodging an acceptable H 1 proposal, which would have involved re-siting and re-designing the dwellinghouse, however this was not forthcoming.

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan, an assessment of which follows:

(a) Siting, Design and External Appearance: it is considered that these matters have been addressed above and that the proposals would not meet with the requirement of this criterion.

(b) Amenity: it is considered that there would be no significant adverse impacts with overlooking, loss of privacy and overshadowing as a result of the development. However, it is considered that the proposed dwellinghouse would be out of character with the neighbouring properties and would have a detrimental impact on visual amenity.

(c) Landscape Character: as noted above it is considered that the proposed development would not have a complementary or enhanced impact on landscape character.

(d) Access, Road Layout and Parking Provision: if the proposal was considered to be acceptable, planning conditions as recommended by IDS Roads could be imposed in this regard.

(e) Water and Sewerage: if the proposal was considered to be acceptable, a planning condition could be imposed in this regard.

Criteria (f) and (g) are not considered to be relevant in this instance.

In view of the foregoing, it is considered that the development would not comply with Policy H 1 or H 2 of Alteration No. 1 and to Criteria (a) and (b)) of the Development Control Statement of the adopted Local Plan. The development would also be contrary to Policies RES 1 and ENV 1 of the adopted Local Plan. Accordingly, 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	194.PL.00	
Existing Floor Plans	194.PL.01	
Existing Elevations	194.PL.02	
Existing Elevations	194.PL.03	
Existing Elevations	194.PL.04	
Proposed Floor Plans	194.PL.05	
Proposed Floor Plans	194.PL.06	
Proposed Elevations	194.PL.07	
Sections	194.PL.08	
Proposed Elevations	194.PL.09	
Sections	194.PL.10	
Proposed Elevations	194.PL.11	

Local Review Body

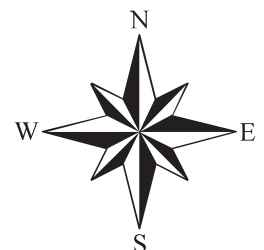
12/00098/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





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

No N/12/00098/PP

(Original Application No. N/000035368-001)

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 David Hutchison
c/o Hutchison Kivotos Architects Fao Gavin Hutchison
The Robert Eliot Centre
1 Old Nichol Centre
London
E2 7HR

With reference to your application received on 22 February 2012 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwellinghouse and refurbishment of existing outbuilding with addition of a greenhouse and landscaping

at Site To East Of
Myrtle Cottage
Whiting Bay
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 Policy ENV 1 of the adopted Isle of Arran Local Plan, in that the dwellinghouse is not required for persons employed in agriculture, forestry or an established rural business and consequently there is no justification for the dwellinghouse which, if approved, would establish an undesirable precedent for unnecessary residential development in the countryside, to the detriment of its appearance and amenity.
2. That, the proposed development would be contrary to Policy RES 1 of the adopted Isle of Arran Local Plan, in that it would comprise residential development outwith the settlement boundaries and within the countryside, for which there is no specific locational need which would be detrimental to the amenity and appearance of the countryside and set an undesirable precedent for further similar developments.
3. That, the proposed development would be contrary to: (i) Policy H 1 and criteria (a) and (b) of the Development Control Statement of the Isle of Arran Local Plan, in that the proposed dwellinghouse would not constitute an acceptable addition to an existing grouping, as it would not be sympathetic to the character and form of the existing group with regard to its siting, design and external appearance; and (ii) Policy H 2 of Alteration No. 1 and the Council's Approved Addendum to the Rural Design Guidance given its proximity to the existing group.

Dated this : 1 August 2012

.....
for the North Ayrshire Council

(See accompanying notes)



NORTH AYRSHIRE
COUNCIL

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.

NORTH AYRSHIRE COUNCIL

Agenda Item 4

5 December 2012

Local Review Body

Subject: **Notice of Review: 12/00308/PP: Site to East of Shore Cottage, Blackwaterfoot, Isle of 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.

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 12/00308/PP for the erection of a detached dwellinghouse and formation of access on a site to the east of Shore Cottage, Blackwaterfoot, Isle of Arran.
- 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 2a - Report of Handling;
Appendix 2b - Point of Clarification on Report of Handling;
Appendix 3 - Location Plan; and
Appendix 4 - Decision Notice.

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 further procedures 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 12/00308/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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

WATERFOOT

GLASGOW

Postcode

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

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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:

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 type="checkbox"/> | <input checked="" 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:

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.

SEE ATTACHED SEPARATE STATEMENT

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

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.

- 1 STATEMENT OF REASONS FOR SEEKING A REVIEW
- 2 REFUSAL NOTICE
- 3 REFUSED DRAWINGS
- 4 REPORT ON HANDLING
- 5 DESIGN STATEMENT
- 6 LANDSCAPE CAPACITY STATEMENT

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

17 / 10 / 12

**Statement Accompanying a Notice of Review of Planning Application No.
2012/00308/PP:
Site to East of Shore Cottage, Blackwaterfoot, Isle of Arran**

Reasons for Seeking a Review

The applicant seeks a review of this application for detailed planning permission for the following reasons:

- ☐ The applicant disagrees with the reasons for refusal.
- ☐ By reason of its location, the proposal is sympathetic to the character and form of the existing group and is consistent with the original development pattern, providing an appropriate extension to the existing grouping of houses at South Feorline without intruding unnecessarily into the countryside.
- ☐ The siting of the proposal has regard to its relationship with existing buildings and the visual effect of the proposal is also consistent with the character and development pattern of the surrounding area and landscape.
- ☐ The alleged development pattern in the Report of Handling is not appropriate as it relies on two relatively recent anomalous houses and ignores the historical factors behind the original development pattern such as topography, orientation and land use.
- ☐ Policies RES 1 and ENV 1 of the Adopted Isle of Arran Local Plan are not relevant by virtue of the proposal's fulfilment of the requirements of Policy H1 of Alteration No.1 of the Adopted Isle of Arran Local Plan.

In the Refusal Notice, North Ayrshire Council states as its reasons for refusal that (1) the proposal is contrary to criteria b) and c) of Policy H1 of Alteration No.1 of the adopted Isle of Arran Local Plan and criteria a) of the Development Control Statement of the adopted Local Plan, and (2) the proposal is contrary to Policies RES 1 and ENV 1 of the adopted Local Plan.

The refusal notice claims that the proposal does not accord with criteria b) and c) of Policy H1 and criterion a) of the Development Control Statement “by reason of its location to the rear of existing developments on the south side of the access road serving the group of houses at South Feorline, which would a) be out of character with the established pattern of development at South Feorline and represent an unnecessary intrusion into the countryside, to the detriment of visual amenity and the appearance of the countryside, b) not be in the interests of the proper planning of the area and c) prejudice a future development opportunity, as there are other sites within the housing group that could be developed in accordance with the aims of Policy H1.”

Policy H1 in Alteration No.1 to the adopted Local Plan states that:

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

- a) the proposal constitutes a small-scale addition to an existing well-defined nucleated group of 4 or more houses. Expansion of such a housing group will be limited to 50% of the number of dwellings existing in that group as of 1 January 2005 up to a maximum of 4 new housing units;*
- b) the proposal is sympathetic to the character and form of the existing group;*
- c) any individual proposal does not prejudice a future development opportunity; and*
- d) the proposal complies with Roads Guidelines.*

With regard to criterion b), the Report of Handling states that “the design and finishes would be in keeping with the traditional style of the houses in the area and in this respect would accord with the Rural Design Guidance” and “the design and external finishes would be acceptable...” The proposed building itself is therefore sympathetic to the character of the existing group, so the alleged non-accordance relates to the building’s relationship to the existing group.

A Design Statement was submitted in support of the application which assessed the local development pattern, as well as explaining the concept and reasoning behind the design approach, particularly with regard to siting. A Landscape Capacity Statement was also submitted which concluded that the proposal would have no adverse effect on the surrounding landscape. Copies of these documents are attached to this Notice.

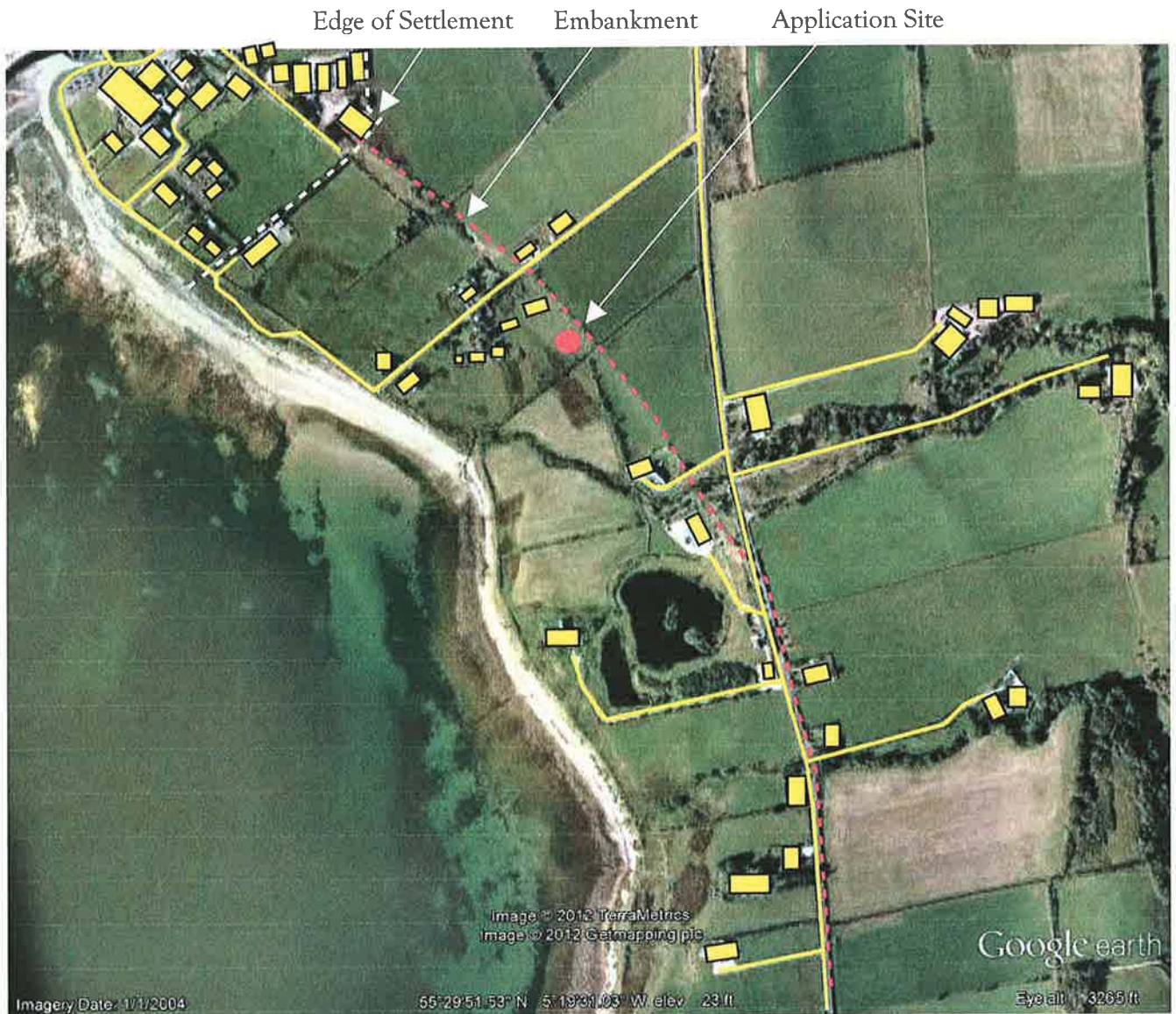
The existing group, particularly to the south of the access road, is set well back from the road and is not parallel to it. In fact, the proposed house follows the line of Shore Cottages when extended to the east. The perception that the existing grouping is parallel to the access road has been created by the inappropriate development of the two relatively recent houses, Beinn View and Kintyre, which are not consistent with the existing development pattern, form a “ribbon” development, and which break the skyline.

