

---

## NORTH AYRSHIRE COUNCIL

29th August 2018

### Planning Committee

Locality	Arran
Reference	18/00542/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	Ardrossan And Arran

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	Plot 3 Greenhill Torbeg Blackwaterfoot Brodick Isle Of Arran
-----------------	--

<b>Applicant</b>	Ms Janis Murchie
------------------	------------------

<b>Proposal</b>	Erection of 1 and 1/2 storey detached dwelling and separate single storey garage/workshop
-----------------	---

---

### 1. Description

This application is for the erection of a house on a site known as Plot 3 Greenhill in Torbeg, north of Blackwaterfoot. A separate application (18/00542/PP) has been submitted for Plot 5, some 41m south of this site.

Plot 3 is generally square shaped and extends to c.1430m<sup>2</sup> with a slight slope from northwest to southeast. It is overgrown by low brambles and the boundaries are enclosed by stob and wire fences and some low trees. The plot is in an elevated position approximately 350m to the north of the settlement boundary of Blackwaterfoot and 60m west of the A841 public road. It would be accessed by a private road from the A841, which currently serves three other properties. The plot is bounded by residential properties: Galena to the south, Feorline View to the south-east, Craigellachie to the east and Greenhill to the north-east; and by agricultural land to the west.

The proposal is for a four bedroomed detached dwellinghouse with a footprint of 123m<sup>2</sup>; it would be a one and a half storey pitched roof house, generally rectangular in plan, with a gabled single storey extension projecting to the front. There would be two pitched roof dormer extensions at wall-head height. The pitched roof would measure 4.4m to the eaves

and 7.8m high at the ridge. There would be upper and lower windows on both the south and north side elevations, and one wall-head dormer extension to the rear (north) roof slope. The building would be oriented east-west with the front of the house facing towards the Shiskine Valley to the west.

The front single storey extension would have a pitched roof perpendicular to the main house and measuring 3.4m high at the eaves and 5.7m at the ridge. It would have substantial front window. The house would be externally finished in rendered walls and roof slates with anthracite grey window frames and doors. There would be a small ground level timber deck around the north-west corner of the house.

There would be a detached 70m<sup>2</sup> double garage and workshop towards the north-west corner of the plot, 5.3m from the house. It would have a pitched roof 2.1m to the eaves and 4.8m high at the ridge and would be externally finished in timber cladding and roof slates.

The existing stob and wire fences and hedges around the boundary would be retained and a driveway surface would be formed to the front of the proposed garage.

To accompany the proposal the applicant has submitted a Design Statement and Landscape Capacity Evaluation.

The Landscape Capacity Evaluation identifies the site as being within an area characterised as Coastal Fringe with Agriculture and a Local Nature Conservation Site with no listed buildings, scheduled ancient monuments or archaeological sites within it. It states that the proposed house would sit comfortably and be easily and naturally contained within the local landscape context without breaking above the skyline when viewed from further afield. It concludes that, while the landscape character is of medium-high sensitivity, the development would not be highly visible given the relatively recent residential development nearby and would make a positive contribution to the overall rural landscape.

The Design Statement intends to demonstrate how the design developed to meet the client brief for a modern family dwelling with open internal spaces, natural light and a large window to the front to benefit from views across Shiskine Valley, while according with planning policy and the Rural Design Guidance. It identifies services, water and drainage connections to the site. It details that the siting towards the south of the plot is to maximise the open aspect out from the house while minimising potential overlooking of other properties. The Design Statement notes that no overall site layout exists with the various plots and does not adhere to any obvious building line.

The applicant states that it is not practical or desirable to base the design on the style of the existing neighbours which display a mixture of architectural styles and finishes. The applicant considers that these show no clear overall design or pattern and do not add to the North Ayrshire or Arran rural character. Contemporary styling and materials have therefore been used in conjunction with traditional elements such as roof slates to make a strong statement containing both rural and coastal character in accordance with the rural design guidance. The statement indicates that the design evolved around an active façade with large glazed areas synonymous of coastal design, therefore being place specific and maximising solar gain. It concludes that the dwelling is a bespoke design of massing and scale specific to its location but reminiscent of traditional Arran style one and a half storey dwellings. It concludes that the proposal reconciles contemporary design with the need for integration within its context.

