



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A meeting of the **Local Review Body** of North Ayrshire Council will be held remotely on **Wednesday, 26 January 2022** at **14:15** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire-public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of meetings of the Local Review Body held on 3 November and 15 December 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 21/00633/PP - Mount Pleasant Farm, Mount Pleasant, Lamlash, Arran

Submit report by the Head of Democratic Services on a Notice of Review by the applicant requesting that Condition 4 of the planning permission granted be removed (copy enclosed).

4 21/00812/PP – Site to the West of Hillside Cottage, Bellesdale Avenue, Largs

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

5 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

At a Meeting of the Local Review Body of North Ayrshire Council at 2.25 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, I. Davies and A. Hume, Senior Development Management Officers, L. Dempster and K. Gee, Technicians (Planning) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

1. Order of Business

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow consideration of Agenda Item 4 (Notice of Review: 21/00542/PPP 4 Lilybank Lane, Fairlie) prior to Agenda Item 3 (Notice of Review: 21/00419/PP 33 Blairlands Drive, Dalry).

2. Declarations of Interest

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

3. Minutes

The Minutes of the meeting of the Local Review Body held on 29 September 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Notice of Review: 21/00542/PPP 4 Lilybank Lane, Fairlie

Submitted report by the Head of Service (Democratic) on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning decision notice, further representations by interested parties and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit

The Local Review Body unanimously agreed that enough information had been provided to determine the review request without a site visit.

Councillor Marshall, seconded by Councillor Barr, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

There being no amendment the motion was declared carried.

Councillor Larsen left the meeting at this point.

5. Notice of Review: 21/00419/PP 33 Blairlands Drive, Dalry

Submitted report by the Head of Service (Democratic) on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

At its meeting on 29 September 2021, the Local Review Body agreed that a site visit should be undertaken before the review request was determined. A site familiarisation visit was duly held on 19 October 2021, attended by Councillors Marshall, Barr, Clarkson, Larsen, McNicol and D. Reid. Only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request.

Councillors Billings, Foster, Macaulay and McMaster left the meeting at this point.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, and Planning Decision Notice were provided as appendices to the report.

The Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and that only those Members who had attended the site familiarisation visit were eligible to participate in the determination of the review request. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Councillor Clarkson, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

There being no amendment the motion was declared carried.

The Meeting ended at 2.55 p.m.

At a Special Meeting of the Local Review Body of North Ayrshire Council at 11.30 a.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Robert Foster, Christina Larsen and Ronnie McNicol.

In Attendance

I. Davies, Planning Adviser to the LRB and J. Thompson, Assistant Planning Officer (Economic Development and Regeneration) (Place); J. Law, Legal Adviser to the LRB (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Also in Attendance

A. Paterson (Applicant).

Apologies

Ian Clarkson, Shaun Macaulay, Ellen McMaster and Donald Reid.

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

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

2. Notice of Review: 21/00293 – 8 Gray Crescent, Irvine

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning permission refused by officers under delegated powers in respect of Planning Application 21/00293 - 8 Gray Crescent, Irvine for the erection of a 2 storey extension to the south side elevation and single storey extension to the north side elevation of the detached dwelling house at 8 Gray Crescent, Irvine.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning decision notice, further representations by interested parties, the applicant's response to further representations from interested parties and hearing statements from the applicant, interested parties and North Ayrshire Council Planning service, were provided as appendices to the report.

At its meeting on 29 September 2021, the Local Review Body agreed that a hearing be held before the review request was determined, on the basis that there had only been one objection to the application and to provide the applicant an opportunity to outline their circumstances of home working as a result of the pandemic. The hearing would also allow the applicant to explain their view on why the application

would not be overdevelopment of the site and the reasons why a rear extension to property would not be suitable.

In accordance with the hearing procedure and rules, the applicant, an officer of the Council's Planning Service and interested parties who made representations on the application were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.

The Planning Adviser advised the Local Review Body of the background to the application and highlighted a statement which had been submitted to the LRB by an objector.

The Council's Planning Service and the applicant then addressed the Local Review Body.

Members asked questions of the applicant and the Planning Service and were provided with further information on:

- Planning regulations that do not prevent development up to the boundary of the site;
- an access gap which would have remained between the boundary and the proposed 1 ½ side extension;
- the applicant's view that the 50-year-old property required updating and refurbishment to make it suitable for modern living, including working from home;
- written confirmation which had not been sought from neighbours who had voiced support for the proposal;
- the property and proposed extension which would be of 1 ½ storeys; and
- the circumstances surrounding a neighbour who had not asked the identity of the person who claimed to be a Council official enquiring about objecting to the application.

Councillor Barr, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

As an amendment, Councillor Larsen, seconded by Councillor Foster, moved that the proposal was not out of character with the local area and to uphold the appeal and grant the application, subject to relevant conditions.

On a division and a roll call vote, there voted for the amendment, Councillor Larsen and Foster (2) and for the motion, Councillors Marshall, Billings, Barr and McNicol (4) and the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

The meeting ended at 12.05 p.m.

NORTH AYRSHIRE COUNCIL

26 January 2022

Local Review Body

Title: Notice of Review: 21/00633/PP - Mount Pleasant Farm, Mount Pleasant, Lamlash, Arran

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant that Condition 4 of the planning permission granted for the redevelopment of the farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings be removed, for the reason outlined in Appendix 1 to the report.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

2.1 A Notice of Review was submitted in respect of Planning Application 21/00633/PP - Mount Pleasant Farm, Mount Pleasant, Lamlash, Arran, that Condition 4 of the planning permission granted for the redevelopment of the farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings be removed, for the reason outlined in Appendix 1 to the report.

2.2 The application was approved subject to conditions by appointed officers under delegated powers, detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report: -

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

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 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and there were no further representations.

Craig Hatton
Chief Executive

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

Background Papers

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Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100320754-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="John Lamb Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="John"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Lamb"/>	Building Number:	<input type="text" value="70"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Woodside Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Waterfoot"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="G76 0HD"/>
Email Address: *	<input type="text" value="██"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Alistair & Carol"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Crawford & Boag"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MOUNT PLEASANT FARM"/>
Address 2:	<input type="text" value="MOUNT PLEASANT"/>
Address 3:	<input type="text" value="LAMLASH"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BRODICK"/>
Post Code:	<input type="text" value="KA27 8LH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="632253"/>	Easting	<input type="text" value="203935"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate supporting document

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Document setting out Reasons for Seeking Review

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00633/PP

What date was the application submitted to the planning authority? *

22/06/2021

What date was the decision issued by the planning authority? *

01/09/2021

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Lamb

Declaration Date: 10/10/2021

Redevelopment of Farm Steading at Mount Pleasant, Lamlash, Isle of Arran (21/00633/PP)

Reasons for Seeking Review

BACKGROUND

On the 1st September, 2021, North Ayrshire Council granted detailed planning permission for the “Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings” (application reference no. 21/00633/PP).

Condition 4 of the granted permission states “That, prior to the occupation of the first dwellinghouse: (i) the access road shall be upgraded to adoptable rural standard from the end of the existing adopted section to the proposed turning area; and (ii) that the first 2m of the proposed driveways shall be surfaced so as to prevent any loose materials or surface water entering the public road, all to the satisfaction of North Ayrshire Council as planning authority. Roads Construction Consent shall be obtained by the developer for the above.”

The Applicants wish this condition to be removed as it is inappropriate and unreasonable for the following reasons:

REASON 1: Nation Roads Development Policy

The National Roads Development Guide for Scotland states:

“2.1.4 Design Guidance and Adoption Standards Construction Consent should be granted only where proposals for the layout and construction of roads, structures, road drainage and lighting meet the guidance as detailed in this document and any variations permitted by the Local Authority.”

Generally 5 or fewer dwellings (more if a ‘brownfield site’, eg redeveloped farm steadings) will be served by a ‘private access’ which, as there is no right of public access, will not require Construction Consent and will not be available for adoption.”

In the Report of Handling produced by the Planning Department, it is stated that: “The layout replicates the existing L-shaped plan of the farm-steading”.

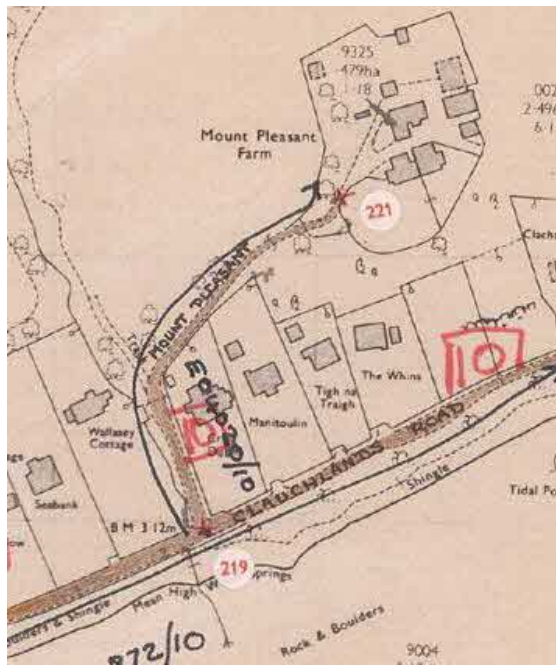
The Applicants therefore maintain that the access road should not be adopted because:

- a) The proposed development is for the redevelopment of a farm steading as confirmed in the official description of the planning permission and in the Report Of Handling.
- b) The National Roads Development Guide for Scotland clearly states that 5 or fewer dwellings will be served by a private access and specifically refers to the redevelopment of a farm steading.

REASON 2: Inappropriate Quality of Adopted Section of Road

Condition 4 of the planning permission requires the access road “to be to adoptable rural standard from the end of the existing adopted section...”

The extent of the adopted section of road is clearly shown shaded brown on the following plan.



The following photographs show the quality of the adopted section of the existing access road.





Although originally surfaced, the road has had no maintenance for many years leading to the break-up of the surface and the encroachment and growth of vegetation. The width is less than that required for adoption in a rural setting and there are no passing places. The road is little better than a “dirt track”.

The Applicants therefore maintain that to be required to build the new section of road, within the redeveloped farm steading, to an adoptable standard would be completely unreasonable as it would be served by a significantly lesser quality section of adopted road outwith their control and furthermore, that the requirement of a Road Bond in connection with a Road Construction Consent would be wholly unjustified in the absence of a similar Road Bond being lodged with them by the Council to ensure that the existing adopted section of road is brought up to an appropriate adoptable standard by the Council.

REASON 3: Requirements of Roads Construction Consent

The current unadopted roadway and courtyard within the site is unsurfaced and porous, allowing the free drainage of rainwater landing on the road and courtyard. This allows for a natural even percolation of rainwater into the ground where it is dispersed over the whole area of road and courtyard. However, North Ayrshire Council Roads, unlike most other roads authorities in Scotland, do not permit the use of permeable self-draining block paviers in adopted roads. This would mean that the Applicants would need to incorporate a drainage system into the new road, if it was to an adoptable standard, leading to the collection of surface water and discharge of this water in a soakaway at one centralized point.

Several objectors to the planning application raised concerns about the run-off from the development site of surface water which they claimed would be detrimental to their own properties further down the hill. The requirement to collect all the surface water at a central discharge point, rather than allow it to disperse naturally over the whole area of road, would exacerbate any flooding issues as perceived by these objectors, a situation which the Applicants wish to avoid but on which they would have no choice given the conditions that would attach to a Road Construction Consent were the road to be to an adoptable standard.

Another of the requirements of any Roads Construction Consent would be the provision of a street lighting design and the provision of ducts to carry the cabling for this lighting, which is a standard requirement of North Ayrshire Council, even in situations where there is no existing street lighting in rural locations.

One of the objections made against the planning application was that street lighting on the access road would be detrimental to the rural amenity of the location and assurance were given during the planning process by the Applicants that there were no plans to provide any street lighting.

The requirement for the applicants to pay for the design of a street lighting scheme and then pay for the installation of ductwork for it would therefore not only be contrary to the undertaking given by them during the planning process but also be a completely unjustified expense.

SUMMARY

The Applicants request that Condition 4 of the Planning Permission be removed because:

- a) The requirement of the Condition is contrary to National Roads Development policy because the permission is for the redevelopment of a farm steading consisting of less than 5 dwellings, which is specifically included as a “private access” in that document.
- b) To construct the new section of road within the site to an adoptable standard would be completely anomalous given the extremely poor state of repair of the adopted section of road, its width and the lack of passing places. The requirement for Road Construction Consent would involve the payment of a Road Bond for the Applicant’s section of road and the requirement to construct their section of road to a much higher standard than that section adopted by the Council, without any assurance or guarantee that the Council would similarly upgrade the adopted section of road to a similar standard.
- c) The requirements of North Ayrshire Council Roads in any Road Construction Consent would potentially exacerbate any flooding issues and require expense associated with street lighting, both of which are unnecessary and inappropriate but which would also require the Applicants to renege on commitments given by them to the Planning Department in response to objections received from the owners of neighbouring properties during the planning process and included in the Report Of Handling.

Proposal Details

Proposal Name	100320754
Proposal Description	Replacement of 3 attached houses and detached barns with 3 detached houses
Address	MOUNT PLEASANT FARM, MOUNT PLEASANT, LAMLASH, BRODICK, KA27 8LH
Local Authority	North Ayrshire Council
Application Online Reference	100320754-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Reasons for Seeking Review	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/00633/PP
Proposal:	Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings
Location:	Mount Pleasant Farm, Mount Pleasant, Lamlash, Brodick Ayrshire
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 26 - Digital Infrastruct /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 25.06.2021 Neighbour Notification expired on 16.07.2021
Advert:	Regulation 20 (1) Advert Published on:- 09.07.2021 Expired on:- 30.07.2021
Previous Applications:	20/00981/PP for Redevelopment of farmsteading to provide three detached dwellinghouses including demolition of existing attached dwellinghouses Application Withdrawn on 23.02.2021
Appeal History Of Site:	None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 26 - Digital Infrastructure Policy 26:

Digital Infrastructure and New Communications Equipment

We want to encourage the provision of digital infrastructure to new homes and business premises to create a universal world class network that is future-proofed in line with the Scottish Government's World Class 2020 document and the roll-out

plans of digital communications operators, community groups and others, such as the Scottish Government and the UK Government.

We will support proposals for new communication equipment, particularly those addressing areas with low or no connectivity capacity or coverage, where they;

- i) Would deliver new services or provide technological improvements
 - ii) Would not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. and;
 - iii) are sited and designed to keep environmental impacts to a minimum.
- Providers of communications equipment will require to adequately demonstrate that the following options have been considered in site selection and design of a base station(s):

- i) Mast or site sharing.
- ii) Installation on buildings or other existing structures.
- iii) Installing the smallest suitable equipment, commensurate with technological requirements.
- iv) Concealing or disguising masts, antennas, equipment housing and cable runs using design camouflage techniques where appropriate.
- v) Installation of ground-based masts.

Sufficient information should be provided in order to demonstrate that the proposal is in an appropriate location and designed to not have any unacceptable adverse effects. The types of information required to be submitted with a planning application could include;

- o An explanation of how the proposed equipment fits into the wider network
- o A description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution
- o Details of the design, including height, materials and all components of the proposal
- o Details of adverse effects on aerodrome operations, technical sites existing transmitter/receiver facilities and proposed mitigation
- o Details of any proposed landscaping and screen planting, where appropriate
- o An assessment of the cumulative effects of the proposed development in combination with existing equipment in the area
- o A declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation
- o An assessment of visual impact (including cumulative effects), if relevant

Description

This application is essentially a re-submission of a previously withdrawn proposal for the re-development of a former farm-steading in the countryside at the edge of Lamlash for three houses.

The previous proposal (20/00981/PP) was withdrawn by the applicants in February 2021 pending the Council's introduction of new Housing in the Countryside Guidance, which was subsequently adopted at the planning committee of June 21/00633/PP

2021. The current application is essentially for the same development layout as previous with a Design and Access Statement expanded to reflect how the proposals accord with the newly adopted Guidance.

Mount Pleasant Farm is no longer operational, and the surrounding fields have been leased to a neighbouring farmer. The remaining buildings on the site are grouped towards the south-east corner of the site and comprise: a c.334m² residential building facing south; two disused byres with a combined floor area of 317m²; and a smaller, derelict brick-built former farm storage shed in the centre of the site.

The applicants have inherited the property and the main building is claimed to be three separate dwellings formed over time by internal sub-division. No documentary evidence has been submitted in this regard and the Council Tax record indicates only two houses (Mount Pleasant Farm and Cottage 1 Mount Pleasant). This application has been made to replace those two houses with two properties at approximately the same position as the previous building, albeit detached with House 1 sited further to the west, and to replace the redundant agricultural buildings at the east boundary with a third detached house at essentially the same position but set further to the north.

The Proposal

It is proposed to remove the existing buildings from the site and to replace them with three detached houses of contemporary design, more suitable for modern living requirements.

The new houses would be arranged in essentially the same L-shaped pattern as the existing buildings, albeit the 334m² main building would be replaced by two detached houses set c.0.5m further north than the previous row of attached houses, being c.42m from the south site boundary.

House 1 would be 14m to the west of the existing buildings; House 2 would be largely sited on the position of the existing residential building, albeit 4m to the west; and House 3 would be set 9m further back than the byres it would replace at the east side of the plot. The houses have been individually designed for each plot.

House 1 would be a three bedroom 1 1/2 storey house with a footprint of some 140m² and a pitched roof some 6.6m high at the ridge. The house design would feature: full height (4.85m) glazing on a front projecting gable and an enclosed wall-head pitched roof balcony on the front (south) elevation; a flat roofed 2.7m high rear entrance portal and a flat roofed 6.5m wide wall-head dormer on the rear elevation; and 820mm wide windows on both side elevations. The external finishes would be from a palette of contemporary materials, including: zinc main roof in anthracite colour, and sedum rear single storey roof; white silicon render walls with zinc and Siberian larch timber cladding details; aluminium windows and timber door frames, each finished in anthracite grey colour; and grey cast stone cills and copings.

House 2 would be a four bedroom 2 storey house with a footprint of some 124m² and a zinc roof of varying pitches, 7.1m high at the highest point. The house design would feature: extensive feature glazing and a 'Brise Soleil' controllable sun canopy projecting 0.7m above the ground level windows on the front (south) elevation; a 2.1m wide upper floor cantilevered window extension which would project 1m from the east elevation at first floor level and would have a pitched roof; and vertically proportioned and narrow upper and lower level windows on the east and west

elevations. The external finishes would be taken from the same palette of contemporary materials as House 1 but including natural stone details to the walls. House 2 would also have a detached 39m² single storey garage, sited 1.25m from its rear (north) elevation. The garage would have an anthracite coloured aluminium garage door on the north elevation and would be externally finished to match the house with a flat sedum roof.

House 3 would be a three bedroom 1 1/2 storey house with a footprint of some 116m² on a rectangular plan and a pitched roof, between 6.8m and 8m high at the ridge given the sloping adjacent ground level from north to south. The house design would feature: extensive glazing on the east elevation; a cantilevered ground floor terrace, some 1.2m above ground and enclosed by a 1m high glazed handrail, which would wrap around the south-east corner of the house; a 2.5m wide first floor balcony enclosed by a 1m high glazed handrail on the south elevation; and narrow vertically proportioned windows on the west elevation. The external finishes would match those of House 1.

The public adopted road rising from Shore Road ends at the site entrance at the west of the site and the existing private access track within the site would be improved with parking driveways provided at each house. The development proposes to replace the existing buildings towards the south-east corner with the remainder of the site being landscaped as common shared amenity space for the three houses. The extensive lawn to the south of the existing houses would be retained. No detailed landscaping proposals are included but the applicants indicate that there are no proposals to remove any significant trees on the site.

Drainage from the properties would be to a sewage treatment plant at the south-east boundary and a soakaway in the adjoining field which is in the same ownership. No boundary enclosures between the houses or the perimeter are proposed. The post and wire field boundary fence around the rear shared area would be renewed and the front (south) of the site at the top of a slope is un-enclosed.

The site

The site covers around 1 hectare and is located adjacent to the north boundary of Lamlash at its eastern end. The access is from Clauchlands Road/Shore Road to the south and is an adopted road along its length as far up as the farmyard. The site itself is now relatively clear, other than the buildings detailed previously, mature trees at the west side around the access road and site entrance and at the south east corner. The rear areas have previously been largely cleared of vegetation.

The site slopes down from the rear (north) to the south, while to the front of the existing houses is an extensive (c.30m wide) flat mown lawn which then steeply slopes down to the rear of houses on Shore Road below which are c.55-60m from the houses at Mount Pleasant.

There is evidence of several large trees at the west side of the top of the intervening slope which have been previously felled, apparently some years before, given the moss and growth evident on the remaining stumps. The site is not subject to any tree protection orders and so planning consent would not have been required for that felling. The site is otherwise bounded to the north, east and west by agricultural land.

The application was supported by:

21/00633/PP

- a Design Statement, including sectional drawings through the site and expanded from the previous proposal to address the new design guidance;
- a Structural Report from 2015 which recommended demolition and re-build;
- a Valuation Report from 2013 which refers to three houses;
- an undated aerial photo of the former farm-steading (appearing to date from the 1970s or 1980's and showing another large house at the rear of the surviving houses in this application); and
- an undated Survey which was submitted as evidence of the presence of three houses for Inheritance Tax purposes.

The Design Statement (DS) details the history of the site, its characteristics and principal views out to the south to Lamlash Bay and Holy Isle, and how the design responds to the design brief to deliver public rooms and main bedrooms which are light and oriented to take advantage of these commanding views without requiring to remove the mature deciduous trees to both sides of the steading. It details how the grouping of the houses is consistent with the existing layout of the site as well as delivering modern standards of residential amenity for the houses without unnecessary additional impacts on the properties below.

It contains examples of how farm-steadings typically comprise simple geometric shapes, linked together to reduce mass and form shelter from the elements and also gives examples of types of materials which can create an appropriate contemporary aesthetic for rural settings.

The DS further states that there is no prevailing architectural style to the houses along Shore Road at the lower level on which to base the design, and concludes that the proposed mix of traditional roof pitches and modern rural finishing materials with more contemporary features, like the extensive south facing glazing to maximise views and solar gain, are appropriate to this site.

It also addresses some of the public comments made to the previous withdrawn application in relation to overlooking, drainage, trees and light / noise pollution. It includes a photomontage showing overlooking from the existing houses and states that windows will be at the same positions as before. In relation to drainage, it states that the overall building footprints on the site will be reduced and the new drainage installation will be installed to SEPA certification, thereby improving on the current situation. It claims there would be no increase in the number of properties and therefore no increase in light or noise issues.

A further drawing indicating the proposed buildings overlaid on the existing in both plan and elevation views was also submitted to clarify this issue.

The site is within the Countryside, as identified in the North Ayrshire Council Local Development Plan ("the LDP"), adopted in 2019. Within the LDP, the main relevant policies are: Strategic Policy 1: the Countryside Objective; Strategic Policy 2: Placemaking; and Policy 29: Energy Infrastructure Development. There are no historic or natural landscape protection designations within the site.

Planning History

The applicants inherited the site, decided that the existing houses were not of an acceptable standard for modern living and approached Planning Services around

2016 to discuss options for developing the site for houses, with the intention being to provide at least two houses for themselves and others for sale on the open market.

The advice given at the time was that existing houses could be replaced but the then LDP policies on Housing in the Countryside did not support further housing development beyond that. The applicants thereafter pursued the inclusion of the site within the settlement boundary through the next LDP preparation process which was ultimately rejected by the LDP Examiner who felt that the site did not form a part of the settlement and that any proposed housing development should be addressed through the Housing in the Countryside Policies in the proposed 2019 LDP.

Further pre-application discussions with Planning Services then took place and advice was given that the Adopted LDP policies in principle support houses formed by appropriate replacement or conversion. The current application was then submitted for replacement of two houses and formation of a third house by conversion/replacement of disused byres.

Consultations and Representations

Neighbour notification procedures were followed and the application was advertised in the local press (Arran Banner). The six objections received to the previously withdrawn proposal are considered material to this application and four of these were re-submitted in response to the new application. The various objections raise similar points which are summarised below. The agent amended the Design Statement for the re-submission to address the objections and this informs the responses below.

OBJECTION 1: Privacy/Overlooking - The proposed houses will be larger, higher and closer to the properties below than the existing and will consequently overlook them to the detriment of privacy and amenity. The chimney pots of the existing buildings are visible from the windows of nearby houses and any increase in scale may jeopardise the topographical obscurity.