As the following illustration shows, the existing development pattern south of the access road is at an angle to the road and the proposed house is consistent with it, observing the building line set by Shore Cottages. The proposed house is also located within the same original area of land, bounded by hedgerows, as Shore Cottages and the two recently approved houses to the south of the access road. It cannot be overstated that the two houses known as Beinn View and Kintyre, as well as being contrary to many of the principles in the Local Plan, have distorted the perceived development pattern of the grouping. The Design Statement which accompanied the application already explains the logic behind the original development pattern in terms of land quality and orientation. It is this original pattern which is relevant, rather than a subsequently imposed one.



In addition, the existing development pattern, in common with the length of raised beach from Blackwaterfoot to Kilpatrick Point to the South, consists of the older buildings being located on the rough pasture to the south-west of an embankment which delineates the edge of good pasture land. The historical origins of this relate to the need to maximise use of good agricultural land and site buildings on the poorer land. The good arable land is to the north-east.

The following aerial view, as well as showing the embankment and the difference in quality of land on either side of it, also illustrates how, along this stretch of coast, development has been randomly scattered, with access roads running to and fro serving the different buildings. There is no significant area of undeveloped countryside to the west of the embankment and the character of the overall area is of sporadic development of buildings on the lower land to the west



The following aerial view and photographs illustrate a number of views over the coastal plain between Kilpatrick Point in the south and Blackwaterfoot in the north. These confirm that the character of this area is of sporadic development, scattered across the plain, predominantly on the lower stretch of land below the embankment.





With regard to criterion c), the Report on Handling states that “as this would be the final house permitted under Policy H1, granting permission would not prejudice a future development opportunity.” The fact that other sites exist which may also be suitable for development is not relevant. If the proposal is deemed to be consistent with criterion b), then it follows that it is just as suitable as any other site and, as it will be the fourth of the maximum development of four houses, it will not prejudice future development.

Consequently, the applicant maintains that the proposal is in keeping with the character of the established development pattern. It does not represent an intrusion into the countryside as it is contained within the same hedgerows as Shore Cottages and the recently approved houses to the south of the access road. Furthermore, when seen in the context of the coastal plain, it makes no intrusion into the countryside and is entirely consistent with the scattering of buildings in this area. The applicant therefore maintains that the proposal complies with criterion b) of Policy H1 and, as such, consequently complies with criterion c).

Criterion a) of the Development Control Statement of the adopted Local Plan states that:

(a) Siting, Design and External Appearance:

- *Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.*
- *Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.*
- *External appearance should have regard to the locality in terms of style, fenestration, materials and colours.*
- *Development may need to consider the principles of “Secured by Design” as required by Planning Advice Note 46, Planning for Crime Prevention.*
- *Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.*

With regard to the first of these points, the appropriateness of the proposed building’s relationship to existing buildings has already been discussed. The Landscape Capacity Statement which accompanied the application concludes that the development can take place without any significant effect on the landscape character of the site or the surrounding area.

The proposal satisfies points two and three as the Report of Handling confirms., while Point 4 will be satisfied as a matter of course, being a requirement of the Building Standards.

With regard to Point 5, the applicant maintains that the proposal is in keeping with the development pattern of the area and relates to Shore Cottages, the two recently approved houses to the south of the access road, and the embankment which separates the rough pasture from the good arable land. It cannot therefore be regarded as piecemeal. The Report on Handling also confirms that “it is considered that it would not represent unacceptable backland development.

The applicant therefore maintains that the proposal complies with all the requirements of the Development Control Statement in the Local Plan.

Policy RES 1 of the adopted Local Plan states that:

Proposals for residential development shall accord with the Local Plan if they are located within the settlement boundaries of Brodick, Lamlash, Whiting Bay, Blackwaterfoot, Lochranza, Shiskine, Lagg/Kilmory, Corrie, Sannox, Kildonan, Pirmill and Slidery/Corriecravie.

Policy ENV 1 of the adopted Local Plan states that

Proposals for development within the countryside shall not accord with the Local Plan unless it can be demonstrated that it meets the following criteria:

- (a) necessary non residential development associated with agriculture or forestry operations; or*
- (b) there is a genuine operational need for a worker to live on site in pursuance of an established rural business; or*
- (c) small scale business uses falling within Class 4 that have a specific locational need to be located on site; or*
- (d) development associated with public utility operations that have a specific operational need to be located on site.*

New buildings in relation to (a) above should be closely associated with existing groups of buildings. The occupation of new houses in relation to (b) above shall be limited to persons employed in agriculture, forestry or other appropriate rural activities and their dependents, or employed in businesses allowed under (c) above.

It is accepted that the proposals do not comply with Policies RES 1 and ENV 1 of the adopted Local Plan. The justification for the proposals made in the application was in the context of Policy H1 of Alteration No.1 to the adopted Local Plan which, where it applies, supersedes Policies RES 1 and ENV 1.

The applicant maintains that the proposal complies with criteria b) and c) of Policy H1 of Alteration No.1 of the adopted Isle of Arran Local Plan and criterion d) of the Development Control Statement of the adopted Isle of Arran Local Plan. On this basis, there is no requirement to comply with Policies RES 1 and ENV 1 of the adopted Isle of Arran Local Plan.

Conclusion

In conclusion, the applicant maintains that the siting of the proposal is entirely consistent with the original and relevant development pattern of the existing group of houses and with the character of the surrounding area. Located in the same area of land as the neighbouring buildings, as defined by a hedgerow boundary and embankment, the proposal does not represent an unnecessary intrusion into the countryside and will not be to the detriment of the visual amenity of the surrounding countryside, with which it is compatible in terms of character and development pattern. Consequently, the proposal meets the criteria of Policy H1 of Alteration No.1 of the Adopted Isle of Arran Local Plan and the Development Control Statement of the Local Plan. Therefore Policies RES 1 and ENV 1 are not relevant in determining the application.

John Lamb : Architect
October 2012



**NORTH AYRSHIRE
COUNCIL**

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

No N/12/00308/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 2008**

To : Mrs M Currie
c/o John Lamb
70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

With reference to your application received on 13 June 2012 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwellinghouse and formation of access

at Site To East Of
Shore Cottage
Blackwaterfoot
Brodict
Isle Of Arran
KA27 8RL

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

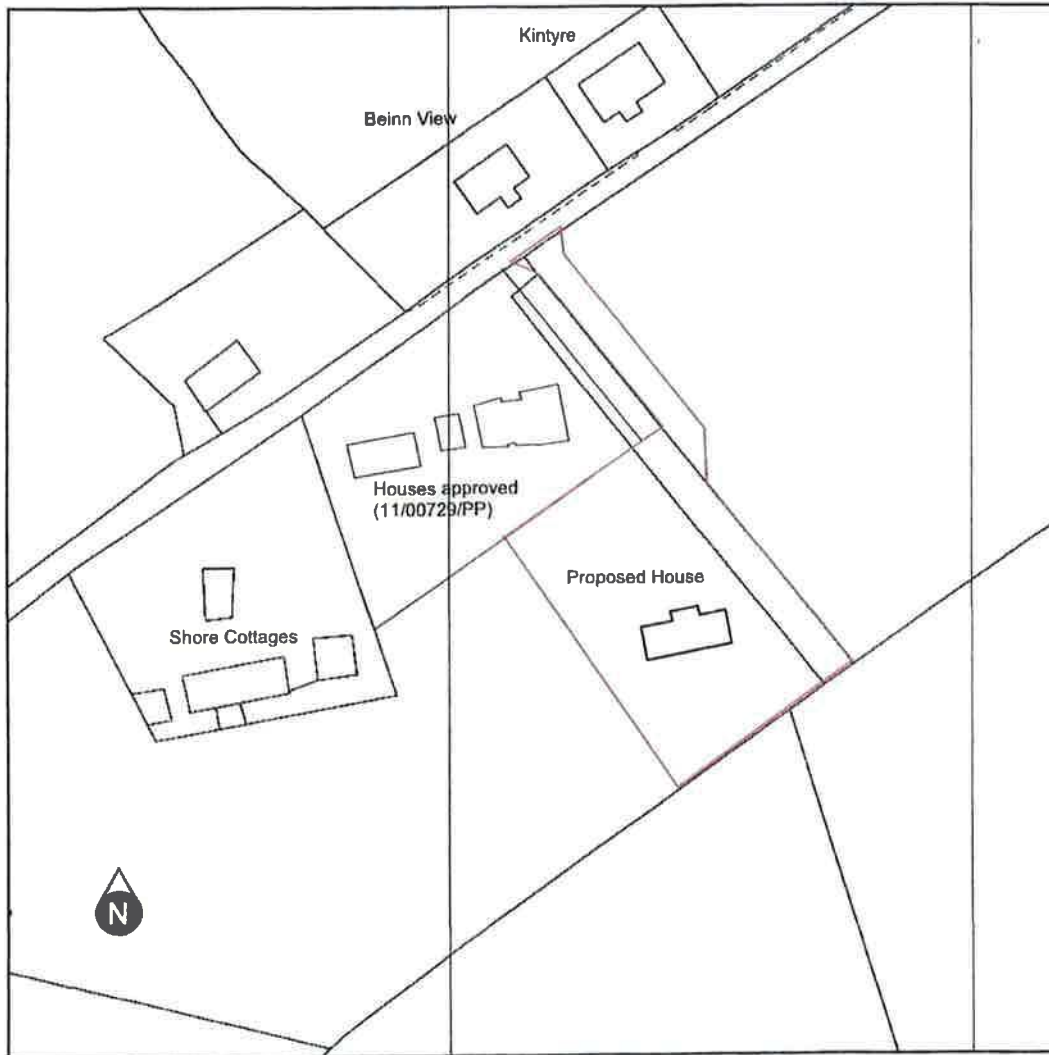
No N/12/00308/PP

1. That, the proposed development would be contrary to criteria (b) and (c) of Policy H1 of Alteration No. 1 of the adopted Isle of Arran Local Plan and criterion (a) of the Development Control Statement of the adopted Isle of Arran Local Plan, by reason of its location to the rear of existing developments on the south side of the access road serving the group of houses at South Feorline, which would (a) be out of character with the established pattern of development at South Feorline and represent an unnecessary intrusion into the countryside, to the detriment of visual amenity and the appearance of the countryside, (b) not be in the interests of the proper planning of the area and (c) prejudice a future development opportunity, as there are other sites within the housing group that could be developed in accordance with the aims of Policy H1.
2. That, the proposed development would be contrary to Policies RES 1 and ENV 1 of the adopted Isle of Arran Local Plan, in that it would comprise residential development within the countryside for which there is no specific locational need. The proposed dwellinghouse would not be required for persons employed in agriculture, forestry or an established rural business and consequently there is no justification for the dwellinghouse which, if approved, would establish an undesirable precedent for unnecessary development within the countryside, to the detriment of the appearance and amenity of the countryside.