The application site is located within the countryside, as identified in the adopted North Ayrshire Local Development Plan ("the LDP") and is unaffected by any site specific policies or proposals therein. It is in an area covered by the Machrie Moor to Shiskine Valley Site of Importance for Nature Conservation. The relevant policy considerations in the determination of the application are ENV 2 (Housing Development in the Countryside), ENV9 (Nature Conservation) and the General Policy. The Council's approved Rural Design Guidance is also material.

A field at Greenhill was split into five plots and planning permission was gained for houses on three of these, which are now on site. By the time that plots 3 and 5 were applied for in the early 1990's, the Isle of Arran Local Plan (1994) was then in place, and the land allocation of the area had been altered from 'rural settlement' to 'countryside.' The 1994 Plan did not support further housing in the countryside, unless it was to meet an identified need for an agricultural or forestry worker. The former Planning Authority, Cunninghame District Council therefore refused planning permission (01/93/612). A subsequent appeal against the refusal was dismissed by the Scottish Ministers in 1994 (P/PPA/SG/254).

The applicant then submitted a purchase notice for the land in 1995 to Cunninghame District Council where the notice was rejected. However an appeal to the Court of Session resulted in a requirement for the land to be purchased by the local authority, by this time, North Ayrshire Council. A Certificate of Appropriate Alternative Development (CAAD) was then applied for, which was the mechanism generally used to determine land values where an authority was to compulsorily purchase land, to establish if there were any developments for which planning permission may have been granted. The planning committee at the time refused the application and a CAAD was not issued meaning the land had no acceptable use. North Ayrshire Council thereafter purchased the land in 2007. The Council subsequently sold the two plots, in 2018, subject to planning permission being gained.

## **2. Consultations and Representations**

The statutory neighbour notification procedures were carried out and the application was advertised in the local press on 22nd June 2018. Five objections and twenty support comments were received. The objections covered largely similar points, which are summarised below:

1: Previous planning history and precedent. The previous planning application and appeal refusals, reverse Compulsory Purchase, and issue by the Council of a Certificate of Appropriate Alternative Development indicate that while use of the plot(s) as garden ground was acceptable, residential development was not.

*Response: Section 37 of the Town and Country Planning Act 1997 (as amended) governs that planning authorities should have regard to the development plan when making planning decisions. Each case must therefore be considered on its merits against the adopted LDP and any other material considerations. The principle of the development is supported under the current LDP.*

2: The site has been sold by the Council, subject to planning permission being granted. The development is therefore a Local Authority Interest Development as defined in Planning Advice Note 82. A substantial body of objection has been received and the application therefore requires to be notified to Scottish Ministers in terms of the Town and Country

Planning (Notification of Applications) (Scotland) Direction 2007 for further consultation with objectors.

*Response: The Direction referred to above was withdrawn and superseded by the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 which only contains the requirement to notify Scottish Ministers if an authority has an interest in a development proceeding and where the proposal involves a significant departure from the authority's own development plan. It is considered that the proposal complies with the current LDP. There is therefore no requirement to notify the decision to Scottish Ministers.*

3: No Design Statement or Landscape Capacity Evaluation were submitted with the application as required by LDP Policy ENV2.

*Response: Both documents have since been submitted and added to the planning case file. They are summarised in the previous section of this report.*

4: The application form states that pre-application advice was given by a Planning Officer but no details are provided.

*Response: Pre-application advice was provided at an early stage on the principle of the proposal, the Rural Design Guidance and Local Development Plan Policies. No detailed proposals were available at that stage.*

5: Non-compliance with the Local Development Plan and draft LDP2 as the land is allocated countryside and is not an addition to a "well defined group of four or more houses". There are only three properties in the group. There is a precedent in the Council's assessment of a proposed group at Kings Cross, Whiting Bay (15/00601/PP).

