



Cunninghame House,
Irvine.

9 August 2012

Local Review Body

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 15 AUGUST 2012 at 2.30 p.m., or at the conclusion of the meeting of the Planning Committee, whichever is the later** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes

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

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

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

4. Notice of Review: 12/00012/PP: Erection of one and a half storey extension to front of semi-detached dwellinghouse

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).

5. Notice of Review: 12/00106/PP: Erection of detached dwellinghouse and formation of a new access road

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

Local Review Body

Sederunt:

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

Chair:

Attending:

Apologies:

Meeting Ended:

Local Review Body
20 June 2012

IRVINE, 20 June 2012 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

Present

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

In Attendance

J. Miller, Senior Planning Services Manager, K. Smith, Senior Planning Officer A. Craig, Senior Solicitor (Litigation) (Corporate Services); M. McKeown, Committee Services Manager and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Ferguson and Jim Montgomerie.

1. Declarations of Interest

1.1 Advice to Elected Members

Submitted report by the Chief Executive on the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest.

Standing Order 16 provides that if any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code of Conduct, and is present at any meeting at which that matter is to be considered, he or she must, as soon as practicable after the meeting starts, disclose that he or she has an interest and importantly, state the nature of this interest. Section 5 of the Code, which was appended to the report, sets out the rules in relation to declarations of interest.

To facilitate any declarations, a heading of "Declarations of Interest", routinely appears as the first item on agendas for all meetings of the Council and its Committees. Any Member making a declaration is expected to make a statement which is sufficiently informative as to enable those at the meeting, or anyone reading the Minute, to understand the nature of the interest.

The Committee agreed (a) to note the report; and (b) that Members ensure (i) they are familiar with the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declaring interests and (ii) consider the need to declare financial or non-financial interests in any contract or any other matter as defined by Section 5 of the Councillors' Code of Conduct when attending meetings of the Council and its committees.

1.2 Declarations

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 Procedure

Prior to consideration of the Notices of Review, the Senior Solicitor, as Legal Advisor to the Local Review Body, advised Members of the procedure to be followed.

3. Notice of Review: N/11/00815/PP: Amendment to Planning Application 10/00643 to increase the depth of fascias: 5 Hyndman Road, Seamill West Kilbride

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of conditions attached to the granting of planning application N/11/00815/PP by officers under delegated powers for an amendment to planning application 10/00643/PP to increase the depth of fascias at 5 Hyndman Road, Seamill, West Kilbride. The Notice of Review documentation, further representations from interested parties, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-5 to the report.

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

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 (a) to uphold the review request; (b) to remove the condition attached to the granting of planning permission N/11/00815/PP in relation to the painting of the zinc fascias; and (c) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

4. Notice of Review: N/11/00767/PP: Erection of 20kW Wind Turbine measuring 15m to hub and 22m to blade tip: Craigdhu Farm, Shannochie, Isle of Arran

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of planning application N/11/00767/PP by officers under delegated powers for the erection of a 20kW wind turbine measuring 15m to hub and 22m to blade tip at Craigdhu Farm, Shannochie, Isle of Arran. The Notice of Review documentation, further representations from interested parties, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-5 to the report.

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

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

Councillor McLardy, seconded by Councillor Brown, moved that the application be refused on the ground detailed in the planning decision notice at Appendix 5 to the report.

As an amendment, Councillor Barr, seconded by Councillor Cullinane, moved that the application be approved.

On a division, there voted for the amendment 3 and for the motion 3. On the casting vote of the Chair, the motion was declared carried.

Accordingly, having considered all the information, the Local Review Body agreed (a) to uphold the decision to refuse planning permission on the following ground:-

That, the proposed development would not accord with Policies INF 8, BE 7, BE 8 and the Development Control Statement of the Isle of Arran Local Plan, the Ayrshire Supplementary Planning Guidance on Wind Farm Development and the Council's adopted Landscape Capacity Study for Wind Farm Development in North Ayrshire (Phase 2 Repm1) 2009, in that by reason of its height, design, appearance and isolated siting in open countryside on the seaward side of the C147 road, it would: (i) intrude upon an area of relatively open countryside, detracting from its natural appearance and scenic quality, which would be detrimental to visual amenity; (ii) detract from key views from the C147 to coastal and historically important features and interrupt key views from the coast road; (iii) would have a significant adverse impact on the historic environment constituting an adverse impact on the setting of Craigdhu Fort; and (iv) establish an undesirable precedent for further wind farm development in isolated locations, thereby detracting from the amenity and appearance of the countryside; and

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

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

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for the erection of one 55kwh wind turbine on a 25m high mast at Low Ballees Farm, West Kilbride.

The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 to the report.

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

The Local Review Body agreed (a) to proceed to a site familiarisation visit; and (b) to so advise the applicant and interested parties.

The meeting ended at 3.05 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

15 August 2012

Local Review Body

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

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

Recommendation: That the Local Review Body considers the Notice.

1. Introduction

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

2. Current Position

- 2.1 A Notice of Review has been submitted in respect of Planning Application 11/00784/PP for the erection of one 55 kwh wind turbine on a 25m high mast at Low Ballees Farm, West Kilbride.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice at Appendix 4.
- 2.3 The following related documents are set out in the appendices to this report:-

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

- 2.4 The above documentation was submitted for consideration by the Local Review Body at its meeting on 20 June 2012. The LRB agreed that a site familiarisation visit be undertaken. A site familiarisation visit was duly arranged for 13 August 2012. Only those Members of the Local Review Body who attended the site visit are eligible to participate in the determination of the review request.

3. Proposals

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

4. Implications

Financial Implications

- 4.1 None arising from this report.

Human Resource Implications

- 4.2 None arising from this report.

Legal Implications

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

Equality Implications

- 4.4 None arising from this report.

Environmental Implications

- 4.5 None arising from this report.

Implications for Key Priorities

- 4.6 None arising from this report.

5. Consultations

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

6. Conclusion

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



ELMA MURRAY
Chief Executive

Reference :

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

Background Papers

Planning Application 11/00784/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: ☒

* 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:

All matters.
In order that the issues can be fully and openly debated and to ensure that the review body inspects the site to understand the particular circumstances of this case.

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

Access to the site is through the farmyard so in the interests of safety the site inspection needs to be accompanied.

Statement

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

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

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

Please see attached 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.

The applicant had not realised that he had to justify his position as a farmer until he received reason for refusal 2. It is now necessary to demonstrate that he complies with Policy ENV1.

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.

Planning Review Statement

Photographs

Letter from Mr Campbell dated 20 March 2012

Figure 9 Key Landscape and Visual Constraints – extract from Landscape Capacity Study for Windfarm Development in North Ayrshire: Phase 1 2009

Figure 7 Wireframe from Lion Rock, Cumbrae – extract from Landscape Capacity Study for Windfarm Development in North Ayrshire: Phase 1 2009

Extracts from the Adopted North Ayrshire Local Plan - Policy INF7
Policy ENV1
Development Control 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

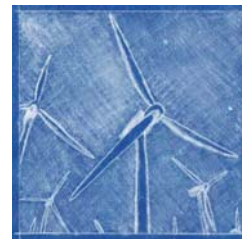
I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature]

Date

17 APRIL 2012



Blueprint Planning & Development Ltd

Planning Review Statement

Site at Low Ballees Farm, West Kilbride

North Ayrshire Council

Council Reference N/11/00784/PP

Review Statement - Application Reference N/11/00784/PP – Erection of one 55kWh wind turbine on a 25m high mast at Low Ballees Farm, West Kilbride, Ayrshire KA23 9PG

1.0 Introduction

1.1 This application was refused under delegated powers on 3 February 2012 on the following grounds:-

1. That the proposed development would be contrary to Policy INF7 in the adopted North Ayrshire Local Plan in that it would have an adverse impact on the landscape quality of the area.
2. That the proposed development would be contrary to ENV1 in the adopted North Ayrshire Local Plan in that it would result in Development in the Countryside for which there is no justification.
3. That due to its siting, design and appearance, the proposed development would fail to satisfy criteria (a), (b) and (c) of the Development Control Statement of the adopted North Ayrshire Local Plan in that it would have an adverse impact on visual amenity and the landscape character of the area.

1.2 These reasons for refusal are strongly contested as set out below.

2.0 Reason number 1 - Policy INF7

2.1 Policy INF7 sets out the criteria which an application for renewable energy development must satisfy:

2.2 (a) design & scale appropriate to surroundings

2.3 The site lies in farmed countryside surrounded by hills. To the north lie the Crosbie Hills which rise to over 300m AOD and to the south lies Blackshaw Hill (217m) with Law Hill (178m) to the south west. Drummiling Hill at 104m AOD prevents views up the Ballees valley from the west. There are also a number of summits to the west such that the site lies effectively within a bowl. There are no views of other turbine development from the vicinity of Low Ballees Farm as can be noted when the site is visited. The turbine proposed is a small scale 55kW Endurance model with a maximum height to blade tip of 34.2m. It would be sited on land at approximately 105m AOD, meaning that the total height above sea level for the turbine would be 130m to hub height, 140m for the blade tip. Given that the hills to the south, east and north rise above this height, the turbine would effectively be screened from longer views. The topography to the west would also hide the turbine from all but a few properties in West Kilbride, the A78, the Firth of Clyde and the Islands beyond. The turbine would be backclothed by the farm buildings and the hills so it would at no point appear against the skyline. The turbine could be seen from a short stretch of the B781, but it is a small turbine - a single structure. Unlike the numerous pylons in the area it would not be a distinctive feature, nor would it be inappropriately out of scale or character with its surroundings.

2.4 (b) no significant adverse effect on landscape quality

2.5 The site is not part of a designated landscape and as such the landscape has no protection or designated significance. The nearest designated landscape is the Clyde Muirshiel Regional Park and Sensitive Landscape Area which includes the slopes of Blackshaw Hill to the south of the site. The influence of a single, relatively small turbine would not be so detrimental as to have a significant effect on the landscape character of the area. This is borne out in the Policy Statement by SNH who's strategic locational guidance for onshore wind farms "excludes small wind developments of a domestic or small business scale, typically single turbines of under 50kW capacity, which may be accommodated satisfactorily in most landscapes." (The proposed turbine is 55kW capacity which is very close to this definition.)

2.6 The landscape context of the site is a bowl of farmland surrounded by hills. This bowl has been traversed by numerous power lines and pylons which have industrialised the landscape. The area is already heavily influenced by human activity - i.e. agriculture and electricity transmission lines, with Hunterston power station also visible. The site would be screened from long views by the hills that surround it, so the only visual impact of the turbine would be at a local level within the valley bowl. It is only intermittently visible from the B781 and the few properties in West Kilbride that may have views of the turbine are located over 1.5km from the site. The view from these properties includes numerous pylons in the foreground and middle distance as two separate sets of transmission lines pass through the "bowl". (This is shown on the photographs attached at appendix LB1.) The review site, in the far distance, is associated with the farm buildings and backclothed by Gill Hill.

2.7 The proposal would therefore have no significant adverse effect on landscape quality.

2.8 (c) no unacceptable intrusion or adverse effect on the natural heritage of the locality

2.9 There are no natural heritage designations on the site and no cultural features in the locality. The site is currently a small part of a field put to grass and used as grazing land for the dairy farm. The turbine would be a temporary structure and the land would be reinstated when it is no longer required. The proposal would therefore have no adverse effect on natural heritage.

2.10 (d) no adverse effect on telecommunications, transmitting, receiving or radar systems

2.11 There were no objections or adverse comments received by North Ayrshire Council to this proposal. The Report of Handling notes that Glasgow Prestwick Airport had "indicated verbally that it is unlikely that the proposed turbine would be detected by their radar system due to higher intervening ground levels to the south of the proposed site." The proposal would therefore have no adverse effect on radar systems.

2.12 (e) satisfactory connection to national grid

2.13 The turbine would be connected to the National Grid supply by underground cable to the nearest transformer, approximately 200m distant, at the farm building, to enable Mr Campbell to initially use the electricity generated for running the farm (80,000kWh currently), and then to allow any surplus energy generated (approximately 20,000kWh) to be fed into the grid. (Mr Campbell intends to increase the number of cattle over the next three years and this surplus energy will be required by the expanding agricultural activity.) The proposal can be satisfactorily connected to the grid.

2.14 (f) assessment of cumulative impact

- 2.15 The landform around the site as described above would mean that the small turbine would be seen in isolation with no other turbines visible from the site. The hills between the site and the wind farms in the area protect the turbine site from inter-visibility. There are few points along the B781 where other turbine development is visible and at these points there are only glimpses of the blades of 2 turbines at the Ardrossan Wind Farm. It is unlikely that the small turbine at Low Ballees Farm would be seen in the same view as the large turbines at the Ardrossan Wind farm. Visual separation from the wind farms in the area is maintained by the landform. Moreover, the proposed turbine would not be visible from journeys along the A78 or down the Clyde. The proposal is therefore satisfactory in terms of cumulative impact.
- 2.16 Having assessed the proposal against each of the criteria of Policy INF7, it is clear that the proposed development is in accordance with Policy INF7. The Local Review Body is encouraged to carry out a full site visit to the farm and its surroundings in order to appreciate that the proposal would not result in a significant adverse impact on the quality of the landscape in this area.
- 2.17 Given that the Scottish Executive is committed to renewable energy (with the current aim for 100% of Scotland's electricity to be generated from renewable sources by 2020) there is a need for wind turbine development to come forward. This proposal epitomises the aspirations of the Scottish Government - it enables a farming business operating under low margins to become viable, with the additional advantage of becoming carbon neutral, thus contributing to the renewable energy target. This is a significant benefit which needs to be given particular weight in the balancing of the arguments in this case.

3.0 Reason number 2 – Policy ENV1

- 3.1 It may not have been clarified sufficiently in the planning application, but the applicant, Mr Campbell, is a third generation dairy farmer with a herd of 100 Holstein Friesian cows and 150 followers (250 cattle). He produces over 700,000l of milk per year from his 210 acres at Low Ballees Farm. He has plans to expand his dairy herd to over 300 cows within the next 3 years. He is Vice Chairman of First Milk Ltd and Past Chairman of Assured Dairy Farms.

