



Cunninghame House,  
Irvine.

8 November 2012

### **Local Review Body**

You are requested to attend a Pre-Examination Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 14 NOVEMBER 2012 at 3.00 p.m., or at the conclusion of the meeting of the Local Review Body, 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. Notice of Review: 12/00308/PP: Erection of a detached dwellinghouse and formation of access: Site to East of Shore Cottage, Blackwaterfoot, Isle of Arran**

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



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## Local Review Body

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Sederunt:

Matthew Brown

(Chair)

John Ferguson

(Vice-Chair)

Robert Barr

John Bell

John Bruce

Joe Cullinane

Ronnie McNicol

Tom Marshall

Jim Montgomerie

Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 2**

**14 November 2012**

#### **Local Review Body**

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**Subject:** **Notice of Review: 12/00308/PP: Site to East of Shore Cottage: Pre-Examination**

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**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.

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**Recommendation:** That the Local Review Body consider the requirement for a site inspection.

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#### **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.
- 1.2 The Act also makes provision for the Local Review Body to hold a pre-examination meeting to consider the manner in which the review is to be conducted with a view to securing that the review of being carried out efficiently and expeditiously.

#### **2. Current Position**

- 2.1 A Notice of Review has been submitted in respect of Planning Application 12/00308/PP for the erection of a detached dwellinghouse and the formation of an access on a site to the east of Shore Cottage, Blackwaterfoot, Isle of Arran.

2.2 The Notice is currently progressing through the consultation process and interested parties have been asked to submit further representations by 20 November 2012. Thereafter, the applicant will have a further 14 days to respond to any additional representations received.

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 requirement for a site inspection in connection with this Notice of Review in terms of the pre-examination procedure and with a view to expediting the review process.

### **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) have been invited to submit representations in terms of the Notice of Review. This process is ongoing.

## **6. Conclusion**

6.1 The Local Review Body is invited to consider the requirements for a site inspection.



ELMA MURRAY  
Chief Executive

Reference :

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

## **Background Papers**

Planning Application 12/00308/PP and related documentation is available to view on-line at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk) or by contacting the above officer.





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

WATERFOOT

GLASGOW

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

SEE ATTACHED SEPARATE STATEMENT

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

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

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date

17/10/12

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

**Reasons for Seeking a Review**

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

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

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

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

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

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

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

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

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

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

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



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



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





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







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

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

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

***(a) Siting, Design and External Appearance:***

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

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

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

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

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

Policy RES 1 of the adopted Local Plan states that:

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

Policy ENV 1 of the adopted Local Plan states that

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

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

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

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

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

## Conclusion

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

John Lamb : Architect  
October 2012



**NORTH AYRSHIRE  
COUNCIL**

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

No N/12/00308/PP

**REFUSAL OF PLANNING PERMISSION**

**Type of Application: Local Application**

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

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

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

**Erection of detached dwellinghouse and formation of access**

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

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

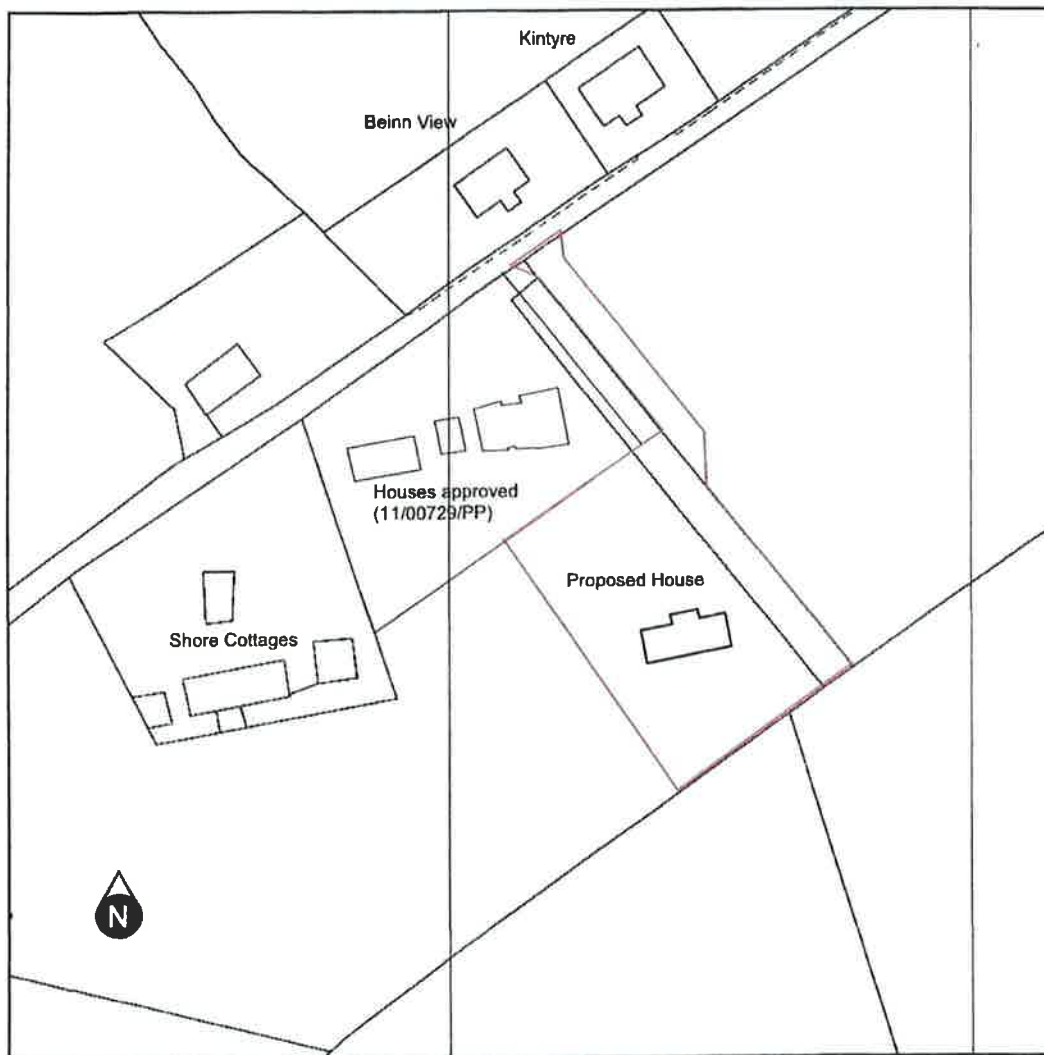
No N/12/00308/PP

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

Dated this : 13 September 2012

for the North Ayrshire Council

(See accompanying notes)



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
**REFUSED**  
 James H Miller  
 CHIEF DEVELOPMENT MANAGEMENT OFFICER