Dated this : 13 September 2012

for the North Ayrshire Council

(See accompanying notes)



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER



John Lamb | Architect

70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

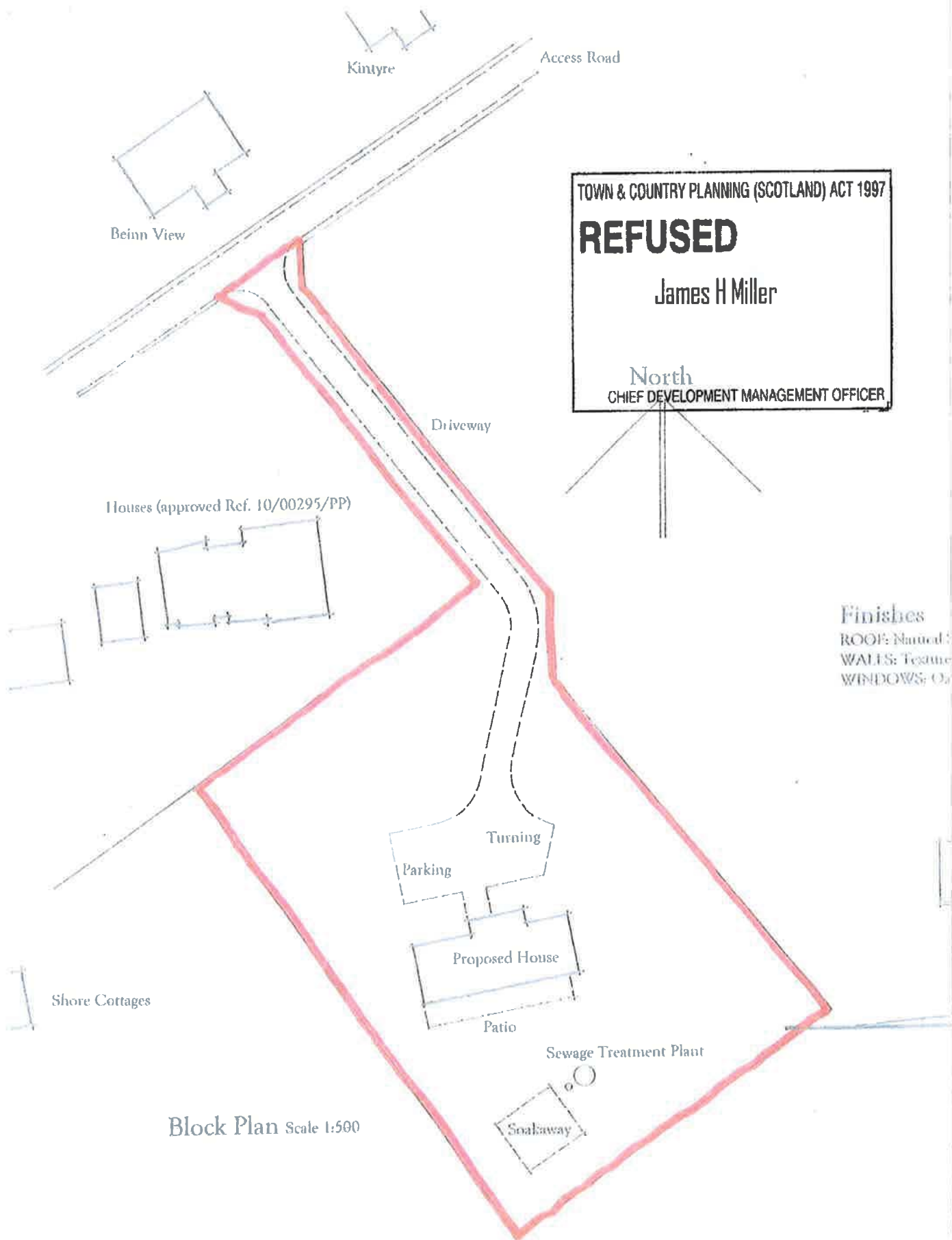
Proposed House to the East of Shore Cottages,
South Feorline, Blackwaterfoot, Isle of Arran

Location Plan

Scale 1:1250
Date May 2012
Drawing No. 12.03.02

12 308

PP



REPORT OF HANDLING



Reference No:	12/00308/PP
Proposal:	Erection of detached dwellinghouse and formation of access
Location:	Site To East Of, Shore Cottage, Blackwaterfoot, Brodick Isle Of Arran
Local Plan Allocation:	Countryside/Rural Community
Policies:	POLICY ENV1POLICY H1Development Control Statement
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 13.06.2012 Neighbour Notification expired on 04.07.2012
Advert:	Regulation 20 (1) Advert Published on:- 22.06.2012 Expired on:- 13.07.2012
Previous Applications:	None

Description

The site is situated to the south-east of Blackwaterfoot at South Feorline. Access is gained by a road leading from the C147. It is adjoined by agricultural land to the east, south and west. Two residential properties to the north are under construction (planning approval N/11/00729/PP) and are positioned at an angle to the road to reflect the orientation of the dwellinghouses to the west (Shore Cottages). The dwellinghouses on the opposite side of the access road directly face the road.

The dwellinghouse would be set back from the access road by approximately 68 metres and access would follow the western edge of the adjacent field to the north-east. It would have a footprint of approximately 135 square metres and would be of single storey construction with a dual pitch roof approximately 5.4 metres in height to the ridge. It would have an open plan kitchen/dining/living area, a master bedroom with ensuite facilities, study, additional bedroom, bathroom, hallway and a utility room.

The dwellinghouse would be finished in render, a stone basecourse and a slate roof and windows would be timber framed. It is also proposed to form a patio to the rear of the dwellinghouse, which would be 16.2 metres wide, 2.4 metres deep and 0.2m

above ground level. A parking and turning area would be provided to the front of the dwellinghouse.

As required by previous planning permissions, work has been carried out to upgrade the access road by widening it at the junction with the C147, improving the surface to provide a 3.5 metre wide road to adoptable standards, providing a passing place midway between the C147 and the site and the formation of a turning head.

In the adopted Local Plan, the site is located within an area of countryside and is unaffected by any site specific policies or proposals therein. Relevant policies are:

Policy RES 1 - indicates that residential development within settlements shall accord with the plan.

Policy ENV1 - is opposed to residential development in the countryside unless it is required for persons employed in agriculture, forestry or other appropriate rural activities.

Policy H1 - permits small scale growth of existing rural housing groups of four or more houses (a) up to a maximum of four houses, (b) providing the proposal is sympathetic to the character and form of the existing group, (c) it does not prejudice a future development opportunity and (d) it complies with the Council's Roads Guidelines.

Policy BE12 – development should accord with the Council's approved Design Guidance.

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the Isle of Arran Local Plan.

A Design Statement and a Landscape Capacity Evaluation have been submitted in support of the application.

The Design Statement notes that the existing development pattern is a combination of the original historical pattern and a more recent one, relating to the access road. The existing grouping of eight houses provides scope for 4 new dwellinghouses under Policy H1 it contends. Three have been approved to date. Consequently, this application is for the fourth dwellinghouse and complies with criterion (a) of Policy H1. The historical development pattern, set by Shore Cottages, is of a slightly offset southerly aspect, which responds to the prevailing weather conditions and solar gain. The proposed building would relate to Shore Cottages as well as the recently approved houses on the adjacent site, forming a cohesive group, and extending the existing development pattern. The rural siting of the cluster of buildings is typical of a group of small crofts, where space exists between sub-groups of buildings, rather than any long terraced or regimented form. A natural bank to the east of the site provides an edge to South Feorline and the proposed dwellinghouse should be located below the bank to maintain the historical development pattern. By using the same orientation as Shore Cottages and the recently approved adjacent dwellinghouses, the proposed house would fit in with the existing development pattern and by locating it to the south-east of the recently approved houses, it would be close enough to these houses and Shore Cottages to be part of an identifiable grouping while at the same time maintaining enough distance from the existing buildings to preserve the development character. This would also avoid extending the existing ribbon development. The north elevation contains very little fenestration.

12/00308/PP

The west facing gable is heavily glazed, providing panoramic views over the sea while also bringing natural light into the dwellinghouse.

The Landscape Capacity Statement notes that the area comprises predominantly agricultural land made up of grazing/forage and rotational arable fields surrounded by hedges/tree planting. The landform is undulating, generally sloping down towards the sea to the west, with folds in the landscape created by small watercourses and ditches. However, there is a natural break between the rough pasture to the west and the arable land on higher ground to the east, divided by a continuous banking that runs from north-west to south-east. The proposed house will have no impact on the surrounding landscape, due to the screening afforded by the existing field enclosures of hedge and tree planting, the undulating sloping landform and its location beside the existing and approved houses. The scale and location of the proposed development can take place without any significant effect on the landscape character of the site or the surrounding area.

Consultations and Representations

Neighbour and ownership notification have been carried out and the application was advertised in a local newspaper on 22nd June 2012. One letter of objection has been received and the grounds of objection are summarised as follows:

1. The access road crosses land within the ownership of the objector. The applicant has not made contact with the objector regarding a possible wayleave to allow access. At present, the objector is not inclined to grant access across this land. The proposed development would constitute backland development, which is contrary to planning policy. The development of a bungalow would be out of character with the existing dwellinghouses in the group.

Response: noted. The issue of land ownership is a private legal matter and not a material planning consideration. The objector has now been notified as an owner of land to which the application relates. Correspondence has been submitted by the applicant's solicitor however, which advises that a title search has revealed that the access road is in shared ownership and that the applicant has the right to cross the verge. It is agreed that the dwellinghouse would be located to the rear of the houses under construction. However it would have an acceptable standard of outlook and an independent access. Therefore it is considered that it would not represent unacceptable backland development. It is also agreed however that the siting of the dwellinghouse would be out of character as it would be to the rear of the two dwellinghouses under construction, set back from the road by approximately 68 metres, rather than fronting the road as existing properties in the group do. It is considered that the design of the dwellinghouse itself would be acceptable in relation to the existing dwellinghouses.

Consultations:

Infrastructure and Design Services (Roads) - no objection subject to the first two metres of the driveway being hard surfaced. No surface water should issue from the access/driveway onto the access road.

Response: noted. Conditions could be imposed in this regard.

Scottish Water - no objections.

12/00308/PP

Arran Community Council - no objections.

West of Scotland Archaeology Service - no response.

Analysis

The site is located within a countryside area in the adopted Isle of Arran Local Plan. Policy RES 1 states that residential development shall accord with the local plan if located within settlements. The proposed house would not and it therefore conflicts with RES 1.

The proposed dwellinghouse is not required for persons employed in agricultural, forestry or an established rural business and cannot, therefore, be justified in terms of Policy ENV1 of the local plan.

The main determining issues therefore are whether the proposals comply with Policy H1 of Alteration No. 1 and the relevant criteria of the Development Control Statement of the adopted Local Plan.

The collection of dwellinghouses at South Feorline (8) exceeds the minimum of 4 that Policy H1 indicates as constituting a rural housing group. Two under construction to the north of the site were approved under Policy H1 and one at the site to the north-east of Tighbeg (ref. N/12/00008/PP). Under this policy, a maximum of 4 houses could be built at South Feorline; therefore, there is scope for the erection of one further dwellinghouse within the group. The proposal would therefore comply with criterion (a) of Policy H1.

With regard to criterion (b) the design and finishes would be in keeping with the traditional style of the houses in the area and in this respect would accord with the Rural Design Guidance and Policy BE 12 of Local Plan. The dwellinghouse however would be set back from the access road by approximately 68 metres. The group is linear in character with all houses fronting onto the access road albeit that those to the south of the access road are set further back and in some cases at an angle. There are no other examples of development to the rear of existing houses. The proposal would extend residential development into the countryside rather than consolidating the existing group of houses around the access road. It would not therefore extend the existing settlement pattern. Furthermore there are gaps in the group where development could take place without extending to the rear of the existing houses or adding to ribbon development. The applicant has control over land adjacent to the site (to the north-east of the proposed dwellinghouse), which would be an acceptable development under Policy H1 to consolidate (round off) the housing group, facing the properties at Beinn View and Kintyre. It is therefore considered that the siting of the dwellinghouse would not be acceptable in terms of criterion (b) as it would not be sympathetic to the character or form of the existing group.

In terms of criterion (c) of policy H1, as this would be the final house permitted under policy H1, granting permission would not prejudice a future development opportunity. There are however, as stated above, other sites within this group that could be developed in a manner that would be sympathetic to the character and form of the existing group. Approval of the application would therefore prejudice the proper development of the group in accordance with the aims of policy H1.

12/00308/PP

Infrastructure and Design Services (Roads) have not objected to the development and therefore the proposal would comply with Criterion (d) of Policy H1.

The relevant criteria of the Development Control Statement of the adopted Local Plan are the siting, design and external appearance of the development and its impact on the amenity and character of the area, landscape character, access, road layout and parking provision and water and sewerage.