- 3.2 Mr Campbell supplies milk to ASDA and Wm Morrison. These companies demand that their suppliers produce their milk using either low or zero carbon energy. Currently, over 80,000kWh of electricity is consumed on the farm annually. Mr Campbell wishes to fulfill his obligations to reduce carbon emissions and reduce costs at the farm by supplying his own electricity from a renewable source – a single small wind turbine. This would have the joint outcome of allowing the farming business, the last dairy farm in the area, to be viable enough to survive and to be sustainable. Please see the letter from Mr Campbell attached at Appendix LB2.
- 3.3 Policy ENV1 has a presumption against development in the countryside unless it is related to a legitimate rural enterprise such as farming. It is clear that Mr Campbell operates a genuine agricultural farming business which has a justified need for the development proposed, and as such the principle of development in the countryside can be accepted in this instance. The proposal is therefore in compliance with Policy ENV1.

4.0 Reason number 3 - Criteria (a), (b) and (c) of the Development Control Statement

- 4.1 The Development Control Statement sets out the criteria for assessing all development proposals in North Ayrshire. The decision notice specifies criteria (a), (b) and (c).
- 4.2 **Criterion (a) - Siting, Design and External Appearance**
- 4.3 The siting of the wind turbine was chosen to be closely associated with the farm buildings to have a relationship with the farm that it supplies and to reduce the distances for cabling. It is sited slightly downhill from the farm buildings in order to reduce its visual impact. A 55kW turbine was chosen as it was the smallest turbine available to provide the farm with its energy requirements. It is considered that the scale of the proposal is acceptable within the context of its surroundings as discussed above. The Endurance wind turbine is finished in galvanised steel with fibreglass/epoxy blades, and coloured matt white.
- 4.4 **Criterion (b) - Amenity**
- 4.5 Levels and effects of noise and vibration - the Endurance E-3120 turbine manufacturer information states that the turbine is inaudible at 160m from the tower base at wind speeds of 5m/s and 10m/s. As the blades turn slowly (42 rpm) and high quality components are used, the Endurance turbine is the quietest in its class. The nearest neighbouring property is 500m from the turbine so noise nuisance would not be an issue. Mr Campbell would be happy to have a standard noise condition attached to any permission in order to protect amenity, should this be deemed necessary.
- 4.6 Smell or Fumes - there would be no smell or fumes associated with the development.
- 4.7 Levels of Emissions - there would be no emissions from the turbine, indeed the reason for the development is to provide energy for the farm from renewable resources in order to reduce environmental pollution and carbon emissions.

- 4.8 Traffic Disturbance - the turbine would be managed on site by Mr Campbell and controlled from equipment within the farm buildings, with an annual maintenance visit from the manufacturer, so there would be no additional traffic associated with it on a day to day basis. Construction would involve the turbine being delivered by a single HGV journey to the farm. There may be some additional traffic movements to prepare the ground for the turbine but these would be minimal. This would be in the context of a busy working farmyard which already has large vehicular movements associated with it. As such, there would be no additional traffic disturbance.
- 4.9 Preservation of trees and hedgerows - no trees or hedgerows would be affected by the proposal.
- 4.10 Privacy, sunlight and daylight to neighbouring properties - the nearest neighbour is 500m from the site so would not be affected by these issues.
- 4.11 It should be noted that no objections have been received to this proposal, which is an indication that the neighbours are satisfied that their amenity would not be affected.
- 4.12 **Criterion (c) - Landscape Character**
- 4.13 The policy refers to the Ayrshire Landscape Character Assessment 1998 in which the landscape is classified as "Raised Beach Coast" where tall structures should not impact on the skyline. It also recognises that the pylons serving Hunterston are a major landscape feature. However, it appears from the Council's Report of Handling that the document now used for this purpose is the approved SPG - "North Ayrshire Landscape Capacity Study for Windfarm Development: Phase 1 Report 2009" (NALCSWD). The NALCSWD identifies the landscape character of the area as "Rugged Moorland". This character is broken down into a number of sub-divisions and the site lies on the edge of the "Hauptland Muir" classification and on the edge of the area identified as having a high sensitivity to wind farm development.
- 4.14 The document states that smaller turbines here would contrast with the Ardrossan Wind Farm turbines and exacerbate the visual confusion of disparate elements. This would not, however, be the case on the application site as the proposed turbine would not be seen at the same time as the Ardrossan turbines as there is no inter-visibility and therefore no contrast. The small turbine would be backclothed against the hills and the farm buildings with the pylons in the foreground so it would be hidden amongst existing development rather than adding to visual confusion in the area. The grouping of pylons beyond the site to the east, would also help to disguise the turbine in views across the landscape. The fact that the landscape has already been developed in this way means that it has lost its natural landscape quality and is therefore suitable for a small single turbine to be located. This is an ideal location as there are no landscape designations and the turbine would only be visible in the immediate locality with few viewers.
- 4.15 The NALCSWD goes on to state that there is no scope for separate wind farm developments to be accommodated in this area. It should be noted, however, that this proposal is for a small single turbine, not a wind farm.

- 4.16 Figure No 9 of the NALCSWD (Appendix LB3) shows that the site is contained within the landscape with separation from wind farm developments being maintained by the hills. The site lies in the area surrounded by the purple, blue and green notations. The turbine would be sited in the valley and not on the slopes or tops of the hills.
- 4.17 In addition, the wireframes contained in this document are also a useful indication of how well hidden the site is in long views. Particularly of interest is the cumulative visualisation from The Lion Rock on Great Cumbrae (Appendix LB4). The site is located just to the left of the area highlighted as Ardrossan (Phase1 & 2).
- 4.18 The NALCSWD is a general document looking at the whole of Ayrshire and as such it does not take account of individual small landscapes that can be appropriate for small turbine development associated with a farm unit. It is therefore important that the Review Body visit the site in order to see the special circumstances and benefits of this particular location.
- 4.19 Once the site visit has been carried out it will become clear that the proposal is in accordance with criteria (a), (b) and (c) of the Development Control Statement.

5.0 Conclusion

- 5.1 As the proposed wind turbine is not considered to be contrary to policies ENV1, INF7 or the Development Control Statement, it is respectfully requested that the Local Review Body overturns the delegated decision made by the Council and grants planning permission, in the interests of the significant benefits that the turbine offers in terms of the commitment to generating energy from renewable resources and the viability and sustainability of Low Ballees Farm.

David Innes

Blueprint Planning & Development Ltd

April 2012

Appendices

LB1 - Photographs

LB2 - Letter from Mr Tom Campbell dated 20 March 2012

LB3 - Extract from “North Ayrshire Landscape Capacity Study for Windfarm Development: Phase 1 Report 2009”

Figure No. 9 - Key Landscape and Visual Constraints

LB4 - Extract from “North Ayrshire Landscape Capacity Study for Windfarm Development: Phase 1 Report 2009”

Figure No. 7 - Cumulative Visualisations from the Lion Rock, Great Cumbrae.

View of the site from Sharlee Wynd, West Kilbride

LB1 - a



Zoomed in view of site from Sharlee Wynd, West Kilbride

LB1 - b



LB1 - C

View of the site from West Kilbride Cemetery



LOW BALLEES FARM
WEST KILBRIDE
AYRSHIRE KA23 9PG

[REDACTED] : [REDACTED] 8
[REDACTED] : [REDACTED] 9

20 March 2012

Committee Services
Planning Department
North Ayrshire Council
Cunninghame House
Irvine KA12 8EE

Dear Sirs

REFUSAL OF PLANNING PERMISSION REF NO: N11/00784/PP

I have recently received your refusal to grant planning permission for a single turbine project on my property at Low Ballees Farm, citing a number of reasons supporting this refusal. I believe that I have grounds for appeal based on the needs of my business, which I have briefly summarised here, and so have instructed an appeal to be raised challenging your decision.

I own and operate a dairy farm in North Ayrshire producing milk for First Milk of which I am a participating cooperative member.

You will appreciate that the dairy industry operates at very low margin and as a producer I am under constant pressure from price fluctuations. To continue to operate and sustain my business in North Ayrshire, it is a necessity for me to ensure the certainty to my production costs in the long term of which the consumption of electricity is a significant part.

I consume over 80,000KWh's of electricity annually to operate my business based on my current herd size and as a result is one of my biggest costs. Added to this is the increasing price of electricity, which if increases as forecast will at some stage in the short term put my business at risk this combined with a low retail milk price which is unlikely to increase any time soon as a result of the wider economic pressures. This means that the balance of business survival is very difficult now and will continue to be so.

The introduction.../

Contd..../

The introduction of the feed in tariff scheme gives me the opportunity to invest in a farm scale turbine to meet much of my ongoing electricity consumption providing me with the certainty I need to run my business in a sustainable way which I believe is exactly what the feed in tariff is meant to encourage. In addition I also understand that your planning guidelines are also aligned to encourage exactly the type of development that I need supporting the local production of electricity for my own needs also our farm is the last remaining dairy unit in the West Kilbride area, providing diversity within the area, also significant economic activity and employment both directly and indirectly.

My application is for a single 55Kw turbine, sized to match my production needs with an output of up to 100,000KWh's with my wind speed therefore covering my current production needs and providing further opportunity to meet my domestic needs with the balance. It cannot and should not be confused with a commercial wind turbine or wind farm project as the turbine will very much be part of the farm infrastructure and will, from a West Kilbride viewpoint, blend in with the existing farm steading.

As well as the urgency to reduce my operating costs, I am under growing pressure from First Milk's retail customers, which include Wm Morrison and Asda, to produce my milk using either low or zero carbon energy, reducing my dependency/consumption of grid electricity, again supporting my business need for the on site energy generation I have applied for.

I fully appreciate the need for strict controls around the opportunistic development of commercial wind projects however you will hopefully recognise my needs are for business viability.

I hope that this sets the context around the purpose of my initial planning application and why my project is so important for the long term viability of my dairy farm in North Ayrshire and for those who rely on it.

Yours faithfully



Tom Campbell

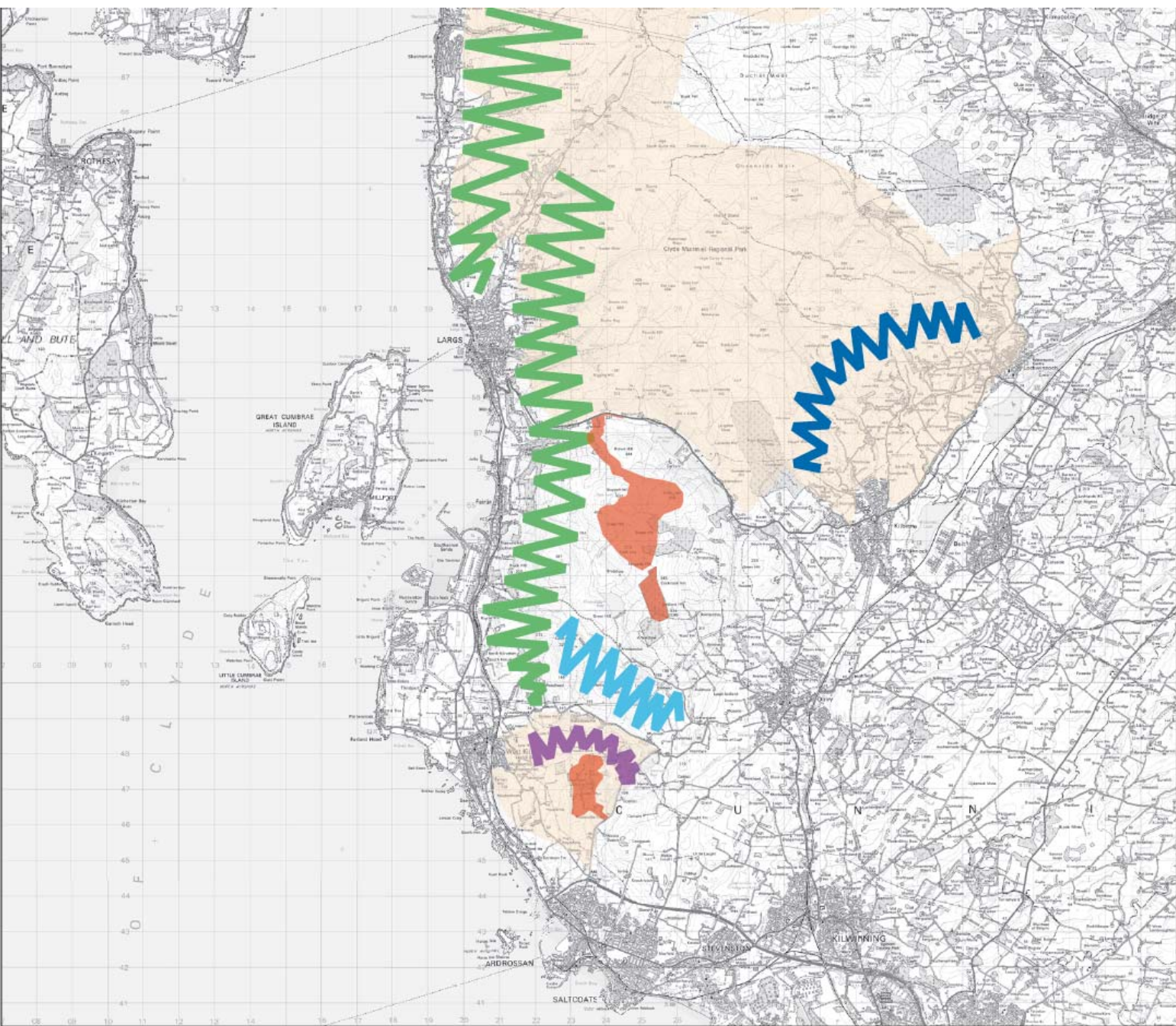
Landscape Capacity Study for Wind Farm Development in North Ayrshire