**John Lamb | Architect**

70 Woodside Drive  
 Waterfoot  
 Glasgow  
 G76 0HD

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

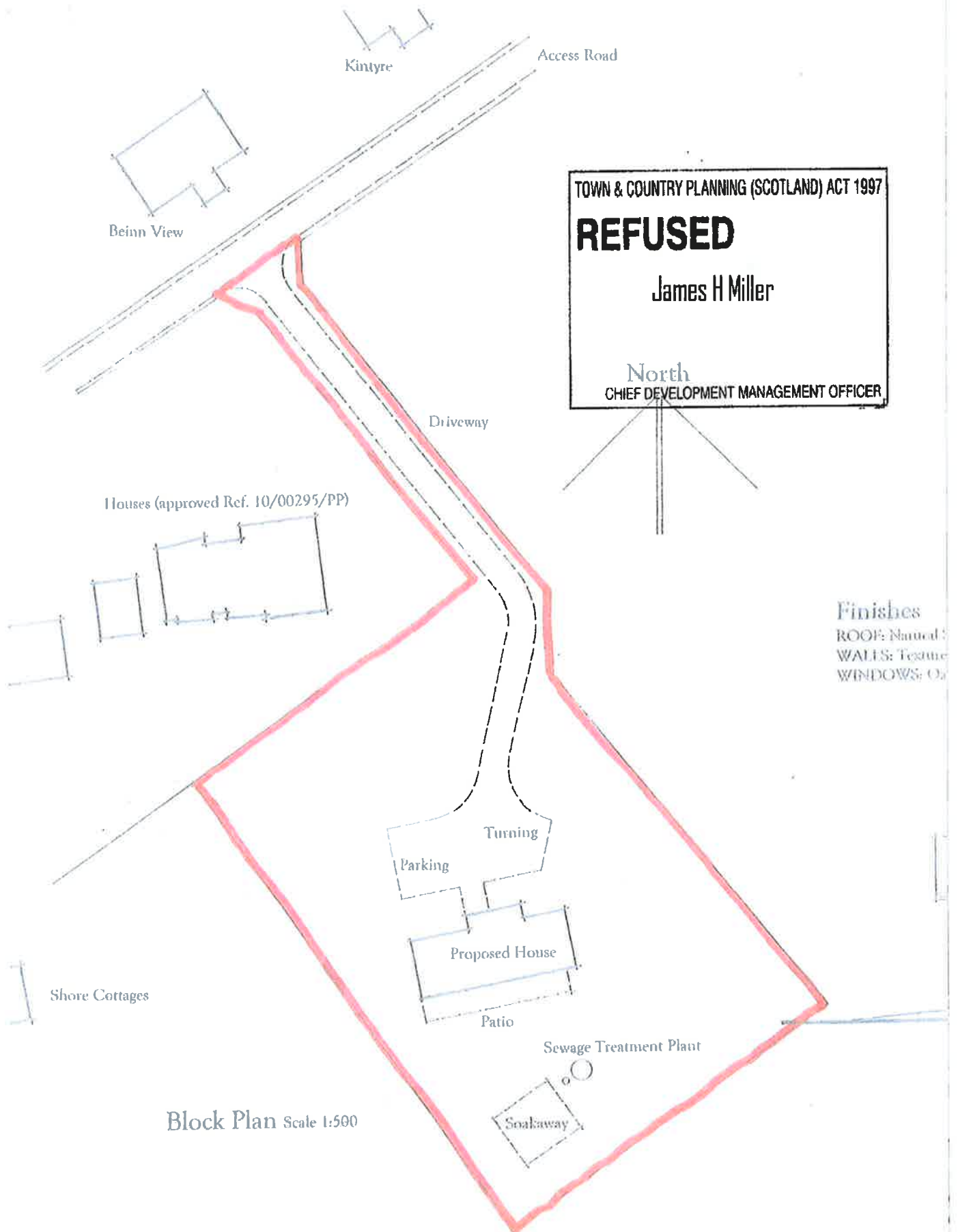
**Location Plan**

Scale 1:1250  
 Date May 2012  
 Drawing No. 12.03.02

12 308

PP







## REPORT OF HANDLING



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

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### Description

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

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

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

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

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

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

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

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

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

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

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

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

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

12/00308/PP

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

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

### **Consultations and Representations**

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

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

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

Consultations:

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

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

Scottish Water - no objections.

12/00308/PP

Arran Community Council - no objections.

West of Scotland Archaeology Service - no response.

## **Analysis**

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

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

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

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

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

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

12/00308/PP

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

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

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

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

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

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

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

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## **Decision**

Refused

Case Officer - Ms Julie Hanna

**Appendix 1 - Drawings relating to decision**

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

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

## Design Statement



**John Lamb | Architect**

70 Woodside Drive  
Waterfoot  
Glasgow  
G76 0HD

## BACKGROUND INFORMATION

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

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

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

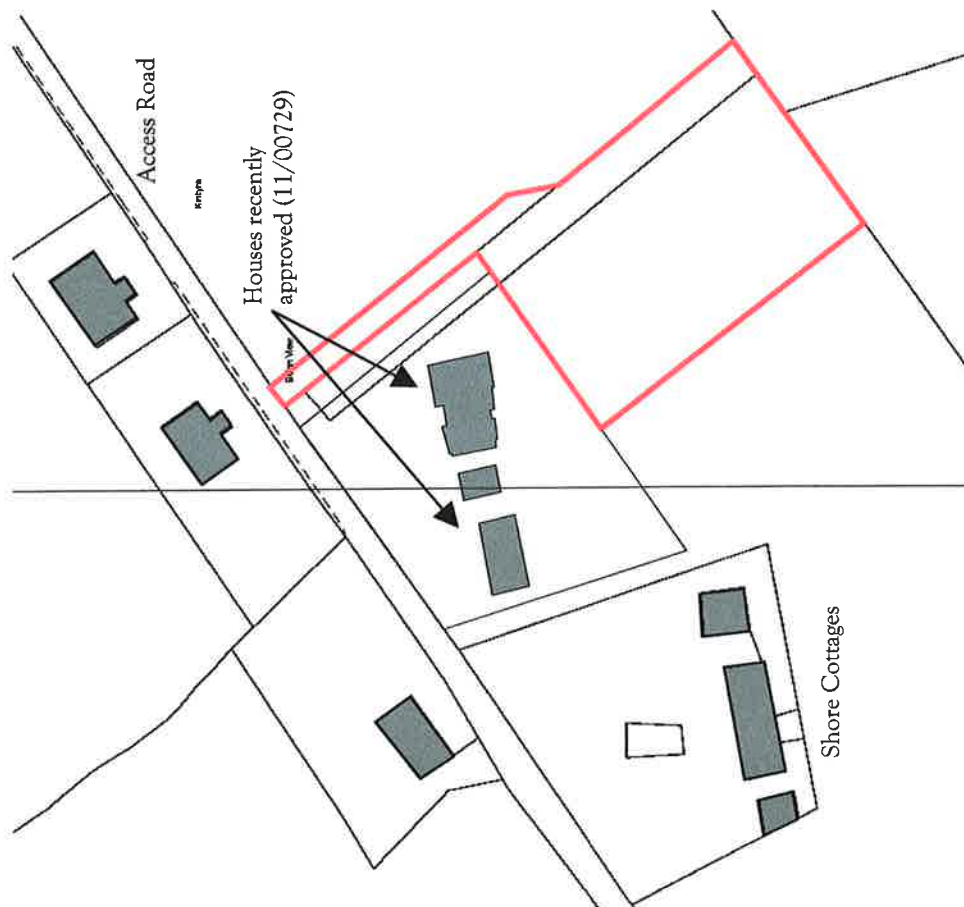
The house is required to avoid the "could be anywhere" design of so many new houses on the island by combining traditional elements and qualities with distinctive contemporary architecture which responds to the building's setting, as well as fitting well into the landscape, recognising the historical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