*Response: This matter is considered in the Analysis section of this report but it is considered that the development complies with Policy ENV2.*

6: The development would not be sympathetic to the scale, form or character of the existing group. This, and the similar application for Plot 3, would create a suburban style cul-de-sac. The house is significantly larger than the existing properties and would be visually prominent to the detriment of the visual amenity of the surrounding countryside area. The buildings would have slate roofs rather than tiled as in the existing properties. The design is contrary to the Council's Rural Design Guidance as it would not integrate well with the existing developments on-site.

*Response: Matters of design, scale etc. are considered in the Analysis section of this report.*

7: The proposed garage would be easily capable of conversion to a further dwellinghouse. Use of the proposed workshop is undisclosed or whether any hazardous materials will be stored or used there

*Response: The garage would be a domestic garage and workshop incidental to the purposes of the dwellinghouse only.*

8: The proposal does not comply with Roads guidelines and there is no mention of whether Roads was consulted on the proposal. There would be insufficient lines of sight at the

junction. The private road access is co-owned by the existing owners and the neighbouring farmer to whom no approaches have been made. Consent is unlikely to be given for any improvements and any planning permission could not therefore be implemented. The new house(s) would also double vehicle provision and the associated maintenance burden on the road.

*Response: NAC Active Travel and Transportation was consulted on the proposals and did not object subject to conditions. A Road Construction Consent would be required for any improvements. The applicant confirms that he has both the legal rights and the capability to provide sightlines and any other improvements required by NAC Active Travel and Transportation.*

9: The site is in a Local Nature Conservation Site. There is no environmental information or details on wildlife habitats.

*Response: The submitted Landscape Capacity Evaluation document provides some information in this regard. The site is relatively level and does not contain any trees, buildings or obvious potential roosts but a Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions.*

10: Potential amenity impacts including: smells, waste or noise from the unspecified use of the workshop; potential for light pollution in an area totally dark at night; overlooking and overshadowing of the neighbouring property Galena.

*Response: The proposed house would be sufficiently separate from neighbours to prevent adverse impacts on daylight or privacy. The garage/workshop would be in domestic use only and no additional street-lighting is proposed.*

11: There is no information on provision of services to the house. The application states that waste water will go to the public sewer. There is no public sewer. There is no information from SEPA or Scottish Water on the proposal to add additional use to the communal septic tank.

*Response: This point was clarified by the architect/agent. It is intended to utilise the common septic tank. A planning condition could be added to any permission regarding confirmation of details of this.*

12: Lack of need for the development. The Council's proposed LDP2 rejected any growth of the settlement boundary of Blackwaterfoot thereby indicating that there is already sufficient supply of housing.

*Response: The proposal is not for additional housing to expand Blackwaterfoot. The need or desire to live in a certain location is a matter for the individual. The proposal to expand an existing rural housing group is assessed in the Analysis section of this report.*

## SUPPORT

Twenty expressions of support for the proposal were received including from Arran Economic Group and from neighbouring land owners. The reasons given for support

include: that the proposals would help retain population on the island; there is a lack of affordable housing in the west of Arran; the house would be permanent family homes in full time occupation in an area of mostly second homes and holiday cottages; visibility splays at the junction can be easily achieved; and that one and a half storey houses are appropriate in the Arran landscape and the Rural Design Guidance supports design variations within rural housing groups.

*Response: These points are noted although the personal circumstances of an applicant are not a material planning consideration.*

## CONSULTATIONS

**NAC ACTIVE TRAVEL AND TRANSPORTATION:** No objection subject to conditions. The private road would have to be brought up to adoptable standard and adequate sightlines provided at the junction with the public road. Roads Construction Consent would be required for these works.

*Response: Appropriate planning conditions and informative notes could be applied to any permission regarding these matters. The applicant has indicated acceptance of such a condition.*

**SCOTTISH WATER:** No objection. The development could be fed from Balmichael Water Treatment Works. There is no waste water infrastructure in the vicinity and a private treatment option would be required.