As discussed above, the siting of the development is not sympathetic to the current form and character of the group of houses at South Feorline. It is however considered that the design and external finishes would be acceptable if the house was appropriately sited.

With regard to amenity, while the proposed dwellinghouse would enjoy a satisfactory standard of residential amenity, outlook, private amenity space and parking/turning etc and there would be no significant adverse impacts with regard to overlooking, loss of privacy or overshadowing of neighbouring properties, it would result in an extension of development into the adjoining countryside rather than a consolidation the group, which would heighten its visual impact, to the detriment of visual amenity.

With regard to landscape character, as noted above, it is considered that the impact would not be significantly adverse.

In relation to access, road layout and parking provision, Infrastructure and Design Services (Roads) had no objection. Scottish Water also did not object to the development in terms of water and sewerage services.

In view of the foregoing, it is considered that the development would not comply with criterion (b) and (c) of Policy H1 of Alteration No. 1 and Criterion (a) of the Development Control Statement of the adopted Local Plan in terms of its siting and adverse visual impact. The development would also be contrary to Policies RES1 and ENV1 of the adopted Local Plan.

Decision

Refused

Case Officer - Ms Julie Hanna

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	12.03.02	
Block Plan / Site Plan		
Proposed Plan	12.03.01	

Proposal for a Detached House On Land to the East of Shore Cottages, South Feorline, Blackwaterfoot, Isle of Arran

Design Statement



John Lamb | Architect

70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

BACKGROUND INFORMATION

This Design Statement accompanies an application by Mrs M Currie, of Eastland, Shiskine, Isle of Arran, for detailed planning permission for the construction of a detached house on land owned by Donald Currie of Bellview Farm, Blackwaterfoot, Isle of Arran, to the east of Shore Cottages, South Feorline, Blackwaterfoot, Isle of Arran. It should be read in conjunction with the drawings which accompany the application.

The applicants' brief is for the design of a single storey detached house.

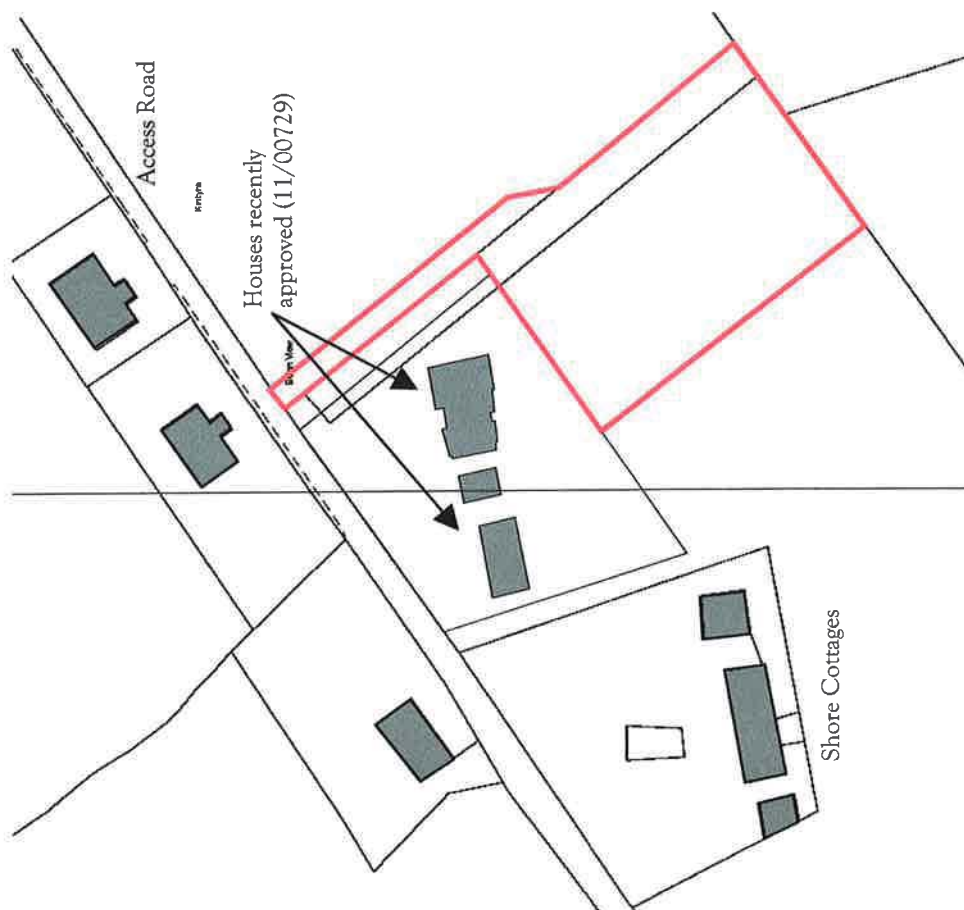
The house must optimise views across the Firth of Clyde to the south while also realising the potential amount of sunlight entering the building and solar heat gain. There is a requirement for a Master Bedroom with En Suite, a second Bedroom, a Study, and a large open-plan Living/Dining Area, together with a Kitchen, Bathroom and Utility Room.

The house is required to avoid the "could be anywhere" design of so many new houses on the island by combining traditional elements and qualities with distinctive contemporary architecture which responds to the building's setting, as well as fitting well into the landscape, recognising the historical development pattern of the area, and avoiding the use of good quality agricultural land. It should contribute to the "sense of place" in South Feorline and maintain the coastal connection shared by most of the other houses in the group.

1 SITE AND AREA APPRAISAL

Local Area

The site is located to the east of Shore Cottages at South Feorline, Blackwaterfoot and extends to approximately 1,850m² or 0.185Ha. It slopes down from east to west and is bounded by hedgerows on the north east and south east. To the north west is a site for which planning permission has recently been granted for two detached houses (planning permission no. 11/00729/PP). To the south of the site are open fields while, to the west, beyond an area of rough pasture, there is a collection of buildings known as Shore Cottages. The area is rural in character, with an established residential use in its immediate surroundings



Site Description

The location of the site, close to the shore, offers a vista of the Firth of Clyde, with southerly views to Northern Ireland and Kintyre. The site itself, due to the topography of the land to the north and east, is hidden from view beyond about 100 metres. Therefore views from the north and east tend to be over the site, towards the open vista of the sea, although these views are somewhat interrupted by trees to the east of the site.



The site (in the foreground) viewed from the North East corner.



The site from the North-West. It is located in front of the trees on the brow of the hill and in front of the hedgerow to the right.



Viewed from the South-West, the site is to the right in the foreground.

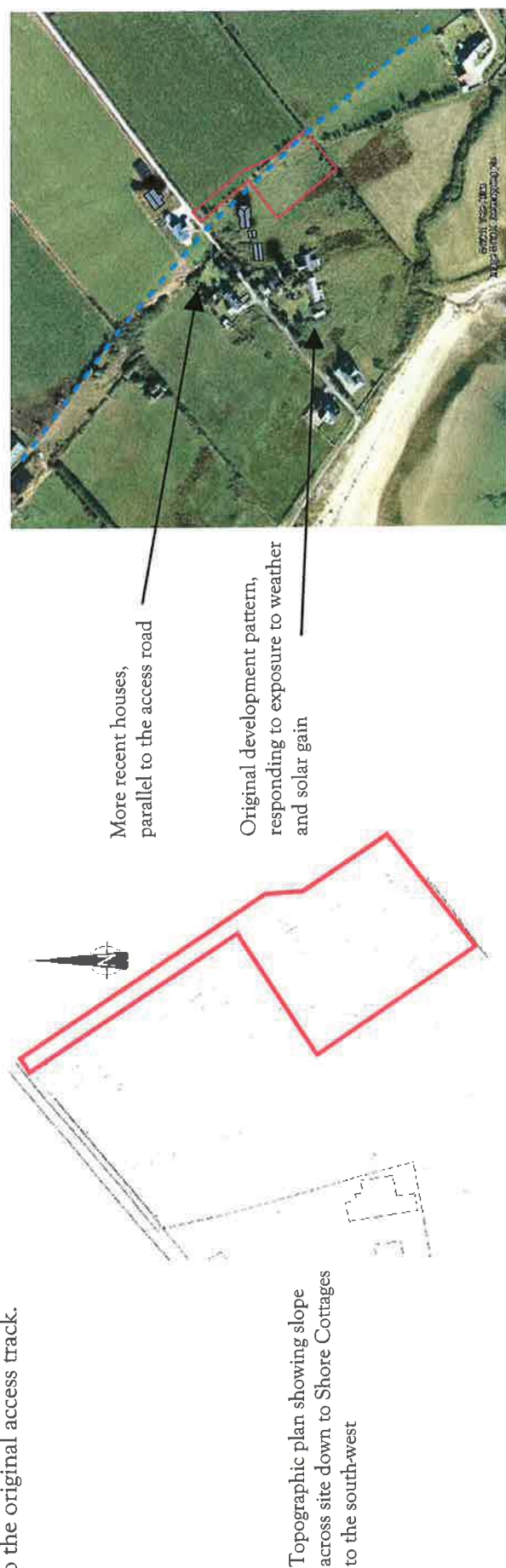
Identity

Approaching the site along the access road from the north-east, the land falls away down to the shoreline. This sloped feature runs in a south easterly direction, and the site is located further along this slope, to the south east of the two recently approved houses which, together with the existing older houses, form the cluster. Two newer houses sit at the top of the slope and are visible from the main public road to the east. Shore Cottages are the oldest buildings in the grouping and form a row, sitting at an angle to the access road, facing almost due south. They are also set well back from the road. Of the other houses, the one to the north of Shore Cottages, is a traditional 1.5 storey cottage which has been extended over the years. It is built parallel with the road. The more recent houses to the east have emulated the siting of this house, forming a ribbon development pattern along the access road while the other existing houses, further to the west, are slightly remote from the main grouping and are oriented towards the shore.

With the exception of Shore Cottages, to the west of the site, the house to the north of these, and the recently approved houses, the neighbouring houses are architecturally indistinctive and could just as easily be located in a suburban environment. The closest of Shore Cottages to the site has also been extended and now resembles a typical 1.5 storey suburban house. The two relatively recently built houses on the access road are typical standard kit houses.



The development pattern and building lines in the existing group of houses is a combination of the original historical pattern and a more recent one, related to the access road. The original pattern, formed by Shore Cottages and the house directly to the north of them, and augmented by the recently approved houses, has arisen as a response to their location relative to prevailing weather and the topography of the site. They are located on more level ground at the foot of the slope. Shore Cottages have been built with their gables, the narrowest elevation, facing towards the prevailing winds from the sea, while their long elevations face almost south to obtain as much light and heat from the sun. The original house to the north of these, is turned slightly further to face south-east, presumably relating to the original access track.



The land at South Feorline consists of a raised beach on which all the houses are located, with the exception of the two recent additions to the north of the access road. At the back of the raised beach is a banking, indicated by a broken blue line on the aerial photograph, and this separates good quality agricultural land, further from the shore, from the rough pasture found on the raised beach

The more recent houses, to the north-east of South Feorline, are parallel to the access road. They sit at the top of the slope and it can therefore be assumed that exposure to the prevailing weather has not been a consideration in their siting.

The entrances of the houses are characterised by porches which, in the case of the older buildings, have been later additions, while they have been incorporated as features in the newer buildings. The proportions of the windows is vertical.

While the existing houses are generally single storey or 1.5 storeys in height, the different depths of floorplan create differing ridge heights and their location on the sloping site also creates a variety of overall heights. The most easterly of the new houses on the road consequently has a ridge height which is approximately 7.5 metres above the ridge of the closest of Shore Cottages to the site, and 10 metres above the other Shore Cottages. With the exception of the western Shore Cottages, ridge heights are generally within the range of 6.5 to 7.5 metres above adjacent ground levels.

The ground around the buildings is residential garden ground, broken up by trees and and domestic garages.

Planning permission is sought under Policy H1 of the Isle of Arran Local Plan Amendment.