# 1 SITE AND AREA APPRAISAL

## Local Area

The site is located to the east of Shore Cottages at South Feorline, Blackwaterfoot and extends to approximately 1,850m<sup>2</sup> or 0.185Ha. It slopes down from east to west and is bounded by hedgerows on the north east and south east. To the north west is a site for which planning permission has recently been granted for two detached houses (planning permission no. 11/00729/PP). To the south of the site are open fields while, to the west, beyond an area of rough pasture, there is a collection of buildings known as Shore Cottages. The area is rural in character, with an established residential use in its immediate surroundings



## Site Description

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



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



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



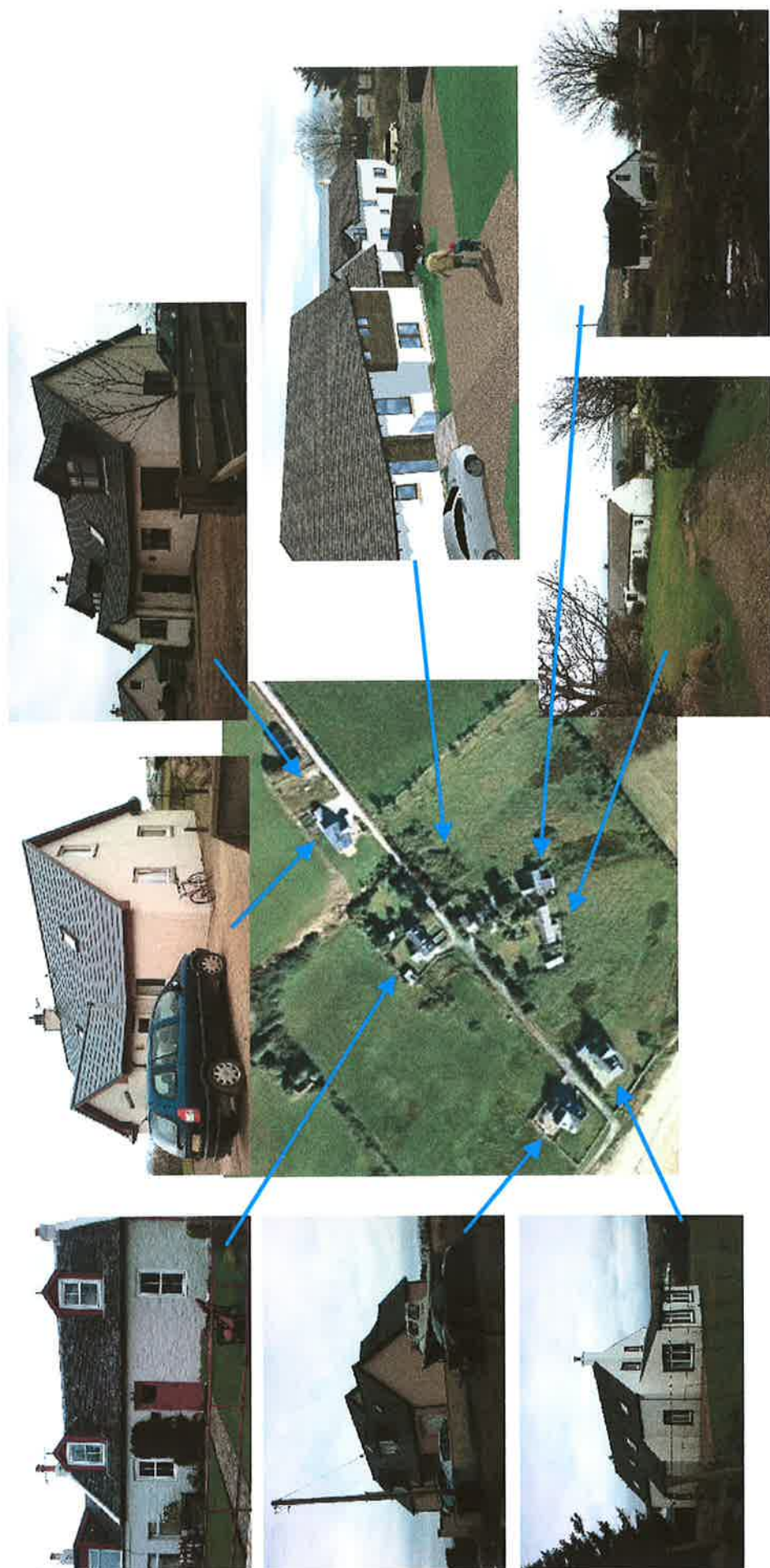
Viewed from the South-West, the site is to the right in the foreground.