PHASE ONE REPORT








Carol Anderson
Alison Grant
Landscape Architects



October 2009




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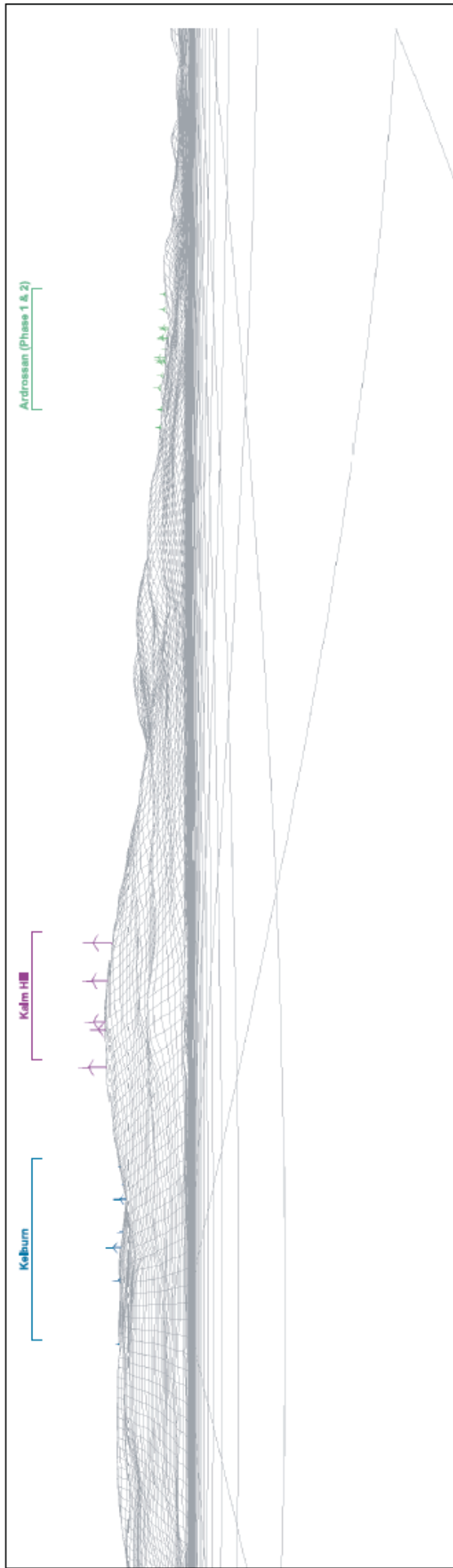
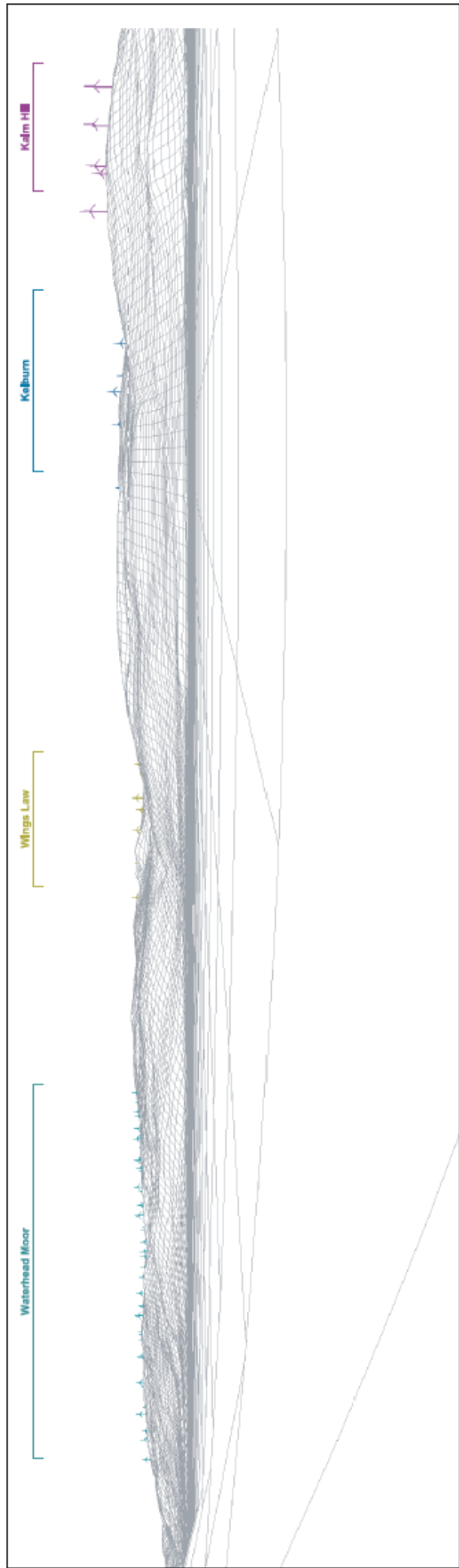
-  Landscape character areas with a high sensitivity to windfarm development
-  Prominent 'edge' hills and steep slopes seen from the west
-  Hills forming an immediate backdrop to small scale eastern hill slopes
-  Hills important in separating existing windfarm developments
-  Existing / consented windfarms
-  Inverkip Power Station chimney
-  Hills forming an 'edge' and immediate setting to windfarm development

0 1 2 3 4 5 km

North Ayrshire Landscape and Visual Sensitivity to Windfarm Development Phase 1 Study

Key Landscape and Visual Constraints

 Fig No: 9



NORTH AYRSHIRE LOCAL PLAN (EXCLUDING ISLE OF ARRAN)

**ADOPTED
4th NOVEMBER 2005**



WORKING



LIVING



ENVIRONMENT

- 7.26 The coast is also subject to erosion and flooding. With global warming and predicted increases in frequency and severity of storms together with rises in sea level, flooding and erosion problems are liable to increase in the future. At present there are a number of coastal locations that are known to present a flood risk including Saltcoats, Largs and Millport. These three locations are likely to be the subject of detailed study and any proposed coastal defence works will require being mindful of the local environmental qualities of the area.

POLICY INF 6 FLOODING

- (a) Within existing built up areas, at locations that are known to have flooded in the past and/or are identified in the Council's flood risk consultation maps, development which will not significantly increase the number of people occupying/visiting the area shall accord with the Local Plan.
- (b) Applicants for developments, within areas that are known to have flooded in the past and/or are identified in the Council's flood risk consultation maps, may be required to submit a flood risk assessment which demonstrates that any risk of flooding can be satisfactorily mitigated without affecting the flood risk elsewhere.

Developers are advised to seek pre-planning application consultation with the water authority, NAC Roads, and SEPA in this respect.

Sustainable Urban Drainage

- 7.27 A significant proportion of water pollution is caused by the untreated surface run off from urban areas. Methods aimed at reducing this problem can be designed into a proposed development at the outset. Such methods of drainage include filter strips and swales, filter drains and permeable surfaces, infiltration devices and basins, ponds and wetlands. These devices work by providing storage or flow attenuation, and by utilising the natural processes of sedimentation, filtration and bio-degradation to remove pollutants. The Council acknowledges these methods of source control and passive treatment recommended by the Sustainable Urban Drainage Working Party in its 'design manual for Scotland and Northern Ireland'. Accordingly, new developments with innovative methods of surface water disposal and treatment shall be encouraged after consultation with the Scottish Environment Protection Agency and the Water Authority.

Renewable Energy

- 7.28 To meet the commitment to address the climate change issue, made at Kyoto in 1997, the UK has accepted a legally binding target of reducing emissions of a variety of greenhouse gases by

12.5% below 1990 levels by 2008-2012 as its contribution to the European target of an 8% reduction. A domestic goal has also been set in the UK of a 20% reduction in carbon dioxide emissions by 2010. The Scottish Executive is committed to Scotland making a full contribution to these goals.

- 7.29 Renewable energy sources include wind power, solar power, geothermal energy, wave power, biofuels and hydroelectric power, the land requirements of which all differ. NPPG 6 has been revised and sets out the Government's policy on Renewable Energy and promotes an increased role for this type of energy production. Development should not result in the loss of farmland protected in terms of Policy ENV 2.

POLICY INF 7 RENEWABLE ENERGY

Proposals for the development of wind turbines, wind farms, biomass, energy from waste and any other renewable energy developments shall accord with the Local Plan subject to the proposal satisfying the following criteria:

- (a) the development is appropriate in design and scale to its surroundings;
- (b) where it can be demonstrated that there is no significant adverse effect on the intrinsic landscape qualities of the area, in particular on those areas outlined in policy ENV 5 and ENV 8;
- (c) the proposal shall not result in unacceptable intrusion, or have a significant adverse effect on the natural or built heritage of the locality;
- (d) it can be demonstrated that any significant adverse effect on telecommunications, transmitting, receiving, or radar systems, can be effectively overcome;
- (e) the proposal can be satisfactorily connected to the national grid without causing negative environmental impact; and
- (f) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no negative impacts due to the cumulative impact of development proposals.

The Council will require that unused apparatus will be removed within 6 months of it becoming redundant and that the site will be restored.

Telecommunications

- 7.30 The growth and use of mobile phones has led to an increase in demand for mast sites (or base stations). It is estimated that the continuing roll out of second generation equipment by mobile

Context

- 12.1 There is a significant rural area within North Ayrshire and the Local Plan must balance the protection and enhancement of the environment with providing for the needs of the rural community. The strategy promoted by the Local Plan directs development to settlements and protects the countryside. Policies, however, provide for developments with specific locational need.
- 12.2 NPPG 14 Natural Heritage, NPPG 15 Rural Development and PAN 60 Planning for Natural Heritage detail the Government's planning policies in relation to the countryside and natural environment with a view to its protection, conservation and enhancement.
- 12.3 Rural activities contribute to the local economy and provide important jobs in farming, forestry and quarrying as well as leisure and tourism. This is recognised by the Local Plan.
- 12.4 The Local Plan details the inventory of environmental assets and sets out policies to support and promote important landscapes and nature conservation.
- 12.5 The Council has adopted a Local Agenda 21 Environmental Policy and supports the governments commitment to protecting and enhancing biodiversity, which is the range and extent of animal and plant species within an area. An Ayrshire Local Biodiversity Action Plan has been prepared, which translates the national strategy down to the local level and aims to conserve and enhance habitats and species through local action.
- 12.6 The Local Plan must seek to conserve and enhance the nature conservation value of the area and also protect trees and woodland which make an important contribution to biodiversity.

Strategy

- 12.7 To balance conservation with appropriate development the Local Plan strategy for the countryside and natural environment aims to:
- ◆ Support, conserve and promote scarce natural resources and landscape character
 - ◆ Conserve and enhance sites of ecological importance
 - ◆ Sustain the viability of rural communities
 - ◆ Support development with specific locational need

- ◆ Develop and enhance the major recreational and tourist related resource at Clyde Muirshiel Regional Park
- ◆ Improve public access to the countryside and within the countryside
- ◆ Support new forestry and community woodland planting as well as the management of existing tree cover to enhance the area
- ◆ Bring contaminated and derelict land back into effective use
- ◆ Support planting and landscape improvements to urban fringe sites and developments in the countryside.

Justification and Policies

Countryside

- 12.8 Policy ENV 1 indicates a presumption against development in the countryside which is not related to farming, forestry, and other legitimate rural enterprises. Exceptions may be made for appropriate rural businesses or tourism and leisure developments that require a rural location. The plan limits new housing within the countryside to that needed for farming, forestry and rural industry, and to small plots within existing rural villages which can be readily serviced.
- 12.9 This policy aims to maintain a sustainable land use pattern by ensuring that new housing development contributes to maintaining rural industry and services, whilst minimising environmental impact and the need for travel. Development proposals within the countryside should take on board the guidance within the approved Rural Design Guidance.

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 operational 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; or
- (e) a development within an existing village, where a gap site exists; or
- (f) a development within an existing village which would not constitute ribbon, backland or sporadic development.

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.

Development of renewable energy resources which, comply with the criteria set out in Policy INF 7 shall accord with the Local Plan.

Development proposals should take account of the Council's approved Rural Design Guidance.

For tourism and recreational development see Policy **TOU 4**.

For Telecommunications development see Policy **INF 8**

12.10 The conversion and rehabilitation of existing buildings is supported subject to the following policy.

POLICY ENV 1A CONVERSION, REHABILITATION OR REPLACEMENT OF EXISTING BUILDINGS IN THE COUNTRYSIDE

Proposals for conversion, rehabilitation or replacement of existing buildings in the countryside shall accord with the Local Plan subject to meeting the following criteria:

- (a) the building must be in an acceptable location and of an appropriate scale and character for the proposed use;
- (b) the building must have substantial residual fabric and be capable of reuse without recourse to substantive alterations to original features such as wallhead heights. Secondary or ancillary buildings, not part of the main building(s) shall not be considered appropriate for conversion to residential use;
- (c) any new additional extension or features must not dominate the original building;
- (d) the building must be capable of being satisfactorily serviced; and

- (e) there should be adequate curtilage to provide access, parking and private garden space.

A structural report may be requested from a suitably qualified person to support reuse.

Any replacement must be a wholly equivalent design to an acceptable conversion or rehabilitation of the building it replaces and a structural report must demonstrate to the satisfaction of the planning authority that conversion or rehabilitation cannot be achieved.

Upgrading of surroundings will be sought for conversion or redevelopment schemes involving more than one property. Any ancillary buildings shall be treated as new development.

Permitted development rights may be removed.

Farming

12.11 National planning policy for agriculture, as outlined in Scottish Office Circular 18/1987, as amended by Circular 25/1994, protects prime agricultural land from inappropriate development. Prime agricultural land is defined as being of grade 1, 2 or 3.1 of the Macaulay Land Capability for Agriculture Classification. The extent of prime farmland within the Local Plan area is very limited. It is confined to the lower lying farmland within the Irvine and Kilwinning area and the coastlands at Ardrossan, Stevenston, Portencross, Hunterston and Fairlie.