Planning Response: As detailed on the submitted plans, the new houses would not be larger and would be set in line with, or marginally further back than the existing houses. As per the information supplied by the agent, the highest point of the roof of House 1 would be 888mm lower than the existing 7m high buildings and for House 2, would be 278mm higher. Drawings have been submitted to clarify this.

It is noted that there would be glazing higher up on the frontage of the new houses than on the existing traditional small dormer windows but on each of the two 'front' houses, this high level glazing would be partially to allow more light to voids over lower internal rooms with only one upper front window to a room on each, essentially replicating the positions of the existing upper windows. House 3 would be set further back into the site and would not affect the houses below.

Given that the new houses would be of a similar height and would be set marginally further back than those being replaced, and that the separation distance between windows of the neighbouring properties would remain in excess of 55m, albeit at a higher level, it is not agreed that the new houses would present a significant additional adverse impact on the privacy of the neighbouring houses. Siting and design are considered in the following section of this report.

OBJECTION 2: Trees - Request for confirmation that no further trees would be felled given the screening they provide and that the building works should not affect the roots or stability of any trees. The number of intervening trees has been misrepresented on the plans.

Response: The existing trees on-site are not protected by a tree preservation order. The agent advised that there are no proposals to fell trees but a planning condition could be applied requiring a landscaping plan for the site to be submitted and approved including details of trees to be retained or planted in order to address this point. It is considered the information provided in respect of trees is sufficient for the determination of this application.

OBJECTION 3: Road/Traffic - The access road to the site is little more than a track, could it cope with an increase in traffic? Shore Road itself is mainly single track and the verges are often damaged which would be worsened by further traffic.

Response: The proposal is for three properties to replace existing houses and would not intrinsically lead to any major increase in traffic levels. The use of Shore Road from the village as far as the site is out of the control of the applicants. Shore Road and the access track up to the site form part of the adopted public road network. Active Travel and Transport was consulted on the application and did not object. The response of AT&T is covered in the next section of this report.

OBJECTION 4: Noise and light pollution.

Response: The proposal is for three properties to replace existing residences and would not intrinsically lead to any increase in noise or light pollution levels. No permanent external lighting of the development is proposed.

OBJECTION 5: Drainage - A soakaway to the adjoining field is indicated but these houses could have many more residents than the existing and the increased drainage can only add to the water descending the slope towards the properties on Shore Road. Loss of vegetation on the intervening slope exacerbates this problem. What happens if the proposed sewage treatment plant fails or overloads?

Response: A basic drainage layout is indicated in the plans. A planning condition requiring full details and certification of compliance with SEPA standards by an appropriate person to be submitted and approved prior to any works could be applied to any permission. If approved the drainage details would also be further assessed in the building warrant process. Notwithstanding this, it is noted that the owners of any land generally remain responsible for any damage caused by their property, although this would be a legal consideration and not a planning matter.

OBJECTION 6: Inaccuracies - Photos of trees shown and referred to in the Design Statement are 7 or 8 years old and many of the trees shown are already cut down.

Response: The information submitted is sufficient to determine the application. A planning site visit was conducted for the application, the conditions on-site were noted and the application requires to be determined on the basis of the existing situation and not on photographs supplied.

OBJECTION 7: LDP - The application site was previously removed from the Lamlash settlement boundary at the examination stage of the proposed LDP2 by the Scottish Government LDP Reporter. The Reporter noted only one dwelling "the

former farmhouse and associated agricultural buildings" but this application claims it would replace three dwellinghouses.

Response: This point has been covered earlier in this report. The purpose of the Reporter's visit was for familiarisation with the location of the site and not to survey the buildings, internally or externally. From planning site visits, while from a distance the building onsite appears to be one large house, on external inspection there are three entrance doors although no internal inspection could be conducted. Given that Council Tax records show only two dwellinghouses, that is taken as the number of existing properties. The Countryside Objective of the LDP also makes provision for houses to be formed by conversion or replacement of existing buildings. The application falls to be considered on its merits under the Countryside policy, as referred to by the Reporter in their examination of the LDP rather than as housing development within the settlement.

OBJECTION 8: NEW DESIGN GUIDANCE - The proposals do not accord with the new guidance as a one and a half storey farmhouse, counted as two properties for Council Tax, would be replaced by three substantial detached houses. They do not accord with the guidance which states that visual impact must not be any more detrimental than what is currently on the site.

RESPONSE: The proposals are considered against the relevant LDP policies and guidance in the following Analysis.

OBJECTION 9: North Ayrshire Council's notification of the previous withdrawal indicated that a re-submission could be made within three months. This deadline was missed by several weeks.

RESPONSE: This appears to have been a misunderstanding. The notification referred to only advised that previous objectors would be automatically notified of any re-submission within three months. Outwith that period a planning application can still be submitted at any time and the statutory neighbour notification regulations would apply.

CONSULTATIONS

It is noted that the proposals are not materially changed from the previous withdrawn proposal and the consultee comments from 20/00981/PP are therefore still material.

NAC Active Travel and Transport: No objection subject to conditions. The road is adopted up to the site boundary. The private access road beyond that should be brought up to adoptable rural standard and the proposed driveways should be hard surfaced to prevent loose materials from being deposited onto the public road. Roads Construction Consent (RCC) will be required.

Response: All noted. An appropriate condition and an informative note to contact AT&T regarding RCC could be applied regarding these matters.

Scottish Water: No objection. The development would be fed from Balmichael Water Treatment Works and serviced by Lamblash Waste Water Treatment Works. The applicant should contact SW regarding future connections.

Response: Noted. An informative note to contact SW could be applied to any permission.

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Environmental Health: No objection. The presence of any significant unexpected contamination during development should be brought to the attention of EH for the agreement of suitable investigation. The drainage and sewage arrangements should be sufficient and properly managed in order to avoid nuisance. A letter has been sent to the applicant and agent regarding these and other matters which are not material planning matters.

Response: All noted. Conditions can be applied regarding contaminated land and drainage.

Analysis

Section 37 of the Town and Country Planning (Scotland) Act 1997 requires that applications for planning permission shall be determined having regard to the Development Plan in place and to any other material planning considerations.

The determining issue in this application is whether the development proposal complies with the policies of the North Ayrshire Council Local Development Plan (adopted 2019) and whether there are any other material considerations.

In terms of Strategic Policy 1: the Countryside Objective, replacement of existing houses in the countryside is acceptable in principle and criteria (h) allows new housing where it is a replacement or converted building or is a house of exceptional design quality.

As addressed previously in this report, the applicants inherited the property and believed that it comprised three registered houses as they claim that it had previously been occupied in that way by family members. However, they were unable to provide evidence to substantiate this and Council Tax records show the existence of only two official dwellinghouses.

The proposal is therefore to replace two houses at the front and to form a third by conversion/replacement of the former byres at the eastern boundary. House 3 would be 116m² to replace the combined 173m² byres at the same position and of similar scale and massing and it is therefore considered that the overall proposal complies with the aims of the Countryside Objective.

Strategic Policy 2: Placemaking expects that development shall avoid unnecessary adverse environmental or amenity impacts and shall meet the six qualities of successful places outlined in the policy. The site is not within any designated wildlife or environmental protection areas.

Again, as covered previously, this site, while in the allocated countryside, adjoins the edge of the settlement at a higher level than existing properties on Shore Road below and it is considered that the design process has considered the relationship of the development to the surrounding landscape and built environment to ensure that the proposal relates well to its location.

The design concept has been discussed with Planning Services at various stages during the pre-application design process. At all stages, the guidance was that the development should follow the existing pattern of the building footprints on-site and be similar in scale and massing as far as possible.

While the roof massing differs from the traditional slate roofs to be replaced, the heights are similar and the higher degree of glazing on the front roofs is mainly to light internal voids with proposed windows replicating the placement of existing dormer windows at similar heights.

The proposed plot sizes are also similar to the nearby properties on Shore Road, responding to the topography and the landscape would not be impacted any more than its current state.

The designs have been amended throughout the process, with the main planning considerations being that the proposals should retain the general building line, heights and separation distances of the buildings to be replaced. The applicants' considerations were for buildings of a contemporary standard taking advantage of natural light and views out from the site and it is considered that the proposal combines both of these elements satisfactorily.

It is therefore considered that the concept to replace the existing buildings around the south-east corner of the site has successfully delivered the quality 'distinctive'.

The proposals would significantly improve the visual amenity of the site from its current state of dilapidation, would enhance their environment without detracting from local landscape landmarks and so would therefore demonstrate the quality 'welcoming.' The Design Statement confirms that the houses would be heated by heat pumps and will adopt other renewable technologies where possible, thereby demonstrating the quality 'Resource Efficient'.

The layout replicates the existing L-shaped plan of the farm-steading, the height of existing buildings would not be materially increased and the revised roof massing allows a greater degree of internal light and solar gain in terms of sustainability. The greater degree of glazing at the front of the development would not significantly alter the character of either the rural environment or the settlement, given the location and would only be more readily visible from out on the sea, from where it would be incorporated within the wider views of the settlement within which there are many examples of glazed properties on the 'raised beach'.

The site is not readily accessible or visible from outwith its boundary. House 1 and House 2 would each have ample garden ground to the front and House 3 would have garden ground to the north as well as shared private amenity in the remaining site. The development would remain in the control of the applicants and the houses would provide a good level of amenity to future occupiers resulting from the shared private amenity garden ground, good connectivity to the village and its amenities and the coastal views of Lamlash Bay.

Given the 55-60m separation distances between the properties and neighbours below, it is not considered that there would be a significant additional detrimental impact on residential amenity by way of overlooking and there would be no overshadowing. A condition for confirmation of a landscaping scheme would further mitigate against potential impacts in this regard.

The submitted drawings showing the outline of the proposed houses overlaid on the existing houses indicate that the proposals are an appropriate re-development of the dilapidated farm-steading without significant adverse effects on neighbouring properties.

The overall development demonstrates the six qualities of a successful place identified in the policy and therefore complies with Strategic Policy 2: Placemaking.

In the Council's Adopted Housing in the Countryside Guidance, in relation to a house being formed by a replacement or a converted building, the main consideration is the impact of the proposed building both relative to the one being replaced or converted and as a building within the setting in its own right with the key question being: is it suitable for the local context and character? In this context, it is considered that the application accords with the six qualities of a successful place and that the replacement of the existing building structures is a more viable and sustainable option in this instance than direct conversion.

In terms of Policy 29: Energy Infrastructure Development which concerns compliance with energy reductions emissions required by Scottish Building Standards, the Design Statement identifies that the homes would be heated by low carbon generating technologies to ensure that the required reductions are met.

While this would be delivered through the building warrant process and the Design Statement gives a commitment to this, a planning condition should also be applied requiring confirmation of the details.

In summary, this proposal represents an acceptable development for this location which would follow the principles of the Adopted Housing in the Countryside Guidance.

It would not present any significant environmental issues and the site layout would effectively replicate the layout of the former farm. It would represent a significant visual improvement on the deteriorating farmyard buildings and would positively contribute to the visual amenity of the area without unacceptable adverse impacts on the residential amenity of existing properties.

The proposals thereby comply with the relevant provisions of the LDP and there are no other material considerations. Planning permission can therefore be granted subject to the conditions and notes identified in this report confirming materials: drainage arrangements, landscaping, site levels etc.

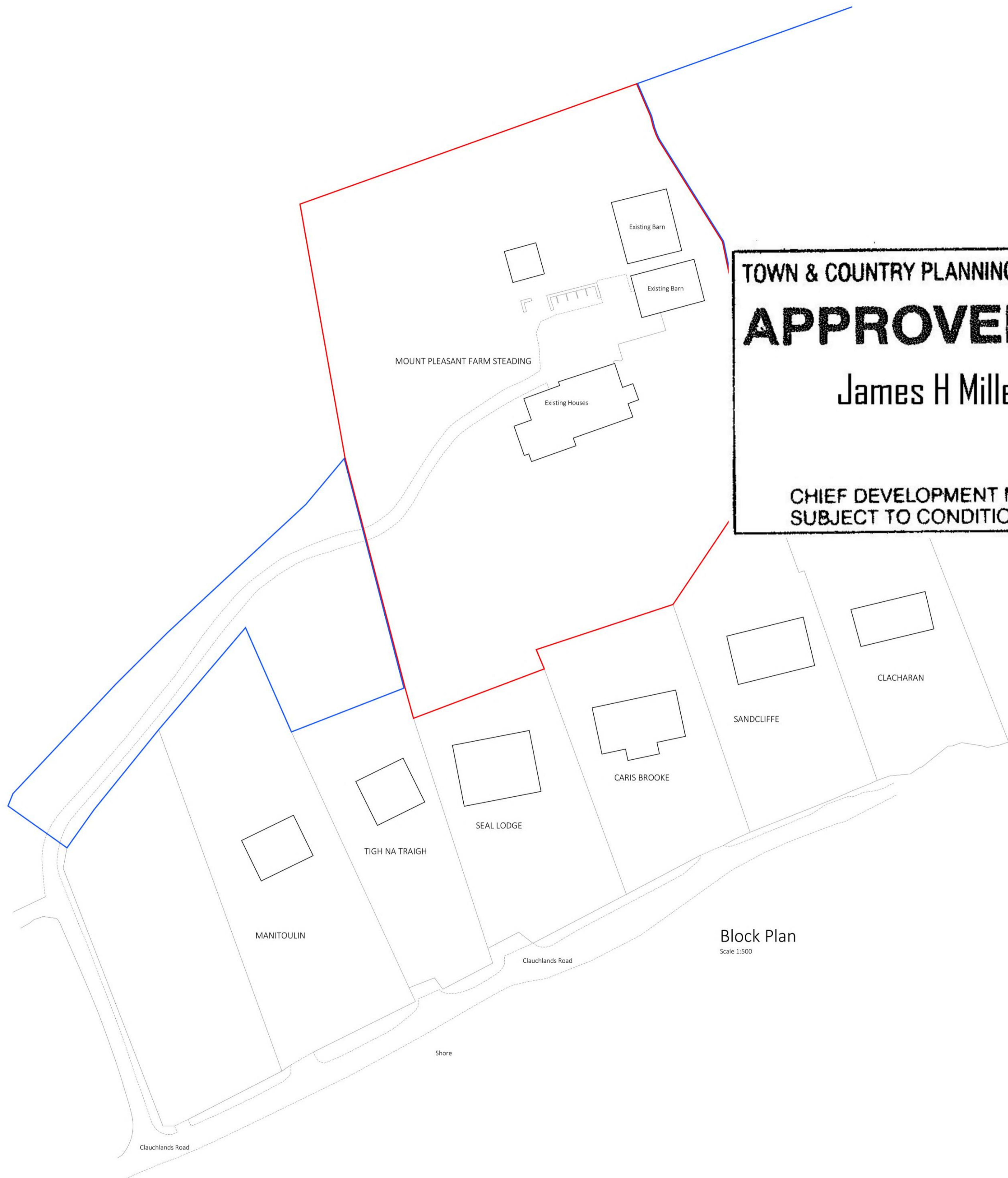
Decision

Approved subject to Conditions

Case Officer - Mr Neil McAteer

Appendix 1 - Drawings relating to decision

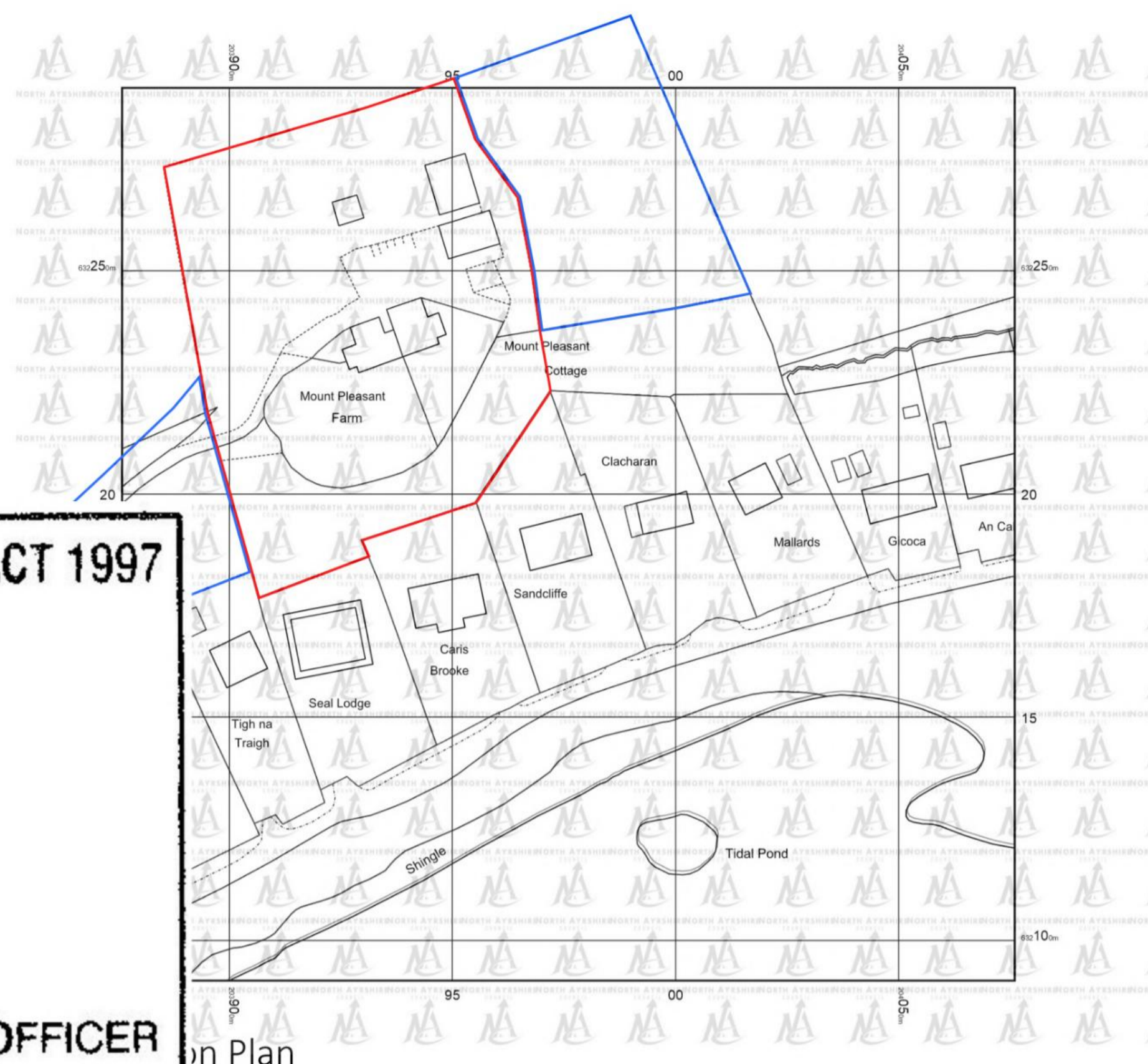
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan	20.01.01	Existing
Block Plan / Site Plan	20.01.02	Proposed
Proposed Floor Plans	20.01.03	House 1
Proposed Elevations	20.01.04	House 1
Proposed Floor Plans	20.01.05	House 2
Proposed Elevations	20.01.06	House 2
Proposed Floor Plans	20.01.07	House 3
Proposed Elevations	20.01.08	House 3
Location and Block Plan	20.01.09	
Proposed Plans and Elevations		Overlays



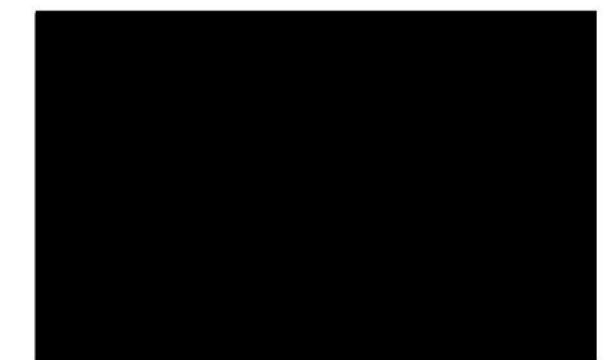
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
APPROVED
 James H Miller
 CHIEF DEVELOPMENT MANAGEMENT OFFICER
 SUBJECT TO CONDITIONS



Block Plan
 Scale 1:500



JOHN LAMB
 Architect



PROJECT Development of 3 Houses

LOCATION Mount Pleasant Farm, Lamlash, Isle of Arran

TITLE Block and Location Plans

DATE October 2020

SCALE As Shown

DRAWING No. **20.01.09**

REVISION

TO SCALE WHEN PRINTED AT A1 SIZE



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/00633/PP

(Original Application No. N/100430893-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013

To : Mr Alistair Crawford & Mrs Carol Boag
c/o John Lamb Architect F.a.o John Lamb
70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

With reference to your application received on 22 June 2021 for planning permission under the above mentioned Acts and Orders for :-

Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings

at Mount Pleasant Farm
Mount Pleasant
Lamlash
Brodick
Ayrshire
KA27 8LH

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- | | | |
|-----------|----|--|
| Condition | 1. | That prior to the commencement of the development hereby approved, full details of: (i) all external finishing materials of the dwellinghouses; (ii) all internal and external boundary enclosures including bin enclosures; (iii) any proposed external lighting; and (iv) all hard and soft landscaping including any trees to be retained or planted, shall be submitted for the written approval of the Planning Authority, and that the development shall thereafter be completed only in accordance with such details as may be approved.

For the avoidance of doubt, any such approved planting which fails within five years shall be re-instated, all to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 1. | To ensure that the development is completed satisfactorily in the interests of the visual amenity of the wider area |
| Condition | 2. | That the details of the proposed drainage and private foul sewer arrangements, certified by an appropriately qualified person, shall be provided for the written agreement of the planning authority prior to the commencement of the development hereby approved. The proposed design and siting and outflow of sewage shall take account of advice received from SEPA and be completed to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of the dwellinghouses hereby approved and maintained thereafter, all to the satisfaction of North Ayrshire Council as planning authority. |
| Reason | 2. | To ensure that the arrangements are adequate to serve the development in the interests of the proper planning of the area. |
| Condition | 3. | That, prior to the commencement of the development hereby approved, details of the existing site levels and the finished floor level of the dwellinghouses hereby approved shall be submitted for the |

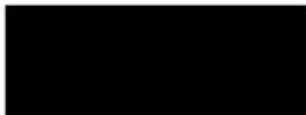
No N/21/00633/PP

written approval of the Planning Authority. The development shall thereafter be carried out only in accordance with such details as may be approved by North Ayrshire Council as Planning Authority.

- | | | |
|-----------|----|--|
| Reason | 3. | In the interests of the visual amenity of the wider area |
| Condition | 4. | That, prior to the occupation of the first dwellinghouse: (i) the access road shall be upgraded to adoptable rural standard from the end of the existing adopted section to the proposed turning area; and (ii) that the first 2m of the proposed driveways shall be surfaced so as to prevent any loose materials or surface water entering the public road, all to the satisfaction of North Ayrshire Council as planning authority. Roads Construction Consent shall be obtained by the developer for the above. |
| Reason | 4. | To meet the requirements of the Roads Authority in the interests of road safety and public amenity |
| Condition | 5. | That prior to the commencement of the development hereby approved, details of the heat and power system for the houses, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of the planning authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as planning authority. |
| Reason | 5. | In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan |
| Condition | 6. | That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 6. | To meet the requirements of Environmental Health. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Dated this : 1 September 2021



.....
for the North Ayrshire Council

Drawings relating to decision

Drawing Title	Drawing Reference	Drawing Version
Block Plan / Site Plan	20.01.01	Existing
Block Plan / Site Plan	20.01.02	Proposed
Proposed Floor Plans	20.01.03	House 1
Proposed Elevations	20.01.04	House 1
Proposed Floor Plans	20.01.05	House 2
Proposed Elevations	20.01.06	House 2
Proposed Floor Plans	20.01.07	House 3
Proposed Elevations	20.01.08	House 3
Location and Block Plan	20.01.09	
Proposed Plans and Elevations		Overlays

(See accompanying notes.) (The applicant's attention is particularly drawn to note 5 (limit of duration of planning permission))

Mount Pleasant Farm Mount Pleasant Lamlash Brodick Ayrshire
KA27 8LH

No N/21/00633/PP

The applicant is advised to consult the following authorities prior to the commencement of the development hereby approved :-

1. Development Planning Services (Roads), North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE with regards to obtaining Roads Construction Consent
2. Scottish Water, Asset Demand Planning Team Floor 2 North, The Bridge, Buchanan Gate Business Park, Stepps, G33 6FBD with regard to obtaining connections to water and drainage infrastructure



NOTIFICATION OF INITIATION OF DEVELOPMENT

Please return notice when you intend to commence development

1 September 2021

TO:

Enforcement Officer
 Planning Services
 Cunninghame House
 Irvine
 North Ayrshire
 KA12 8EE

Our Ref: N/21/00633/PP

Decision: Approved subject to Conditions

Decision Date: 1 September 2021

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		John Lamb Architect F.a.o John Lamb 70 Woodside Drive Waterfoot Glasgow G76 0HD

Description of Development: Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings

Location of Development: Mount Pleasant Farm Mount Pleasant Lamlash Brodick Ayrshire
 KA27 8LH

Date when work commences: _____

Signed: _____

Applicant/Agent* _____

* Delete where applicable

Please read the following and retain for your information.