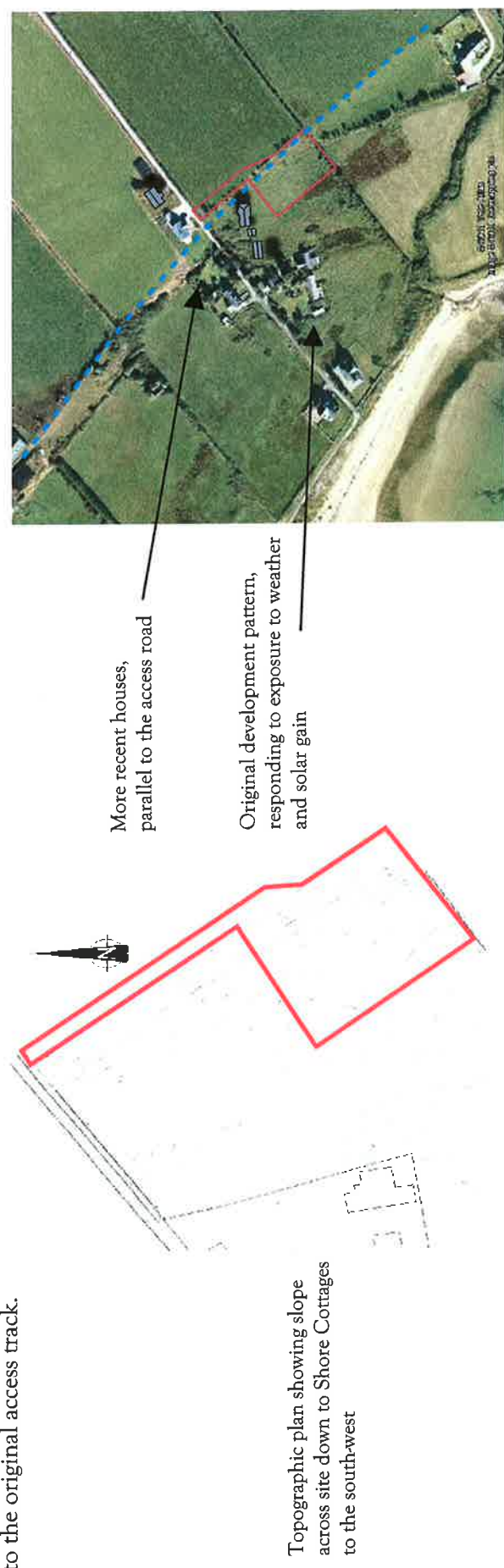
## Identity

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

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



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



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

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

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

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

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

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

This policy states:

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

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

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

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

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

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

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

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



#### 4 Smaller groups; massing, proportion and scale

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

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

#### 5 Contemporary design

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

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

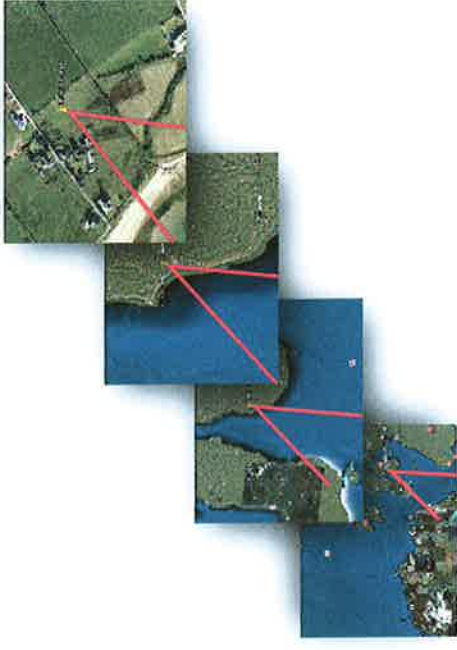
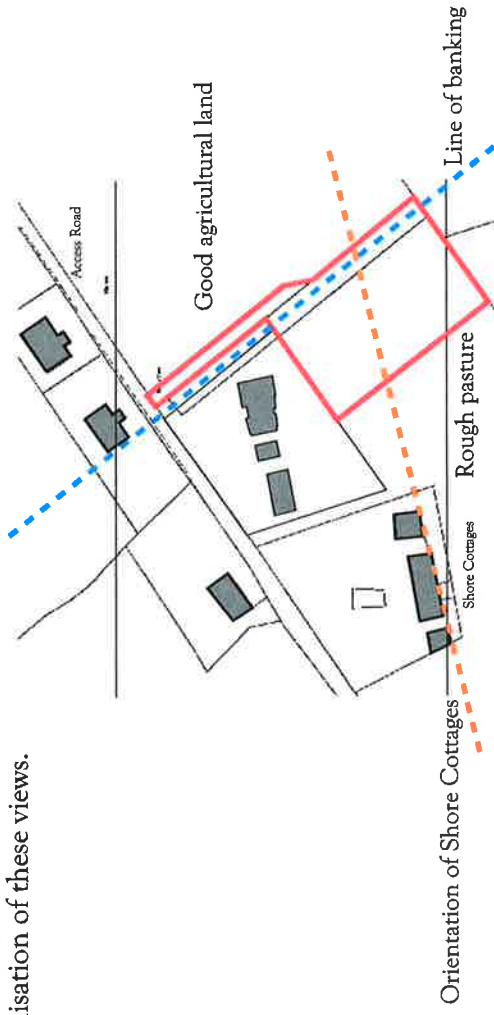
The challenge for designers is therefore to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional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