12.12 National guidance also provides protection to locally important non-prime agricultural land which is defined as being of grade 3.2 of the Macaulay Classification. Grade 3.2 land is better represented within the area and is to be found within the valley floor lands of the main river courses.

POLICY ENV 2 FARMLAND

1. Proposals for development which would lead to the permanent loss of prime quality farmland (grades 1, 2, and 3.1 on the Macaulay Institute Agricultural Land Classification Maps) and which would have a detrimental effect on the viability of a farming unit shall not accord with the Local Plan; and
2. Proposals for development on locally important non-prime agricultural land (grade 3.2 on the Macaulay Institute Agricultural Land Classification Maps) shall not accord with the Local Plan unless the need for the development outweighs the importance of the agricultural land.

12.13 Agriculture in the area has followed broader trends within the country; falling incomes, amalgamation of farms, environmental pressures and a decrease in labour. The agricultural sector is contracting and there is an increasing number of smaller farms, "hobby farms" and

3.0 Development Control Statement

Context

- 3.1 The Local Plan establishes the land use framework for the promotion and control of development.
- 3.2 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
- 3.3 Applications for development will be assessed against the specific policies in the Development Plan (the Structure Plan and the Local Plan) to determine whether the application is in accordance or whether the application requires to be advertised.
- 3.4 In addition to the provisions of the Local Plan, Development Control Officers must consider whether weight should be given to any material consideration. Examples of material considerations are given in Scottish Planning Policy 1 and include major National and European policy, the views of statutory consultees, legitimate public concern or support and more localised issues which are set out in the Development Control Statement.
- 3.5 Developers are encouraged to bring forward proposals which accord with the land uses and policies set out in the Plan and/or which are contained in an approved development brief. Applications for developments which depart from the Development Plan are subject to special procedures and advertisement. **Policy A 1** provides guidance on non-conforming uses.

Development Control Statement

- 3.6 All development proposals will be determined against Development Control Criteria, as relevant, and the following Development Control Statement sets out the framework for this assessment.
- 3.7 These detailed criteria are not repeated in individual policies in the local plan. They will apply, as appropriate, to all development.

DEVELOPMENT CONTROL STATEMENT:

CRITERIA FOR ASSESSING ALL DEVELOPMENT PROPOSALS

(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.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- ◆ Levels and effects of noise and vibration.
- ◆ Smell or fumes.
- ◆ Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution.
- ◆ Disturbance by reason of vehicular or pedestrian traffic.

Development should have regard to the preservation and planting of trees and hedgerows.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

Development should have regard to landscape features and the landscape character of the area.

The Ayrshire Landscape Character Assessment, March 1998, will be used to assist assessment of significant development proposals. (Ayrshire Joint Structure Plan Technical Paper 16).

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal.

Development should have regard to North Ayrshire Councils Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Water and Sewerage:

Development should have regard to the good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland March 2000.

Development proposals should demonstrate that SUDS have been incorporated as part of the submission and such details should be included at both the outline and full planning application stages.

Where possible foul drainage from development within a sewered area should be connected to the existing foul drainage system.

Developers are recommended to hold early discussions with Scottish Water, NAC Roads and SEPA.

Supporting Information Paper No. 17 provides supplementary guidance on private sewerage systems.

(f) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted.

Supporting Information Paper No. 19 provides further information on Safeguarding Zones.

(g) The Precautionary Principle :

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development, or any proposed development, including the application itself.

Applicants may contact Development Control for further information.

REPORT OF HANDLING



Reference No:	11/00784/PP
Proposal:	Erection of one 55kwh wind turbine on 25m high mast
Location:	Low Ballees Farm, West Kilbride, Ayrshire, KA23 9PG
Local Plan Allocation:	Countryside/Rural Community
Policies:	POLICY ENV1POLICY INF7Development Control Statement
Consultations:	Yes
Neighbour Notification:	None Required
Advert:	Not Advertised
Previous Applications:	11/00427/EIA for Screening Opinion for the erection of one 10kW wind turbine measuring 15m to hub and 19.8m to tip with a blade swept diameter of 9.6m was Scoping/Screening Agreed on 21.10.2011

Description

This application relates to the proposed erection of a single wind turbine on a hill top site some 100 metres south west of the steading of Low Ballees Farm, which is located on the southern side of the B781 West Kilbride - Dalry road some 2 Kms east of West Kilbride.

The proposed turbine would be 24.6 metres high to hub height and 34.2 metres high to blade tip, with each of its three blades being 9.6 metres long and would have a rated output of some 55kw. The applicant has also confirmed that the proposed turbine would be connected to the National Grid to enable surplus energy generated to be fed into the grid system. No indication has been provided in the submission in relation to the proposed colour of either the tower or blades.

The application site lies within an agricultural field at an elevation of some 105 metres AOD and, with the exception of a dwellinghouse immediately adjacent to the farm steading, is relatively removed from other properties, the nearest to it, being Blackshaw, some 500 metres to the east and Faulds, some 650 metres to the south west of the application site.

In the Adopted Local Plan the application site lies within an area identified as Countryside where Policy ENV1 applies. This policy indicates a general presumption against development in the countryside unless satisfying supporting criteria, one of which allows developments relating to renewable energy where they can be justified against Policy INF7.

INF7 states that renewable energy developments would accord with the Plan subject to satisfying criteria including, being of appropriate design and scale to their surroundings; having no significant adverse impact on the intrinsic landscape qualities of the area; causing no intrusion or adverse effect on the natural or built heritage of the locality; having no significant adverse effect on telecommunications, transmitting, radar systems etc; having adequate grid connection; and, having no negative cumulative impact.

The proposal also requires assessment against the relevant criteria of the Development Control Statement of the Local Plan.

Consultations and Representations

There was no requirement to undertake neighbour notification due to the significant extent of land ownership of the applicant surrounding the site, nor was it necessary to advertise the application. No public objections have been received.

Glasgow Prestwick Airport: No formal response received to date. They have however indicated verbally that it is unlikely that the proposed turbine would be detected by their radar system due to higher intervening ground levels to the south of the proposed site.

Response – Noted.

Analysis

Policy ENV1 of the Local Plan indicates a presumption against development in the countryside but does however permit renewable energy developments where they can be justified against Policy INF7.

It is considered that the proposed development conflicts with one of the criterion of INF7 namely (b) significant adverse impacts on the intrinsic landscape qualities of the area. The other criteria are either considered to be acceptable or, able to be mitigated by condition or through further discussions with the applicant. In relation to criterion (b) above, the Council's approved supplementary planning guidance (SPG) "landscape capacity stuffy for windfarm development: Phase 1 Report" of 2009 is considered to be a material planning consideration. The above study was commissioned in response to a high number of windfarm and individual wind turbine development proposals within North Ayrshire and provides advice to the Council and renewable energy developers, on landscape and visual issues, identifying areas where turbines could be located causing the least visual intrusion and impact on landscape character and also highlighted where developments would be unacceptable in terms of potential significant landscape and visual impact. Within the stuffy the application site lies within the "hauptland muir" classification. This particular area is identified as having a high overall sensitivity rating where there is considered to be no scope for separate windfarm developments to be accommodated due to the close proximity of the existing Ardrossan Windfarm and the accumulative impacts that would occur between developments of potentially different scales. Accordingly, the proposed development is considered to conflict with the Council's approved landscape guidance and therefore also failed to satisfy criterion (b) of Policy INF7.

In failing to satisfy policy INF7 the proposal also therefore fails to satisfy Policy ENV1 as an acceptable form of development in the countryside.

In relation to the Development Control Statement, the relevant criteria are (a) siting, design and appearance, (b) amenity, (c) landscape character and (f) safeguarding zones. It has already been demonstrated above that the siting of the proposed development would be in appropriate at this location due to the scale and appearance of the turbine having a detrimental impact on landscape and visual amenity and contributing to the detrimental cumulative impact of wind turbine development in the area, thereby failing to satisfy criteria (a), (b) and (c). Further consideration under criterion (b) is that of the potential for the proposed wind turbine to adversely impact on noise levels reaching neighbouring dwellinghouses. No detailed noise data has been submitted by the applicant with the application however it was not considered necessary to ask for further detailed information to be provided given the clear conflict with the landscape capacity guidance.

In view of the above it is recommended that the application be refused as it would be contrary to Policies ENV1 and INF7 and would fairly to satisfy the requirements of the Development Control Statement of the Adopted Local Plan.

Decision: Refuse.

Decision

Refused

Case Officer - Mr Gordon Craig

Appendix 1 - Drawings relating to decision

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

Local Review Body

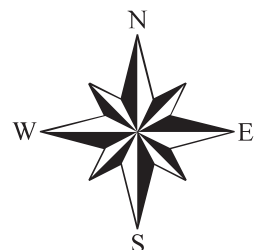
11/00784/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





**NORTH AYRSHIRE
COUNCIL**

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

No N/11/00784/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 : Mr Tom Campbell
c/o Assist Design Ltd Fao Douglas Taylor
100 Station Terrace
Kerr Street
Glasgow
G40 2QP

With reference to your application received on 6 December 2011 for planning permission under the above mentioned Acts and Orders for :-

Erection of one 55kwh wind turbine on 25m high mast

at Low Ballees Farm
West Kilbride
Ayrshire
KA23 9PG

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 INF7 in the adopted North Ayrshire Local Plan (excluding Isle of Arran) in that it would have an adverse impact on the landscape quality of the area.
2. That the proposed development would be contrary to ENV1 in the adopted North Ayrshire Local Plan (excluding Isle of Arran) in that it would result in Development in the Countryside for which there is no justification.
3. That due to its siting, design and appearance, the proposed development would fail to satisfy criteria (a), (b) and (c) of the Development Control Statement of the adopted North Ayrshire Local Plan (excluding Isle of Arran) in that it would have an adverse impact on visual amenity and the landscape character of the area.

Dated this : 3 February 2012

(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

15 August 2012

Local Review Body

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

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 12/00012/PP for the erection of a one and a half storey extension to the front of the semi-detached dwellinghouse at 11 Torrlinn Terrace, Kilmory, Brodick, 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 2 - 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 There were no interested parties (objectors to the planning application and/or statutory consultees) in respect of this application and, therefore, no consultations were required in this instance.

6. Conclusion

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



ELMA MURRAY
Chief Executive

Reference :

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

Background Papers

Planning Application 12/00012/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) | X |
| 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 | X |
| 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 | |
| 2. One or more hearing sessions | |
| 3. Site inspection | X |
| 4. Assessment of review documents only, with no further procedure | X |

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? | X | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X | <input type="checkbox"/> |

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

N/A

Statement

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

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

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

SEE ATTACHED STATEMENT DOCUMENT

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

Yes No
☐ ☒

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

ADDITIONAL PHOTOGRAPHS AND AERIAL VIEW SKETCHES ATTACHED IN SUPPORT OF THE APPEAL WHICH WERE NOT SUBMITTED AS PART OF THE ORIGINAL PLANNING APPLICATION AS THEY WERE NOT CONSIDERED NECESSARY AT THAT TIME.

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.

COVERING LETTER
 NOTICE OF REVIEW - STATEMENT DOCUMENT
 APPENDIX A: PHOTOGRAPHS OF EXISTING DWELLING
 APPENDIX B: PHOTOGRAPHS OF ADJACENT DWELLINGS
 APPENDIX C: AERIAL VIEW OF PROPOSED EXTENSION :
 APPENDIX D: LETTER OF JUSTIFICATION
 APPENDIX E: LETTER OF SUPPORT
 APPENDIX F: LETTER OF SUPPORT
 APPENDIX G: DRAWINGS & PLANS AS SUBMITTED TO PLANNING (6 No. pages reduced to A4)

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

28,05,12

STATEMENT

North Ayrshire Council have refused Planning Permission Ref No. N/12/00012/PP for the erection of a 1½ storey extension to the front of a semi detached dwelling house at 11 Torrlinn Terrace, Kilmory, for Mr & Mrs George Keenan, on the following grounds:

- 1. That the proposed development would not accord with Criteria (a) and (b) of the Development Control statement of the adopted Isle of Arran Local Plan, in that by reason of its scale, siting and design, the extension would significantly detract from the appearance of the dwelling house and the visual amenity of the area.***

We are aggrieved by this decision to refuse permission for the proposed development, and in requiring North Ayrshire Council as the planning authority to review the case, we would contend that the proposal does indeed accord with the Local Plan and we further contest the reasons given by North Ayrshire Council. Your attention is drawn to the points raised in this statement in support of the proposal particularly with regard to the 'scale' 'siting', 'design' & 'visual amenity'.

BACKGROUND

The applicant site, No.11 Torrlinn Terrace, is situated at the rear of a small local authority housing estate in the village of Kilmory. It is a semi-detached 1½ storey dwelling with existing large box dormers projecting from both front and rear roof planes. Torrlinn Terrace is accessed from the track leading to Kilmory Church and the property is not visible from the main road. The privately owned dwelling has a tapering driveway to the side providing access to the rear garden area. (Appendix A)

BRIEF

The applicants are registered foster carers looking after 3 No. foster children. The need for safe, secure and settled fostering is well documented in the attached letters of support. (Appendices D, E & F). The growing demands of their charges have necessitated an urgent requirement for an additional single bedroom. What was an acceptable situation for siblings to share a room at an early age is now not acceptable for teenage siblings to share a bedroom.

It was to meet these growing demands that the applicants decided to extend the dwelling to increase the number of bedrooms. Various options were considered, but rejected in favour of the current proposal, which extended the existing linen cupboard off the existing landing to create a single bedroom whilst retaining the existing airing cupboard over the hot water storage tank. This solution provides minimal loss of storage and minimal disruption to the day to day running of the home.

First floor bedrooms are preferred to provide a level of parental control and security over teenage foster children.

The creation of additional cupboard space to the entrance porch below is an added bonus for the busy household.

SCALE

The scale of the proposed extension is just large enough to provide the necessary accommodation yet small enough to sit comfortably on the roof and front of the existing dwelling. The minimal projection of 1.5M is proportionally in keeping with the depth of the existing building.