This policy states:

POLICY H 1: Small-scale growth of existing rural housing groups

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

- a) the proposal constitutes a small-scale addition to an existing well-defined nucleated group of 4 or more houses. Expansion of such a housing group will be limited to 50% of the number of dwellings existing in that group as of 1 January 2005 up to a maximum of 4 new housing units;*
- b) the proposal is sympathetic to the character and form of the existing group;*
- c) any individual proposal does not prejudice a future development opportunity; and*
- d) the proposal complies with Roads Guidelines.*

Prior to this application, planning permission had already been granted for three new houses at South Feorline. The existing grouping consists of eight houses, providing scope, under the Policy, for a total of four new houses. Consequently this application is for the fourth house and complies with criterion a) of the Policy.

As the proposal is for the fourth of four houses which can be built in South Feorline under Policy H1, there is no further scope for future development and therefore the proposal does not prejudice a future development opportunity and consequently satisfies criterion c)

The proposed access to the site meets the Roads Guidelines in terms of driveway width, visibility splays, radii, surfacing of the first 5 metres of driveway, and provision for parking and turning within the site. The proposal therefore satisfies criterion d) by complying with the Roads Guidelines and criterion d).

It is therefore necessary that the current submission meets the requirements of point b). North Ayrshire Council have produced a Rural Design Guide for the Isle of Arran. This document makes certain key points which should influence the design approach:

- 1 *Integration with the landscape*
Retaining the distinctive quality of the countryside is important, and no new properties should be located where they visually dominate their setting and assume a prominence which is generally associated with more important and imposing building types.
- 2 *Siting for shelter*
Just as traditional buildings avoided exposed locations, contemporary properties should be sited to make the most of shelter and solar gain. The orientation and siting of other older domestic properties in the same locality will often provide clues as to the best way to site a newer house. Many good contemporary Scottish houses have sustainable designs which include larger windows to the south and west which maximise daylight and passive solar heating. They have smaller windows to the north and east to minimise exposure to wind and rain. Because of the prevailing wind direction in North Ayrshire - from the south west - special care needs to be taken to balance the need for shelter with the benefits of designing for solar gain.
- 3 *Avoid suburban siting*
Homes which follow "conventional" planning guidance which aims to protect amenity in larger developments, and bears on front garden sizes, driveways, garages, back gardens and screen fencing are generally not appropriate in rural North Ayrshire where successful older properties do not follow this development pattern.

4 Smaller groups; massing, proportion and scale

Many older, characterful groups of houses share the same massing, scale and proportions. They are not, however, uniform - individuality is often introduced through:-

- a small variation in roof pitches of adjoining terraced properties.
- use of the same simple eaves, verge and window details throughout
- alternate orientation between individual properties within a group
- a variation in scale and massing within groups; most existing groupings include single, one and a half and two storey properties.

5 Contemporary design

Although designing an exact copy of a good quality traditional building can ensure that new development is integrated with its North Ayrshire context, it is not necessarily the best solution for the building's occupants. Smaller windows associated with older properties reduce daylighting and solar gain, and restrict views of North Ayrshire's beautiful countryside. Smaller properties restrict head heights and reduce room sizes and, together with steps at entrances can restrict access for those with disabilities.

Copying traditional buildings can be an overly restrictive remit for designers, who are in the main keen to promote architecture of its time.

The challenge for designers is therefore to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent. Key issues to consider include the following:-

- Use rural proportions. Although this Guidance does not seek to be prescriptive, it is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrical pitched roofs and strong simple roof shapes together with a simple long narrow plan form typical of most rural locations and flat, minimally articulated facades with a greater mass of wall to window.

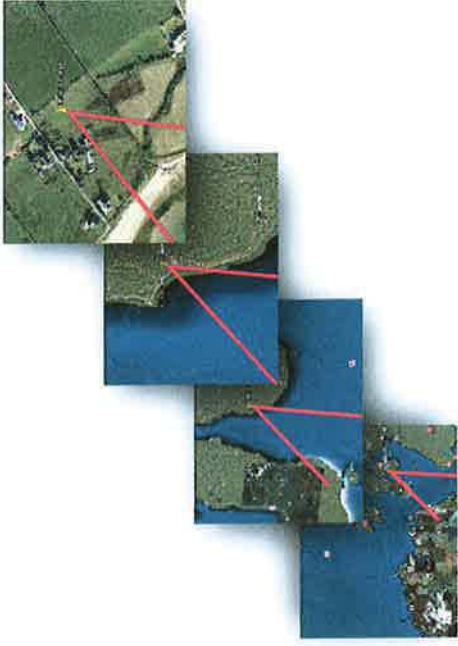
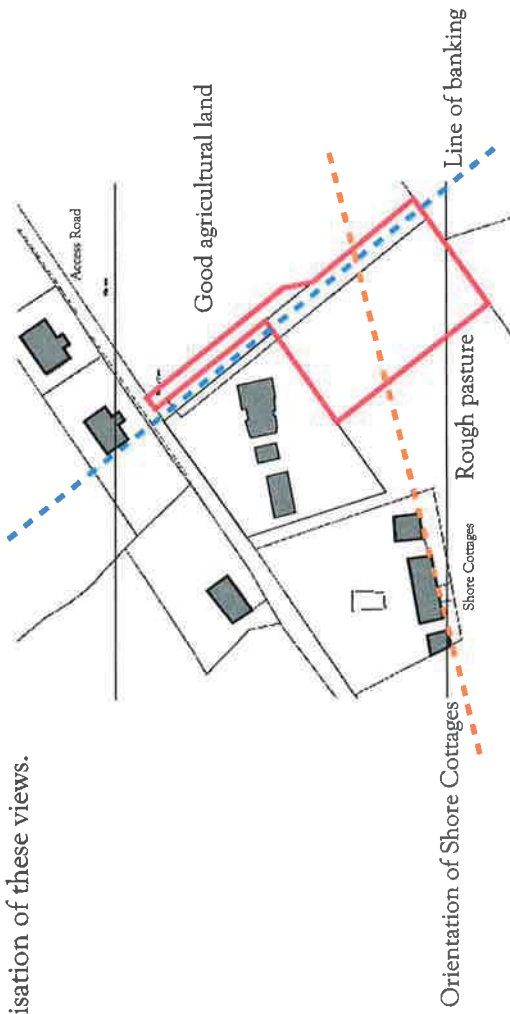
Where this approach is not adopted (for instance where roofs are at a lower pitch, or are asymmetrical or monopitch) a high level of design quality and control will be needed.

- Minimise scale as far as possible, minimise floor to ceiling heights. Many newer properties incorporate open-plan or double height spaces and larger full height windows which can give the impression of spaciousness while retaining a smaller scale associated with rural buildings.

Architecture is a constantly evolving process in which continual innovation and the application of imaginative solutions enriches the landscape. The fine historical buildings that we cherish now are the product of this thinking in previous generations. In contrast, the adoption of standardised formulaic modern versions of "traditional" buildings as a substitute for imaginative architecture results in the all too common bland insertions which have blighted the rural landscape and contribute nothing to the evolution of a high quality built heritage. In historical groups of buildings in the countryside, two buildings are seldom the same. Nor, unless all built at the same time, do they tend to adopt regimented patterns. Rather, having evolved over time, a cohesion is usually created by use of the same materials and what appear to be haphazard development patterns are frequently based on a logic. The resulting different relationships and open spaces between the buildings create the charm and character of these groupings. Where standardised buildings are grouped together, particularly in regimented layouts, they create rural housing estates which are entirely inappropriate and should be avoided.

Good sustainable architecture that makes a positive contribution to the landscape should take cues from the logic behind traditional development patterns and forms but should not simply be a pastiche of older buildings and should only find inspiration from appropriate traditional forms. It is also important not to assume that all traditional forms, or unimaginative recent copies of certain traditional forms, are of importance or relevance. To take cues from buildings which represent past mistakes only exacerbates the damage that these buildings have done to the environment. Similarly, the detailing of many of these copies, which is based on constructional expediency rather than any architectural concept, is not appropriate and repetition of it simply serves to sustain the undesirable trend of introducing standardised "off the shelf" buildings into the rural environment.

The historical development pattern, set by Shore Cottages, is of a slightly offset southerly aspect which responds to the prevailing weather conditions and solar gain. The site enjoys views over the Firth of Clyde to Northern Ireland and Kintyre. The fenestration and orientation of the houses should be influenced by the optimisation of these views.



The site slopes down from east to west. An example of a typical Scottish rural building in a similar landscape provides a cue for an appropriate solution.



The proposed building should relate to the existing Shore Cottages as well as the recently approved houses on the adjacent site, forming a cohesive group, and extending the existing development pattern. The rural siting of the cluster of buildings is typical of a group of small crofts, where an appreciable space exists between sub-groups of buildings, rather than any long terraced or regimented form. In addition, the natural bank which runs through South Feorline from North-west to South-East has, with the exception of the two newer houses to the North of the access road, provided an "edge" to South Feorline, defining the change from rough pasture to good agricultural land, where the buildings are located on the poorer rough pasture. This has also served to connect the buildings with the coast. Consequently, to maintain this historical development pattern and ignore recent anomalous additions, the proposed house should be located below this bank, on the rough pasture. By using the same orientation as Shore Cottages and the recently approved adjacent houses, the proposed house will fit the existing development pattern and, by locating it to the South-east of the recently approved houses, below the bank, it will be close enough to these houses and Shore Cottage to be part of an identifiable grouping while at the same time maintaining enough distance from the existing buildings to preserve the development character. The building should incorporate materials which relate to the older neighbouring buildings, such as slate roofs and white rendered walls.

Responding to the topography of the site and the development pattern of Shore Cottages, together with the two recently approved houses, suggests a slightly random pattern, but with a similar orientation, providing a consistency with the existing pattern and of a typically rural cluster. It will maintain the location of the cluster below the banking separating the lower rough pasture from the higher good agricultural land, in keeping with the general development pattern of the area.

This orientation will also achieve maximum enjoyment of the views and achieve the greatest potential for direct sunlight and solar gain.

The general form of the nearby houses, and the recently approved houses, suggests that a contemporary interpretation of the traditional "long house" would be appropriate.

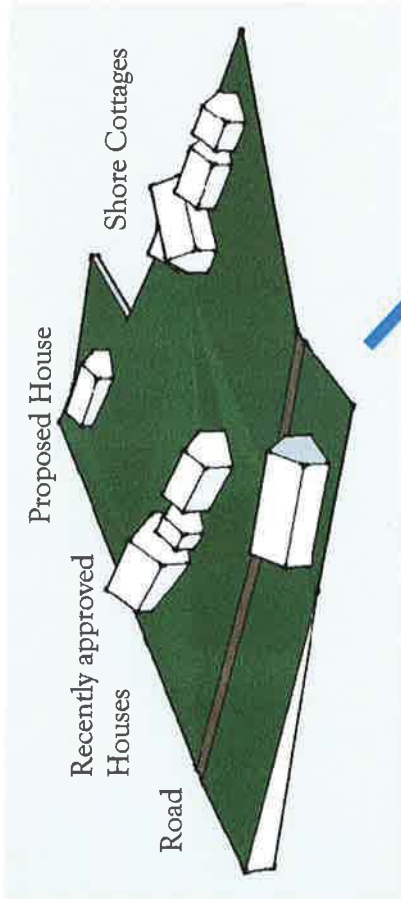


Successful modern interpretations of the traditional "long house" in Argyll and Gigha

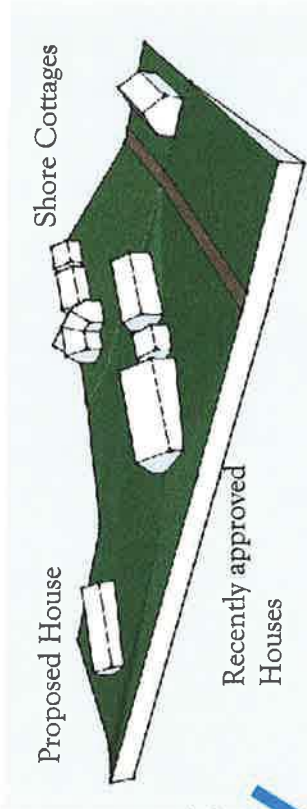


Detailing should take its cues from the finer buildings on the island, rather than the modern pastiches of traditional houses or agricultural cottages, if the buildings are to have an architectural quality. The use of skew gables and the absence of eaves, while common on the island, is not successful with modern construction methods as opposed to thick stone walls as the proportions look frail and the weathering qualities are compromised. Appropriate examples are shown below.