1. Work must be carried out in accordance with the relevant docketted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docketted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

1 September 2021

TO:

Enforcement Officer
 Planning Services
 Cunninghame House
 Irvine
 North Ayrshire
 KA12 8EE

Our Ref: N/21/00633/PP

Decision: Approved subject to Conditions

Decision Date: 1 September 2021

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		John Lamb Architect F.a.o John Lamb 70 Woodside Drive Waterfoot Glasgow G76 0HD

Description of Development: Redevelopment of farm-steading to provide three detached dwellinghouses and garage including demolition of existing attached dwellinghouses and agricultural buildings

Location of Development: Mount Pleasant Farm Mount Pleasant Lamlash Brodick Ayrshire KA27 8LH

Date when works complete: _____

Signed: _____

Applicant/Agent* _____

*Delete where applicable

Please read the following and retain for your information.

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

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, Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NORTH AYRSHIRE COUNCIL

26 January 2022

Local Review Body

Title: **Notice of Review: 21/00812/PP – Site to the West of Hillside Cottage, Bellesdale Avenue, Largs**

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

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

2.1 A Notice of Review was submitted in respect of Planning Application 21/00812/PP for the erection of a detached dwelling house at the site to the west of Hillside Cottage, Bellesdale Avenue, Largs.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report: -

Appendix 1 - Notice of Review documentation;

Appendix 2 - Location Plan;

Appendix 3 - Report of Handling; and

Appendix 4 - Planning Decision Notice;

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

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 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and none were received.

Craig Hatton
Chief Executive

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

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100504626-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek Scott Planning		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	<input type="text"/>
Last Name: *	Scott	Building Number:	21
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Lansdowne Crescent
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH12 5EH
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr. & Mrs."/>	Building Name:	<input type="text" value="c/o Derek Scott Planning"/>
First Name: *	<input type="text" value="Alan & Holly"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text" value="Baillie"/>	Address 1 (Street): *	<input type="text" value="Lansdowne Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 5EH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HILLSIDE COTTAGE"/>
Address 2:	<input type="text" value="BELLESDALE AVENUE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LARGS"/>
Post Code:	<input type="text" value="KA30 9EF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="659284"/>	Easting	<input type="text" value="221375"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

ERECTION OF DWELLING HOUSE AT HILLSIDE COTTAGE, BELLESDALE AVENUE, LARGS KA30 9EF

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached Review 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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Please refer to attached Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00812/PP

What date was the application submitted to the planning authority? *

19/08/2021

What date was the decision issued by the planning authority? *

09/11/2021

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

There are no physical features in the vicinity of the application site which define the settlement boundary as contained in the North Ayrshire Local Development Plan. Given that the reason for refusal claims, inter-alia, that the dwelling house proposed would undermine the settlement boundary and blur the distinction between town and countryside it is imperative that members of the Local Review Body undertake a site visit and conduct a hearing in association with this request.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

There are no physical features in the vicinity of the application site which define the settlement boundary as contained in the North Ayrshire Local Development Plan. Given that the reason for refusal claims, inter-alia, that the dwelling house proposed would undermine the settlement boundary and blur the distinction between town and countryside it is imperative that members of the Local Review Body undertake a site visit and conduct a hearing in association with this request.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Scott

Declaration Date: 09/12/2021



Our Ref – ep692/Reviewlet001/DS

09th December 2021

Committee Services
Chief Executive's Department
Cunninghame House
Irvine
North Ayrshire
KA12 8EE

Dear Sir/Madam,

**21/00812/PP - ERECTION OF DETACHED DWELLING HOUSE ON SITE TO WEST OF HILLSIDE COTTAGE,
BELLESDALE AVENUE, LARGS, AYRSHIRE**

Introduction

1. We write on behalf of our clients, Mr. Alan and Mrs. Holly Baillie to respectfully request that the Council's Local Review Body undertake a review of the Appointed Officer's (Mr. John Mack) decision to refuse the above mentioned application which had sought detailed planning permission for the erection of a dwelling on a site to the west of Hillside Cottage, Bellesdale Avenue, Largs. **Please be advised that we are also requesting, as part of the Review Process, a Site Visit and Hearing.**

Site Location and Description

2. The application site, which is broadly rectangular in shape, measures approximately 1059 sq. metres in area and is located at the end of Bellesdale Avenue on the eastern side of Largs. The site forms part of the curtilage of and lies to the west of Hillside Cottage which is a two-storey hipped roofed dwelling house with associated out buildings built in the 1860s as the gamekeeper's cottage for Halkshill and set within attractively manicured gardens. The site lies within approximately 330 metres of bus stops on Eastern Avenue and benefits from good access links to both primary and secondary schools within the town. The NC15 and NC45A Promenade to Greeto Bridge Core Paths exist to the north of the site with a further public walkway providing access to the Gogo Water existing to the south.
3. The southern part of the application site was used since 2006 as a riding arena/menage with the associated stables located to the rear (east) of Hillside Cottage. Planning Permission was granted on 18th June 2018 for the erection of a stable block, tack room and storage facilities on the site under Planning Permission Reference Number N/18/00423/PP. The approved stables had a ground floor area of 83.16 sq. m measuring 12.6m in length and 6.6m in width with a covered concrete base to the front. The stables were of timber construction with a mono-pitched roof sloping from a height of 3.2 metres at the south to 2.7m to the north. Although not completed, works involving the removal of the top surface, the laying in 2019 of Terram base and 40 tonnes of hardcore/ 6F2 infill material and over layer of DPM have been undertaken meaning that the consent granted will remain live in perpetuity. The site is not presently used as a riding arena and has not been used for such purposes since 2014.

21 Lansdowne Crescent, Edinburgh EH12 5EH T: 0131 535 1103 F: 0131 535 1104 E: edinburgh@derekscottplanning.com

also at

Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline KY11 3BZ T: 01383 620300 F: 01383 844999 E:

dunfermline@derekscottplanning.com

W: www.derekscottplanning.com

Partners: Derek Scott MRTPI MIPI Irene Scott ACIBS

4. Hillside Cottage and its associated grounds are owned and occupied by our client's parents, Mr. Robert (Robbie) and Mrs. Fiona Stevenson. Holly was born into and brought up at the property and along with her husband, Alan, who is also from Largs, they have spent their entire lives in the town. They have two sons. Alan is an IT Consultant working with the NatWest Banking Group and Holly is a Psychologist/Child Play Therapist working with Kibble.

Description of Proposed Development

5. The application proposals had been the subject of pre-application discussions with your Planning Department over a nine month period. The application submitted and subsequently refused following the submission of amendments to address some minor design issues, had sought detailed planning permission for the erection of a two-storey dwelling house which would have occupied a similar position on the site to the stable block previously approved in June 2018 under the terms of Planning Permission Reference Number N/18/00423/PP referred to previously.
6. Accommodation comprised within the proposed dwelling includes; on the ground floor, a lounge, open plan living/kitchen area, utility/larder and shower room; and on the first floor, 4 no. bedrooms (one ensuite), study and bathroom.
7. Key characteristics of note in relation to the proposed dwelling house included the following:
 - (i) Proposed dwelling to occupy a similar (slightly smaller) footprint as Hillside Cottage;
 - (ii) Access and parking arrangements to be formed off existing access drive serving Hillside Cottage;
 - (iii) Proposed dwelling to be set back on the site (to the north) to ensure that views into and out of Hillside Cottage are retained thus protecting and complimenting its setting;
 - (iv) Whitewash walls, slate roofs, vertically proportioned windows and black woodwork with a black surround to all windows in keeping with Hillside Cottage;
 - (v) Hipped roofs mirroring those on Hillside Cottage;
 - (vi) Same ridge height as Hillside Cottage although the latter will remain the dominant property due to higher ground levels;
 - (vii) West facing elevation of proposed house reflects similar design principals to those found in Hillside Cottage;
 - (viii) Existing timber post and rail fencing to be retained around application site boundary;
 - (ix) New stone wall to western boundary which will tie in with existing stone wall to the south side of Bellesdale Avenue and will act as screen to proposed driveway and parking area;
 - (x) New '*living wall*' to be proposed at base of slope on northern side of dwelling house;
 - (xi) Additional Tree Planting Proposed within sloping land to north to reinforce contained nature of site and defensible boundary;
 - (xii) Beech and hawthorn hedging along line of existing post and wire fence to south;
 - (xiii) Access gates to match others existing in vicinity; and
 - (xiv) Driveway to be finished in stone chippings to match those existing from the point at which arrangements join up with the adopted highway on Bellesdale Avenue.
8. In addition to the above our clients are also proposing to introduce a range of measures to provide for an energy efficient dwelling house and one which exceeds the 10% Carbon Emissions Reduction Figure as set out in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls (timber frame), roofs and windows with energy requirements being met through a combination of an air sourced heat pump and photovoltaics. Surface water drainage arrangements will involve discharge to the surrounding field drainage system following attenuation with foul water discharged to the public sewer.
9. Subject to receiving planning permission for and subsequently erecting the dwelling house for which permission had been sought, it had been intended that Holly's mother, Fiona, would look after and help to bring up the children. In later years it was intended that Holly would, in turn, be able to care for her

parents in their later lives. The extended family approach outlined is considered to be consistent with the Scottish Government's Policy on *'Independent Living'* which seeks, as one of its central aims, to ensure that older citizens can live safely, comfortably and independently in their own home.

Response to Refusal

10. Prior to responding to the reason for the refusal of the application it is important to note that the Appointed Officer considered the proposed dwelling house to be acceptable in terms of its design, amenity, drainage and access arrangements. He has also confirmed in his Report of Handling on the application that the dwelling house could be satisfactorily accommodated on the site without detriment to the Mainland Special Landscape Area, the Lower Gogo Water Local Nature Conservation Site; and the Clyde Muirshiel Regional Park; all designations within which the application site lies.

11. The application was refused by the Appointed Officer for the following reason:

'The proposed development is contrary to The Countryside Objective of Strategic Policy 1: Spatial Strategy of the adopted North Ayrshire Local Development Plan as the application site is not a gap site, and development of a dwellinghouse on this site would undermine the settlement boundary of Largs. The development of a dwellinghouse on this site would not be supportable under any of the other criteria under which a new dwellinghouse in the countryside might be supported under The Countryside Objective. As the site is not suitable for the erection of a new dwellinghouse in the countryside the proposal cannot be said to meet the qualities of a successful place and therefore is also contrary to Strategic Policy 2: Placemaking.'

12. There are essentially three separate elements within the reason for refusal as noted below and which we would wish to respond to separately:

- (a) The application site is not a gap site;
- (b) The dwelling house would undermine the Largs Settlement Boundary; and
- (c) The proposal does not meet the qualities of a *'successful'* place.

(a) *The application site is not a gap site.*

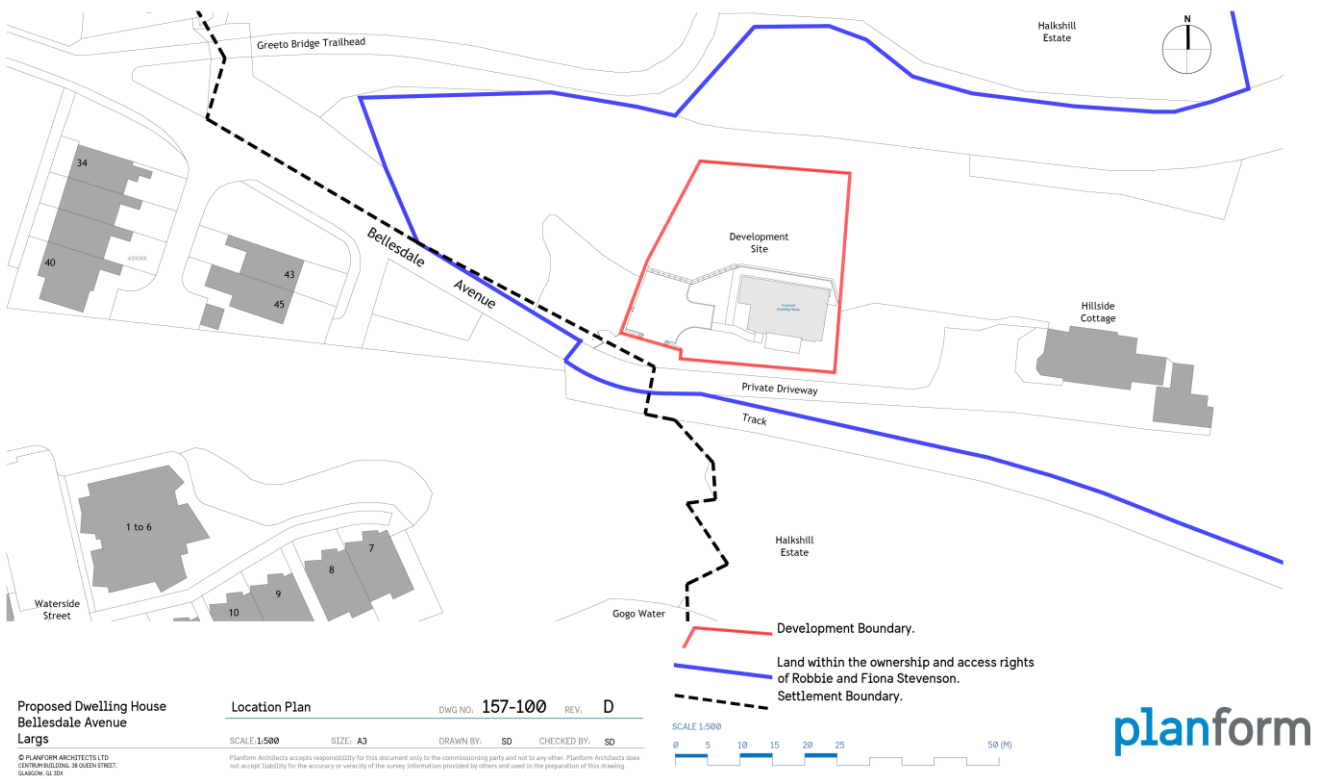
13. Strategic Policy 1 on the *'Countryside Objective'* provides for *'the sensitive infilling of gap sites consolidating existing developments where it would define/ provide a defensible boundary for further expansion.'* A *'gap site'* is defined in the Council's Housing in the Countryside Policy Guidance Note (approved June 2021) as follows:

'a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.'

14. The Appointed Officer accepts in his Report of Handling that the site is within an *'established developed area,'* and as such complies with the principal requirement within the definition given. However he thereafter claims that it is not a *'gap site'* because the site has never been the site of a building and is not located between two buildings. With the utmost respect to the views of the Appointed Officer, the reference within the definition to where *'a house/building once stood or where two houses or other permanent buildings of equivalent residential size'* existed is only given as *'an example'* meaning that there can and are other situations where *'gap sites'* exist. The application site and the dwelling house proposed thereon is such an example in that it is located within a *'gap'* between Hillside Cottage to the east, the existing access road serving Hillside Cottage to the south; and rising elevated ground to the north, all of which combine to provide a natural and entirely appropriate setting for the erection of a new dwelling house. A defensible boundary preventing any further development to the west also exists in the form of existing mature trees; overhead power lines and underground Scottish Water infrastructure. This

too is acknowledged by the Appointed Officer who states in his Report that the site ‘does benefit from having clear defensible boundaries.’

15. The definition of a ‘gap site’ is further clarified in the Supplementary Guidance where it is stated that such a site ‘is not a site between a property and a settlement boundary.’ The Appointed Officer claims that the site is located between the Largs settlement boundary and Hillside Cottage and does not therefore qualify as a ‘gap site.’ We have disagreed with and have queried the officer’s interpretation of the definition as evidenced in the exchange of e-mails contained in **Document 2** attached. As further evidenced in the plan below, the application site (as outlined in red) does not encroach on the settlement boundary as there remains a space between the two. Applying the Officer’s interpretation would effectively mean that any site lying between a building and a settlement boundary, irrespective of the distance between the two (even if 50km distant) could not be considered as a ‘gap site.’ With the utmost respect to the Officers concerned, there is no logic whatsoever in that interpretation and it is not supported by the Supplementary Guidance as worded.



Location Plan submitted with application showing relationship between application site boundary and settlement boundary.

16. Given the considerations just outlined, the current application site, is clearly compliant with the definition of a ‘gap site’ within the countryside where the principle of residential development should be considered acceptable.

(b) The dwelling house would undermine the Largs Settlement Boundary

17. The Appointed Officer has stated in his report that the development of the application site for the dwelling house proposed would undermine the settlement boundary of Largs and would therefore erode the distinction between town and countryside. He has claimed that the settlement boundary for the town runs along the north side of Bellesdale Avenue and then turns south through the turning area at the end of Bellesdale Avenue and continues down to the Gogo Water.

18. We have advised the Planning Officer on a number of occasions that there are no physical features defining the settlement boundary in the vicinity of the application site and have requested a site meeting so that the exact boundary as defined in the plan could be marked on the ground. Those requests have

been turned down as evidenced in the exchanges of e-mails contained in **Document 2**. We are at a loss to understand how the dwelling house proposed could undermine the settlement boundary as defined in the Local Development Plan when the settlement boundary referred to cannot be identified by the Planning Department on the ground.

19. In further support of our position on this matter we would also wish to draw your attention to the Report of Handling on the earlier application relating to the approved stable block on the site (Planning Application Reference Number N/18/00423/PP) within which the Appointed Officer stated the following:

'It is considered that its domestic scale and siting on an already developed piece of land outweighs the need to protect this part of the special landscape area from this type of development.'

'It would only be read in conjunction with the existing adjacent house and it is not considered that there would be any cumulative impacts or other impacts on landscape character and the natural and built environment or unacceptable visual impact on amenity.'

20. The Appointed Officer in his report on this application claims at one point that *'the potential impact on the appearance of the area of a two-storey house is likely to be significantly greater than that of a single storey timber stable block'* but later claims that the dwelling house proposed would **not have a significant impact** *'on the character of the Special Landscape Area as the site is a riding arena adjacent to the curtilage of an existing house with well-defined boundaries.'*

21. As a consequence of the considerations outlined above we have great difficulty in understanding and do not accept the conclusion arrived at that the dwelling house would undermine the Settlement Boundary, particularly when that settlement boundary cannot, due to the lack of any physical features on the ground, be identified.

(c) The proposal does not meet the qualities of a 'successful' place.

22. The Appointed Officer has stated in his Report of Handling that the dwelling house proposed does not meet the qualities of a *'successful place'* and as a consequence the proposal conflicts with the terms of Strategic Policy 2 on *'Placemaking.'* The basis for forming this opinion appears to be rooted in the perception that the application site is not a *'gap site'* and furthermore undermines the settlement boundary and corresponding distinction between town and countryside. We have fully addressed and dismissed both of these concerns under (a) and (b) above.
23. Strategic Policy 2 on *'Placemaking'* sets out the six qualities of a *'successful place.'* Those qualities and our responses to them are outlined below:

Distinctiveness - The proposed dwelling house takes its design cue from the adjoining Hillside Cottage with which it bears a strong complimentary relationship within the context of the surrounding land form and natural features existing. The site has a strong identity, the characteristics of which will also be reinforced with careful and sympathetic landscape and boundary treatments. The proximity of and relationship between both dwellings will add to mutual surveillance and the security considerations pertaining to both properties, those in Bellesdale Avenue and members of the public using the adjoining public footpath network.

Safe and Pleasant - The dwelling house is proposed within an attractive semi-rural location on the edge of Largs and benefits from a mature self-contained landscape setting. It will benefit from high levels of amenity and notwithstanding its proximity, it will not compromise in any material manner the amenity levels presently enjoyed at Hillside Cottage nor residents of Bellesdale Avenue.

Resource Efficient - The application proposals involve the redevelopment of a brownfield gap site on the edge of the settlement envelope. It is in an inherently sustainable location being located in close proximity to a range of services and facilities including public transport and schools. A range of measures will be introduced to provide for an energy efficient dwelling house and one which exceeds the 10%

Carbon Emissions Reduction Figure as set out in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls (timber frame), roofs and windows with energy requirements being met through a combination of an air sourced heat pump and photovoltaics.

Welcoming – The proposals provide a recognisable and easily identifiable feature and will fit comfortably and harmoniously into its mature landscape setting. The dwelling will also provide for attractive views to the west towards the Firth of Clyde and Great Cumbrae.

Adaptable - The existing dwelling house (Hillside Cottage) and the proposed dwelling house will accommodate the living requirements of an extended family with the occupants of each looking after the other at different stages of life. The proposed dwelling house will also accommodate an office for Alan who has worked from home for many years and as such will operate as a flexible and adaptable live/work unit.

Easy to move around and beyond – The site benefits from excellent links to a range of publicly accessible footpaths and also lies within 330 m of bus stops on Eastern Avenue from which a range of destinations are accessible. The site also lies in close proximity to primary and secondary schools which are easily and safely accessible.

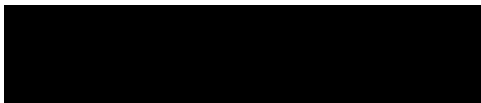
24. In light of the considerations outlined above, we refute, in the strongest possible terms, the assertions made that the site does not meet the qualities of a successful place.

Key considerations in support of the application

25. The Appointed Officer's reasons for the refusal of the application do not, in our opinion, stand up to any form of proper scrutiny. The following key considerations are put forward in support of the proposal
- (i) The principle of erecting the dwelling house proposed is compliant with the terms of Strategic Policy 1 on the Countryside Objective as contained in the North Ayrshire Local Development Plan and the associated Guidance on Housing in the Countryside both of which support the erection of new dwelling houses on clearly defined gap sites containing defensible boundaries.
 - (ii) Although positioned in a rural location marginally outside the Largs Settlement Envelope as defined in the North Ayrshire Local Development Plan, the dwelling house proposed is sustainably located benefitting from its close proximity to facilities and services within Largs including bus based public transport services and educational facilities (primary and secondary school), all of which can be accessed on foot via safe walking routes.
 - (iii) As the dwelling house proposed will be occupied by close family members of the occupants of Hillside Cottage (i.e., daughter and family) they can care for and look after each other as life evolves. Such an extended family approach is considered to be consistent with the Scottish Government's Policy on '*Independent Living*' which seeks, as one of its central aims, to ensure that the older citizens can live safely, comfortably and independently in their own home.
 - (iv) The application site as a consequence of established topographical and landscape considerations represents a natural and '*ready-made*' location for the erection of a new home. The dwelling proposed is entirely sympathetic in its form, massing and detailing with the adjoining dwelling house (Hillside Cottage) and will include ancillary landscaping proposals and boundary treatments to further assist its absorption into the surrounding landscape context.
 - (v) The site is brownfield in nature having previously been developed and benefits from a grant of planning permission for the erection of a stable block (development commenced) which would have a significantly greater impact on the appearance of the area than the complementary dwelling house now proposed.

26. In light of these considerations it is respectfully requested that this review request be upheld and that planning permission is granted for the proposal applied for.
27. We reserve the right to provide additional information in support of this review request in the event of the Appointed Officer providing any additional information in support of the reason for refusal or third parties making additional submissions. Please acknowledge receipt and registration of this objection letter at your earliest convenience.