*Response: An informative note could be applied to any permission advising the applicant to contact Scottish Water in this regard. The applicant states that an existing communal private septic tank, originally provided to serve all five proposed housing plots, is to be used.*

## 3. Analysis

Section 37 of the Town and Country Planning Act 1997 (as amended) states that, in determining planning applications, Local Authorities shall have regard to the provisions of the development plan and to any other material considerations. The proposal therefore requires to be considered in terms of the adopted North Ayrshire Council Local Development Plan policies ENV 2(Housing Development in the Countryside), ENV9 (Nature Conservation) and the General Policy, as well as any other material planning considerations.

ENV2 permits small scale expansion of existing rural housing groups where listed criteria are satisfied but requires that approved developments should commence within 2 years to prevent land banking. The definition of a rural housing group in criterion (a) of Policy ENV2 is "a well-defined, nucleated group of 4 or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature, for example, a shared access."

There are three house (Tofts Knowe, Galena and Feorline View) accessed from the same private road as the proposed house. In addition, the neighbouring Greannan to the south, Craigellachie to the northeast, and Greenhill and Greenhill Cottage to the north are separately accessed. While the policy ENV2 identifies a common access as being one

identifier of a nucleated group, this is not the only consideration. By virtue of their proximity, the sharing of common boundaries and their setting within the landscape, particularly when viewed from distance against the visual backdrop of the hillside, the seven properties constitute a nucleated group which could be extended by up to 50% in terms of ENV2. Planning permission (12/00148/PP) for one further dwelling within the rear garden of Greenhill Cottage was previously approved in 2012 but was not implemented and has now lapsed and there would therefore be scope to add to the group.

This proposal relates to a plot which had historical outline approval and was delineated as a housing plot prior to the planning issues previously described and would not therefore physically extend the grouping any further into the countryside than at present. It is therefore considered to be a sympathetic addition in terms of ENV2 (a).

The proposals would not alter the route of the private road or positions of plots in relation to each other and is not suburban in character in terms of criterion (b); Similarly, the layout and access would not prejudice any future development opportunity in relation to (c); Roads did not object and their construction consent would be required in terms of (d); and the site is not within any defined Special Landscape Areas or the North Arran National Scenic Area in terms of (e). The proposal therefore complies with ENV2.

Policy ENV9 states that proposals which could affect Local Nature Conservation Sites will be assessed to ensure that appropriate measures are in place to conserve the site's wildlife or habitat interest. The site is relatively level with no trees or buildings within it and from a site visit, did not appear to provide any obvious significant wildlife habitats.

Notwithstanding, objections were raised in terms of impact on bat habitats. A Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions. The application therefore accords with ENV9.

The relevant criteria of the General Policy, (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character and (d) Access, Road Layout and Parking Provision are assessed as follows:

(a) The proposed house would be one and a half storey in scale and of a similar east-west orientation facing towards the road and Shiskine Valley as the majority of surrounding properties in the group. The scale and footprint of the building would be similar to the three immediately neighbouring properties, although potentially higher at the roof ridge than those properties. However, the ridge height would be similar to the previously approved house design south of Greenhill Cottage (12/00148/PP) and a site section was prepared which shows the proposed house marginally higher than the neighbouring properties. While the house would be sited further uphill (west) than the properties to the front (Feorline View and Craigellachie), the ridge height would not break above the skyline formed by the hillside when viewed from further outwith the immediate group. The garage, whilst further back within the plot, is lower at ridge height than the house and would not therefore sit higher against the hillside backdrop or above the skyline. There is some variety of style and scale within the group, from the two storey Greannan at the south to one and a half storeys with a prominent front 'box' dormer at Greenhill to the north of the group. All five of the original plots within the field are already delineated by boundary fences and hedges and this plot and the concurrent Plot 5 application 18/00541/PP, are the last two undeveloped. Taking all of these factors into account, it is therefore considered that the siting of the proposed house would be satisfactory.

The originally submitted design has since been amended to reduce roof massing and the scale of the front glazed extension and is considered appropriate to the surrounding properties and to its plot. The external appearance and proposed finishing materials of slate and white render, are also appropriate to the countryside setting although a planning condition should be applied to any permission requiring final details to be submitted for approval. The proposal therefore complies with criterion (a).