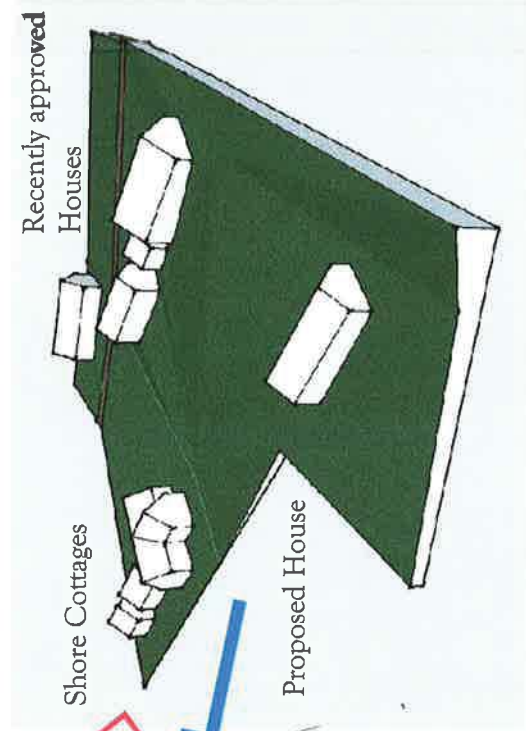
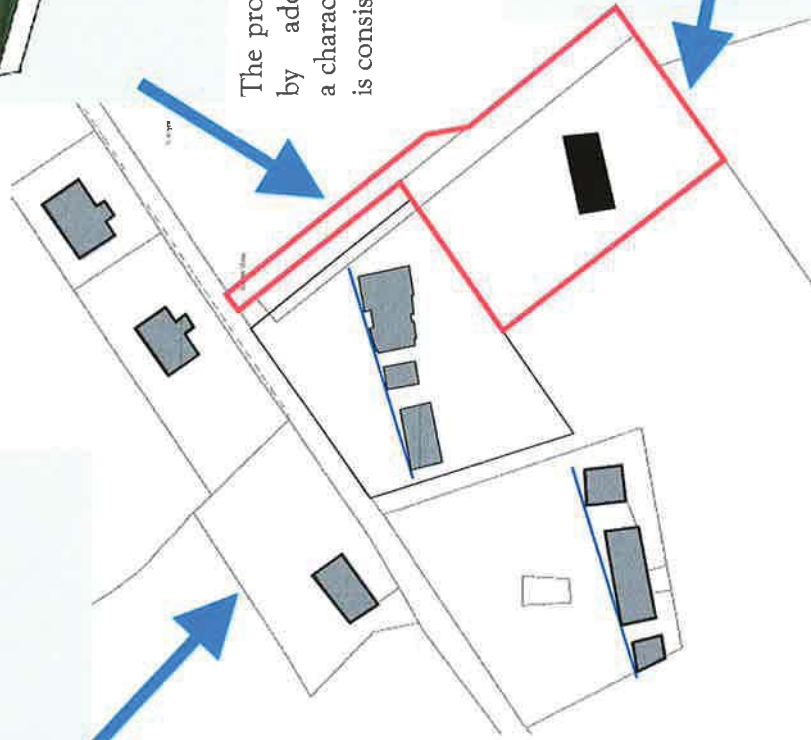


The new houses to the north fringe the road, being outside the original cluster and development pattern. Choosing to relate to Shore Cottages avoids extending the "ribbon" development that the newer houses represent.



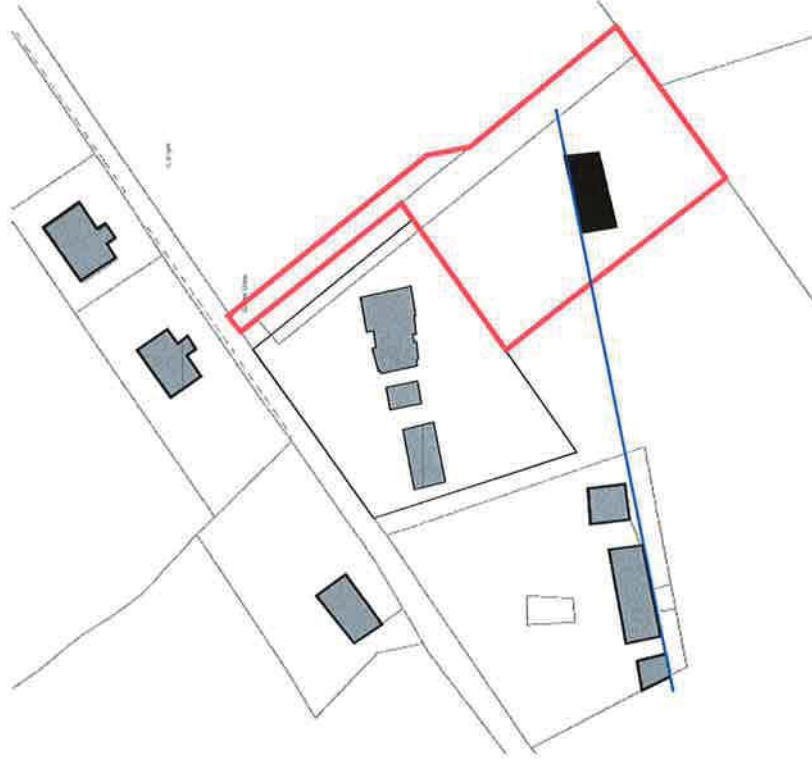
Relating to the existing Shore Cottages and the recently approved houses, in terms of orientation, the proposed house also maintains the existing spacing between groups of buildings

The proposed house relates to the other relevant buildings and, by adopting the traditional "Long house" approach, a characteristic building style of western Scotland and the islands, is consistent with the character of the area.



Viewed from the east, the proposed house forms a cohesive composition with Shore Cottages and the recently approved houses, reinforcing the original development pattern.

Making use of the “long house” style, the proposed house sits at the foot of the slope to the east of the site. The north elevation, in which the entrance is located, contains very little fenestration, while the west facing gable is heavily glazed, expressing the green oak frame which provides the structure at the west end of the house. The use of a stone base course roots the house in the landscape, relating to natural hues and textures. This west facing gable provides panoramic views over the sea while also bringing natural light into the inner parts of the house.



Orientated at the same angle as Shore Cottages and the recently approved houses to the North, the proposed house completes a logical development pattern below the banking to the East, while maintaining the spacing between the sub-groups of buildings in South Feorline.

Viewed from the top of the bank to the East of the site, the proposed house relates to the Shore Cottages to the West, and the other existing houses closer to the shore.



The South elevation is extensively glazed, allowing enjoyment of the views and making use of solar gain. This also shows the green oak frame at the West end of the house which, together with the stone base course and chimney, ensure a natural connection with the landscape. The simple “long house” form, with a slate roof and the use of white render relates to the traditional character of the Shore Cottages, while the extensive glazing and open interior provide a contemporary feel.



Having appraised the site and its surroundings in terms of its character and buildings, and established the relevant development patterns in the context of their historical evolution, a clear analysis of the appropriate approach to the development has been identified.

An appropriate design approach has also been adopted, consistent with the North Ayrshire Council Rural Design Guide. Local buildings of merit have been identified and used to provide cues for the proportions, style and detailing of the proposed house.

The proposal relates to the relevant neighbouring buildings and the topography of the site, as well as contributing positively to the existing grouping of Buildings, and sub-groups of buildings, and optimises the views enjoyed by the house. Sunlight and solar heat gain have also been maximised.

The proposal represents a design solution which introduces a good quality of contemporary architecture, based on sound vernacular principles, which will enhance the existing grouping and achieve the requirements of the design brief.

John Lamb, Chartered Architect
May 2012

**Proposed Detached House
To East of Shore Cottages, South Feorline, Blackwaterfoot, Isle of Arran**

Landscape Capacity Statement



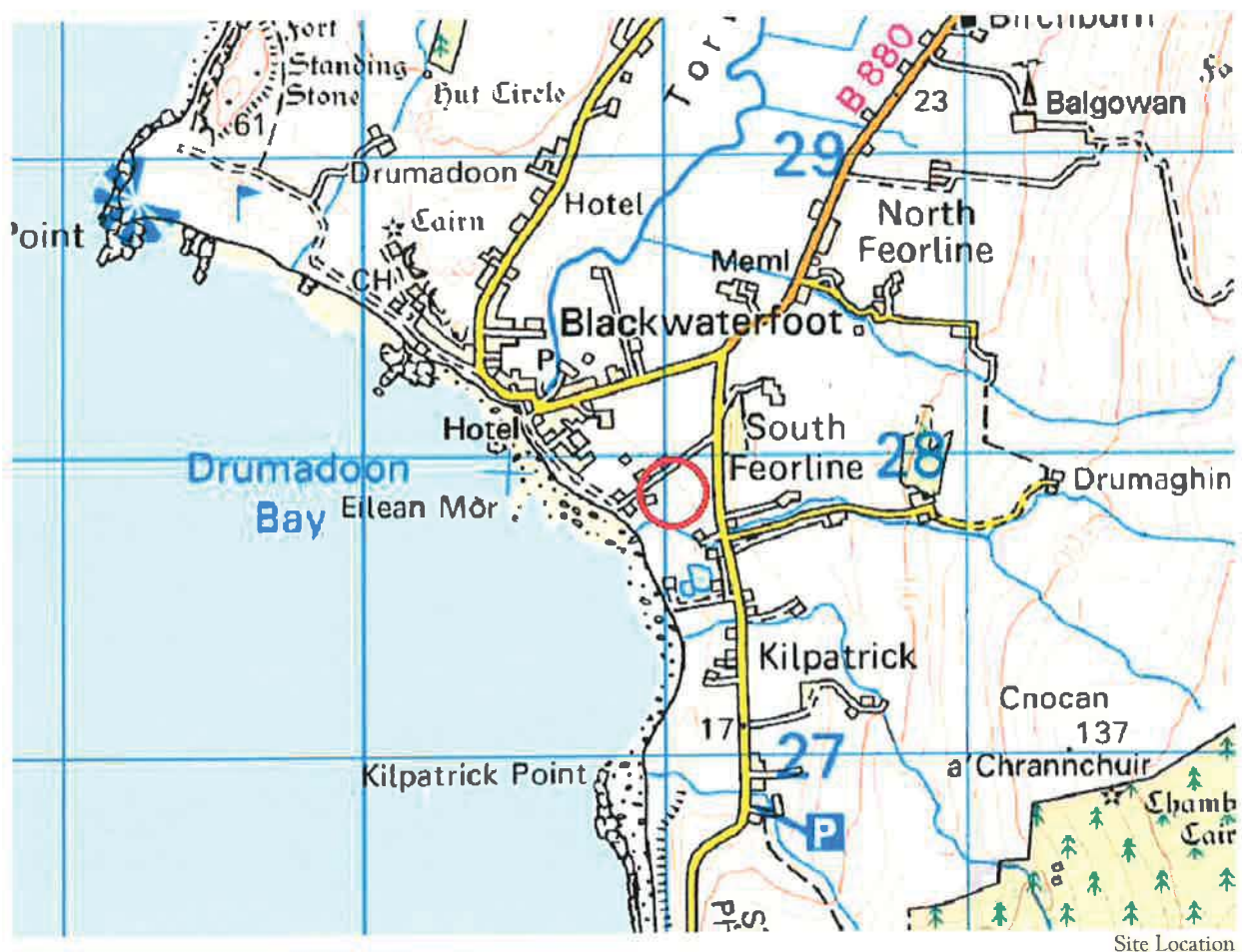
John Lamb | Architect

70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

Introduction

This Landscape Capacity Statement accompanies an application by Mrs M Currie, of Eastland, Shiskine, Isle of Arran, for detailed planning permission for the construction of a detached house on land to the East of Shore Cottages, South Feorline, Blackwaterfoot, Isle of Arran.