Yours faithfully



Derek Scott

List of Accompanying Documents

- Document 1 -** Copy of Planning Application submitted to North Ayrshire Council registered under Planning Application
- 1a – Planning Application Forms
 - 1b – Block Plan/Site Plan (157-201 REV B)
 - 1c – Proposed Elevations (157-502 REV A)
 - 1d – Proposed Floor Plans (157-300 REV A)
 - 1e – Location Plan (157-100 REV D)
 - 1f – Proposed Elevations (157-501 REV A)
 - 1g – Block Plan/Site Plan (157-200 REV B)
 - 1h – Planning Statement
- Document 2 -** Copies of e-mail exchanges with Mr. Iain Davies and Mr. John Mack in connection with Planning Application
- Document 3 -** Appointed Officer’s Report of Handling (undated)
- Document 4 -** Decision Notice dated 09th November 2021



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100456378-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The application proposal is a two storey, 4 bedroom, hipped roof dwelling house within the grounds of Hillside Cottage, Bellesdale Avenue, Largs. The proposed house has been designed with reference to the style and massing of Hillside Cottage.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Planform Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stuart"/>	Building Name:	<input type="text" value="The Centrum Building"/>
Last Name: *	<input type="text" value="Dallas"/>	Building Number:	<input type="text" value="38"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Queen Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="G1 3DX"/>
Email Address: *	<input type="text" value="██"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text" value="██████"/>
Last Name: *	<input type="text" value="Baillie"/>	Address 1 (Street): *	<input type="text" value="████████████████████"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="██████████"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="██████"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="██████████"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

HILLSIDE COTTAGE

Address 2:

BELLESDALE AVENUE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LARGS

Post Code:

KA30 9EF

Please identify/describe the location of the site or sites

Northing

659284

Easting

221375

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Feedback given on the application of the council's design guidance for housing in the countryside and the criteria that would be applied to any proposals.

Title:

Mr

Other title:

Senior Development

First Name:

Ian

Last Name:

Davies

Correspondence Reference
Number:

Date (dd/mm/yyyy):

20/01/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1059.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The development site has most recently been used as a riding arena. Planning permission was granted in 2018 for the erection of a stable block, tack room and storage facility, ref: N/18/00423/PP.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

3No. 120litre bins have been indicated on the proposed site plan.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Robbie Stevenson

Address:

[REDACTED]

Date of Service of Notice: *

16/08/2021

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stuart Dallas

On behalf of: Mr Alan Baillie

Date: 16/08/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

A Planning Statement has been included in the application submission.

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Dallas

Declaration Date: 16/08/2021

Payment Details



Created: 16/08/2021 17:39

PLANNING STATEMENT

ERECTION OF DWELLING HOUSE

at

**Hillside Cottage
Bellesdale Avenue
Largs
KA30 9EF**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



21 Lansdowne Crescent
Edinburgh
EH12 5EH
www.derekscottplanning.com
Tel No: [REDACTED]

On behalf of

Mr. Alan & Mrs. Holly Baillie

Executive Summary

ERECTION OF DWELLING HOUSE AT HILLSIDE COTTAGE, BELLESDALE AVENUE, LARGS
KA30 9EF

- The application has been submitted on behalf of our clients, Mr. Alan and Mrs. Holly Baillie and seeks detailed planning permission for the erection of a dwelling house within the grounds of Hillside Cottage, a domestic residence located at the end of Bellesdale Avenue, Largs, North Ayrshire.
- Hillside Cottage and its associated grounds are owned and occupied by our client's parents, Mr. Robert (Robbie) and Mrs. Fiona Stevenson. Holly was born into and brought up at the property and along with her husband, Alan, who is also from Largs, they have spent their entire lives in the town. They have one son with another child due shortly. Alan is an IT Consultant working with the NatWest Banking Group and Holly is a Psychologist.
- Subject to receiving planning permission for and subsequently erecting the dwelling house for which permission is sought, Holly's mother, Fiona, will look after and help to bring up the children. In later years it is intended that Holly will, in turn, be able to care for her parents as they grow older. The extended family approach outlined is considered to be consistent with the Scottish Government's Policy on *'Independent Living'* which seeks, as one of its central aims, to ensure that older citizens can live safely, comfortably and independently in their own home.
- The application site, which is broadly rectangular in shape, measures approximately 1059 sq. metres in area and is located at the end of Bellesdale Avenue on the eastern side of Largs. The site forms part of the curtilage of and lies to the west of Hillside Cottage which is a two-storey hipped roofed dwelling house with associated out buildings built in the 1860s as the gamekeeper's cottage for Halkhill and set within attractively manicured gardens. The site lies within approximately 330 metres of bus stops on Eastern Avenue and benefits from good access links to both primary and secondary schools within the town. The NC15 and NC45A Promenade to Greeto Bridge Core Paths exist to the north of the site with a further public walkway providing access to the Gogo Water existing to the south.
- The southern part of the application site has, since 2006 or thereby, been used as a riding arena/menage. Planning Permission was granted on 18th June 2018 for the erection of a stable block, tack room and storage facilities on the site under Planning Permission Reference Number N/18/00423/PP. The approved stables had a ground floor area of 83.16 sq. m measuring 12.6m in length and 6.6m in width with a covered

concrete base to the front and varying in height from 3.2 metres at the south to 2.7m at the north. The northern part of the application site comprises an elevated embankment containing trees and other vegetation.

- The application proposals relate to a two-storey hipped roof dwelling house which will occupy a similar position on the site to the previously approved stable block. Accommodation comprised within the proposed dwelling includes, on the ground floor, a lounge, open plan living/kitchen area, utility/larder and shower room; and on the first floor, 3 no. bedrooms (one en-suite), study and bathroom. The design proposals advanced, which have been discussed and broadly agreed with Mr. Iain Davies, Senior Development Management Officer in North Ayrshire Council, relate to, and take their design cue from Hillside Cottage to the east.
- The dwelling house proposed will be energy efficient and built to standards exceeding those in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls, roofs and windows with energy requirements met through a combination of an air sourced heat pump and photovoltaics.
- Key considerations in support of the proposal include the following:
 - The principle of erecting the dwelling house proposed is compliant with the terms of Strategic Policy 1 on the Countryside Objective as contained in the North Ayrshire Local Development Plan and the associated Guidance on Housing in the Countryside both of which support the erection of new dwelling houses on clearly defined gap sites containing defensible boundaries.
 - Although positioned in a rural location marginally outside the Largs Settlement Envelope as defined in the North Ayrshire Local Development Plan the dwelling house proposed is sustainably located benefitting from its close proximity to facilities and services within Largs including bus based public transport services and educational facilities (primary and secondary school), all of which can be accessed on foot via safe walking routes.
 - As the dwelling house proposed will be occupied by close family members of the occupants of Hillside Cottage (i.e., daughter and family) they can care for and look after each other as life evolves. Such an extended family approach is considered to be consistent with the Scottish Government's Policy on '*Independent Living*' which seeks, as one of its central aims, to ensure that the older citizens can live safely, comfortably and independently in their own home.

- **The application site, as a consequence of established topographical and landscape considerations, represents a natural and ‘ready-made’ location for the erection of a new home. The dwelling proposed is entirely sympathetic in its form, massing and detailing with the adjoining dwelling house (Hillside Cottage) and will include ancillary landscaping proposals and boundary treatments to further assist its absorption into the surrounding landscape context.**

- **The site is brownfield in nature having previously been developed and benefits from a grant of planning permission for the erection of a stable block which would have a significantly greater impact on the appearance of the area than the dwelling house now proposed.**

- **In short, the proposed development successfully achieves a balance between the potentially competing objectives of development and the sympathetic conservation of the environment, thereby satisfying the goal of sustainability. In light of the considerations and benefits outlined it is respectfully requested that planning permission be granted for the dwelling house as applied for.**

PLANNING STATEMENT

ERECTION OF DWELLING HOUSE AT HILLSIDE COTTAGE, BELLESDALE AVENUE, LARGS
KA30 9EF

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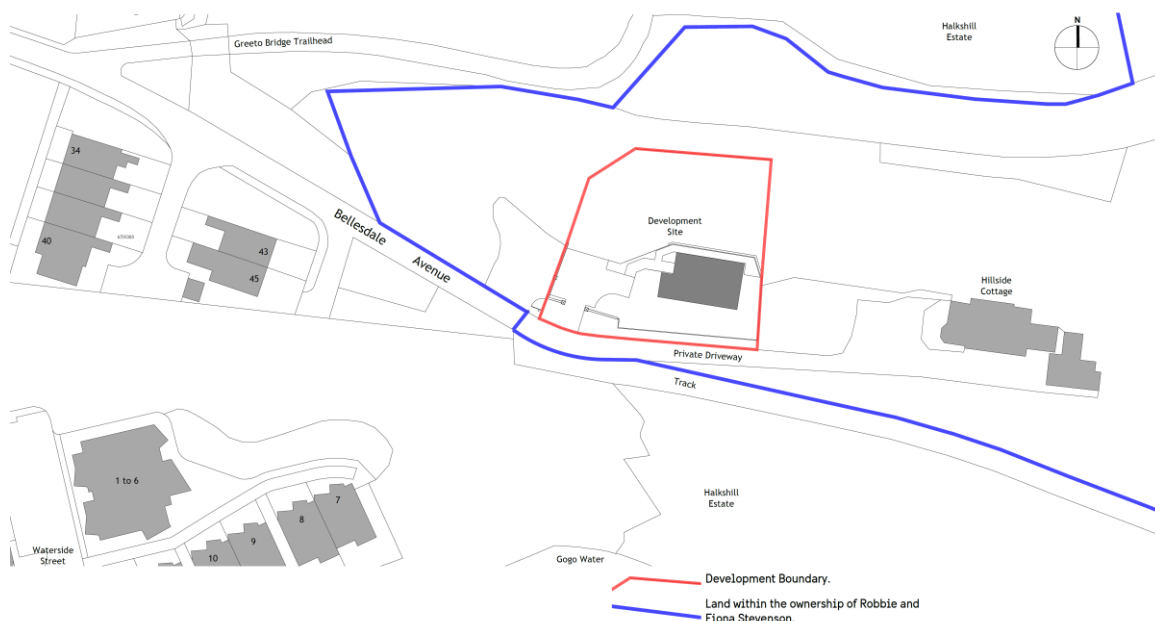
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PLANNING STATEMENT

ERECTION OF DWELLING HOUSE AT HILLSIDE COTTAGE, BELLESDALE AVENUE, LARGS KA30 9EF

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of an application, submitted on behalf of our clients, Mr. Alan and Mrs. Holly Baillie (hereinafter referred to as ‘Alan and Holly’) which seeks detailed planning permission for the erection of a dwelling house within the grounds of Hillside Cottage, a domestic residence located at the end of Bellesdale Avenue, Largs, North Ayrshire.
- 1.2 Hillside Cottage and its associated grounds are owned and occupied by our client’s parents, Mr. Robert (Robbie) and Mrs. Fiona Stevenson. Holly was born into and brought up at the property and along with her husband, Alan, who is also from Largs, they have spent their entire lives in the town. They have one son with another child due shortly. Alan is an IT Consultant working with the NatWest Banking Group and Holly is a Psychologist. Subject to receiving planning permission for and subsequently erecting the dwelling house for which permission is sought, Holly’s mother, Fiona, will look after and help to bring up the children. In later years it is intended that Holly will, in turn, be able to care for her parents in their later lives. The extended family approach outlined is considered to be consistent with the Scottish Government’s Policy on ‘Independent Living’ which seeks, as one of its central aims, to ensure that the older citizens can live safely, comfortably and independently in their own home.



Location Plan

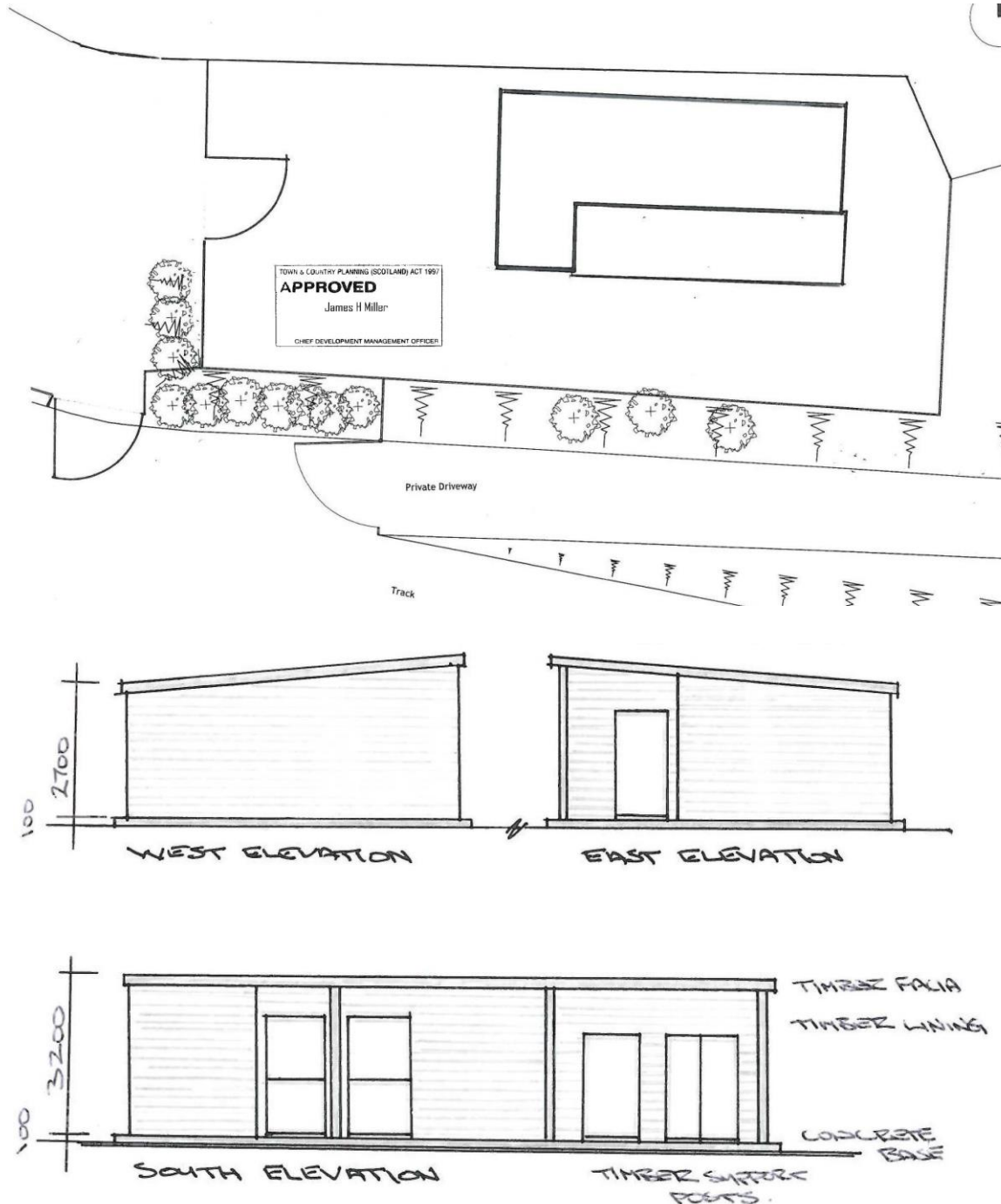
2. LOCATION AND DESCRIPTION OF SITE

2.1 The application site, which is broadly rectangular in shape, measures approximately 1059 sq. metres in area and is located at the end of Bellesdale Avenue on the eastern side of Largs. The site forms part of the curtilage of and lies to the west of Hillside Cottage which is a two-storey hipped roofed dwelling house with associated out buildings built in the 1860s as the gamekeeper's cottage for Halkshill and set within attractively manicured gardens. The site lies within approximately 330 metres of bus stops on Eastern Avenue and benefits from good access links to both primary and secondary schools within the town. The NC15 and NC45A Promenade to Greeto Bridge Core Paths exist to the north of the site with a further public walkway providing access to the Gogo Water existing to the south.

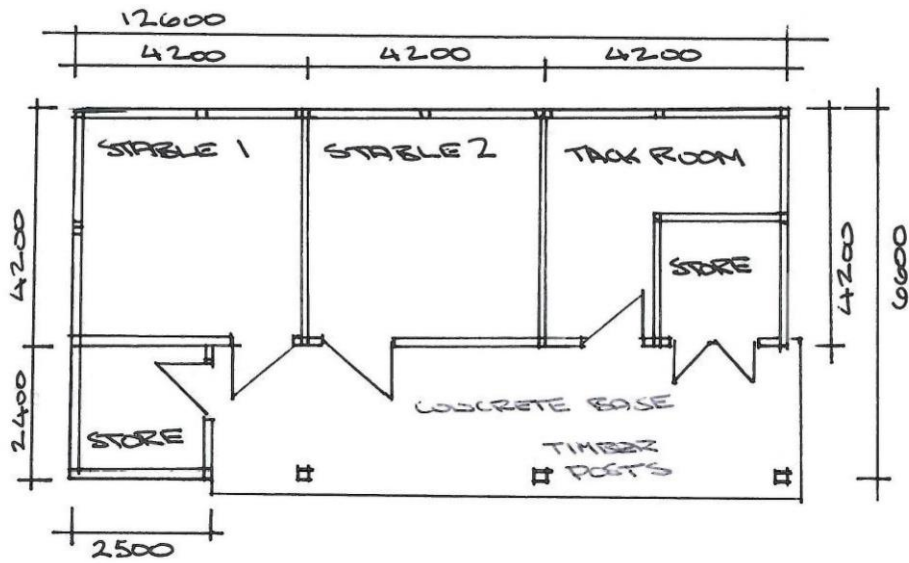


Site Photographs – Horse Box and DPM identify approx position of Proposed House

2.2 The southern part of the application site has, since 2006 or thereby, been used as a riding arena/menage with the associated stables located to the rear (east) of the cottage. Planning Permission was granted on 18th June 2018 for the erection of a stable block, tack room and storage facilities on the site under Planning Permission Reference Number N/18/00423/PP. The approved stables had a ground floor area of 83.16 sq. m measuring 12.6m in length and 6.6m in width with a covered concrete base to the front. The stables were of timber construction with a mono-pitched roof sloping from a height of 3.2 metres at the south to 2.7m to the north. Although not completed, works involving the removal of the top surface, the laying of Teram base and hardcore/ 6F2 infill material and over layer of DPM have been undertaken meaning that the consent granted will remain live in perpetuity.



Stable Block (Site Plan & Elevations) granted permission under the terms of Planning Permission Reference Number N/18/00423/PP



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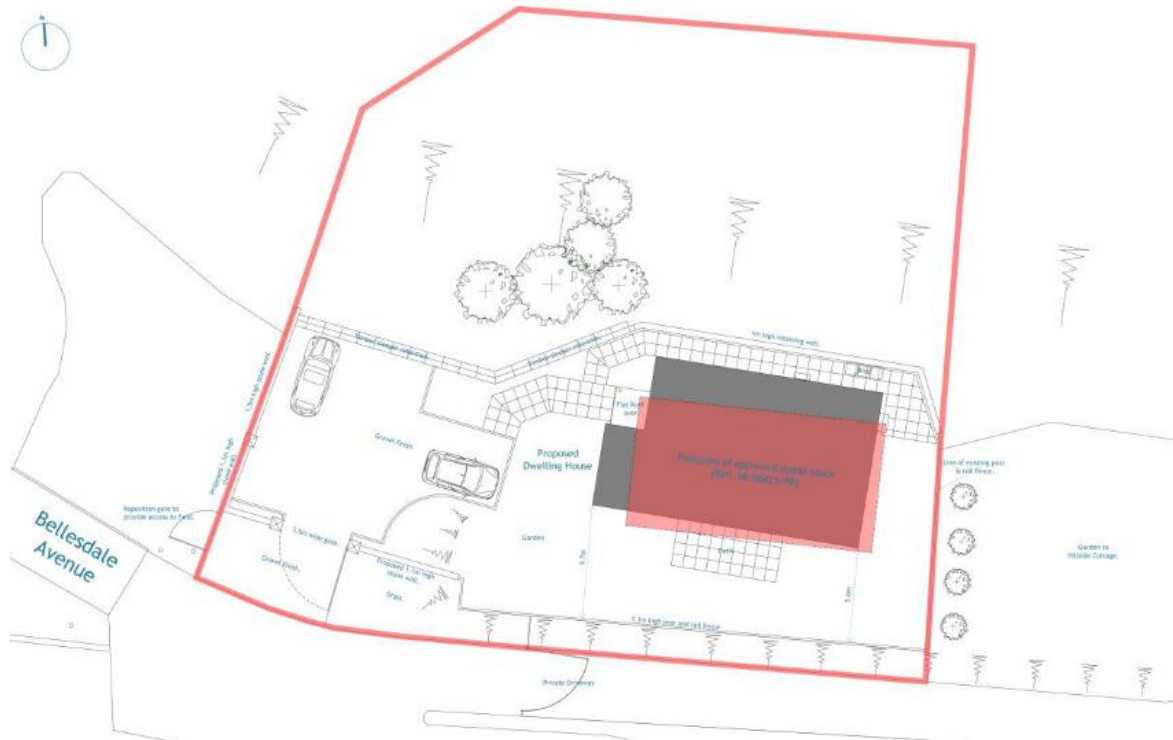
- 2.3 The northern part of the application site comprises an elevated embankment upon which there are a number of trees and other vegetation growing.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The application submitted seeks detailed planning permission for the erection of a two storey dwelling house which will occupy a similar position on the site to the stable block previously approved in June 2018 under the terms of Planning Permission Reference Number N/18/00423/PP.

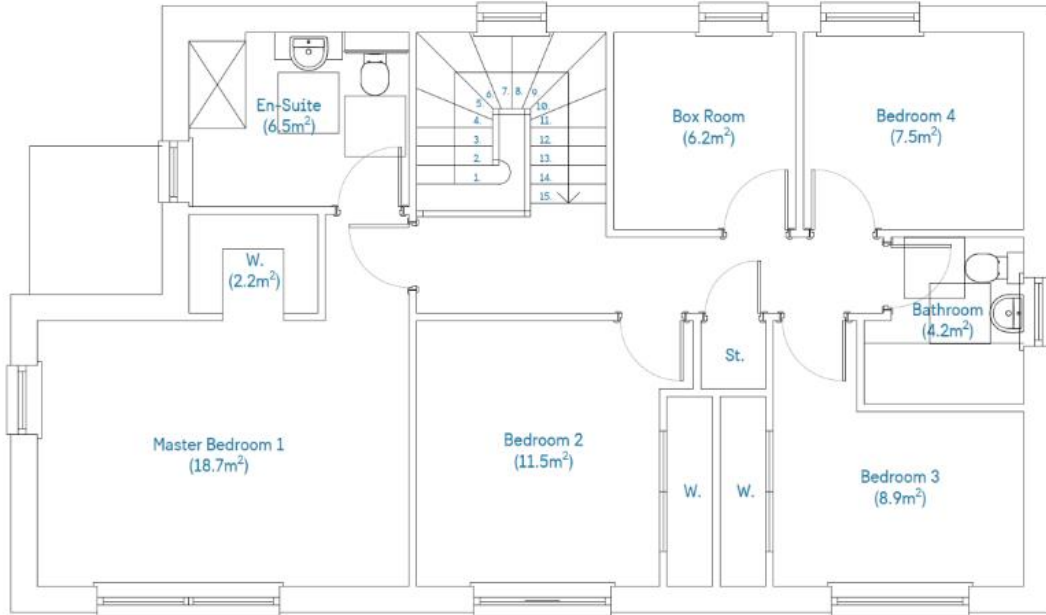


Proposed Site Plan

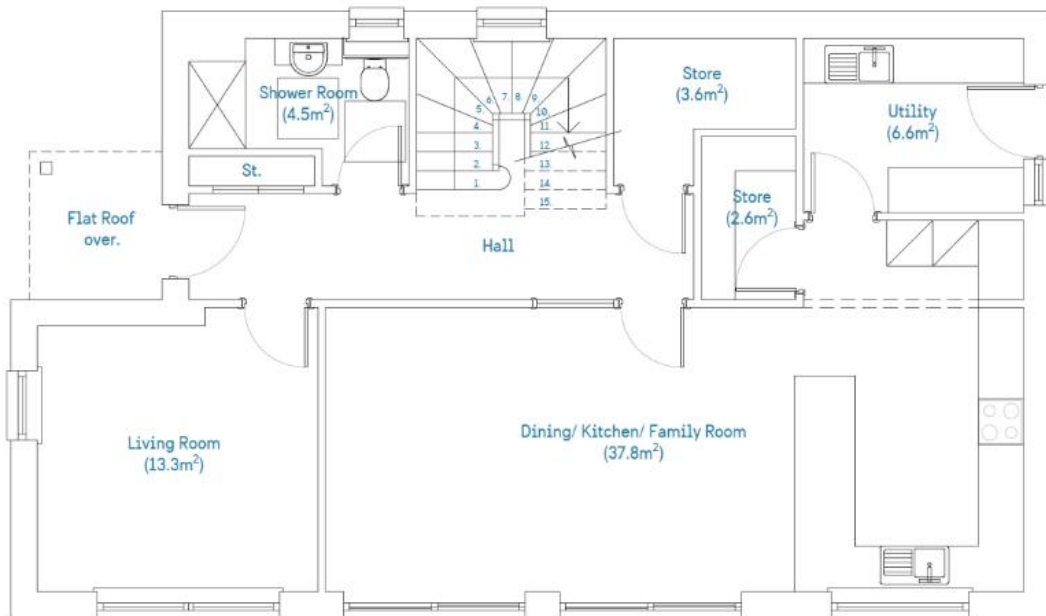


Footprint of previously approved stable block superimposed on proposed site plan

- 3.2 Accommodation comprised within the proposed dwelling includes; on the ground floor, a lounge, open plan living/kitchen area, utility/larder and shower room; and on the first floor, 3 no. bedrooms (one en-suite), study and bathroom.