- Use rural proportions. Although this Guidance does not seek to be prescriptive, it is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrical pitched roofs and strong simple roof shapes together with a simple long narrow plan form typical of most rural locations and flat, minimally articulated facades with a greater mass of wall to window.  
Where this approach is not adopted (for instance where roofs are at a lower pitch, or are asymmetrical or monopitch) a high level of design quality and control will be needed.
- Minimise scale as far as possible, minimise floor to ceiling heights. Many newer properties incorporate open-plan or double height spaces and larger full height windows which can give the impression of spaciousness while retaining a smaller scale associated with rural buildings.

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

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

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



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



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

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

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

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



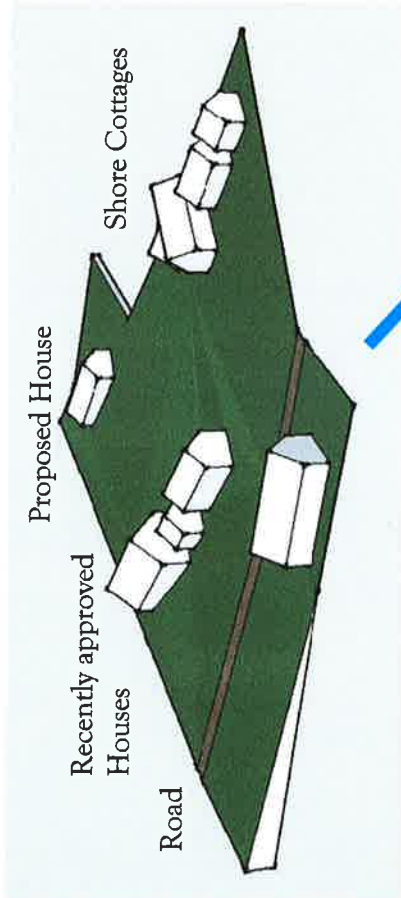
Successful modern interpretations of the traditional "long house" in Argyll and Gigha



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

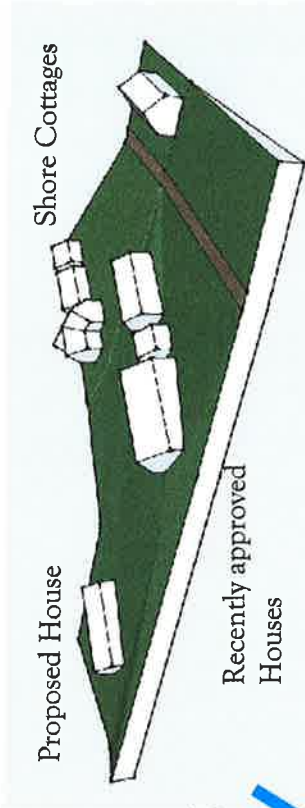




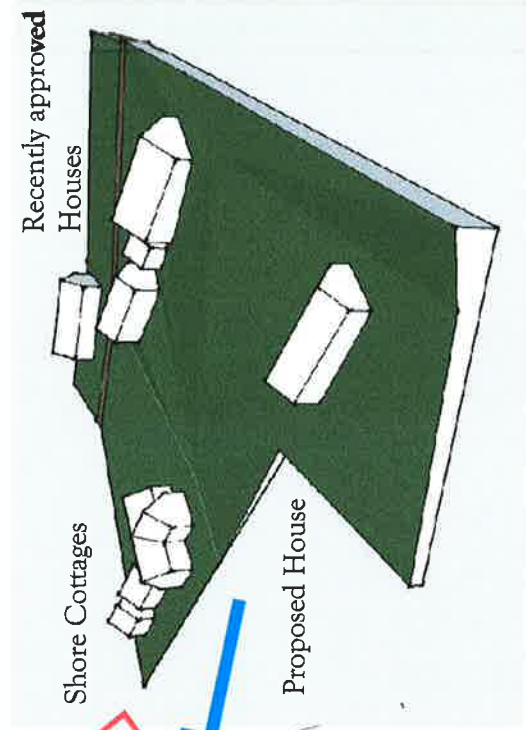
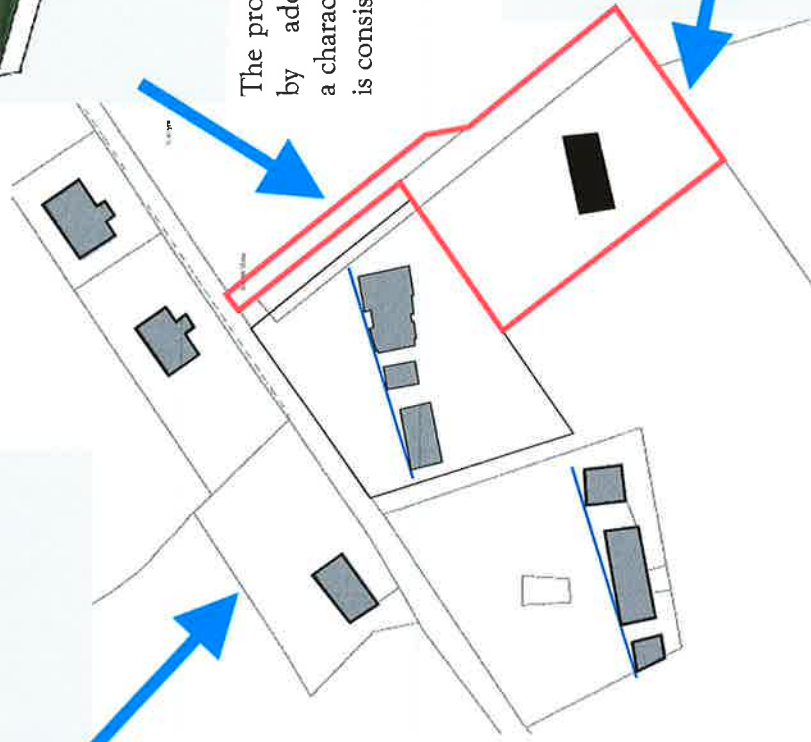