“Landscape capacity refers to the degree to which a particular landscape character type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type. Capacity is likely to vary according to the type and nature of change being proposed”



Arran Physical Characteristics

The island of Arran is nearly 20 miles long and 10 miles wide. It has a circumference of 55 miles and rises to a height of 2,866 feet (874m) at the summit of Goatfell. Arran is sheltered from the Atlantic by the Kintyre Peninsula and separated from mainland Scotland by the Firth of Clyde to the east and the Sound of Bute to the north.

The physical characteristics of Arran are defined by the Highland Boundary Fault, which runs across the centre of the island. This geological fault line separates the rugged, mountainous landscape of the north from the more gentle, lower lying, hills of the south. In turn, the landscape influences the local climate and the relatively lush southern half of the island feels the warming effect of the Gulf Stream to a greater extent than does the more barren north. The proposed site lies to the south west of the island in a cluster of houses called South Feorline, to the south of the village of Blackwaterfoot.



The island's principal settlements include Brodick, Lamlash, Whiting Bay, Blackwaterfoot, Pirnmill and Lochranza. Most of Arran's 5,000 inhabitants, live in the southern half of the island - and over 1000 live in the main town and port of Brodick. Many tourists tend to stick to the south-eastern part of the island, leaving the west and the north relatively undisturbed, although the village of Blackwaterfoot is also very popular.

Tourism, farming, and forestry are the primary economic activities on Arran, although the manufacture and sale of dairy products, cosmetics and whisky are also important industries here. A road, approximately 56 miles in length, encircles the island. In addition, Arran is traversed from east to west by the String Road, which runs through mountain glens, and to the south over more gentle terrain, by the Ross Road.

Site Location and Context

The site is located off to the south of the private access road which serves South Feorline, which is situated to the South of Blackwaterfoot, which leads from the main C841 public road from Lagg to Blackwaterfoot. It is located to the South of two houses which were recently given planning permission and to the East of Shore Cottages.



Aerial View with Site with Application Site and Proposed House highlighted

The landscape character/type of the area is predominantly agricultural land made up of grazing/forage and rotational arable fields divided by hedges/tree planting. The landform is undulating, generally sloping down towards the sea to the west, with folds in the landscape created by small watercourses and ditches. However, there is a natural break between the rough pasture to the West and arable land on higher ground to the East. They are divided by a continuous banking which runs from North-west to South-east.

There are several residential buildings immediately adjacent to the proposed site, together with two other plots for which planning permission has been granted for two detached houses (planning consent no. 11/00729/PP) The proposed house is located to the south and east of these, adjacent to fields, bounded by rough pasture to the west, the two recently approved houses to the north, a bank at the top of which is a field to the east, and fields to the south. The eastern and southern boundaries are marked with existing hedgerows and small trees.

The houses to the north of the site lie parallel to the group of buildings to the West, known as Shore Cottages, but set closer to the access road serving South Feorline, while three more houses lie parallel with the access road. However, Shore Cottages, and the two recently approved houses, to the south of the road, and adjacent to the site, sit back from the road and at an angle to it. As the proposed house will occupy land currently bounded by the recently approved houses and sit at a similar angle to the road as the existing and approved adjacent buildings, it will be consistent with the existing development pattern.

The site slopes down from north-east to south-west, while the land to the north-east continues to rise, with a hedgerow at the brow of the slope which obscures the site when it is viewed from this aspect. From the north-west and south-west, the site sits beyond and below the existing houses to the north of the access road, and is obscured by them. From the south-east the site is visible until the fold in the landscape created by a tree-lined burn to the south obscures the site. Where visible the existing houses to the north of the access road create a backdrop of buildings to the site, against which the proposed house will not create a change in character.

Moving away from the site in all directions except to the south, the site is obscured by existing buildings, folds in the landscape and trees or hedgerows. From the South, the site is visible from the shore but can be identified as part of the existing grouping of houses. The proposed house does not break the skyline.



Location of Photographs on following pages



Photograph 1 - Site obscured by trees and hedgerow



Photograph 2 - Site obscured by hedgerow and topography



Photograph 3 - Site obscured by hedgerow and topography



Photograph 4



Photograph 5 - Site obscured by topography



Photograph 6 - Site obscured by topography



Photograph 7 - as Photograph 6



Photograph 8 - Site obscured by trees and existing houses

The Proposed Development



The proposed house, viewed from the West. Siting the house at the foot of the banking to the East, combined with its single storey height, ensures that the house is not visible from the North and East.



Viewed from the top of the banking, other houses form the backdrop to the proposed house.



Viewed from the South, the house is seen against the recently approved houses and existing houses to the North.

The proposed house is single storey, and is therefore lower than the existing and recently approved neighbouring houses. The profile of the house will be kept below natural visual barriers and the existing houses when viewed from all angles except the south and south-east. However, when viewed from these aspects, the existing houses currently form a backdrop to the site and the new house will simply blend with these in these views.

Landscape Capacity Conclusions

The proposed house is situated on the edge of the small cluster of houses known as South Feorline. It is bounded to the north and west by houses which vary from 1 to 2 storeys in height, finished with render and tiled or slated roofs.

The proposed site is partially enclosed by these existing buildings to the north and west. To the east, it is obscured by a hedgerow and the natural slope of the land. The site is further obscured from further afield by the existing buildings, mature trees, hedgerows, and the natural undulations of the land. Other than from the open fields and shore to the south, views from all public roads and tracks in the surrounding countryside are either restricted or non-existent. From the south, the existing houses currently form a backdrop to views of the site and the proposed house will not change the character of the landscape when viewed from this direction, especially as, being single storey, it is lower than the existing houses.

The proposed house is compatible in foot-print, form and scale to the adjacent buildings. The materials are similarly compatible with the adjacent buildings being white rendered walls under a pitched slate roof.

The proposed house will have no impact on the surrounding landscape, due to the screening afforded by the existing field enclosures of hedge and tree planting and the undulating sloping landform, and its location beside the existing and approved houses. The visual impact on road users on the C841, both vehicular and pedestrian, will be non-existent as the proposed house is entirely screened from view. The proposed dwelling will similarly have little or no visual impact when viewed from the nearby tracks and fields.

By siting the proposed house below the natural banking, it makes use of rough pasture, rather than using good agricultural land. Furthermore, the good agricultural land at the top of the bank is uninterrupted by buildings, except two recently built houses to the North of the access road. Consequently, the proposed house will not break up the open fields at the top of the banking.

The scale and location of the proposed development can take place without any significant effect on the landscape character of the site or the surrounding area.

In summary the landscape character surrounding the proposed development will be unaffected by the proposal. The landscape capacity is able to accommodate the proposed change without significant effects on its character or overall change of landscape character type.

John Lamb : Architect
May 2012

REPORT OF HANDLING



Reference No:	12/00308/PP
Proposal:	Erection of detached dwellinghouse and formation of access
Location:	Site To East Of, Shore Cottage, Blackwaterfoot, Brodick Isle Of Arran
Local Plan Allocation:	Countryside/Rural Community
Policies:	POLICY ENV1POLICY H1Development Control Statement
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 13.06.2012 Neighbour Notification expired on 04.07.2012
Advert:	Regulation 20 (1) Advert Published on:- 22.06.2012 Expired on:- 13.07.2012
Previous Applications:	None

Description

The site is situated to the south-east of Blackwaterfoot at South Feorline. Access is gained by a road leading from the C147. It is adjoined by agricultural land to the east, south and west. Two residential properties to the north are under construction (planning approval N/11/00729/PP) and are positioned at an angle to the road to reflect the orientation of the dwellinghouses to the west (Shore Cottages). The dwellinghouses on the opposite side of the access road directly face the road.

The dwellinghouse would be set back from the access road by approximately 68 metres and access would follow the western edge of the adjacent field to the north-east. It would have a footprint of approximately 135 square metres and would be of single storey construction with a dual pitch roof approximately 5.4 metres in height to the ridge. It would have an open plan kitchen/dining/living area, a master bedroom with ensuite facilities, study, additional bedroom, bathroom, hallway and a utility room.

The dwellinghouse would be finished in render, a stone basecourse and a slate roof and windows would be timber framed. It is also proposed to form a patio to the rear of the dwellinghouse, which would be 16.2 metres wide, 2.4 metres deep and 0.2m above ground level. A parking and turning area would be provided to the front of the dwellinghouse.

As required by previous planning permissions, work has been carried out to upgrade the access road by widening it at the junction with the C147, improving the surface to provide a 3.5 metre wide road to adoptable standards, providing a passing place midway between the C147 and the site and the formation of a turning head.

In the adopted Local Plan, the site is located within an area of countryside and is unaffected by any site specific policies or proposals therein. Relevant policies are:

Policy RES 1 - indicates that residential development within settlements shall accord with the plan.

Policy ENV1 - is opposed to residential development in the countryside unless it is required for persons employed in agriculture, forestry or other appropriate rural activities.

Policy H1 - permits small scale growth of existing rural housing groups of four or more houses (a) up to a maximum of four houses, (b) providing the proposal is sympathetic to the character and form of the existing group, (c) it does not prejudice a future development opportunity and (d) it complies with the Council's Roads Guidelines.

Policy BE12 – development should accord with the Council's approved Design Guidance.

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the Isle of Arran Local Plan.

A Design Statement and a Landscape Capacity Evaluation have been submitted in support of the application.

The Design Statement notes that the existing development pattern is a combination of the original historical pattern and a more recent one, relating to the access road. The existing grouping of eight houses provides scope for 4 new dwellinghouses under Policy H1 it contends. Three have been approved to date. Consequently, this application is for the fourth dwellinghouse and complies with criterion (a) of Policy H1. The historical development pattern, set by Shore Cottages, is of a slightly offset southerly aspect, which responds to the prevailing weather conditions and solar gain. The proposed building would relate to Shore Cottages as well as the recently approved houses on the adjacent site, forming a cohesive group, and extending the existing development pattern. The rural siting of the cluster of buildings is typical of a group of small crofts, where space exists between sub-groups of buildings, rather than any long terraced or regimented form.

A natural bank to the east of the site provides an edge to South Feorline and the proposed dwellinghouse should be located below the bank to maintain the historical development pattern. By using the same orientation as Shore Cottages and the recently approved adjacent dwellinghouses, the proposed house would fit in with the existing development pattern and by locating it to the south-east of the recently approved houses, it would be close enough to these houses and Shore Cottages to be part of an identifiable grouping while at the same time maintaining enough distance from the existing buildings to preserve the development character. This would also avoid extending the existing ribbon development. The north elevation contains very little fenestration. The west facing gable is heavily glazed, providing panoramic views over the sea while also bringing natural light into the dwellinghouse.

The Landscape Capacity Statement notes that the area comprises predominantly agricultural land made up of grazing/forage and rotational arable fields surrounded by hedges/tree planting. The landform is undulating, generally sloping down towards the sea to the west, with folds in the landscape created by small watercourses and ditches. However, there is a natural break between the rough pasture to the west and the arable land on higher ground to the east, divided by a continuous banking that runs from north-west to south-east. The proposed house will have no impact on the surrounding landscape, due to the screening afforded by the existing field enclosures of hedge and tree planting, the undulating sloping landform and its location beside the existing and approved houses. The scale and location of the proposed development can take place without any significant effect on the landscape character of the site or the surrounding area.