First Floor Plan



Ground Floor Plan

3.3 The design proposals advanced, which have been discussed and broadly agreed with Mr. Iain Davies, Senior Development Management Officer in North Ayrshire Council, relate to, and take their design cue from Hillside Cottage to the east.



Key characteristics of note include the following:

- (i) Proposed dwelling to occupy a similar (slightly smaller) footprint as Hillside Cottage;
- (ii) Access and parking arrangements to be formed off existing access drive serving Hillside Cottage;
- (iii) Proposed dwelling to be set back on the site (to the north) to ensure that views into and out of Hillside Cottage are retained thus protecting and complimenting its setting;
- (iv) Whitewash walls, slate roofs, vertically proportioned windows and black woodwork with a black surround to all windows;
- (v) Hipped roofs mirroring those on Hillside Cottage;

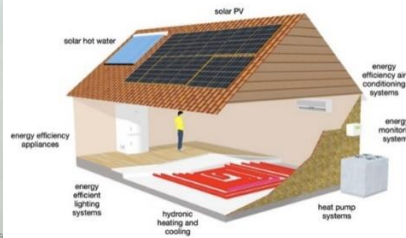


Contextual South Elevation

- (vi) Same ridge height as Hillside Cottage although the latter will remain the dominant property due to higher ground levels;

- (vii) West facing elevation of proposed house reflects similar design principals to those found in Hillside Cottage;
- (viii) Existing timber post and rail fencing to be retained around application site boundary;
- (ix) New stone wall to western boundary which will tie in with existing stone wall to the south side of Bellesdale Avenue and will act as screen to proposed driveway and parking area;
- (x) New 'living wall' to be proposed at base of slope on northern side of dwelling house;
- (xi) Additional Tree Planting Proposed within sloping land to north to reinforce contained nature of site;
- (xii) Beech and hawthorn hedging along line of existing post and wire fence to south;
- (xiii) Access gates to match others existing in vicinity; and
- (xiv) Driveway to be finished in stone chippings to match those existing from the point at which arrangements join up with the adopted highway on Bellesdale Avenue.

3.4 In addition to the above our clients are also proposing to introduce a range of measures to provide for an energy efficient dwelling house and one which exceeds the 10% Carbon Emissions Reduction Figure as set out in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls (timber frame), roofs and windows with energy requirements being met through a combination of an air sourced heat pump and photovoltaics. Surface water drainage arrangements will involve discharge to the surrounding field drainage system following attenuation with foul water discharged to the public sewer.



4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

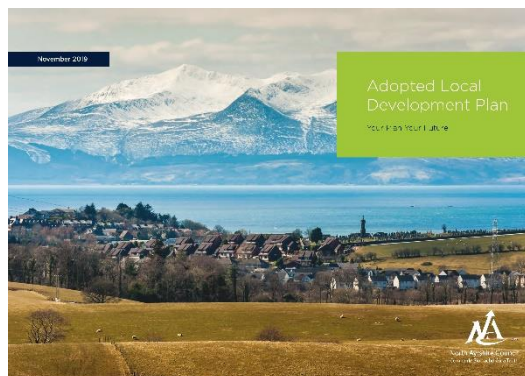
‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.’

4.2 In the context of the above it is worth making reference to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the North Ayrshire Local Development Plan which was adopted by North Ayrshire Council in November 2019.

4.4 The application site lies outside the defined boundaries of the Largs Settlement Envelope in an area identified as Countryside within the Local Development Plan. It also lies within the Clyde Muirshiel Regional Park; a Local Landscape Character Area (Indicative Landscape Strategy); Special Landscape Area (Mainland); and Local Nature Conservation Site (Provisional SWT Wildlife Site).



4.5 **Strategic Policy 1** on the ‘*Countryside Objective*’ states the following:

‘Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

‘We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.’

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a. expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b. ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c. developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d. tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e. developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f. **sensitive infilling of gap sites consolidating existing developments where it would define/ provide a defensible boundary for further expansion.**
- g. small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h. new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i. sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).’ **(Highlighting added to identify criterion of most relevance to application proposals)**

4.6 Further guidance on the circumstances under which the Council will support the erection of dwelling houses in countryside locations is contained in its ‘Housing in the Countryside’ Policy Guidance Note which was adopted in June 2021. The Guidance Note provides the following definitions for a ‘gap site’ and a ‘defensible boundary.’



Housing in the Countryside Policy Guidance Note

June 2021

- i. **‘Gap site’** - a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.
- ii. **‘Defensible Boundary’** - existing, well-established topographical, natural, or landscape features which provide a ‘stop’ and well-defined boundary help stop further expansion into sensitive areas or the wider countryside. A development which infills a gap and strengthens a defensible boundary may be acceptable subject to compliance with the Placemaking Policy; proposals that would protrude out with a natural building grouping or landscape feature should be discouraged to avoid encroachment into the countryside.

4.7 The application site is considered to fall within the definition of a ‘gap site.’ Although it is located within the curtilage of Hillside Cottage it comprises an easily and readily identifiable parcel of previously developed land fronting a road/access lane and upon which planning permission exists for the development of an equestrian related stable building. The site, as presently existing, provides no protection whatsoever to the settlement boundary and the erection of the dwelling house applied for on it will not compromise its integrity or appearance in a materially adverse manner. The Appointed Officer, in determining the application for the stable block in 2018 made the following conclusions, which are considered equally applicable to the dwelling house now applied for:

‘It is considered that its domestic scale and siting on an already developed piece of land outweighs the need to protect this part of the special landscape area from this type of development.’

‘It would only be read in conjunction with the existing adjacent house and it is not considered that there would be any cumulative impacts or other impacts on landscape character and the natural and built environment or unacceptable visual impact on amenity.’



Easily identifiable ‘gap site’ within naturally defined boundaries

4.8 The granting of planning permission for the erection of the dwelling house applied for will reinforce the defensible boundaries presently existing and will not create a precedent in support of further development in the immediate area outside the settlement boundary. In this regard

the following key considerations, which will preclude any further development, should be noted:

- (i) The existing cottage provides a defensible boundary preventing any further development to the east;
- (ii) Topographical considerations prevent any further development to the north;
- (iii) An overhead power line and mains water supply pipe (Scottish Water) prevents any further development to the west between the site and the existing settlement boundary; and
- (iv) Topographical considerations, an overhead power line and woodland prevent any development to the south.



Dwelling House will reinforce existing defensible boundaries

4.9 In short it is considered that the application proposals relate to a naturally defined ‘gap site’ within a semi-rural location in close proximity to the existing settlement. The development of the site for the sympathetically designed dwelling house proposed within the naturally and self-contained boundaries existing will not compromise the identity nor integrity of this part of Largs. Indeed it has the potential to improve the area’s character and appearance when compared with both the existing situation and/or the situation pertaining to the extant permission for the stable block.

4.10 **Strategic Policy 2** on ‘Placemaking’ states the following:

‘Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.



***Distinctive** - The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity. The*

proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

Safe and Pleasant - *The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement. The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.*

Resource Efficient - *The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.*

Welcoming - *The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.*

Adaptable - *The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.*

Easy to Move Around and Beyond - *The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.*

4.11 The table below summarises the key characteristics of the proposal against the ‘Placemaking’ Criteria outlined.

PLACEMAKING CRITERIA	RESPONSE
Distinctiveness	The proposed dwelling house takes its design cue from the adjoining Hillside Cottage with which it bears a strong complimentary relationship within the context of the surrounding land form and natural features existing. The site has a strong identity, the characteristics of which will also be reinforced with careful and sympathetic landscape and boundary treatments. The proximity of and relationship between both dwellings will add to mutual surveillance and the security considerations pertaining at both.

PLACEMAKING CRITERIA	RESPONSE
Safe and Pleasant	The dwelling house is proposed within an attractive semi-rural location on the edge of Largs and benefits from a mature self-contained landscape setting. It will benefit from high levels of amenity and notwithstanding its proximity to it will not compromise in any material manner the amenity levels presently enjoyed at Hillside Cottage.
Resource Efficient	The application proposals involve the redevelopment of a brownfield gap site on the edge of the settlement envelope. It is in an inherently sustainable location being located in close proximity to a range of services and facilities including public transport and schools. A range of measures will be introduced to provide for an energy efficient dwelling house and one which exceeds the 10% Carbon Emissions Reduction Figure as set out in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls (timber frame), roofs and windows with energy requirements being met through a combination of an air sourced heat pump and photovoltaics.
Welcoming	The proposals provide a recognisable and easily identifiable focal point and will fit comfortably and harmoniously into its mature landscape setting. The dwelling will also provide for attractive views to the west towards the Firth of Clyde and Great Cumbrae.
Adaptable	The existing dwelling house (Hillside Cottage) and the proposed dwelling house will accommodate the living requirements of an extended family with the occupants of each looking after the other at different stages of life. The proposed dwelling house will also accommodate an office for Alan who has worked from home for many years and as such will operate as a flexible and adaptable live/work unit.
Easy to move around and beyond	The site benefits from excellent links to a range of publicly accessible footpaths and also lies within 330 m of bus stops on Eastern Avenue from which a range of destinations are accessible. The site also lies in close proximity to primary and secondary schools which are easily and safely accessible.

4.12 **Policy 14** on ‘*Green and Blue Infrastructure*’ states the following:

'All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.'

- 4.13 The dwelling house proposed contributes in a positive manner to green and blue infrastructure provision in that it involves the development of a brownfield site; the retention and provision of landscape features which will enhance biodiversity; and the introduction of permeable driveways to assist with surface water attenuation.

- 4.14 **Policy 15** on *'Landscape and Seascape'* states the following:

'We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

i) the objectives of the designation and the overall integrity of the area will not be compromised; or

ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;*
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;*
- iii) settlement setting, including approaches to settlements;*
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;*
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.*

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.'

- 4.15 As noted in Paragraph 4.7 the Planning Officer's Report on the previously approved stable block noted that it would *'be read in conjunction with the existing adjacent house and it is not considered that there would be any cumulative impacts or other impacts on landscape character and the natural and built environment or unacceptable visual impact on amenity.'* Given the appropriateness and suitability of the design proposals for the dwelling house these comments are considered to be equally applicable to it. Indeed, if anything the dwelling house proposed will have a more positive impact on the local landscape than either leaving the site as is or developing the stable block as approved. For the reasons outlined the proposal is considered to be compliant with the terms of Policy 15.

- 4.16 **Policy 16** on *'Protection of our Designated Sites'* states the following:

'We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory

measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.'

- 4.17 The application proposes to erect a dwelling house on a site which already benefits from planning permission for the erection of a stable block. We are unaware of any protected species that will be impacted upon as a consequence of the site's development for the dwelling house proposed. As noted previously the redevelopment of the site has the potential to improve its biodiversity credentials rather than detracting from or detrimentally impacting upon them.

4.18 **Policy 17** on the ‘*Clyde Muirshiel Regional Park*’ states the following:

‘Proposals that affect Clyde Muirshiel Regional Park must have regard to the Park’s statutory purpose of providing recreational access to the countryside.

Proposals should also take account of wider objectives as set out in relevant management plans and strategies, namely to:

- *Provide visitors of all ages and abilities the opportunity for quality recreation. Using its unique assets the Park will facilitate a high quality programme of leisure activities which contribute to the health agenda.*
- *Ensure the Park is an increasingly popular and productive venue for formal and informal education and outdoor learning. More people will participate in learning opportunities and will develop a better appreciation of the area’s natural and cultural heritage.*
- *Ensure the Park is an attractive and ecologically important visitor destination with increased biodiversity value. The Park embraces opportunities for positive environmental change.’*

4.19 The dwelling house proposed does not impact in any way on the provision of recreational access to the countryside within the Regional Park and will not result in an adverse impact on any person using the Regional Park for recreational purposes.

4.20 **Policy 18** on ‘*Forestry, Woodland, Trees and Hedgerows*’ states the following:

‘Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government’s Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) – not as a matter of course and not in conflict with good arboricultural practice and management.

In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.'

4.21 No trees of merit require to be felled to facilitate the development of the dwelling house proposed. Additional tree and hedgerow planting proposed in association with the development of the dwelling house will result in longer term benefits to both the appearance and biodiversity of the area.

4.22 **Policy 27** on '*Sustainable Transport and Active Travel*' states the following:

'We will support development that:

- *contributes to an integrated transport network that supports long term sustainability*
- *reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities*
- *provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.*
- *reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.*
- *takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.*
- *considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.*
- *enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.*
- *considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.*

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- *the implications of development proposals on traffic, patterns of travel and road safety.*
- *Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.*
- *the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.*
- *the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.*
- *committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.*
- *specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.*
- *The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.*
- *The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.*
- *The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.*

Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.'

4.23 As noted on a number of occasions previously, the application site, although located outside the settlement boundary as defined in the Local Development Plan, lies within close proximity to publicly accessible walking routes, a bus based public transport corridor and primary and secondary school facilities. The site itself can be satisfactorily accessed, provided with adequate car parking facilities and will generate very few, if any, additional traffic movements on the surrounding road network given that the dwelling proposed will be occupied by an extended family.

4.24 **Policy 29** on 'Energy Infrastructure Development' states the following:

'We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our

transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- *Communities and individual dwellings – including visual impact, residential amenity, noise and shadow flicker;*
- *Water quality;*
- *Landscape – including avoiding unacceptable adverse impacts on our landscape designations;*
- *Effects on the natural heritage – including birds;*
- *Carbon rich soils including peat;*
- *Impacts on the historic environment – including scheduled monuments, listed buildings and their settings.*

Community

- *Establishing the use of the site for energy infrastructure development;*
- *providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *Scale of contribution to renewable energy generation targets;*
- *Public access – including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;*
- *Impacts on tourism and recreation;*
- *Specific locational opportunities for energy storage/generation.*

Public Safety

- *Greenhouse gas emissions;*
- *Aviation and defence interests and seismological recording;*
- *Telecommunications and broadcasting installations – particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;*
- *Road traffic and adjacent trunk roads;*
- *Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);*
- *Decommissioning of developments – including ancillary infrastructure, and site restoration and aftercare.*

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.

A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan. This requirement will not apply to:

- 1. Alterations and extensions to buildings*
- 2. Change of use or conversion of buildings*
- 3. Ancillary buildings that stand alone and cover an area less than 50 square metres*
- 4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.*
- 5. Buildings which have an intended life of less than two years.'*

4.25 As noted in Section 3 previously, our client will introduce a range of measures within the dwelling house proposed which will exceed, by a considerable degree, the minimum requirements referred to within the Scottish Building Regulations. Such measures will include a fabric first approach through the introduction of enhanced levels of insulation which will be further supplemented through the use of renewable energy initiatives including an air sourced heat pump and photovoltaics.

4.26 Based on our assessment of the policies referred to the proposal is considered to be compliant with the terms of the North Ayrshire Local Development Plan.

Other material considerations

4.27 As noted in Section 4.2 above it is also necessary to consider, in the assessment process, other material considerations for and against the proposal. Considerations in this regard include Scottish Planning Policy and the Council's Rural Design Guidance.

Scottish Planning Policy

4.28 The Scottish Planning Policy Document (SPP) was published by the Scottish Government in June 2014 and sets out national planning policies reflecting Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.



Scottish Planning Policy



4.29 Paragraph 81 of Scottish Planning Policy states the following which is of relevance to the application proposals:

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.'*

4.30 Strategic Policy 1 on the 'Countryside Objective' within the North Ayrshire Local Development Plan is compliant with the terms of SPP though its introduction of opportunities for developing houses in rural locations such as the application site.

4.31 The SPP (Paragraph 27) introduces a presumption in favour of development that contributes to sustainable development. The SPP states that *'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.'* (Paragraph 28)



4.32 The SPP (Paragraph 29) states that policies and decisions should be guided by the following principles:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*

- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

4.33 Paragraph 32 of the SPP advises that *‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.’*

4.34 Paragraph 33 of the SPP advises that *‘Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.’*

4.35 Paragraph 34 of the SPP states that *‘where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.’*

4.36 Paragraph 35 of the SPP states the following:

‘To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.’

4.37 Paragraph 37 of the SPP advises that *‘Planning should take every opportunity to create high quality places by taking a design led approach.’* It further emphasises that *‘Planning should direct the right development to the right place’* (Paragraph 39) and that *‘Planning should support development that is designed to a high-quality which demonstrates the six qualities of successful place’* (Paragraph 40) namely *Distinctive, Safe and Pleasant, Welcoming, Adaptable, Resource Efficient, Easy to Move Around and Beyond.*

4.38 The proposed dwelling house is considered to contribute to sustainable development when assessed against the principles outlined in Paragraph 29 of the SPP for the reasons stated below:

PRINCIPLES	REASONS FOR COMPLIANCE
<ul style="list-style-type: none"> • <i>giving due weight to net economic benefit.</i> • <i>responding to economic issues, challenges and opportunities, as outlined in local economic strategies;</i> 	<p>The proposed development will generate socio-economic benefits by providing residential choice, providing employment opportunities through construction activities and generally boosting economic investment.</p>
<ul style="list-style-type: none"> • <i>supporting good design and the six qualities of successful places.</i> 	<p>The design proposals for the dwelling house are of a high quality and support the six qualities of successful places. The proposals are distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around.</p>
<ul style="list-style-type: none"> • <i>making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;</i> 	<p>The proposal involves the redevelopment of a brownfield site for the erection of a new dwelling house to facilitate occupation by an extended family member in an inherently sustainable location.</p>
<ul style="list-style-type: none"> • <i>supporting delivery of accessible housing, business, retailing and leisure development;</i> 	<p>The proposal will facilitate the development of a new home to be occupied by an extended family member with mutual caring aspirations at different stages of life.</p>
<ul style="list-style-type: none"> • <i>supporting delivery of infrastructure, for example transport, education, energy, digital and water.</i> 	<p>It is intended that the proposed dwelling house will maximise the use of innovative design technology to ensure that it is inherently sustainable and energy efficient.</p>
<ul style="list-style-type: none"> • <i>supporting climate change mitigation and adaptation including taking account of flood risk.</i> 	<p>The proposed development will introduce a range of measures which will support climate change mitigation. This will be achieved through enhanced levels of insulation and efficient heating systems/low carbon energy sources. The site is not at risk of flooding.</p>
<ul style="list-style-type: none"> • <i>improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.</i> 	<p>The site benefits from substantial areas of private amenity space within its curtilage and also from easy access to the surrounding countryside.</p>

PRINCIPLES	REASONS FOR COMPLIANCE
<ul style="list-style-type: none"> • <i>having regard to the principles for sustainable land use set out in the Land Use Strategy.</i> 	<p>The application proposals have been developed in due cognisance of the principles of sustainable land use noting in particular the fact that the site is brownfield in nature and benefits from its close proximity to the existing settlement.</p>
<ul style="list-style-type: none"> • <i>protecting, enhancing and promoting access to cultural heritage, including the historic environment.</i> 	<p>The proposal will not result in an adverse effect on the area's cultural heritage.</p>
<ul style="list-style-type: none"> • <i>reducing waste, facilitating its management and promoting resource recovery.</i> 	<p>Recycling and refuse facilities will be incorporated within the proposal. Collection of waste will be undertaken in line with local authority procedures. Every effort will be made to ensure that waste is minimised on site and recycled in accordance with sound principles of sustainability where possible.</p>
<ul style="list-style-type: none"> • <i>avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.</i> 	<p>The site will be developed at an appropriate density befitting of the locality and the landscape context within which it is proposed. The amenity of existing development bordering the site will be protected and satisfactory levels of amenity will be provided within the proposed dwelling.</p>

4.39 Paragraph 28 of SPP, as noted previously, states that *‘the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.* In view of the considerations outlined within this statement, the application proposal clearly represents a sustainable form of development; a consideration to which significant weight should be given to in the determination of this planning application.

Design Guidance – Development in the Countryside

4.37 The Council’s Design Guidance on *‘Development in the Countryside’* (North Ayrshire Rural Design Guidance) was approved by the Council in January 2009 and is directed to new smaller developments of between one and four new homes proposed in the countryside. The guidance aims to ensure that new development does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. The guidance sets out various issues to consider in the siting of



single houses, small groups of houses and edge of settlement development.

Siting

Single Houses

4.38 Important issues to address in the siting of single houses and our responses to them are addressed below:

- **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 (such as castles, churches, stately homes). Even where houses are set in a secluded location their access-ways, boundary treatments and entrances can have a significant impact on the landscape; these elements therefore need to be considered as sensitively and carefully as properties themselves.*

Response – The application site has previously received permission for a substantial stable block building and therefore has been adjudged appropriate for development purposes. The dwelling house proposed in the application and the associated boundary treatments have been sensitively designed and will contribute to rather than detract from the character or appearance of the area.

- **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.*

Response – The dwelling, as proposed takes its design cue from the existing property at Hillside Cottage and is orientated in the same manner. The site, due to surrounding ground profiles and tree cover is in a sheltered position. Extensive use of glazing on the south facing elevation in particular ensures that opportunities for daylight provision and solar heating are maximized.

- **Trees and Planting** - *Historically in rural North Ayrshire, development has not usually intruded onto the more open cultivated agricultural landscape and instead has often been located in areas which have been defined and contained by topography and shelter planting. The integrated relationship between planting and built form is an important contributor to North Ayrshire's rural character and new properties should consider existing trees and planting in order to be appropriate for their landscape setting. Where possible existing appropriate planting should be retained and if required, reinforced.*

Response – As noted above the application site is strongly contained within the landscape by surrounding topography and trees resulting in a harmonious relationship with its context. Additional tree and hedge planting proposed in association with the dwelling will reinforce that relationship even further.

- *Avoiding 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.*

Response – The site or the dwelling house proposed does not in any shape, manner or form following conventional planning guidance in relation to modern suburban developments.

- *Poorly sited single houses - Locating homes to make the most of views, rather than for shelter, can result in unacceptably prominent development. Homes which feature radically different orientation and siting to other older domestic properties in the same locality similarly tend to look out of place. Accessways and entrances can dominate the landscape and suburban boundary treatments and planting can negatively impact on rural character.*

Response - The proposed dwelling house is not poorly sited. It is set within a mature and topographically appropriate setting taking its cue in terms of orientation and overall design concept from the adjoining Hillside Cottage. The proposed access arrangements and boundary treatments are influenced and dictated by the site’s semi-rural location and are considered entirely appropriate in that regard.

Small Groups (1-4 houses)

4.39 According to the Design Guidance successful well integrated new development should:

- *Be based on successful, local rural settlement patterns which generally do not incorporate urban or suburban elements such as street lighting columns, pavements and pavements. Designers should base proposals on an understanding of how successful local patterns of development have evolved, and how they can be adapted for new development.*

Response – As noted previously the dwelling house proposed takes its design cue from Hillside Cottage to the east respecting both it and other characteristics associated with the context within which it is located.

- *Use planting and landscape features to visually integrate new development - It is often helpful if new development is located at the same contour levels as adjacent existing property. A sensitive approach to planting and a building’s setting can make an otherwise undistinguished design appropriate and attractive.*

Response – This particular site benefits from an established natural setting which will be further enhanced with additional tree and hedge planting.

- *Retain the same scale and density as adjacent groups of smaller buildings - A new development should not overwhelm its existing neighbours or introduce an unsympathetic and inappropriate development type. The retention of successful locally distinctive settlement patterns is a fundamental principle which should underpin the design of all new, smaller developments.*

Response – The dwelling house proposed is of a similar density and character to the adjacent property (Hillside Cottage) to which it is also entirely respectful to and in keeping with in terms of scale, design, proportions and material choice.

Edge of Settlement Development

4.40 As far as ‘*edge-of-settlement*’ development is concerned the Guidance states that Designers should avoid:

- *Adding a “standard” housing layout to an existing settlement - Cul-de-sacs are generally inappropriate.*

Response – The proposal involves the erection of a single dwelling house which could not in any way be described as a ‘*standard layout.*’

- *Introducing dispersed development which does not share any of the characteristics of its neighbours - e.g. orientation, set back to the road, massing, scale and boundary treatments.*

Response – The proposal takes its design cue from Hillside Cottage adjacent and is fully respectful to that property in terms of the criteria and credentials identified.