To create adequate head height in the proposed bedroom, and to satisfy Building Standards, it was necessary to break through the roof to create a dormer extension. (See drawings & Aerial view, Appendices G & C)

SITING

The compact design of the existing dwelling restricts the options for further development. The restrictions of the angled side boundary together with the need to maintain clear external access to the rear garden area for children's toys & bikes, together with garden equipment & lawnmowers etc., without trailing through the house, ruled out the possibility of a side extension. The rear roof is presently filled with the existing large white PVC clad box dormer. (See photographs Appendix A)

The front of the dwelling was selected as it provided the potential to extend the existing small space of the linen cupboard off the existing landing area, without the loss of precious storage space, and to minimise the disruption to the day to day running of the household.

DESIGN

The simple design of the existing dwelling and its semi detached neighbour is already somewhat compromised by the 'scale, siting & design' of the existing large white PVC clad box dormers that project from both the front & rear roof slopes. (Appendix A)

With the precedent already set with front roof extensions, it was considered that the more aesthetically pleasing pitched dormer style, clad with roof tiles to match existing and with cement weatherboard to the sides painted a suitable colour over a traditional cement rendered ground floor porch to match existing, would be a sympathetic and harmonious extension and would most definitely not '**significantly detract from the appearance of the dwellinghouse and the visual amenity of the area**'. Unfortunately the same cannot be said for the existing box dormers which do 'significantly detract from the appearance of the existing dwellings and the visual amenity of the area'.

The dormer does project beyond the line of the existing front wall by a mere 1.5M, this minimal projection is required to create the necessary space to satisfy Building Standards for a single bedroom.

The bedroom dormer extension is supported by a front entrance porch with cupboard space which will provide welcome additional storage for the busy household.

The external finishes have been selected to match the existing where appropriate, and to enhance the overall appearance of the dwelling. The design of the proposal mirrors the design of the extension to the front of the existing nearby property, Torrlinn Villa, which has a 2 storey extension. (Appendix B) and also the gabled extensions to the properties across the road at No.'s 1 & 3 Torrlinn Place.(Appendix B)

VISUAL AMENITY

The visual impact of the proposed extension will be minimal compared to the existing large white PVC clad box dormers already on site. The design of the proposed extension mirrors the design of an existing nearby property and the extension will be finished in a selection of materials that will match the existing and enhance the overall appearance of the dwelling.

There is no overall or distinctive architectural style to the area or local dwellings with a general mix of 1½ & 2 storey properties finished in a variety of materials & colours.

It should be remembered that the proposed extension site is situated at the rear of a small housing estate and cannot be viewed from the main road.

It is hard to conceive that the proposed development could detract in any way from the visual amenity of the area, as it is proposed to finish the extension in matching & harmonious materials & colours.

The existing large, white PVC clad, box dormers on the front and rear roof slopes of the existing dwellings already detract from the appearance of the dwelling house and the visual amenity of the area. It is too late to now become precious about appearance & visual amenity when such extensions have been permitted in the past.

CONCLUSION

The reasons behind the need for a further bedroom at the applicant site are genuine and well documented previously. The existing semi detached dwellings already have roof extensions & projections which by nature of their scale, siting & design, significantly detract from the appearance of the dwelling houses and visual amenity of the area.

There is no specific architectural style, and given the mix of styles already in the area, and, the examples shown of similar front extensions nearby, the design & siting of such a small scale proposed extension would enhance the appearance of the dwelling house and significantly improve the visual amenity of the area. This development should be granted planning permission and we would request that the Local Review Board confirm this and overturn the original decision to refuse consent.

APPENDICES

- APPENDIX A: Photographs of existing dwelling
- APPENDIX B: Photographs of adjacent properties
- APPENDIX C: Aerial view of proposed extension
- APPENDIX D: Letter of Justification
- APPENDIX E: Letter of support from South Ayrshire Council
- APPENDIX F: Letter of support from Kenneth Gibson MSP
- APPENDIX G: Set of plans as submitted to planning department

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03.05.12



11 Torrinn Terrace - Rear Elevation showing large box dormer



11 Torrinn Terrace - Front view showing neighbouring box dormer

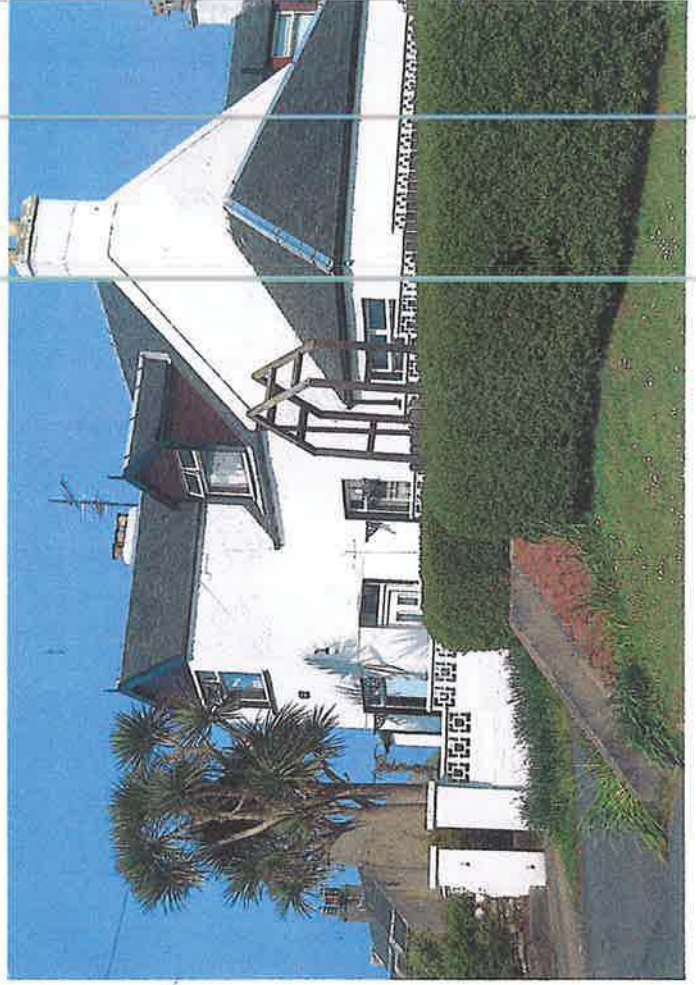


11 Torrinn Terrace - Side Driveway showing angled boundary



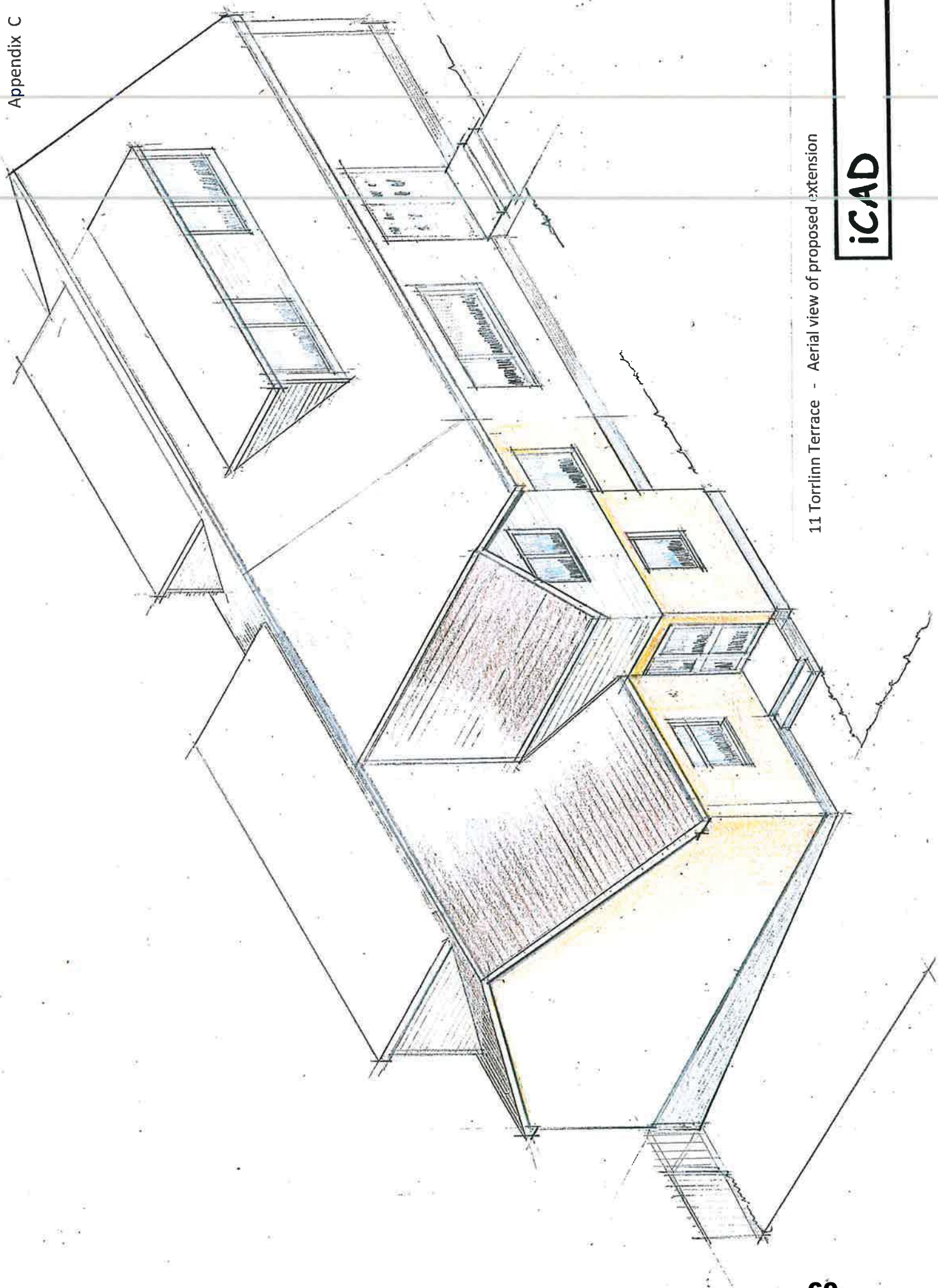
11 Torrinn Terrace view at rear of side driveway showing access to garden

11 Torrinn Terrace
View of Torrinn Villa showing front gabled dormer extension
Similar to proposed



11 Torrinn Terrace
View of dormer extensions directly in front of applicant site





11 Torrinn Terrace - Aerial view of proposed extension

iCAD



Your Ref: N/12/00012/PP

11th January 2012

Legal & Protective Services
Development Management
North Ayrshire Council
Cunninghame House
IRVINE
KA12 8EE

Attention Julie Hanna

Dear Sirs

**PROPOSED 1½ STOREY EXTENSION TO SEMI-DETACHED DWELLING AT
11 TORRYLINN TERRACE, KILMORY, ISLE OF ARRAN, MR & MRS G KEENAN**

I refer to the recent application for full planning permission for the above and to your subsequent telecom requesting a letter of justification.

From our discussions, I am pleased to confirm that Mr & Mrs Keenan are registered foster parents currently fostering children in their home. Foster parenting on Arran is provided & organised through South Ayrshire Council's, 'Children & Community' contact Kenny McGhee, Coordinator (Specialist Services), Children & Family Services, South Ayrshire Council (01292 612096). South Ayrshire Council are actively supporting Mr & Mrs Keenan's proposal, and have set a budget to cover the costs of the statutory approval applications, any associated professional fees, and the building costs.

The growing need for foster homes to provide for new children coming into the system and the changing needs of children already fostered can only be met by enlisting new foster parents (a lengthy procedure) or by providing additional space within existing registered foster family homes. Additional space within existing foster homes is required to meet the changing needs of foster children as they get older. A shared room for a young brother & sister, will not be suitable as they grow into teenagers.

It is to meet this need that Mr & Mrs Keenan are proposing to create an additional single bedroom, to provide some privacy for their existing foster children within the secure & familiar environment of the children's foster home.

The existing semi detached 1½ storey dwelling already has a large box dormer to the rear roof slope providing necessary head height and light to the bedrooms & bathroom. The adjoining property has a similar box dormer to the front roof slope.

You will see from the existing layout that the only way to provide additional bedroom space on the first floor is by utilising and increasing the existing linen cupboard off the landing, by creating a dormer to provide adequate head height and floor area. The additional ground floor entrance hall storage is a very welcome bonus in a very busy household.

I trust that the design, scale and finish of the proposed gable dormer extension meets with your approval and that the justification for the need has been clearly explained above.

Please call with any questions

Yours faithfully

IAN COOK
Agent

**Children and Community
Executive Director: Harry Garland**

Email:
Our Ref: Your Ref
Date: 28th February 2012
If phoning or calling ask for: Rhona Ronaldson

**Ms Julie Hannah
Development Management
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE**

Dear Ms Hannah,

RE: Extension to 11 Torrlinn Terrace, Kilmory, Isle of Arran

Mr and Mrs Keenan who own the above property are permanent carers for South Ayrshire Council. They have been matched with a sibling group of 3 children and it is envisaged that the children will remain with Mr and Mrs Keenan until they reach adulthood and beyond.

At present the 2 girls share a bedroom and the boy placed has his own bedroom. It is acknowledged and recognised that the girls are coming to an age where they require their own space to allow optimum development opportunities and privacy to the individual children.

Mr and Mrs Keenan are clear that they wish to continue to foster the children in the long term therefore the provision of another bedroom would not only benefit the children placed there at present but also any family placed in the future.

Should you require any further information, please do not hesitate to contact me at the above office.

Yours sincerely

**Rhona Ronaldson
Team Leader
Fostering & Adoption Team**

Tuesday 10 April 2012

Mr Ian T Mackay
Solicitor to the Council
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Ian,

**Mr and Mrs George and Denise Keenan,
11 Torrylinn Terrace, Kilmory, Isle of Arran, KA27 8PQ
Proposed Alterations and Single Bedroom Dormer Extension**

The above constituents, telephone number 01770 870 313, called to see me at my Kildonan surgery yesterday, regarding the above.