The new houses to the north fringe the road, being outside the original cluster and development pattern. Choosing to relate to Shore Cottages avoids extending the “ribbon” development that the newer houses represent.

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

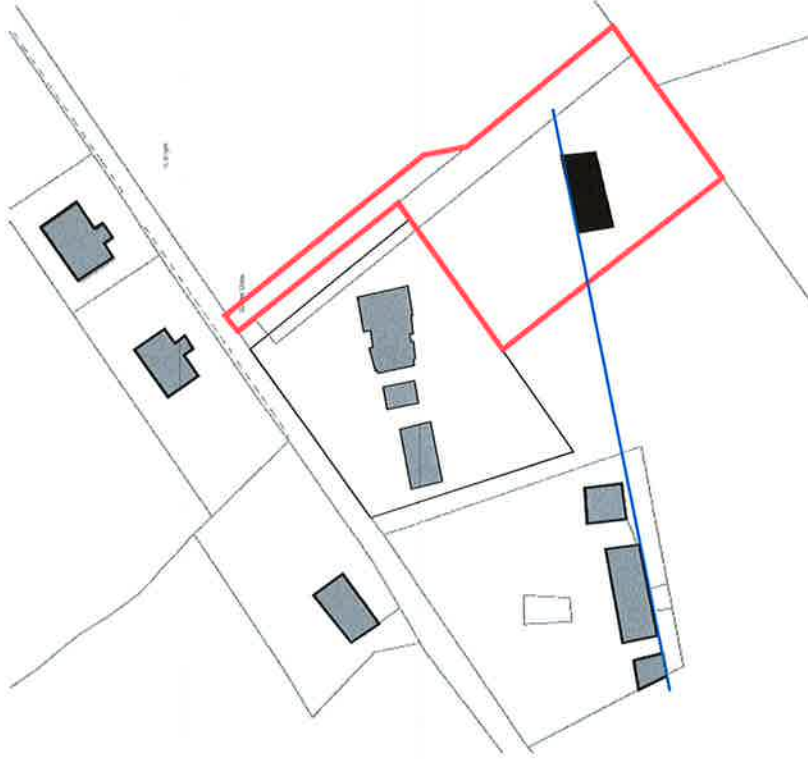


The proposed house relates to the other relevant buildings and, by adopting the traditional “Long house” approach, a characteristic building style of western Scotland and the islands, is consistent with the character of the area.



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

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



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

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



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



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

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

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

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

John Lamb, Chartered Architect  
May 2012



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

**Landscape Capacity Statement**



**John Lamb | Architect**

70 Woodside Drive  
Waterfoot  
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## Introduction

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

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



## Arran Physical Characteristics

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

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



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

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



## Site Location and Context

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



Aerial View with Site with Application Site and Proposed House highlighted

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



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

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

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

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



Location of Photographs on following pages



Photograph 1 - Site obscured by trees and hedgerow



Photograph 2 - Site obscured by hedgerow and topography



Photograph 3 - Site obscured by hedgerow and topography



Photograph 4



Photograph 5 - Site obscured by topography



Photograph 6 - Site obscured by topography



Photograph 7 - as Photograph 6



Photograph 8 - Site obscured by trees and existing houses

## The Proposed Development



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



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





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

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

## Landscape Capacity Conclusions

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

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

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

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

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

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

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

John Lamb : Architect  
May 2012



## REPORT OF HANDLING



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

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### Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Consultations and Representations**

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

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

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

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

#### Consultations:

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

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

Scottish Water - no objections.