In terms of (b), occupants of the house would benefit from a good level of residential amenity arising from ample garden ground and views across the Shiskine Valley. The house would be 40m from Feorline View to the east, 23m from Galena to the south-east and 27m from Craigellachie to the east, which is at a lower level and across an intervening boundary hedge, which is acceptable and would be sufficient to avoid any significant adverse effects on privacy or available light to neighbouring houses. The proposed garage has been applied for as a domestic garage and workshop incidental to the house only, and separate planning permission would be required for any commercial use. It is therefore acceptable in terms of amenity.

With regards to (c) a Landscape Capacity Assessment was submitted with the application. It is agreed that there would be no significant adverse effect on the rural character of the area arising from the development.

In terms of (d), NAC Active Travel and Transportation did not object on road safety grounds. Private road improvement would be required prior to house occupation. The applicant has advised that she has both the legal right and the capacity to achieve such improvements and the proposal therefore accords with (d) and thus, with the General Policy as a whole.

In terms of the Rural Design Guidance, the house forms an acceptable extension to an existing rural housing group. The Guidance identifies that the most successful clusters comprise a group of buildings which are stylistically different and so give a more rural character while the less successful can be overly monolithic with the same house type repeated. In this case, it is not considered that the existing bungalows in the group are of particular architectural merit or representative of the rural Arran character and it is not therefore considered necessary to replicate their design. The contemporary design variations will add architectural interest to the group. Retention of appropriate stob and wire fencing and hedge boundaries will also help to retain rural character. Roof design has been amended to reduce massing and the introduction of wall-head dormers is an appropriate feature in the rural landscape. The proposal is therefore satisfactory in terms of the Rural Design Guidance.

In summary, the proposal is for a house on a previously delineated plot which accords with the relevant LDP policy considerations. The applicant has indicated that concerns raised by objectors in terms of access and servicing can be addressed and appropriate planning conditions and notes can be applied in respect of these matters. The previous planning history of the site is also noted but is not considered to be a material consideration which outweighs Section 37 of the Planning Act which requires that planning proposals be determined in accordance with the development plan currently in place.

It is therefore recommended that planning permission should be granted subject to the conditions and informative notes identified in this report. A direction should be added to the decision in terms of Policy ENV2 requiring that the development commences within 2 years.



#### **4. Full Recommendation**

Approved subject to Conditions

##### **Reasons for Decision**

###### **Condition**

1. That prior to the commencement of the development hereby approved, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority:

- Full details and/or samples of the proposed external finishes of the buildings;
- Full details of the proposed boundary enclosures; and
- Full details of the proposed drainage scheme for the site.

If approved, the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as Planning Authority.

###### **Reason**

In the interest of the amenity of the area.

###### **Condition**

2. That the private road, as detailed on the approved plan 1807/11 to include a passing place and visibility splays of 2.5m by 90m in both directions at the junction with the public road, shall be upgraded to adoptable standard prior to the occupation of the dwellinghouse hereby approved, to the satisfaction of North Ayrshire Council as planning authority. A road construction consent shall require to be obtained prior to the commencement of the development hereby approved, all to the satisfaction of North Ayrshire Council as planning authority

###### **Reason**

To meet the requirements of North Ayrshire Council as Roads Authority.

###### **Condition**

3. That the first 2 metres of the driveway access shall be hard surfaced in order to prevent loose material being carried onto the carriageway and shall be designed in such a way that no surface water shall issue from the access onto the carriageway, all to the satisfaction of North Ayrshire Council as planning authority.

###### **Reason**

To meet the requirements of North Ayrshire Council as Roads Authority.

###### **Condition**

4. That, for the avoidance of doubt, the detached garage hereby approved shall be used for domestic purposes incidental to the enjoyment of the associated dwellinghouse only and for no other purpose.

###### **Reason**

In the interest of the amenity of the area.

A handwritten signature in black ink, appearing to read 'Karen Yeomans'.

Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