Mr and Mrs Keenan are foster parents and South Ayrshire Council agreed to fund an extension to their home to the tune of £25,000, in order for them to improve the accommodation they provide for the children whom they foster.

The planning application they submitted (Ref. N/12/00012/PP) was rejected on 08 March 2012. However, the Keenans wish to appeal this decision, not for their own sake but for the sake of the children whom they foster.

Presently Mr and Mrs Keenan can accommodate up to three children, but these children range from primary to secondary school aged children and are both male and female. As a result, the children do not currently enjoy the privacy that they require. The extension that they propose would change that and improve the quality of life of the often emotionally fragile children whom they look after.

Council officers have suggested that the forward extension, which would extend only 2 metres out of the front of the house, is not in keeping with other local properties and that the extension should go to the side or the back of the house.

Firstly, it is important to note that whilst all neighbours were notified, no one in the Kilmory community had any objections to the proposed extension.

An extension to the side of the house would make it difficult to get around the back of the house for children with their bikes, etc.

An extension at the back would also impact the children by making it so that the children would effectively have to move to the living room to eat, which is of course less than satisfactory. It would also mean that Mr and Mrs Keenan would not necessarily hear the children at night should they be distressed. They would not only lose part of the garden, where the children could play, but also part of the kitchen, which is already quite tightly spaced. Such an extension on its own would not provide enough space for the children

Mr and Mrs Keenan have pointed out that your officer who visited, Ms Julie Hanna, did not actually measure the space behind the house and no photographs were taken of it. Therefore, they feel that the decision was based on information that was not wholly accurate.

While they can lodge an appeal, they would prefer the original decision to be revisited as they are of the view it was not based on all the available information.

Please find enclosed correspondence from Mr and Mrs Keenan and I would be obliged if you could again look at this matter sympathetically with a view to revisiting this decision for the betterment of the foster children who will gain from it.

With thanks in anticipation of your assistance.

Yours sincerely,

Kenneth J Gibson MSP
Cunninghame North

Enc



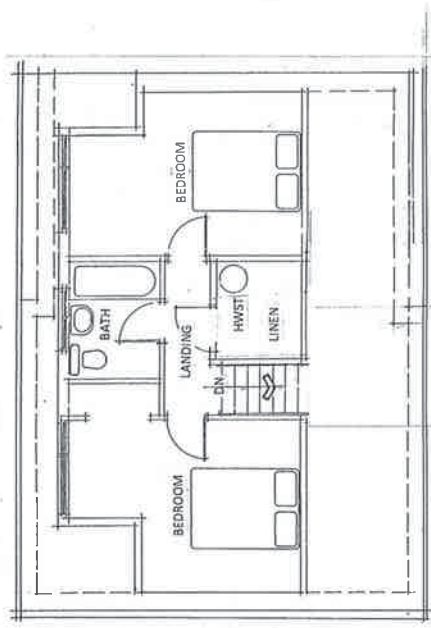
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PROPOSED ALTERATIONS TO
11 TORRYLINN TERRACE
KILMORY ISLE OF ARRAN

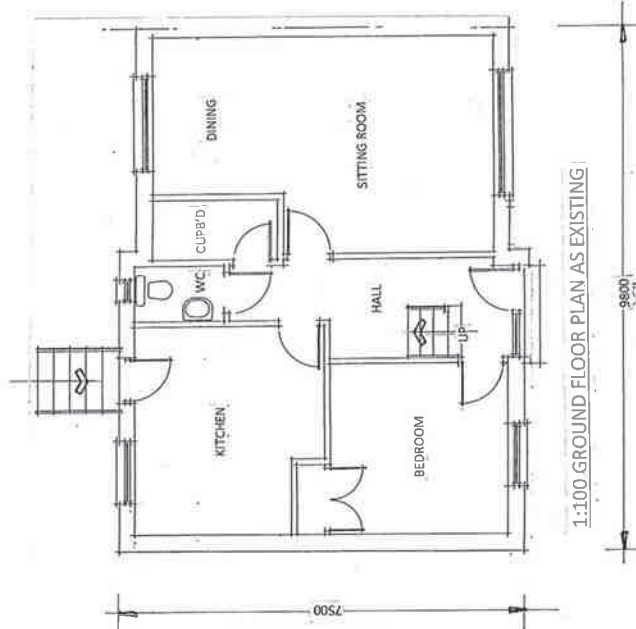
MR & MRS GEORGE KEENAN

1:1250 LOCATION PLAN
1:500 SITE PLAN

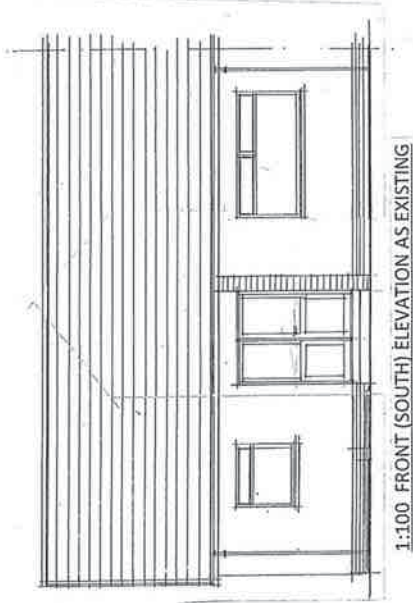
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1:100 FIRST FLOOR PLAN AS EXISTING



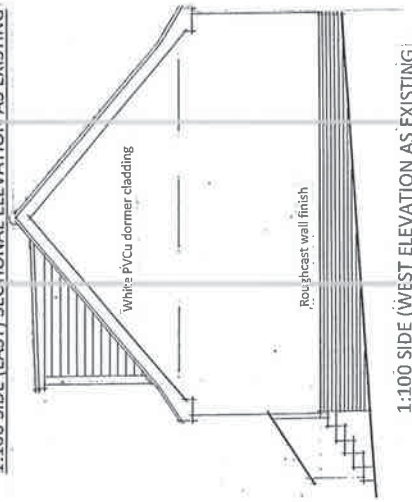
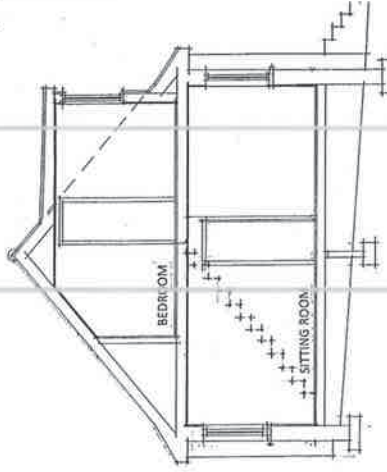
1:100 GROUND FLOOR PLAN AS EXISTING



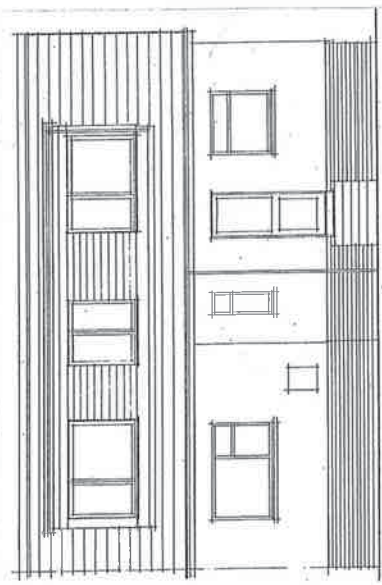
1:100 FRONT (SOUTH) ELEVATION AS EXISTING

Concrete tile roof finish
White PVCu Windows & Doors
Roughcast wall finish

1:100 SIDE (EAST) SECTIONAL ELEVATION AS EXISTING



1:100 SIDE (WEST) ELEVATION AS EXISTING



1:100 REAR (NORTH) ELEVATION AS EXISTING

White PVCu dormer cladding
Concrete tile roof finish
White PVCu Windows & Doors
Roughcast wall finish