Arran Community Council - no objections.

West of Scotland Archaeology Service - no response.

#### **Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Decision**

Refused

Case Officer - Ms Julie Hanna

## Appendix 1 - Drawings relating to decision

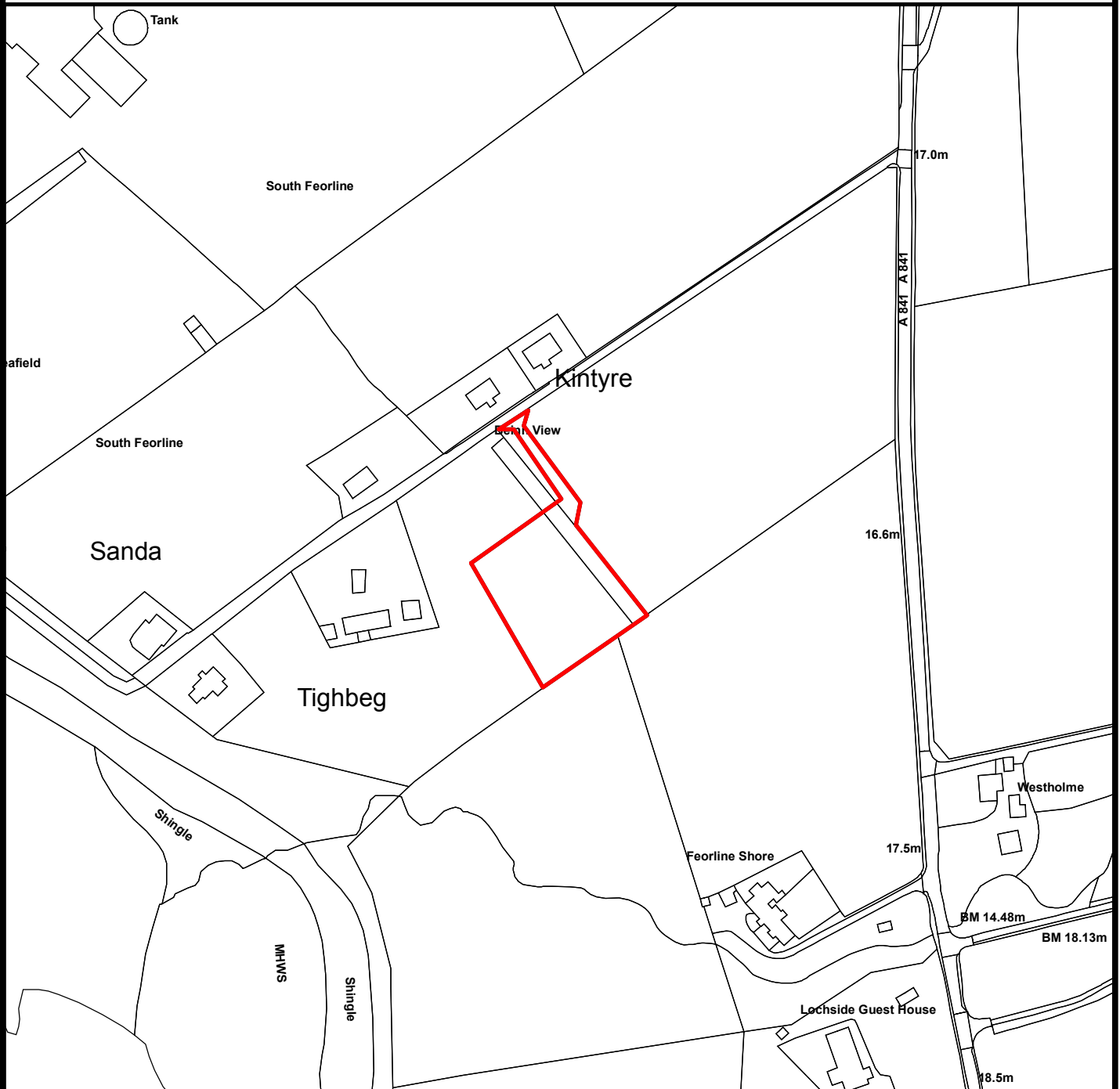
<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	12.03.02	
Block Plan / Site Plan		
Proposed Plan	12.03.01	





# Local Review Body

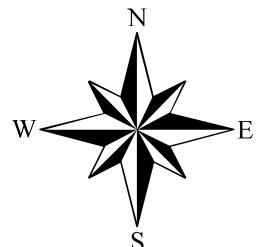
12/00308/PP



**NORTH AYRSHIRE**  
COUNCIL

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**Not To Scale**







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

No N/12/00308/PP

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

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

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

Erection of detached dwellinghouse and formation of access

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

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

No N/12/00308/PP

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

Dated this : 13 September 2012

.....  
for the North Ayrshire Council

(See accompanying notes)



**NORTH AYRSHIRE  
COUNCIL**

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

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

**FORM 2**

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