Consultations and Representations

Neighbour and ownership notification have been carried out and the application was advertised in a local newspaper on 22nd June 2012. One letter of objection has been received and the grounds of objection are summarised as follows:

1. The access road crosses land within the ownership of the objector. The applicant has not made contact with the objector regarding a possible wayleave to allow access. At present, the objector is not inclined to grant access across this land. The proposed development would constitute backland development, which is contrary to planning policy. The development of a bungalow would be out of character with the existing dwellinghouses in the group.

Response: noted. The issue of land ownership is a private legal matter and not a material planning consideration. The objector has now been notified as an owner of land to which the application relates. Correspondence has been submitted by the applicant's solicitor however, which advises that a title search has revealed that the access road is in shared ownership and that the applicant has the right to cross the verge. It is agreed that the dwellinghouse would be located to the rear of the houses under construction. However it would have an acceptable standard of outlook and an independent access.

Therefore it is considered that it would not represent unacceptable backland development. It is also agreed however that the siting of the dwellinghouse would be out of character as it would be to the rear of the two dwellinghouses under construction, set back from the road by approximately 68 metres, rather than fronting the road as existing properties in the group do. It is considered that the design of the dwellinghouse itself would be acceptable in relation to the existing dwellinghouses.

Consultations:

Infrastructure and Design Services (Roads) - no objection subject to the first two metres of the driveway being hard surfaced. No surface water should issue from the access/driveway onto the access road.

Response: noted. Conditions could be imposed in this regard.

Scottish Water - no objections.

Arran Community Council - no objections.

West of Scotland Archaeology Service - no response.

Analysis

The site is located within a countryside area in the adopted Isle of Arran Local Plan. Policy RES 1 states that residential development shall accord with the local plan if located within settlements. The proposed house would not and it therefore conflicts with RES 1.

The proposed dwellinghouse is not required for persons employed in agricultural, forestry or an established rural business and cannot, therefore, be justified in terms of Policy ENV1 of the local plan.

The main determining issues therefore are whether the proposals comply with Policy H1 of Alteration No. 1 and the relevant criteria of the Development Control Statement of the adopted Local Plan.

The collection of dwellinghouses at South Feorline (8) exceeds the minimum of 4 that Policy H1 indicates as constituting a rural housing group. Two under construction to the north of the site were approved under Policy H1 and one at the site to the north-east of Tighbeg (ref. N/12/00008/PP). Under this policy, a maximum of 4 houses could be built at South Feorline; therefore, there is scope for the erection of one further dwellinghouse within the group. The proposal would therefore comply with criterion (a) of Policy H1.

With regard to criterion (b) the design and finishes would be in keeping with the traditional style of the houses in the area and in this respect would accord with the Rural Design Guidance and Policy BE 12 of Local Plan. The dwellinghouse however would be set back from the access road by approximately 68 metres. The group is linear in character with all houses fronting onto the access road albeit that those to the south of the access road are set further back and in some cases at an angle. There are no other examples of development to the rear of existing houses. The proposal would extend residential development into the countryside rather than consolidating the existing group of houses around the access road. It would not therefore extend the existing settlement pattern. Furthermore there are gaps in the group where development could take place without extending to the rear of the existing houses or adding to ribbon development. The applicant has control over land adjacent to the site (to the north-east of the proposed dwellinghouse), which would be an acceptable development under Policy H1 to consolidate (round off) the housing group, facing the properties at Beinn View and Kintyre. It is therefore considered that the siting of the dwellinghouse would not be acceptable in terms of criterion (b) as it would not be sympathetic to the character or form of the existing group.

In terms of criterion (c) of policy H1, as this would be the final house permitted under policy H1, granting permission would not prejudice a future development opportunity. There are however, as stated above, other sites within this group that could be developed in a manner that would be sympathetic to the character and form of the existing group. Approval of the application would therefore prejudice the proper development of the group in accordance with the aims of policy H1.

Infrastructure and Design Services (Roads) have not objected to the development and therefore the proposal would comply with Criterion (d) of Policy H1.

The relevant criteria of the Development Control Statement of the adopted Local Plan are the siting, design and external appearance of the development and its impact on the amenity and character of the area, landscape character, access, road layout and parking provision and water and sewerage.

As discussed above, the siting of the development is not sympathetic to the current form and character of the group of houses at South Feorline. It is however considered that the design and external finishes would be acceptable if the house was appropriately sited.

With regard to amenity, while the proposed dwellinghouse would enjoy a satisfactory standard of residential amenity, outlook, private amenity space and parking/turning etc and there would be no significant adverse impacts with regard to overlooking, loss of privacy or overshadowing of neighbouring properties, it would result in an extension of development into the adjoining countryside rather than a consolidation the group, which would heighten its visual impact, to the detriment of visual amenity.

With regard to landscape character, as noted above, it is considered that the impact would not be significantly adverse.

In relation to access, road layout and parking provision, Infrastructure and Design Services (Roads) had no objection. Scottish Water also did not object to the development in terms of water and sewerage services.

In view of the foregoing, it is considered that the development would not comply with criterion (b) and (c) of Policy H1 of Alteration No. 1 and Criterion (a) of the Development Control Statement of the adopted Local Plan in terms of its siting and adverse visual impact. The development would also be contrary to Policies RES1 and ENV1 of the adopted Local Plan.

Decision

Refused

Case Officer - Ms Julie Hanna

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	12.03.02	
Block Plan / Site Plan		
Proposed Plan	12.03.01	



John Lamb Architect



Appendix 2b

f.a.o. Diane McCaw,
Committee Services,
North Ayrshire Council,
Cunninghame House,
Irvine
KA12 8EE

13th November, 2012

Dear Sirs,

PLANNING APPLICATION No. 12/00308/PP:
SITE TO EAST OF SHORE COTTAGE, BLACKWATERFOOT, ISLE OF ARRAN

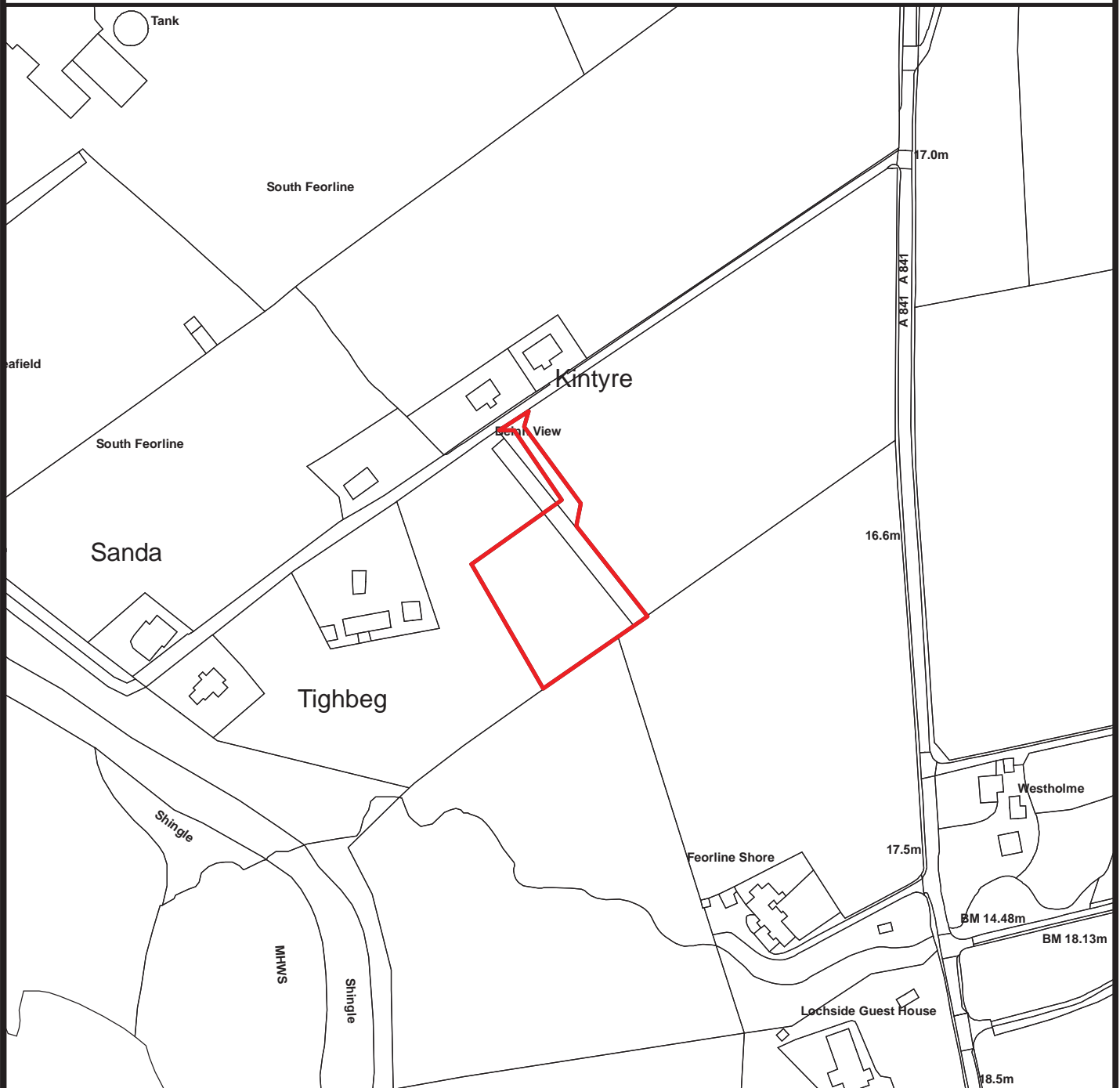
I am writing with regard to the above application which is the subject of a Notice of Review and, in particular, to an item in the Report on Handling which the applicant has asked me to bring to the attention of the Local Review Body.

On page 61 of the Document (Agenda Item 2) which has been circulated, in the first paragraph, reference is made in the Report on Handling to the applicant having control over land adjacent to the site. In fact, while this land is under the same ownership as the application site, it does not belong to the applicant and there is no indication that the owner would make this land available to the applicant. Consequently, the inference that there is an alternative site is incorrect.

I also understand that the Local Review Body will be reviewing the decision on the merits of the proposal and that recommending alternative sites are outwith its remit. However, I should be obliged if you would bring the foregoing to the attention of the LRB.

Local Review Body

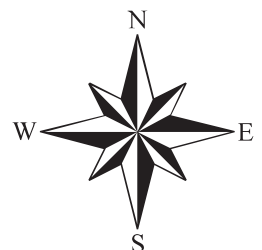
12/00308/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





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

No N/12/00308/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 2008

To : Mrs M Currie
c/o John Lamb
70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

With reference to your application received on 13 June 2012 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwellinghouse and formation of access

at Site To East Of
Shore Cottage
Blackwaterfoot
Brodict
Isle Of Arran
KA27 8RL

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

No N/12/00308/PP

1. That, the proposed development would be contrary to criteria (b) and (c) of Policy H1 of Alteration No. 1 of the adopted Isle of Arran Local Plan and criterion (a) of the Development Control Statement of the adopted Isle of Arran Local Plan, by reason of its location to the rear of existing developments on the south side of the access road serving the group of houses at South Feorline, which would (a) be out of character with the established pattern of development at South Feorline and represent an unnecessary intrusion into the countryside, to the detriment of visual amenity and the appearance of the countryside, (b) not be in the interests of the proper planning of the area and (c) prejudice a future development opportunity, as there are other sites within the housing group that could be developed in accordance with the aims of Policy H1.
2. That, the proposed development would be contrary to Policies RES 1 and ENV 1 of the adopted Isle of Arran Local Plan, in that it would comprise residential development within the countryside for which there is no specific locational need. The proposed dwellinghouse would not be required for persons employed in agriculture, forestry or an established rural business and consequently there is no justification for the dwellinghouse which, if approved, would establish an undesirable precedent for unnecessary development within the countryside, to the detriment of the appearance and amenity of the countryside.

Dated this : 13 September 2012

.....
for the North Ayrshire Council

(See accompanying notes)



**NORTH AYRSHIRE
COUNCIL**

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.