- *Standardised “could be anywhere” design which will generally detract from an existing locally distinctive and characterful grouping, or predominantly characterfully designed buildings.*

Response – The dwelling is entirely respectful to the character and appearance of Hillside Cottage adjacent.

4.41 In light of the considerations outlined the dwelling house proposed is considered to be entirely compliant with all of the relevant siting criteria identified in the Design Guidance.

Planting and Boundaries

4.42 The Guidance states that ‘*new development should reinforce and integrate with the distinctive pattern of planting and open space which contributes to North Ayrshire’s distinctive local character.*

- *Well-designed gardens, planting and boundaries should minimise the impact of development on the landscape and integrate it with its setting.*

- *Prominent and inappropriate boundary treatments, gateways and planting can have a greater impact on their setting than the property with which they are associated.*
- *Blocks of planting can be used to integrate new development with North Ayrshire's pattern of open spaces*
- *'Introverted' development should be avoided on edge sites as this offers boundary fences as the main 'feature' to the public view. Where possible layouts should vary the orientation of houses so that the presentation of garden spaces is not monolithic and constant.*
- *New landscape features such as hedgerows and tree planting can provide opportunities for future screening, as an alternative to fencing*
- *Provide naturalistic planting associated with the sympathetic retention of existing landscapes*
- *Provide rural rather than suburban boundary treatments – in North Ayrshire these are most likely to be successful if they are simple fences, hedges or drystone walls'*

Response – The application site, as noted on numerous occasions within this statement benefits from a mature naturally landscaped context made all the more appropriate for accommodating the development proposed by the surrounding topography. In addition to that existing, the application proposes further tree planting within the site; beech/hawthorn hedging, a stone wall and gate to define the boundaries; and a living wall to the north of the dwelling house. The measures outlined will further assist with the integration of the dwelling within its landscaped setting.

Access and Parking

4.43 The Design Guidance requires car parking facilities to be well integrated into their setting and offers the following advice in this regard:

Single houses

- *Entrances should be informal and rural in nature; many entrances to driveways in rural areas are very low-key with only gates & signage to locate them.*
- *Where bins are to be stored at entrances – including recycling bins - they should be, as far as possible screened from view.*
- *In more rural locations where there are stand-alone properties parking should not be prominently located between roads and buildings but should be screened from view.*

Smaller groups

- *Wherever possible, footpaths should be separated from the road by landscaping.*
- *Access and parking should be carefully designed so that it contributes to the overall positive character of the development.*

Response – The car parking facilities proposed in association with the dwelling house are located on the western side of the site accessible via a traditionally designed gate and screened from view by a new stone wall. The parking area itself will be finished in stone chippings in keeping with the character of the existing access drive to Hillside Cottage.

Character – Massing, Proportion and Scale

- 4.44 The design guidance offers the following advice for individual properties and smaller groups in connection with considerations relating to Massing, Proportion and Scale:

***Individual Properties** - Many of North Ayrshire's older rural buildings are based upon a long, narrow plan - itself the result of the construction methods and materials available at the time. This gives them a massing and proportions which are very different from many newer houses which are based upon a deeper "suburban" plan layout.*

North Ayrshire's older rural buildings often have a simple and robust character with strong simple shapes and simple construction details, such as those at gutters and verges.

Flat external walls have a horizontal emphasis with small vertically proportioned windows and openings generally symmetrically placed in facades. These are often offset by a larger area of wall.

Even though some houses can be quite substantial, many older buildings are small in scale with minimal underbuilding and eaves directly above window heads.

***Smaller Groups** - 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.'*

Response - The dwelling house, as noted previously, takes its design cue from the adjacent Hillside Cottage and although exhibiting a more modern interpretation of design features from that property it is visually and appropriately related to it in terms of scale, proportions, massing etc. whilst maintaining a degree of individuality. It is, as a consequence, considered to be entirely suitable and in keeping with the character of the area.

Materials and Construction

- 4.45 The Guidance Document provides the following advice in respect of Materials and Construction:

***Materials** - The recurring materials in the local palette are rubble stone and occasionally ashlar stone, with painted and/or dressed window surrounds. Limewashed or whitewashed stone, render or harling is also common. The predominant roofing material is slate, with skew gables but there is also a significant number of properties with hipped roofs. Some newer, twentieth century properties feature a wider range of materials and details including the use of brick and clay tile roofs.*

***Construction** - Many of North Ayrshire's rural buildings have a distinctive character which distinguishes them from their more urban counterparts.*

Although the use of specific “North Ayrshire” materials can go some way towards integrating new developments into the countryside, the way in which these materials relate to each other also needs to be considered.

Many rural buildings have simple and robust construction details which are a good basis for contemporary designs.’

Response – The dwelling house proposed on this site responds positively to the immediate surrounding characteristics employing similar materials and construction details to those found and existing in Hillside Cottage.

Design Guidance – Single Houses in Rural Areas

4.46 In addition to the Council’s Design Guidance on ‘*Development in the Countryside*,’ the Council have also adopted Design Guidance on ‘*Single Houses in Rural Areas*.’ The latter guidance is more general and less specific in nature than the former dealing with the processes involved in advancing with a proposal for the erection of a new house in the countryside and providing a range of examples of previously erected dwelling houses in such locations. Given its generality and in light of our detailed responses to the ‘*Development in the Countryside*’ Document we have no further comments to add at this juncture.



4.47 Having considered the application proposals against the terms of the development plan and all other material considerations we are firmly and unequivocally of the view that the application proposals are compliant with the former and that there are no material considerations existing which would support anything other than the granting of planning permission for the application proposals as applied for.

5. SUMMARY AND CONCLUSIONS

5.1 The application proposals and the key considerations associated with them are summarised below:

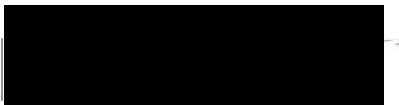
- The application has been submitted on behalf of our clients, Mr. Alan and Mrs. Holly Baillie and seeks detailed planning permission for the erection of a dwelling house within the grounds of Hillside Cottage, a domestic residence located at the end of Bellesdale Avenue, Largs, North Ayrshire.
- Hillside Cottage and its associated grounds are owned and occupied by our client's parents, Mr. Robert (Robbie) and Mrs. Fiona Stevenson. Holly was born into and brought up at the property and along with her husband, Alan, who is also from Largs, they have spent their entire lives in the town. They have one son with another child due shortly. Alan is an IT Consultant working with the NatWest Banking Group and Holly is a Psychologist.
- Subject to receiving planning permission for and subsequently erecting the dwelling house for which permission is sought, Holly's mother, Fiona, will look after and help to bring up the children. In later years it is intended that Holly will, in turn, be able to care for her parents as they grow older. The extended family approach outlined is considered to be consistent with the Scottish Government's Policy on '*Independent Living*' which seeks, as one of its central aims, to ensure that older citizens can live safely, comfortably and independently in their own home.
- The application site, which is broadly rectangular in shape, measures approximately 1059 sq. metres in area and is located at the end of Bellesdale Avenue on the eastern side of Largs. The site forms part of the curtilage of and lies to the west of Hillside Cottage which is a two-storey hipped roofed dwelling house with associated out buildings built in the 1860s as the gamekeeper's cottage for Halkshill and set within attractively manicured gardens. The site lies within approximately 330 metres of bus stops on Eastern Avenue and benefits from good access links to both primary and secondary schools within the town. The NC15 and NC45A Promenade to Greeto Bridge Core Paths exist to the north of the site with a further public walkway providing access to the Gogo Water existing to the south.
- The southern part of the application site has, since 2006 or thereby, been used as a riding arena/menage. Planning Permission was granted on 18th June 2018 for the erection of a stable block, tack room and storage facilities on the site under Planning Permission Reference Number N/18/00423/PP. The approved stables had a ground floor area of 83.16 sq. m measuring 12.6m in length and 6.6m in width with a covered concrete base to the front and varying in height from 3.2 metres at the south to 2.7m at the north. The northern part of the application site comprises an elevated embankment containing trees and other vegetation.

- The application proposals relate to a two-storey hipped roof dwelling house which will occupy a similar position on the site to the previously approved stable block. Accommodation comprised within the proposed dwelling includes on the ground floor, a lounge, open plan living/kitchen area, utility/larder and shower room; and on the first floor, 3 no. bedrooms (one en-suite), study and bathroom. The design proposals advanced, which have been discussed and broadly agreed with Mr. Iain Davies, Senior Development Management Officer in North Ayrshire Council, relate to, and take their design cue from Hillside Cottage to the east.
- The dwelling house proposed will be energy efficient and built to standards exceeding those in the Scottish Building Regulations. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls, roofs and windows with energy requirements met through a combination of an air sourced heat pump and photovoltaics.
- Key considerations in support of the proposal include the following:
 - The principle of erecting the dwelling house proposed is compliant with the terms of Strategic Policy 1 on the Countryside Objective as contained in the North Ayrshire Local Development Plan and the associated Guidance on Housing in the Countryside both of which support the erection of new dwelling houses on clearly defined gap sites containing defensible boundaries.
 - Although positioned in a rural location marginally outside the Largs Settlement Envelope as defined in the North Ayrshire Local Development Plan, the dwelling house proposed is sustainably located benefitting from its close proximity to facilities and services within Largs including bus based public transport services and educational facilities (primary and secondary school), all of which can be accessed on foot via safe walking routes.
 - As the dwelling house proposed will be occupied by close family members of the occupants of Hillside Cottage (i.e., daughter and family) they can care for and look after each other as life evolves. Such an extended family approach is considered to be consistent with the Scottish Government's Policy on '*Independent Living*' which seeks, as one of its central aims, to ensure that the older citizens can live safely, comfortably and independently in their own home.
 - The application site as a consequence of established topographical and landscape considerations represents a natural and '*ready-made*' location for the erection of a new home. The dwelling proposed is entirely sympathetic in its form, massing and detailing with the adjoining dwelling house (Hillside Cottage) and will include ancillary landscaping proposals and boundary treatments to further assist its absorption into the surrounding landscape context.

- The site is brownfield in nature having previously been developed and benefits from a grant of planning permission for the erection of a stable block which would have a significantly greater impact on the appearance of the area than the dwelling house now proposed.
- In short, the proposed development successfully achieves a balance between the potentially competing objectives of development and the sympathetic conservation of the environment, thereby satisfying the goal of sustainability.

5.2 In light of the considerations outlined within this statement it is respectfully requested that planning permission be granted for the dwelling house applied for. We reserve the right to provide additional information in support of this application in advance of its determination should it be so required.

Signed

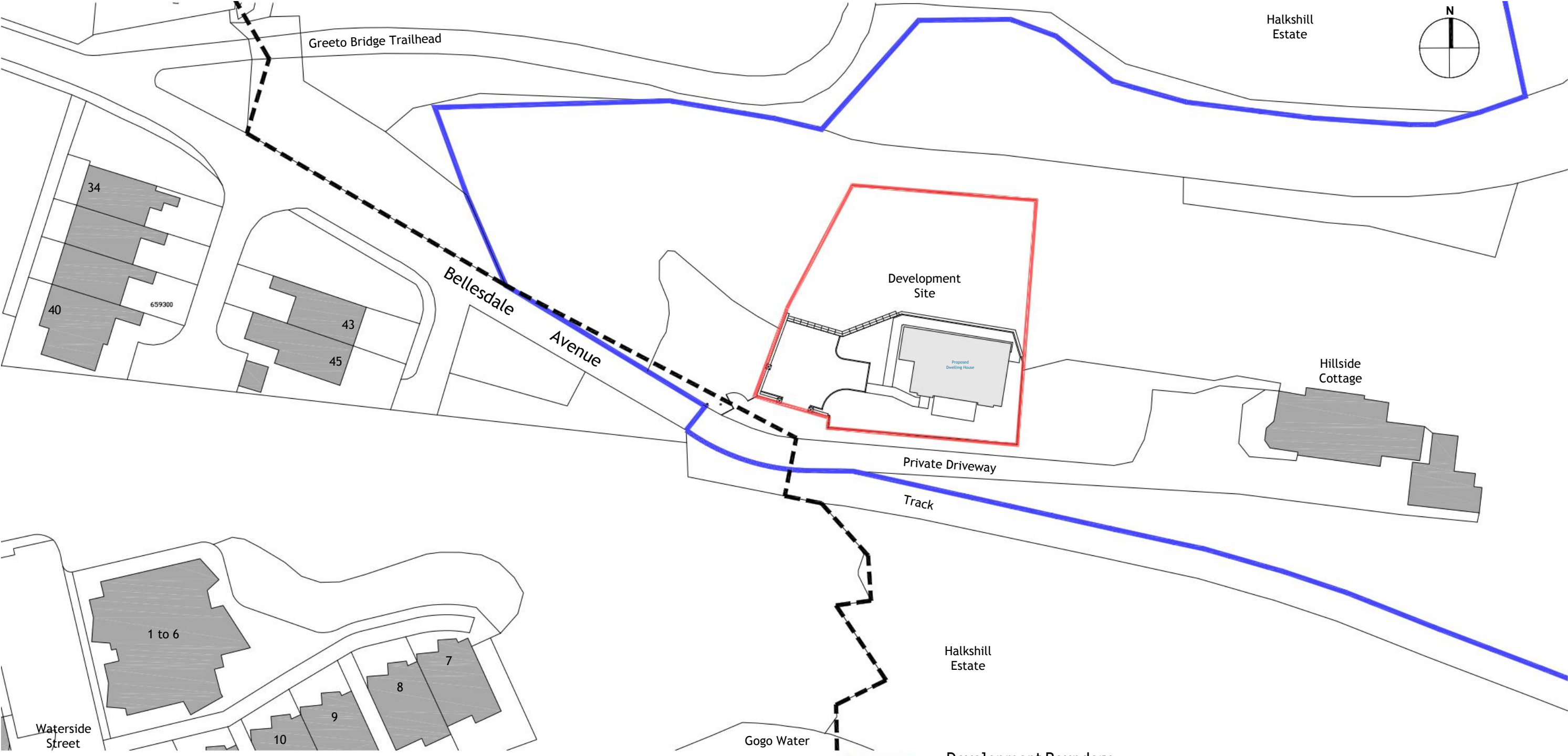
A black rectangular box redacting the signature of Derek Scott.




Derek Scott

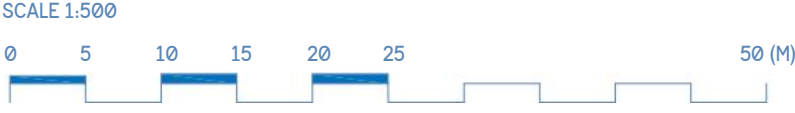
Date 12th August 2021

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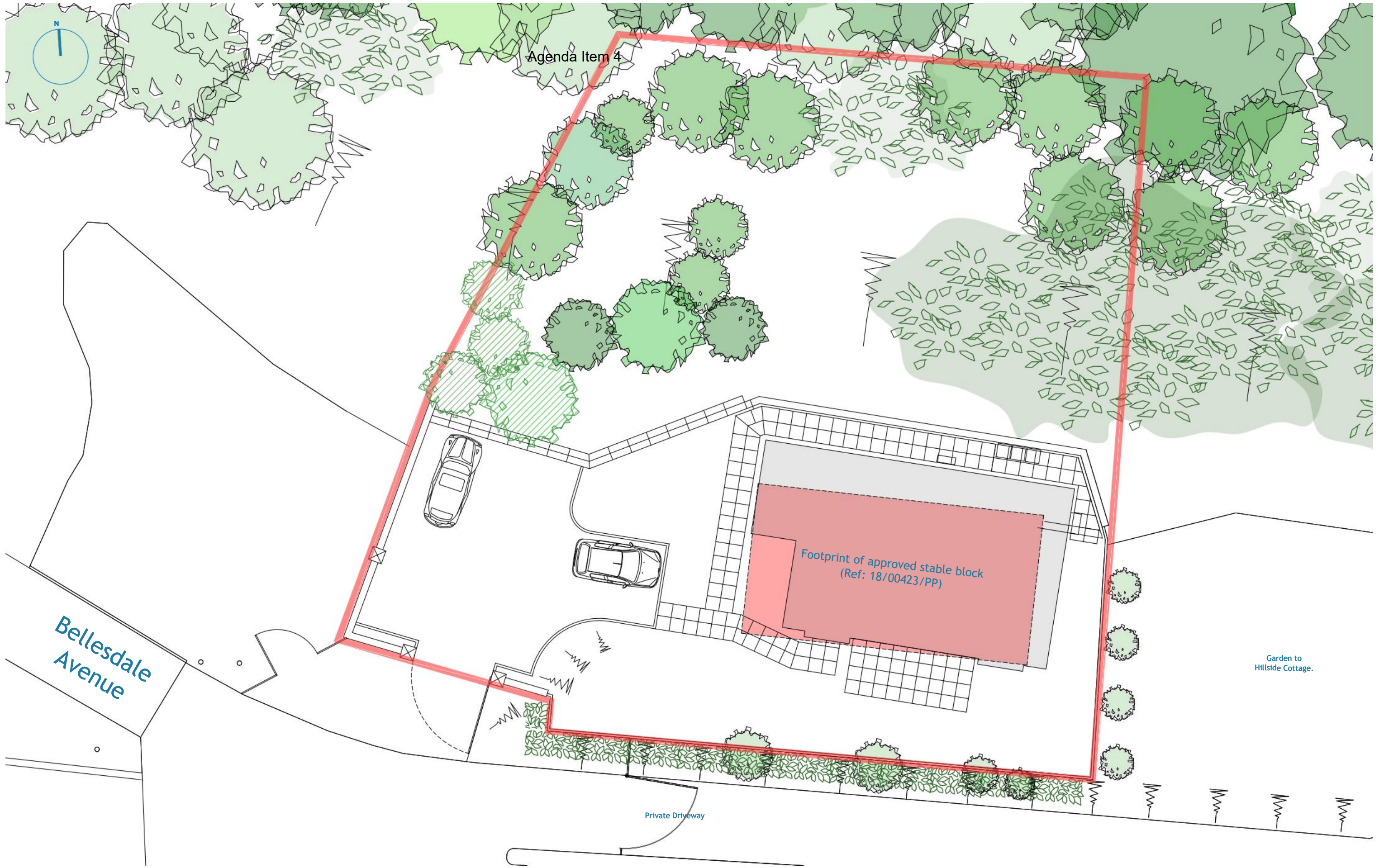


-  Development Boundary.
-  Land within the ownership and access rights of Robbie and Fiona Stevenson.
-  Settlement Boundary.



Proposed Dwelling House
 Bellesdale Avenue
 Largs

Location Plan
 DWG NO: 157-100 REV: D
 SCALE: 1:500 SIZE: A3
 DRAWN BY: SD CHECKED BY: SD



Proposed Dwelling House
 Bellesdale Avenue
 Largs

Footprint of approved stable block
 superimposed on proposed site plan

DWG NO: 157-201 REV: B

SCALE: 1:150

SIZE: A3

DRAWN BY: SD

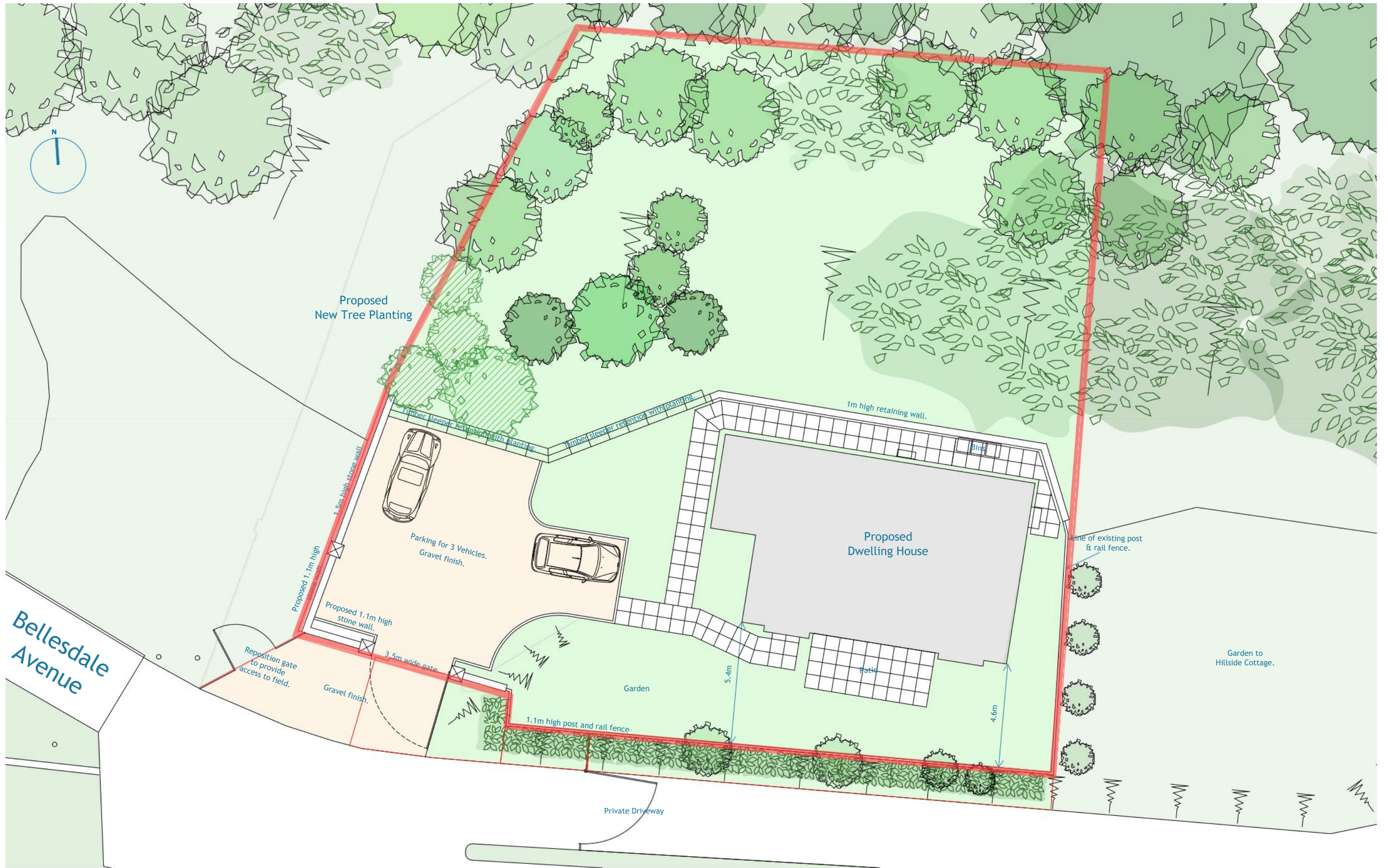
CHECKED BY: SD

SCALE 1:150

0 1 2 3 4 5 10

planform

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Proposed Dwelling House
 Bellesdale Avenue
 Largs