iCAD

PROPOSED ALTERATIONS TO
11 TORRYLINN TERRACE
KILMORY ISLE OF ARRAN

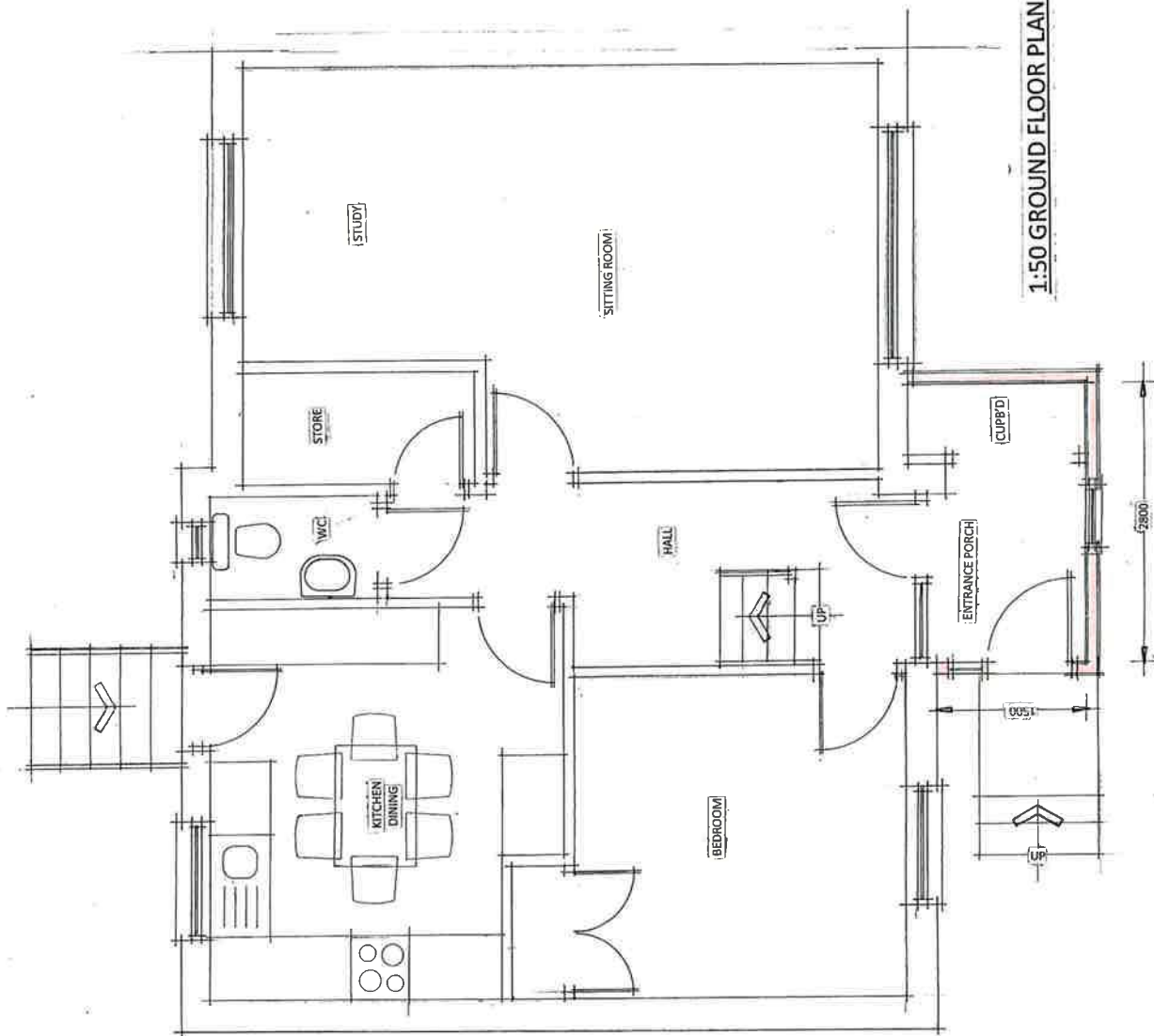
MR & MRS GEORGE KEENAN

1:50 EXISTING FLOOR PLAN
1:100 EXISTING ELEVATIONS

1109/02

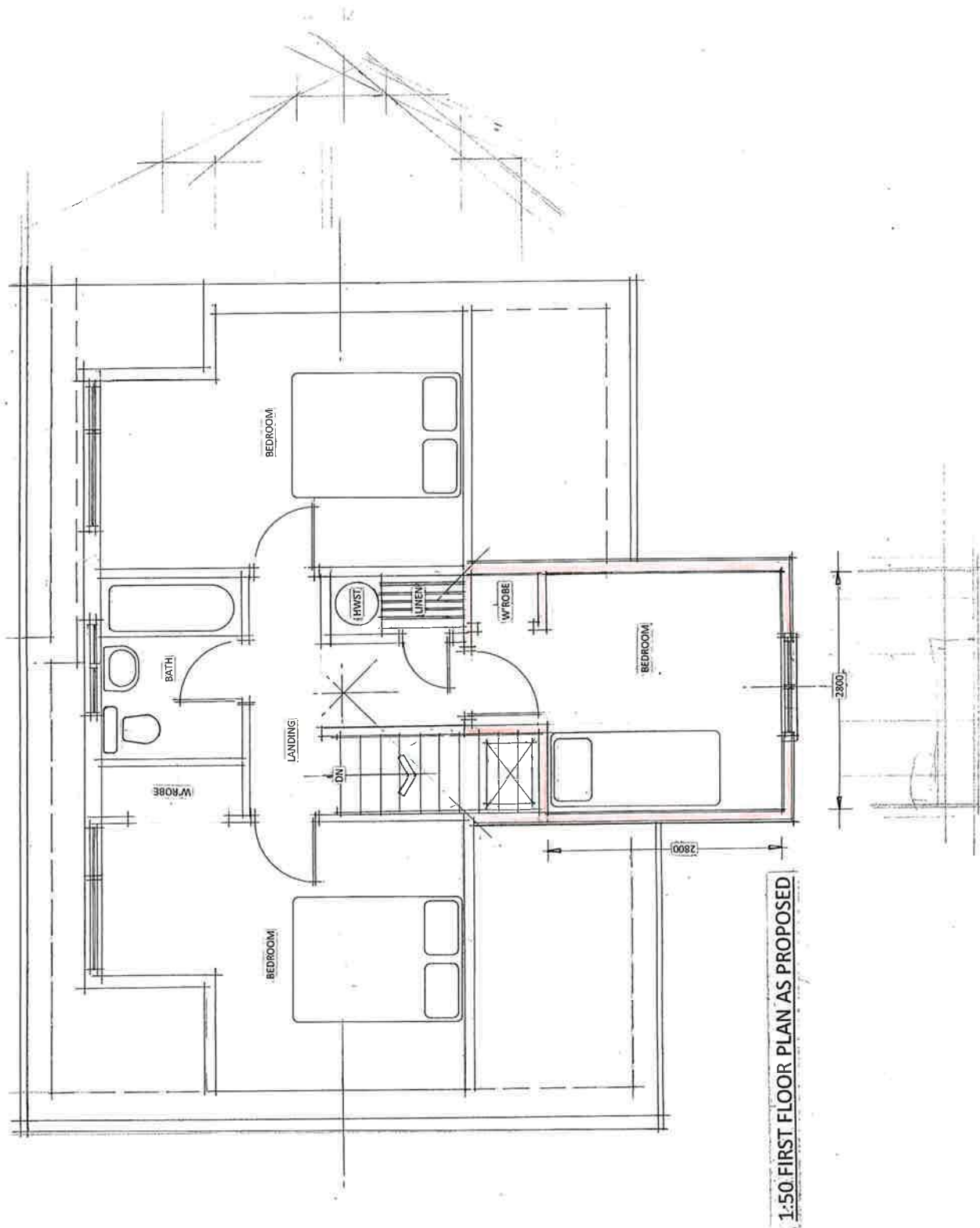
REV

APR '11



1:50 GROUND FLOOR PLAN AS PROPOSED

iCAD	PROPOSED ALTERATIONS TO 11 TORRYLINN TERRACE KILMORY ISLE OF ARRAN	MR & MRS GEORGE KEENAN	1:50 GROUND FLOOR PLAN AS PROPOSED	1109/03 REV APR '11
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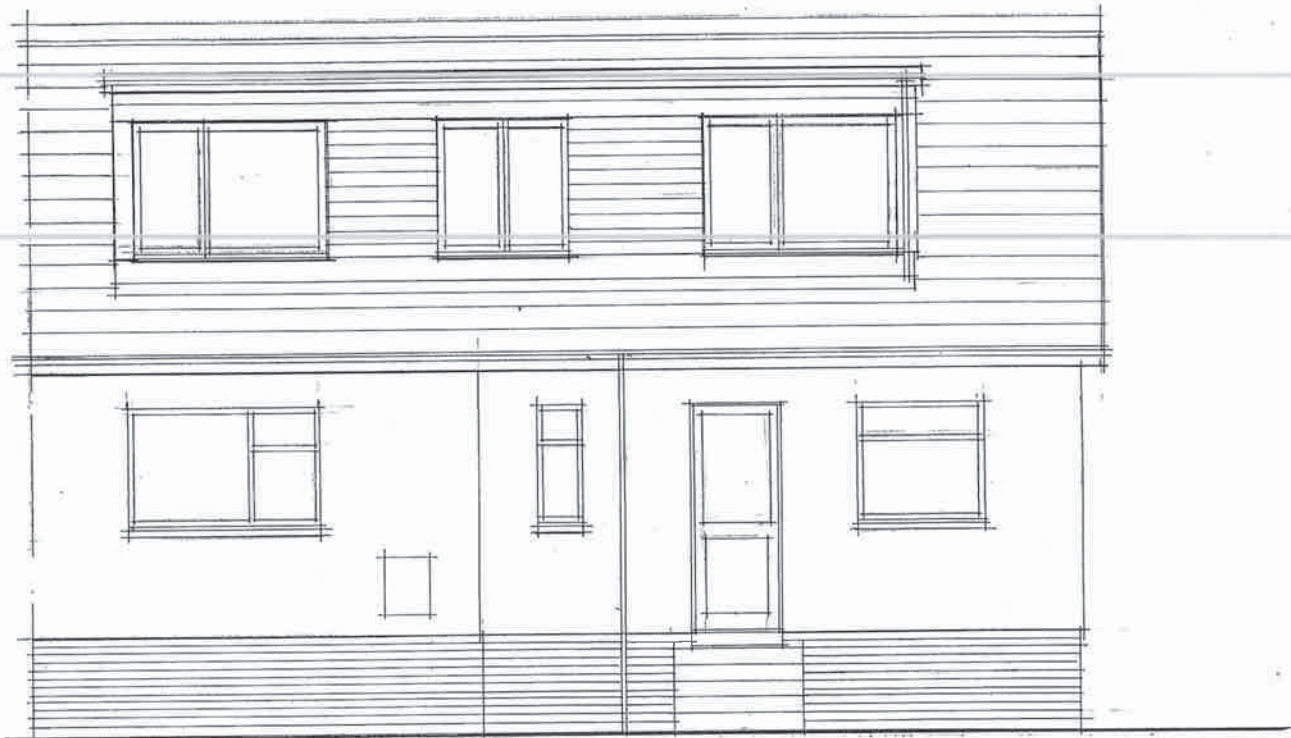
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PROPOSED ALTERATIONS TO
11 TORRYLINN TERRACE
KILMORY ISLE OF ARRAN

MR & MRS GEORGE KEENAN

1:50 FIRST FLOOR PLAN
AS PROPOSED

1109/04 REV APR11



1:50 REAR (NORTH) ELEVATION AS PROPOSED



1:50 FRONT (SOUTH) ELEVATION AS PROPOSED

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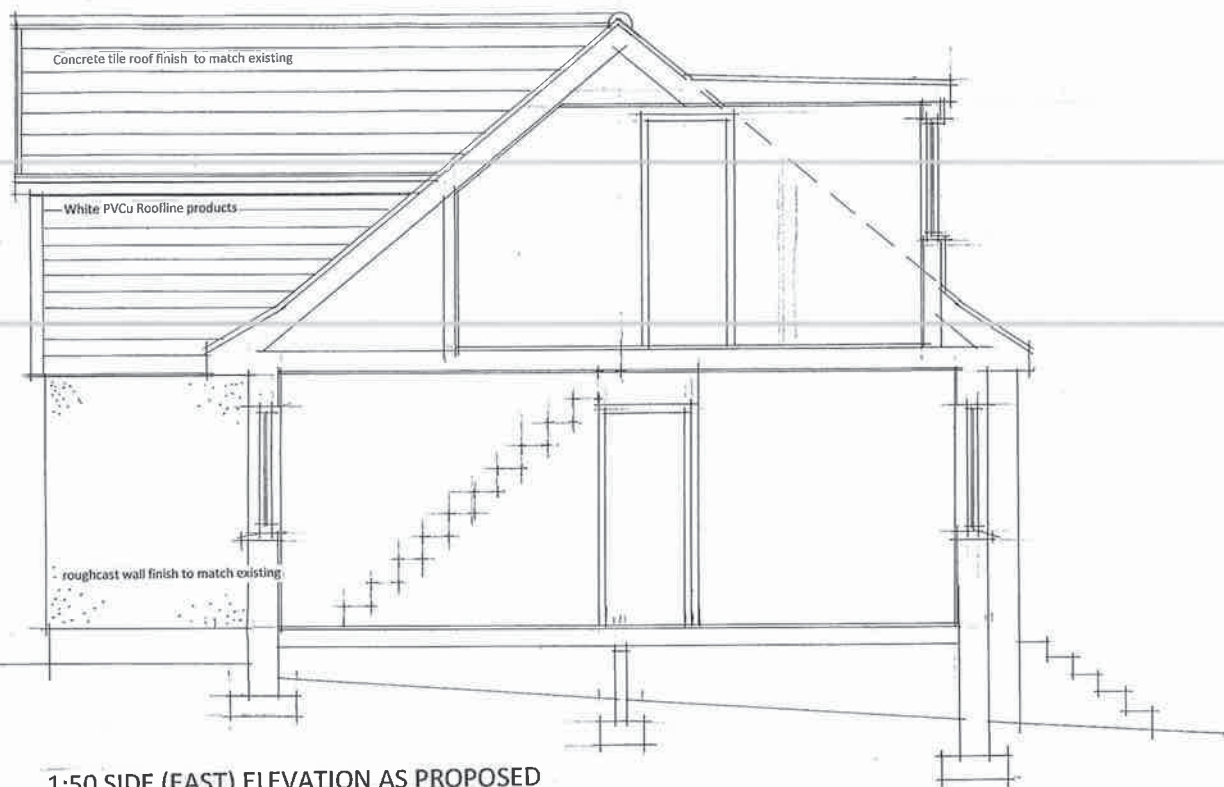
PROPOSED ALTERATIONS TO
11 TORRYLINN TERRACE
KILMORY ISLE OF ARRAN

MR & MRS GEORGE KEENAN

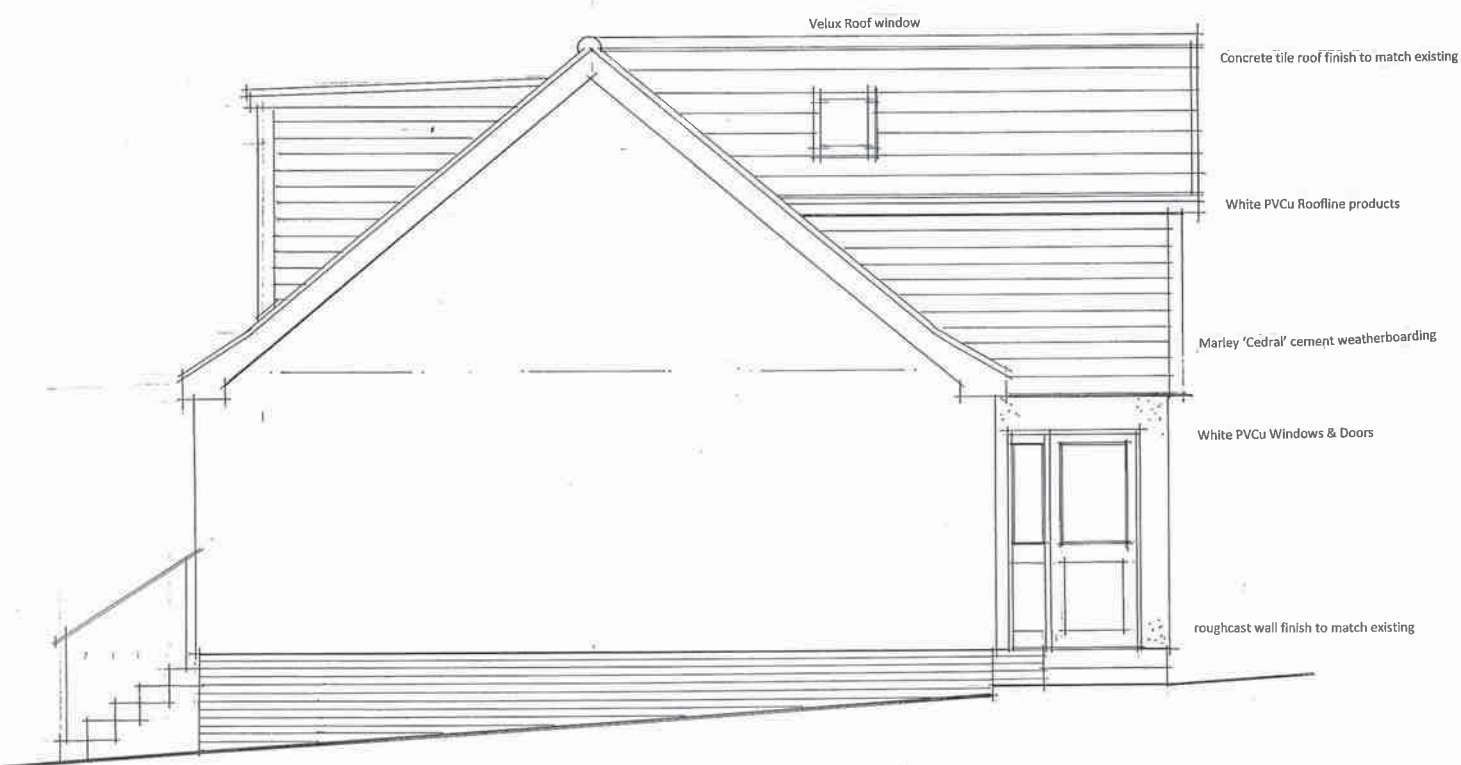
1:50 FRONT & REAR
ELEVATIONS AS PROPOSED

1109/0570

APR'11



1:50 SIDE (EAST) ELEVATION AS PROPOSED



1:50 SIDE (WEST) ELEVATION AS PROPOSED

iCAD

PROPOSED ALTERATIONS TO
11 TORRYLINN TERRACE
KILMORY ISLE OF ARRAN

MR & MRS GEORGE KEENAN

1:50 ELEVATIONS
AS PROPOSED

1109/071 EV

APR'11

REPORT OF HANDLING



Reference No:	12/00012/PP
Proposal:	Erection of one and a half storey extension to front of semi-detached dwellinghouse
Location:	11 Torrlinn Terrace, Kilmory, Brodick, Isle Of Arran KA27 8PQ
Local Plan Allocation:	Settlement
Policies:	Development Control Statement
Consultations:	None undertaken
Neighbour Notification:	Neighbour Notification carried out on 09.01.2012 Neighbour Notification expired on 30.01.2012
Advert:	Regulation 20 (1) Advert Published on:- 20.01.2012 Expired on:- 10.02.2012
Previous Applications:	None

Description

The semi-detached bungalow is situated on the north side of Torrlinn Terrace, Kilmory. It is adjoined by residential properties to the east, west and south and by open countryside to the north.