Proposed Site Plan

DWG NO: 157-200 REV: B

SCALE: 1:150

SIZE: A3

DRAWN BY: SD

CHECKED BY: SD

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SCALE 1:150





West Elevation 1:150



South Elevation 1:150



Contextual South Elevation 1:250

Proposed Dwelling House
Bellesdale Avenue
Largs

Proposed South & West Elevations
& Contextual South Elevation

DWG NO: **157-502** REV: **A**

SCALE: 1:150 & 250 SIZE: A3

DRAWN BY: SD CHECKED BY: SD

SCALE 1:150



SCALE 1:250



planform



West Elevation 1:150



South Elevation 1:150



Contextual South Elevation 1:250

Proposed Dwelling House
Bellesdale Avenue
Largs

Proposed South & West Elevations
& Contextual South Elevation

DWG NO: **157-502** REV: **A**

SCALE: 1:150 & 250 SIZE: A3

DRAWN BY: SD CHECKED BY: SD

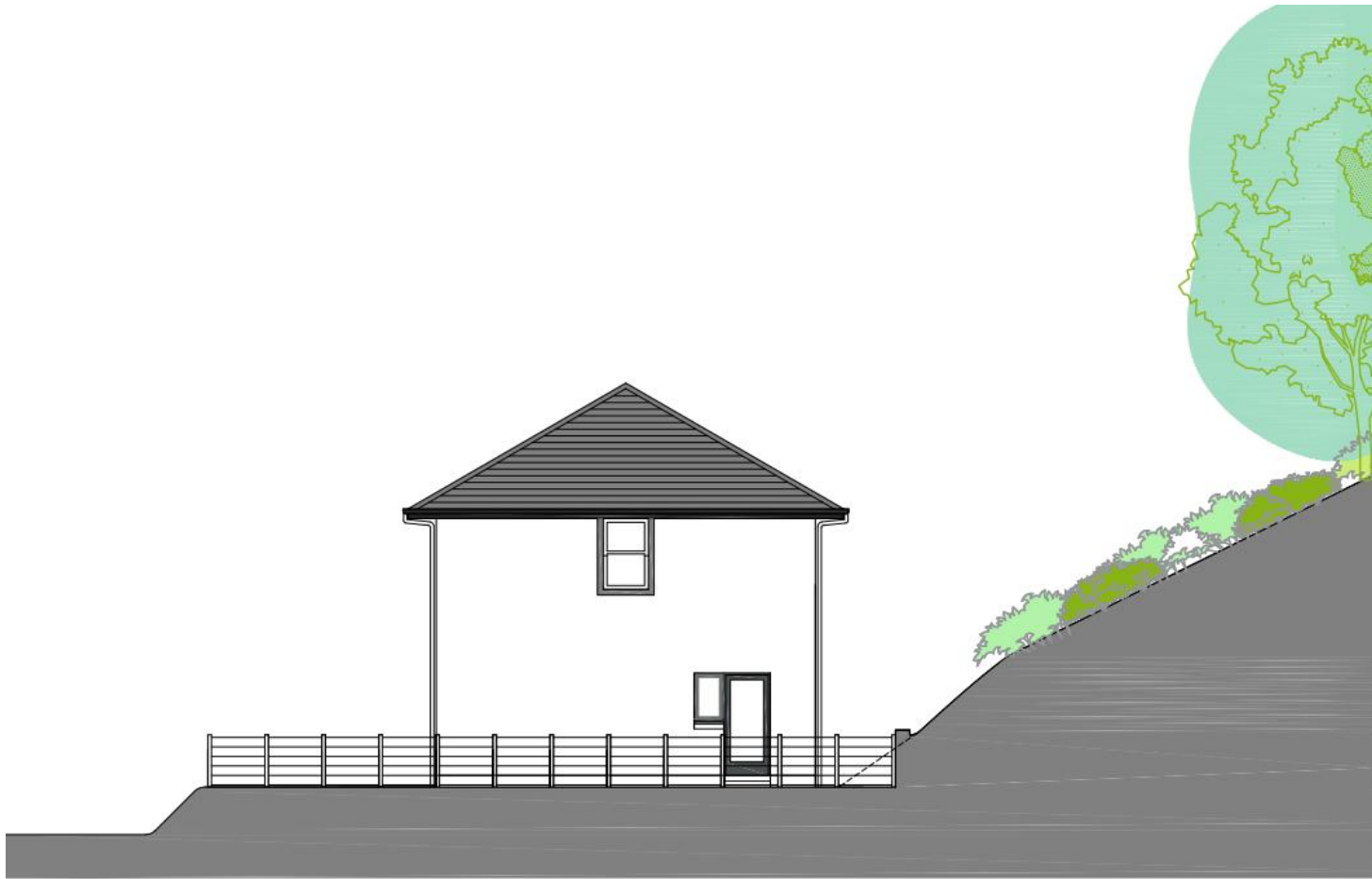
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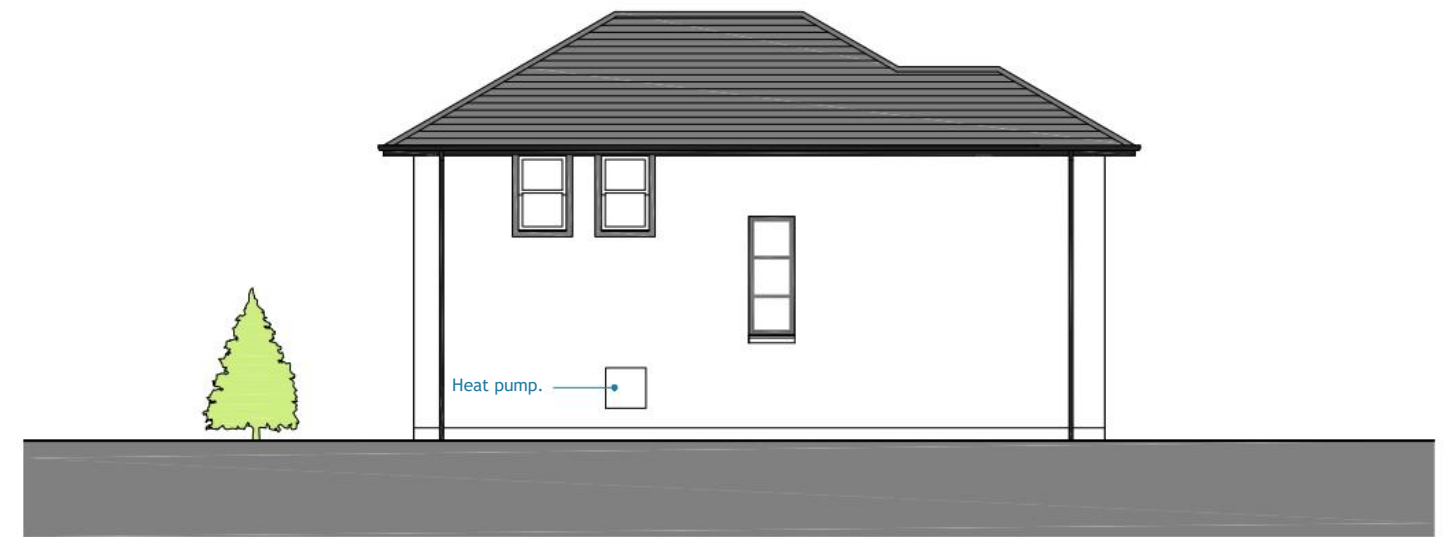
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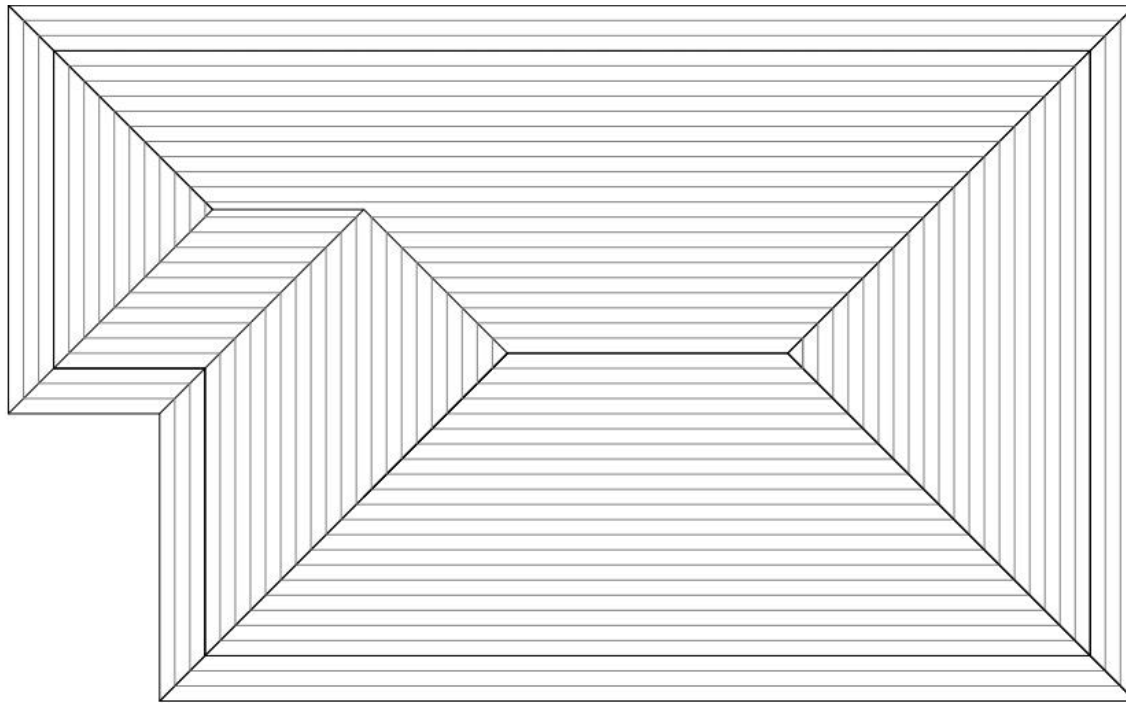
planform



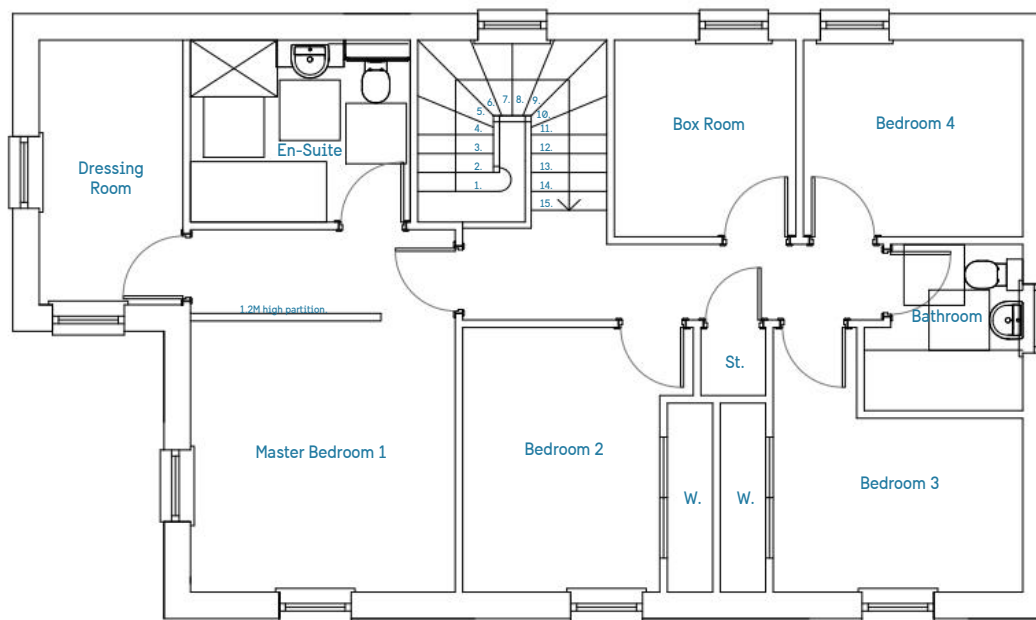
East Elevation 1:150



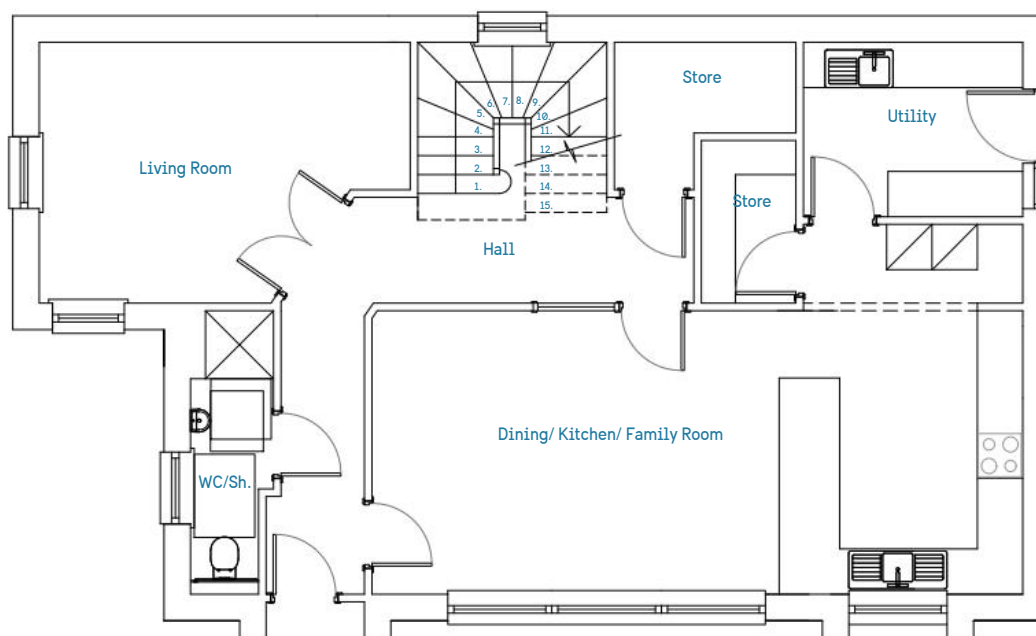
North Elevation 1:150



Roof Plan



First Floor Plan



Ground Floor Plan

SCALE 1:100



From: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>
Sent: 05 November 2021 14:17
To: Derek Scott <enquiries@derekscottplanning.com>; robbie stevenson
[REDACTED] Holly Baillie [REDACTED]; alanbaillie@live.com
Cc: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>; James Miller (Snr Manager / Planning) <jamesmiller@north-ayrshire.gov.uk>; Caitriona Mcauley (Head of Service / Economic Development & Regeneration) <caitrionamcauley@north-ayrshire.gov.uk>
Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Mr Scott,

Thank you for your e-mail.

As advised, it is considered the relevant questions have been answered in previous e-mails. It is not considered there is any further merit to discussions in respect of this application. Your client will have the advice from January 2021 but please find it attached for ease of reference.

To be clear no issue was raised with the settlement boundary throughout the entire LDP process. Therefore no issue was raised at examination and it does not feature in that report. Again if you or your client wish to seek to have the boundary changed during the next LDP process then you would be entitled to request that when the next LDP process commences. Site visits to discuss the boundary in the context of that process may be appropriate. However, again it is not considered that there is any merit to a meeting on site to discuss the settlement boundary in the context of this application.

The application has been recommended for refusal and your client should receive a decision next week.

Kind regards

Iain Davies
Senior Development Management Officer
Planning Services
Place Directorate
North Ayrshire Council
01294 324 320
07990 410 891

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www.eplanning.north-ayrshire.gov.uk



From: Iain Davies (Snr Development Man Off / Planning) **Sent:** 20 January 2021 11:40 **To:** 'robbie stevenson' [REDACTED] **Subject:** RE: RE: RE: Hillside House, Largs

Hi Mr Stevenson,

Thank you for your e-mail.

Whilst I think a proposal which meets design, energy efficiency, landscaping requirements etc is likely possible, the principle of a house in this location may not be supported.

Your comments in respect of the housing in the Countryside Objective criteria are noted. This would be the case you would have to make – that the proposal met one of those criteria. As discussed previously, I'm not sure if criterion (f) could apply as I understand that gap sites were intended to mean gaps in rural hamlets/groups. The Council is looking to prepare guidance on housing in the countryside which would hopefully clarify these issues. However, you would be entitled to make the argument through any planning application and there would be a right of appeal.

At present we are not conducting any site meetings I'm afraid. This is likely to be the case until the current restrictions are eased. However, I'm happy to try meet on site when circumstances allow.

Kind regards

Iain Davies

Senior Development Management Officer

Planning Services

Place Directorate

North Ayrshire Council

01294 324 320

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www.eplanning.north-ayrshire.gov.uk

From: robbie stevenson [REDACTED] **> Sent:** 17 January 2021 15:48 **To:** Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk> **Subject:** Fw: RE: RE:

Hillside House, Largs

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Iain - trust you are keeping safe and well

In respect of recent discussions around proposed house within the grounds of Hillside Cottage - please find enclosed latest set of plans which have been adjusted to take account of your comments and North Ayrshire Council Adopted Local development Plan (LDP) and in particular to Strategic Policy 1 : The Countryside Objective

- Criteria (f) sensitive infilling of gap site - providing a defensible boundary for further expansion

Hillside Cottage shall retain the area of land to West of application site : within this area existing mains services preclude any

further developments - Namely

1) North/South : Overhead electrical power lines

2) North/South : Scottish Water mains pipe

3) East/West : Underground Hydro Electric cables connecting into main grid

- Criteria (h) where new housing is a replacement or converted building or is a house of exceptional design

As you know Planning approval exists for stable block to same location as proposed house, which although started has not been completed.

We hope to demonstrate that the proposed house will be of exceptionally high architectural quality and in keeping with it's setting alongside Hillside Cottage

Note : The site boundary of proposed house is in line with the edge of Town Boundary (end of Bellesdale Avenue)

- Proposed House Design Criteria

Traditional rural development which is sympathetic to the character and form of adjacent housing

Character reflects that of Hillside Cottage : use of simple construction methods of high quality

1) Whitewash walls, slate roof tiles, black woodwork - black stone surround to high level window on West elevation

2) Hip end roof design (incorporating PV flat panels built into roof surface) pitch of roof same as Hillside Cottage

3) Height of building from external ground level to ridge line of roof is same as that of Hillside Cottage

4) Hillside Cottage to East sits at a higher level and will remain the dominant property as viewed from Bellesdale Avenue

5) West facing elevation of proposed house reflects the same design principals as Hillside Cottage

Traditional boundary treatments

- 1) Existing timber post and rail fencing to be retained
- 2) New stone dyke wall to Western Boundary - this will marry in with existing stone dyke to south side of Bellesdale Avenue
- 3) New stone dyke will act as screening to driveway and car park for new house

Trees and Planting

- 1) 13 mature trees were removed to land directly adjoining proposed house plot by Scottish Power some 18 months ago, being the original line of Beech and Oak trees planted by Halkshill Estate
- 2) Proposal being to plant a line of new Beech and Oak trees (outwith zone of o/h cables) to reinforce settlement boundary
- 3) New beech and hawthorn hedging to line of existing post and rail fence to reinforce boundary
- 4) Use of access gates to match that of existing and in keeping with rural setting
- 5) Driveway to be finished in stone chippings to match existing from end of adopted highway

Energy Efficient Development

- 1) Designed to exceed the 10% Carbon Emissions Reduction figure as set by Scottish Building Regulations
- 2) Air Sourced heat pumps to provide both central heating and hot water
- 3) Timber Frame with "U" Value rate exceeding building regulation requirements
- 4) PV panels installed to both South and West facing roof elevations
- 5) Doors and Windows to be thermally efficient

We trust that the changes made to external design and setting of proposed house can be reflected in your support for proposal and we look forward to hearing from you at your earliest opportunity
NB : a site visit would be good to have if this is possible once present travel restrictions are eased

Best wishes

Robbie Stevenson

From: Derek Scott [REDACTED]

Sent: 03 November 2021 08:27

To: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>

Cc: Stuart Dallas [REDACTED]; robbie.stevenson

[REDACTED]; Holly Baillie [REDACTED] alan.baillie

[REDACTED]; John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>; RussellMcCutchen@north-ayrshire.gov.uk; Caitriona Mcauley (Head of Service / Economic Development & Regeneration) <caitrimoncauley@north-ayrshire.gov.uk>; JimMiller@north-ayrshire.gov.uk

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Iain,

Thank you for your e-mail.

With respect, neither John Mack nor you have responded to the questions raised in my e-mail of 27th October 2021. You may think you have but you have not. For convenience, I outline them again below and would appreciate either you or John responding to them by return and in advance of the determination of the application.

- (i) Am I correct in assuming, based on what you've said, that if our clients were to build the stable block, for which planning permission has been granted and works commenced (via the laying of an underbuilding base), and subsequently demolished that stable block, then those parts of the 'gap site' definition would be complied with? If, not please explain why?

- (ii) Can you confirm that you are of the view that the application site is not previously developed (i.e. brownfield) and that you are disagreeing in that respect with the written views of the Planning Officer who wrote the Report of Handling on the application for the stable block? Please explain your answer.
- (iii) Am I correct in assuming that you are of the view that there must be a gap or space between the settlement boundary and an application site to comply with the definition of a 'gap site' in your supplementary guidance? Assuming you agree, how wide does that gap need to be? Your Supplementary Guidance seems to be unhelpfully silent on the subject so I assume the gap can be any distance.
- (iv) I am familiar with the settlement boundary map and the haphazard manner in which it has been defined in the plan in the vicinity of our client's property. Can you please define the physical features to which the settlement boundary relates to on the ground or alternatively provide me with a more accurate plan so that it can be marked out on the ground? If there are no physical features that define any part of the settlement boundary how can any proposed development undermine it?

Further questions raised in my e-mail of 27th October 2021 have not been answered either. For convenience, I also outline them below and would appreciate either you or John responding to them:

- (v) Can you please advise if the claims made by your colleagues in Local Plans that the settlement boundary in the vicinity of my client's property is based on *a historic fence line and has been the boundary since at least the North Coast and Cumbraes local plan from the early 2000s* are based on assumption or fact? If the latter, please furnish me with evidence of that fact.
- (vi) Can you please provide me with a copy of the advices given/sent to Mr. Stevenson in January 2021 within which you have said that you '*did not think the chosen site met with the Countryside Objective of the LDP?*' I have not seen that e-mail.
- (vii) You have also claimed that '*No issue with the boundary was raised in the examination of the current Local Development Plan, adopted in 2019.*' I have perused the Report on the Local Development Plan to which you have referred and have been unable to find any reference to the settlement boundary in the vicinity of my client's property having been the subject of the '*examination*' to which you have referred. Can you please guide me towards the relevant page of that Report where this matter is addressed as you imply?

I have noted from your e-mail that your department will take into account both the development plan and other material considerations in the determination of the planning application. This is a welcome departure from previous advices where it was indicated that the application would be determined in accordance with the development plan only, in breach of Section 25 of the Act.

I have also noted your refusal to meet with us to help identify the settlement boundary on the ground and take from this that neither you or John are able to do so.

I look forward to hearing from you in response. Our client's offer to further extend the statutory period for the determination of the application remains on the table should you require additional time to respond to the points raised.

Please note that our client will not be withdrawing the current application and in the event of it being refused will be submitting a request to review the decision to your Local Review Body. Please also note that I have copied your colleagues Jim Miller, Catriona McAuley and Russell McCutchen

into this e-mail and by doing so are drawing their attention to the points and queries raised which have not been responded to.

Kind Regards

Derek



Derek Scott Planning
21 Lansdowne Crescent, Edinburgh, EH12 5EH

also at

Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ

enquiries@derekscottplanning.com - E
www.derekscottplanning.com - W

From: Iain Davies (Snr Development Man Off / Planning) [<mailto:iaindavies@north-ayrshire.gov.uk>]

Sent: 02 November 2021 14:29

To: Derek Scott <enquiries@derekscottplanning.com>

Cc: Stuart Dallas [REDACTED]; robbie stevenson

[REDACTED]; Holly Baillie [REDACTED]; alan baillie

[REDACTED]; John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Mr Scott,

Thank you for your e-mails.

With respect to the questions in your e-mail of 27th October 2021, John Mack responded to the questions in his previous e-mails of 13th and 15th October. With respect to the settlement boundary, I would refer you to my e-mail of 27th October.

Again as per my e-mail of 27th October I do not consider that there is any merit to a meeting on site to discuss the boundary in the context of this application.

With the receipt of the amended plans, John Mack will prepare a Report of Handling which will set out an assessment of the application on its merits having due regard to the current adopted LDP and all other material considerations. This is likely to recommend refusal and if the application is refused, your client will have a right of appeal to the Local Review Body. If your client wishes to withdraw the application prior to any refusal, please let me know. Otherwise a decision will likely be issued by the end of this week.

Kind regards

Iain Davies
Senior Development Management Officer
Planning Services
Place Directorate
North Ayrshire Council
01294 324 320
07990 410 891

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From: Derek Scott <enquiries@derekscottplanning.com>

Sent: 01 November 2021 10:33

To: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>

Cc: Stuart Dallas [REDACTED]; robbie stevenson

[REDACTED]; Holly Baillie [REDACTED]; alan baillie

[REDACTED]; John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Iain,

I refer to my e-mail of 27th October 2021 (see below) in connection with the above-mentioned planning application. Stuart Dallas from Planform Architects submitted revised plans to John Mack on Friday. Please let me know when would suit you for a site visit so that you can assist us in identifying the settlement boundary on the ground. Our client is happy to agree to a further extension to the determination period associated with the application should you require additional time to visit the site and to respond to the points raised in the e-mail below.

I look forward to hearing from you.

Kind Regards

Derek



Derek Scott Planning
21 Lansdowne Crescent, Edinburgh, EH12 5EH

[REDACTED]

also at

Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ

[REDACTED]

enquiries@derekscottplanning.com - E
www.derekscottplanning.com - W

From: Derek Scott

Sent: 27 October 2021 12:50

To: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>

Cc: Stuart Dallas [REDACTED]

[REDACTED]; John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Iain,

Thanks for your e-mail.