The one and a half, almost two storey, extension would provide an entrance porch on the ground floor and an additional bedroom on the upper floor. The extension would project 1.5 m beyond the front wall of the dwellinghouse and it would have a width of 3.1 m. It would be gable-fronted with a dual pitch roof approximately 6.1 m to ridge height. The ground floor of the extension would be finished externally in roughcast and the upper floor in weather boarding; the roof would be clad with tiles.

The site is located within the settlement of Kilmory as identified within the Isle of Arran Local Plan. The proposal requires to be assessed against the Development Control Statement of the adopted Local Plan, which states that the development should have regard to the amenity of the surrounding area with respect to siting, design and privacy etc.

The applicants are registered foster carers and the additional single bedroom is required to provide privacy for their existing foster children. South Ayrshire Council, Fostering and Adoption Team, advise that the applicants are permanent carers for South Ayrshire Council and that the provision of another bedroom would not only benefit the children placed there at present, but also any family placed in the future.

Consultations and Representations

Neighbour notification has been carried out and the application was advertised in the local press on 20th January 2012. No objections/representations have been received and no consultations were undertaken.

Analysis

The application site relates to extending an existing residential property and therefore the principle of the development would be acceptable.

The proposal requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan, relating to siting, design and external appearance and impact on amenity.

The siting of the extension to the front of the dwellinghouse would it is considered significantly detract from the appearance of the dwellinghouse and visual amenity due to its scale and incongruous design. The dwellinghouse is a semi-detached bungalow of simple design and appearance. The proposed extension would significantly disrupt its principal elevation by the introduction of a dominant, almost 2 storey, unsympathetic extension, which would both detract from the appearance of the dwellinghouse and the amenity of the area due to its visual prominence.

With regard to amenity, there would be no significant adverse impacts with regard to overshadowing, overlooking and loss of privacy. However, it is considered that the front extension would have a significant adverse impact on both the appearance of the dwellinghouse and the amenity of the area due to its visual prominence.

The proposal is therefore contrary to the Development Control Statement of the Isle of Arran Local Plan and planning permission should be refused.

The applicant was advised that the current proposal was unacceptable in terms of its siting, massing and design and it was suggested that a single storey extension to the rear or side where there appears to be ample curtilage ground would be more appropriate.

The applicant considers that this would not be appropriate due to supervision requirements which for foster children can be greater than normal and safety implications associated with access from a ground floor bedroom through the kitchen. A rear extension would also take away some of the much needed garden space and a side extension would have an impact on the existing kitchen. The only way to provide additional bedroom space on the first floor is by creating a dormer to the front. The adjoining house furthermore has box dormers to the front and rear. The extension would not be in a prominent position.

In response, supervision requirements for children are not a material planning consideration. Nevertheless, a ground floor extension could be linked through the rear dining room. As noted above sufficient garden ground would remain if the house was extended to the rear to form a bedroom of the size proposed. Furthermore there would be no objection in principle to an entrance porch of appropriate scale and design. The adjoining semi-detached property has a large box dormer to the rear - as does the applicant's - which has limited public visibility and is therefore acceptable in terms of its visual impact. It also has a box dormer to the front but unlike the proposed extension is of acceptable scale and appearance. Being on the front elevation, the extension would be visually prominent.

Accordingly, planning permission should be refused as it would not accord with criteria (a) and (b) of the Development Control Statement of the Isle of Arran 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 and Block Plan	1109/01	
Existing Plan	1109/02	
Proposed Floor Plans	1109/03	
Proposed Floor Plans	1109/04	
Proposed Elevations	1109/05	
Proposed Elevations	1109/06	

Local Review Body

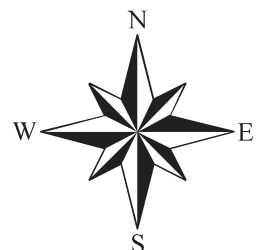
12/00012/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





**NORTH AYRSHIRE
COUNCIL**

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

No N/12/00012/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 : Mr & Mrs G Keenan
c/o Ian Cook (iCAD)
Linn Cottage
Whiting Bay
Brodick
Isle Of Arran
KA27 8PR

With reference to your application received on 9 January 2012 for planning permission under the above mentioned Acts and Orders for :-

Erection of one and a half storey extension to front of semi-detached dwellinghouse

at 11 Torrlinn Terrace
Kilmory
Brodick
Isle Of Arran
KA27 8PQ

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 not accord with Criteria (a) and (b) of the Development Control Statement of the adopted Isle of Arran Local Plan, in that by reason of its scale, siting and design, the extension would significantly detract from the appearance of the dwellinghouse and the visual amenity of the area.

Dated this : 8 March 2012

(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 5

15 August 2012

Local Review Body

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

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

Recommendation: That the Local Review Body considers the Notice.

1. Introduction

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

2. Current Position

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

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

3. Proposals

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

4. Implications

Financial Implications

- 4.1 None arising from this report.

Human Resource Implications

- 4.2 None arising from this report.

Legal Implications

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

Equality Implications

- 4.4 None arising from this report.

Environmental Implications

- 4.5 None arising from this report.

Implications for Key Priorities

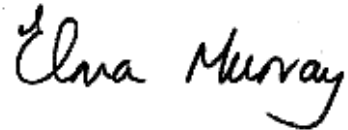
- 4.6 None arising from this report.

5. Consultations

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

6. Conclusion

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



ELMA MURRAY
Chief Executive

Reference :

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

Background Papers

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

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR & MRS F. CRAWFORD

Address HILLHOME
PORTENCROSS
WEST KILBRIDE

Postcode KA23 9PZ

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name TOM HARDIE

Address 9 KERR AVENUE
ESKBANK, DALKEITH
MIDLOTHIAN

Postcode EH22 3JW

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

NORTH AYRSHIRE COUNCIL

Planning authority's application reference number

12/00106/PP

Site address

NORTH OF HILLHOME, PORTENCROSS, WEST
KILBRIDE, AYRSHIRE

Description of proposed
development

ERECTION OF DETACHED DWELLING HOUSE AND
FORMATION OF A NEW ACCESS

Date of application

27/02/12

Date of decision (if any)

26/4/12

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

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

Site inspection

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

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

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

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

Statement

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

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

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

PLEASE SEE SEPARATE ATTACHMENT.

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

Yes ☒ No ☐

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

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

List of documents and evidence

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

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

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

Checklist

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

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

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

Declaration

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

Signed

Date

Notice of Review

Planning Application Ref: 12/00106/PP

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

1. Introduction

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

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

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

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

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

2. Appellant's Response to Reason 1

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

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

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

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

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

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

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

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

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

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

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

3. Response to Reason 2

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

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

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

"Policies will be in favour of:

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

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

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

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

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

4. Response to Reason 3

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

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

4.3 Of the criteria mentioned:

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

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

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

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

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

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

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

5. Issue of Precedent

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

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

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

6. Conclusion

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

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

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

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

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

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

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

Supporting Documents

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

Production 1 - Scottish Planning Policy, paras 92-96

Production 2 - Council approved Rural Housing Policy, November 2010

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

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

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

Tom Hardie (Agent)
2 July 2012

RURAL DEVELOPMENT

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

May 2007 to Present

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

29 November 2010

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

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

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

1. Introduction

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

2. Current Position

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

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

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

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

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

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

In respect of infrastructure and design:

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

Proposed Response:

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

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

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

5. Consultations

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

6. Conclusion

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

IAN T MACKAY
Solicitor to the Council

Reference : MF

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



RURAL DESIGN FUTURE LANDSCAPES

Guides and projects



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APS Group Scotland
DPPAS10380 (09/11)

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A. DESIGN CONSIDERATIONS

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

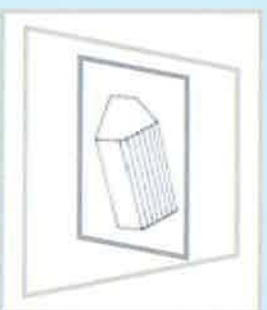
Category	Meaning	Key message	Key issue	Advice	How to achieve it
Location The location of your site within the wider landscape	The positioning of your house within the wider landscape	New houses should nestle within the landscape and respect traditional settlement patterns.	Landscape	Nestle your house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

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

Location



Siting



Design



Infrastructure



B. DESIGN STATEMENT CHECKLIST

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

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

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

Section A. Background information about your site

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

Section B. How have the design characteristics been applied?

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



designing places

A Policy Statement for Scotland

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

Summary

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

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

Social, economic and environmental goals

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

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



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

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

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

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



opportunities

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



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

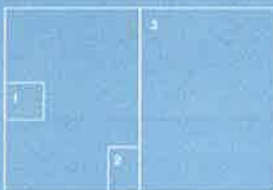


The value of good design

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

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

18



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



Production 5.

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



April 2011



NORTH AYRSHIRE
COUNCIL

POLICY ENV 2: HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Single houses in rural areas

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

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

Small scale growth of existing rural housing groups

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

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

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

Housing for workers engaged in a rural business

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

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

has been demonstrated; **AND**

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

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

Note:

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

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

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

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

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

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

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

Existing Buildings in the Countryside

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

REPORT OF HANDLING



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

Description

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

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

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

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

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

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

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

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

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

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

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

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

Consultations and Representations

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

Reasons for support:

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

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

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

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

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

Response: Noted. See Analysis.

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

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

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

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

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

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

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

Response: Noted.

Infrastructure & Design Services (Roads): No objection.

Response: Noted.

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

Response: Noted.

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

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

Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decision

Refused

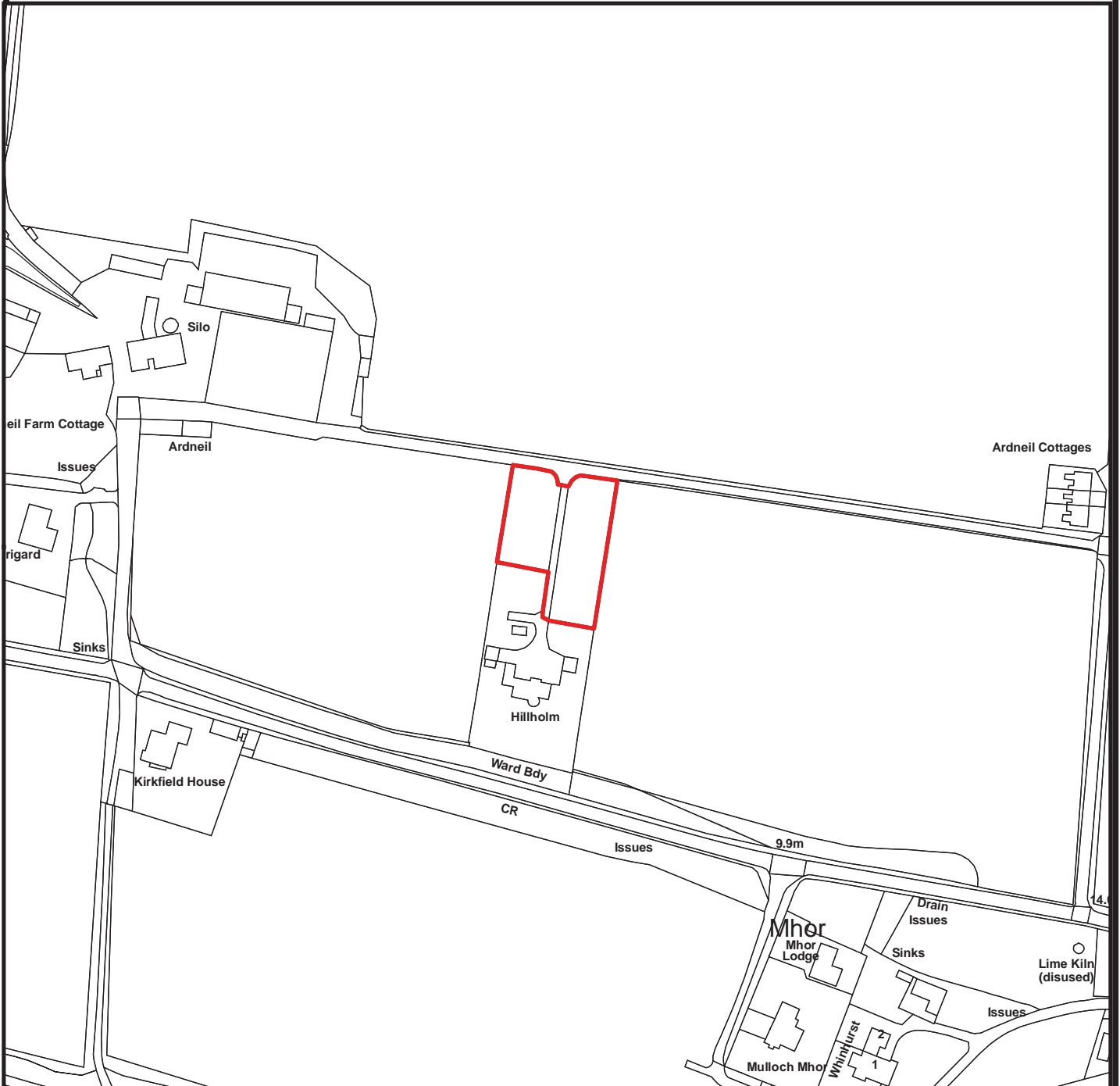
Case Officer - Mr John Michel

Appendix 1 - Drawings relating to decision

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

Local Review Body

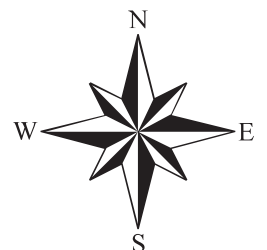
12/00106/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale





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

No N/12/00106/PP

(Original Application No. N/000035502-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

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

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

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

at Site To North Of Hillhome
Portencross
West Kilbride
Ayrshire

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

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

Dated this : 26 April 2012

.....
for the North Ayrshire Council

(See accompanying notes)



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

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

FORM 2

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