Can you please provide me with a copy of the advices given/sent to Mr. Stevenson in January 2021 within which you have said that you 'did not think the chosen site met with the Countryside Objective of the LDP?' I have not been furnished with a copy of that.

Can you also respond to the four points in my e-mail to John Mack of 14th October 2021 (09.23) as noted below for convenience?

- (i) *Am I correct in assuming, based on what you've said, that if our client were to build the stable block, for which planning permission has been granted and works commenced (via the laying of an underbuilding base), and subsequently demolished that stable block, then those parts of the 'gap site' definition would be complied with? If, not please explain why?*
- (ii) *Can you confirm that you are of the view that the application site is not previously developed (i.e. brownfield) and that you are disagreeing in that respect with the written views of the Planning Officer who wrote the Report of Handling on the application for the stable block? Please explain your answer.*
- (iii) *Am I correct in assuming that you are of the view that there must be a gap or space between the settlement boundary and an application site to comply with the definition of a 'gap site' in your supplementary guidance? Assuming you agree, how wide does that gap need to be? Your Supplementary Guidance seems to be unhelpfully silent on the subject so I assume the gap can be any distance.*
- (iv) *I am familiar with the settlement boundary map and the haphazard manner in which it has been defined in the plan in the vicinity of our client's property. Can you please define*

the physical features to which the settlement boundary relates to on the ground or alternatively provide me with a more accurate plan so that it can be marked out on the ground? If there are no physical features that define any part of the settlement boundary how can any proposed development undermine it?

You have stated in your e-mail, following discussions with colleagues in Local Plans, that the settlement boundary follows a *'a historic fence line and has been the boundary since at least the North Coast and Cumbraes local plan from the early 2000s.'* Mr. Stevenson has resided in Hillside Cottage since 1992 and has confirmed to me this morning that the settlement boundary in the vicinity of his property does not coincide with any fence existing since his occupation of the property. Can you please advise if the claims made by your colleagues in Local Plans in this regard are based on assumption or fact? If the latter, can you please furnish me with evidence of that fact.

You have also claimed that *'No issue with the boundary was raised in the examination of the current Local Development Plan, adopted in 2019.'* I have perused the Report on the Local Development Plan to which you have referred and have been unable to find any reference to the settlement boundary in the vicinity of my client's property having been the subject of the *'examination'* to which you have referred. Can you please guide me towards the relevant page of that Report where this matter is addressed as you imply?

It alarms me greatly that both you and your colleague have claimed that *'unless and until the settlement boundary is altered, any planning applications must be determined against the LDP as adopted.'* Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) clearly states that *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan **unless material considerations indicate otherwise.**'* Why are both you and he referring solely to the terms of the development plan in the consideration of this application and are refusing to take other material considerations into account? Key material considerations in the determination of this application include the previously developed nature of the site and the haphazard and illogical settlement boundary defined by your local development plan.

It is imperative, prior to the determination of this application that someone with authority and knowledge visit the application site and define on the ground where the settlement boundary actually is . That is the only means by which the impact of the development proposed on the settlement boundary can be assessed otherwise this application will end up being determined on the basis of assumption rather than fact. That should never be the case. Please let me know when would be convenient for you to meet.

I look forward to hearing from you further.

Regards

Derek



*Derek Scott Planning
21 Lansdowne Crescent, Edinburgh, EH12 5EH*

also at

Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline, Fife KY11 3BZ

*enquiries@derekscottplanning.com - E
www.derekscottplanning.com - W*

From: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>

Sent: 27 October 2021 08:10

To: Derek Scott <enquiries@derekscottplanning.com>

Cc: Stuart Dallas [REDACTED]

[REDACTED]; John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear Mr Scott,

Thank you for your e-mail.

The last advice I gave Mr Stevenson was that I did not think the chosen site met with the Countryside Objective of the LDP. This was in January prior to the Council's Guidance Note on Housing in the Countryside being drafted and adopted. I advised that the Guidance note would clarify the issue. The Guidance Note clarifies that a gap site is not a site between a property and a settlement boundary.

In terms of the settlement boundary, it is as it is defined in the LDP. There is no scope to redraw or otherwise disregard the boundary in the context of a planning application. I have spoken to my colleagues in Local Plans and they understand the boundary follows a historic fence line and has been the boundary since at least the North Coast and Cumbraes local plan from the early 2000s. No issue with the boundary was raised in the examination of the current Local Development Plan, adopted in 2019.

Your client, or anyone else, is entitled to seek to have the boundary altered for the next Local Development Plan. The Local Plans team can be contacted on LDP@north-ayrshire.gov.uk to discuss proposals for the next LDP.

Unless and until the settlement boundary is altered, any planning applications must be determined against the LDP as adopted. I do not consider that there is any merit to a meeting on site to discuss the boundary in the context of this application. Mr Mack will prepare a Report of Handling which will set out an assessment of the application on its merit having due regard to the current adopted LDP and all other material considerations. If the application is refused, your client will have a right of appeal to the Local Review Body.

Kind regards

Iain Davies
Senior Development Management Officer
Planning Services
Place Directorate
North Ayrshire Council
01294 324 320
07990 410 891

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From: Derek Scott <enquiries@derekscottplanning.com>
Sent: 19 October 2021 14:44
To: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>
Cc: Stuart Dallas <[REDACTED]>
[REDACTED]
[REDACTED]

Subject: FW: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire
Importance: High

Dear Iain,

I hope this e-mail finds you well and that you had a good holiday. You will have noted when you were on leave that you were copied into various e-mail exchanges (see below) between your colleague, John Mack and myself in connection with matters relating to the determination of the above-mentioned planning application which had sought detailed planning permission for the erection of a detached dwelling house on a site to the west of Hillside Cottage, Bellesdale Avenue in Largs and in relation to which I understand that you were involved in pre-application discussions over a number of years and during which you disposed a positive position on the prospects of erecting a dwelling on the site. In fact, Mr Stevenson advises that it was you who originally encouraged him to apply for such a proposal when considering various matters relating to a static caravan and stables.

As John's last e-mail (15th October 2021 – 15.51) notes, there is clearly a disagreement between our respective interpretations of the term 'gap site' as contained in your Council's Supplementary Guidance with John concluding in his e-mail of 13th October 2021 (15.29) that the development of a house would 'undermine the settlement boundary.' I sent an e-mail to John on 14th October 2021 (09.23) raising various queries/questions which he has failed to answer in his e-mail of 15th October 2021 (15.51). Unfortunately, John is not prepared to meet with me to discuss these matters taking somewhat of an intransigent position on the status of the site and even, in would appear, disputing points of fact in an earlier Report of Handling relating to the previously approved and partially

implemented stable block on the site. It is very disappointing that having visited the site on two occasions, John, (the first visit undertaken from his car without setting foot on the site); seems unable, to define the settlement boundary on the ground, but nonetheless considers that the dwelling house proposed would undermine the 'settlement boundary.'

I would, in the circumstances described, appreciate an opportunity to meet with you to discuss the application further particularly within the context of the questions raised in my e-mail of 14th October 2021 (09.23) and the bizarrely drawn settlement boundary, insofar as it relates to defined physical features within the vicinity of my client's site.

I look forward to hearing from you and thank you in anticipation of your assistance.

Kind Regards

Derek



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From: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Sent: 15 October 2021 15:51

To: Derek Scott <enquiries@derekscottplanning.com>

Cc: Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>; robbie stevenson [REDACTED]

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Good Afternoon Derek,

I can confirm that be erecting the permitted stable block and demolishing it this would not make the site a gap site in term of The Countryside Objective. This is because not all locations in the Countryside where a building once stood are considered to be gap sites, and whether they would depends on the nature of the building and the location.

With regards to your other queries, it is clear that there is a disagreement in terms of the interpretation of the term 'gap site' under the Countryside Policy between Planning and yourself and your client. While this is unfortunate, such disagreements in interpretation of LDP policies do occasionally arise. In this instance I do not think that it is useful to keep reiterating points which have already, in my view, been clearly explained. This is why I do not think that there is any practical benefit to a further meeting. If you do require further explanation with regards to these policy points, they will be found in my Report of Handling into the application.

Regards,
John

From: Derek Scott <enquiries@derekscottplanning.com>

Sent: 14 October 2021 09:23

To: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>

Cc: Stuart Dallas [REDACTED]

[REDACTED] Iain Davies (Snr Development Man Off / Planning)
<iaindavies@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Importance: High

John,

Thanks for your e-mail yesterday afternoon. I would be grateful if you could provide me with clarification on the following points:

- (i) Am I correct in assuming, based on what you've said, that if our client were to build the stable block, for which planning permission has been granted and works commenced (via the laying of an underbuilding base), and subsequently demolished that stable block, then those parts of the 'gap site' definition would be complied with? If, not please explain why?
- (ii) Can you confirm that you are of the view that the application site is not previously developed (i.e. brownfield) and that you are disagreeing in that respect with the written views of the Planning Officer who wrote the Report of Handling on the application for the stable block? Please explain your answer.
- (iii) Am I correct in assuming that you are of the view that there must be a gap or space between the settlement boundary and an application site to comply with the definition of a 'gap site' in your supplementary guidance? Assuming you agree, how wide does that gap need to be? Your Supplementary Guidance seems to be unhelpfully silent on the subject so I assume the gap can be any distance.

- (iv) I am familiar with the settlement boundary map and the haphazard manner in which it has been defined in the plan in the vicinity of our client's property. Can you please define the physical features to which the settlement boundary relates to on the ground or alternatively provide me with a more accurate plan so that it can be marked out on the ground? If there are no physical features that define any part of the settlement boundary how can any proposed development undermine it?

I look forward to hearing from you further in response to these points and would repeat my request for a meeting with you and Mr. Davies to discuss the situation further.

Kind Regards

Derek



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From: John Mack (Planning Officer / Planning) [<mailto:JohnMack@north-ayrshire.gov.uk>]

Sent: 13 October 2021 15:29

To: Derek Scott <enquiries@derekscottplanning.com>

Cc: Stuart Dallas

iaindavies@north-ayrshire.gov.uk (Snr Development Man Off / Planning)

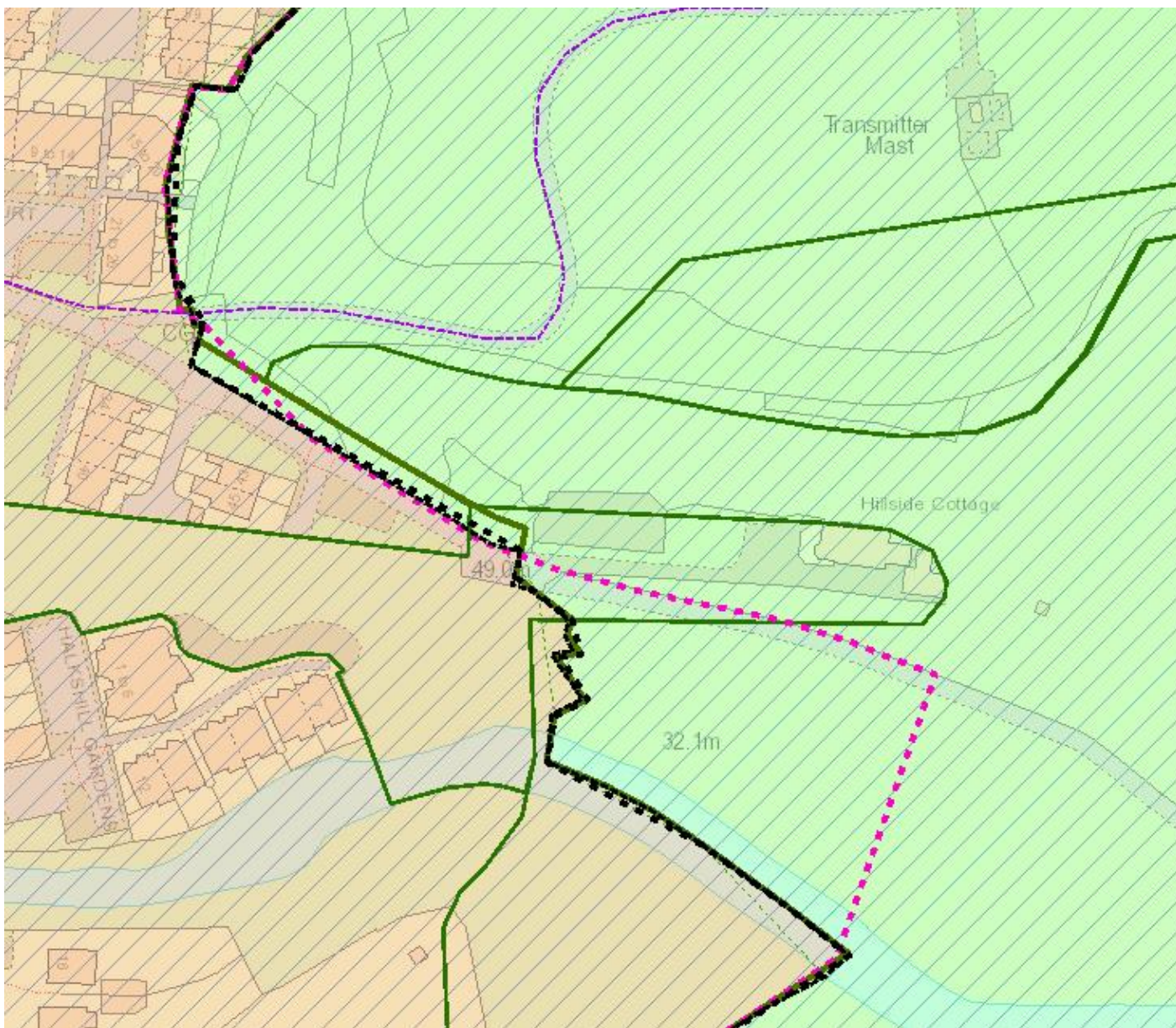
Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Good Afternoon Derek,

It is indeed the case that the Report of Handling for the stables (ref. 18/00423/PP) stated that the site is an 'already developed piece of land'. However, the previous development was as a riding arena and this does not accord with the definition of a gap site provided in The Housing in the Countryside Policy Guidance Note which states that a gap site is 'a site within an established developed area, for example where a house/building once stood or where two houses or other

permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane.' A house or building did not previously occupy the site and the site is not located in between two houses or other permanent building of equivalent size fronting an access road or lane. It is noted that this description states 'for example' insinuating that there are other examples of sites within an established developed area that could be considered gap sites. It is not however considered that a riding arena adjacent to a dwellinghouse would constitute a gap site in a common sense understanding of the term gap site.

Furthermore, the definition of a gap site states 'A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.' The site is clearly located between the settlement boundary and Hillside Cottage, irrespective of its current inclusion within the curtilage of Hillside Cottage. I have attached a map excerpt below which hopefully makes this clear. Due to the application site lying just outwith the settlement boundary, it is considered that the development of this site for housing would undermine the settlement boundary.



(Settlement boundary displayed by black dotted line/line between red area and green area).

I do not consider that a meeting would be productive in this instance. I have already met with Mr Stevenston on site and outlined the position of Planning and have reiterated our position in this email chain. The application is due to be determined by the 19th of October, however, I would be willing to delay determination until the revised plans as agreed in previous correspondence are submitted. Alternatively, the application could be withdrawn.

Regards,
John

From: Derek Scott <enquiries@derekscottplanning.com>
Sent: 13 October 2021 14:02
To: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>
Cc: Stuart Dallas [REDACTED]; Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>
Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire
Importance: High

Dear John,

Thanks for your e-mail of 12th October 2021 in response to mine of the same date. I have responded to the points you have made in red below:

- (i) *I'm not sure what you are getting at with this point. The fact that the application site currently forms part of the curtilage of Hillside Cottage does not contradict the fact that the application site is located in-between the settlement boundary of Largs and Hillside Cottage.*

Response - The Council's supplementary guidance states, inter-alia, that 'A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.' The point I am making here is that the application site, which forms part of the curtilage relating to Hillside Cottage (i.e. it forms part of the Hillside Cottage property), is located within the identifiable property forming part of Hillside Cottage and therefore is not located between the 'Hillside Cottage Property' and the settlement boundary.

To assist in my understanding of what you consider to be a gap site, am I correct in assuming that you are of the view that there must be a gap or space between the settlement boundary and the application site, and that such a gap or space could be a metre or it could be many metres? That can be accommodated but is that not really a case of taking 'a sledgehammer to crack a nut' and a classic example of where it would be appropriate to, apply what I describe as, the 'principle of common sense'?

- (ii) *Settlement boundaries as defined by the adopted North Ayrshire Local Development Plan (LDP) are intended to clarify the boundaries between town and countryside and prevent piecemeal development around the edges of towns which would erode the distinction*

between town and countryside. While the site may have been assessed as being suitable for a stable block which would be in-keeping with the rural character of the site, it does not necessarily follow that it would be suitable for the erection of a dwellinghouse, which would be assessed under different criteria.

Response – Whilst I am familiar with the purpose and intentions of settlement boundaries, I do not consider that the obscurely defined settlement boundary as shown in your local development plan clarifies the boundary between town and countryside in the vicinity of my client's property. Furthermore, I do not consider the development proposed to be a piecemeal development around the edge of the town which would erode the distinction between town and countryside. Am I correct in assuming that you are claiming this to be the case? May I remind you again what the Planning Officer stated in his report on the application for the stable block - *'It is considered that its domestic scale and siting on an already developed piece of land outweighs the need to protect this part of the special landscape area from this type of development.....It would only be read in conjunction with the existing adjacent house and it is not considered that there would be any cumulative impacts or other impacts on landscape character and the natural and built environment or unacceptable visual impact on amenity.'* Please clarify, in light of the quote provided, why you appear to consider that the dwelling house proposed would have an adverse effect on the appearance of the area, yet your colleague, who approved the application for the stable block thought otherwise? Are both buildings not domestic in scale? You have claimed that the dwelling house proposed would *'undermine the settlement boundary'* and *'undermine the distinction between town and countryside.'* Please clarify what you mean by these statements.

(iii) *I agree that the site is fairly well contained and has natural boundaries to the north, east and south which would act as barriers to further development. This however is not of relevance as the site is not considered to be a gap site in terms of criteria (f) of the Countryside Objective of the LDP.*

Response – Please refer to my response to Point (i) above. I also understand that when you met with Robbie Stevenson on site that you shared his view that a defensible boundary existed to the west. If this was not the case please let me know and provide me with your reasons for so thinking.

(iv) I do not agree that the points raised in this section would qualify as *'other material considerations'*. The point regarding the sustainable location of the site would be assessed under relevant LDP policies, as would the point relating to the topographical and landscape characteristics of the site. Regarding the intended occupants of the house, this would not be material consideration, as there is no mechanism for Planning to control who occupies a house once it has been built. I disagree with your assessment that the site is a brownfield site, as it a riding arena and the stable block has not been built. There is no building on site, and to my understanding, nor has there ever been. Notwithstanding, even if the site were a brownfield site this would not outweigh the policy failure under The Countryside Objective of Strategic Policy 1.

Response – There is a mechanism for Planning to control who occupies a house and this is clearly outlined in Circular 4/1998 on the *'Use of Planning Conditions in Planning Permissions.'* However, that is somewhat of a moot point given that more recent Government Policy, as contained within SPP, discourages the use of any occupancy

conditions, due, primarily, to the difficulties such conditions cause in attracting mortgage funding.

Your position on the brownfield nature of the site again conflicts with the position of your colleague who determined the application for the stable block and conflicts with the status of the ground upon which the dwelling house is proposed. Your colleague's Report of Handling on the stable block application clearly states that it had been proposed on *'an already developed piece of land.'* An *'already developed piece of land'* is *'brownfield land'* and does not suddenly become an *'undeveloped piece of greenfield land.'* Since that application was determined the foundation block for the stable block has been formed and the planning permission confirmed in perpetuity. Its brownfield status clearly allows it to be considered as a *'gap site'* as per the Supplementary Guidance which defines it, inter-alia, as *'a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane.'*

Given the points raised above, we would welcome a meeting with you and your colleague Iain Davies to discuss matters further and look forward to hearing from you in this regard. I am conscious that the determination period associated with the application is due to expire on Tuesday 19th October and in light of that our clients are content to agree to an extension to allow these further discussions and written exchanges to take place.

Regards

Derek



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From: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>
Sent: 12 October 2021 13:29
To: Derek Scott <enquiries@derekscottplanning.com>
Cc: Stuart Dallas [REDACTED]
[REDACTED] Iain Davies (Snr Development Man Off / Planning)
<iaindavies@north-ayrshire.gov.uk>

Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Good Afternoon Derek,

Please find my responses to your points below:

- (i) I'm not sure what you are getting at with this point. The fact that the application site currently forms part of the curtilage of Hillside Cottage does not contradict the fact that the application site is located in-between the settlement boundary of Largs and Hillside Cottage.
- (ii) Settlement boundaries as defined by the adopted North Ayrshire Local Development Plan (LDP) are intended to clarify the boundaries between town and countryside and prevent piecemeal development around the edges of towns which would erode the distinction between town and countryside. While the site may have been assessed as being suitable for a stable block which would be in-keeping with the rural character of the site, it does not necessarily follow that it would be suitable for the erection of a dwellinghouse, which would be assessed under different criteria.
- (iii) I agree that the site is fairly well contained and has natural boundaries to the north, east and south which would act as barriers to further development. This however is not of relevance as the site is not considered to be a gap site in terms of criteria (f) of the Countryside Objective of the LDP.
- (iv) I do not agree that the points raised in this section would qualify as 'other material considerations'. The point regarding the sustainable location of the site would be assessed under relevant LDP policies, as would the point relating to the topographical and landscape characteristics of the site. Regarding the intended occupants of the house, this would not be material consideration, as there is no mechanism for Planning to control who occupies a house once it has been built. I disagree with your assessment that the site is a brownfield site, as it a riding arena and the stable block has not been built. There is no building on site, and to my understanding, nor has there ever been. Notwithstanding, even if the site were a brownfield site this would not outweigh the policy failure under The Countryside Objective of Strategic Policy 1.

I trust that the above clarifies our position regarding the application.

Regards,
John

From: Derek Scott <enquiries@derekscottplanning.com>

Sent: 12 October 2021 11:51

To: John Mack (Planning Officer / Planning) <JohnMack@north-ayrshire.gov.uk>; Iain Davies (Snr Development Man Off / Planning) <iaindavies@north-ayrshire.gov.uk>

Cc: stuart dallas [REDACTED]

Subject: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

Dear John,

I hope this e-mail finds you well. I have been forwarded various exchanges of e-mails between you and Stuart Dallas/Robbie Stevenson relating to your progression of the above-mentioned planning application and have been asked to respond on their behalf.

You have stated in your e-mail to Stuart Dallas of 08th September 2021 that *'The application site is located between the settlement boundary of Largs and Hillside Cottage. The proposal would constitute a breach of the settlement boundary of Largs would undermine the settlement boundary and the distinction between town and countryside'* and as a consequence of that the proposal would not be *'supportable under criterion (f) of the Countryside Objective, or any of the other three applicable criteria relating to housing in the countryside.'* Criterion (f) as you note, states that your Council will support the *'sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.'*

You have raised a number of points which I would appreciate some clarification on:

- (i) You claim that *'The application site is located between the settlement boundary of Largs and Hillside Cottage.'* That is not correct in that the part of the application site, where the dwelling house is proposed, forms part of the curtilage of Hillside Cottage and has been used for purposes incidental to the dwelling house for many years.
- (ii) You claim that the dwelling house proposed would *'undermine the settlement boundary and the distinction between town and countryside.'* Can you please clarify what you mean by *'undermining the settlement boundary'* and *'undermining the distinction between town and countryside'* given that permission already exists for the erection of a stable block on the site previously granted and implemented under the terms of Planning Permission Reference Number *N/18/00423/PP*. It is worth reiterating that the following comments were provided in the Report of Handling relating to that application:

'It is considered that its domestic scale and siting on an already developed piece of land outweighs the need to protect this part of the special landscape area from this type of development. It would only be read in conjunction with the existing adjacent house and it is not considered that there would be any cumulative impacts or other impacts on landscape character and the natural and built environment or unacceptable visual impact on amenity.'

In my view and irrespective of how the settlement plan is defined in your local development plan, the visual and identifiable separation between town and countryside occurs at the end of the informal parking area on the southern side Bellesdale Avenue. I remain to be convinced that the development of the dwelling house proposed would *'undermine'* the distinction between town and countryside so described. Any further clarification why you consider otherwise would be appreciated.

- (iii) I understand from your recent meeting with Robbie Stevenson that you have accepted that the development of the dwelling house proposed would define/provide a

defensible boundary for further expansion. If, for any reason you dispute this, please provide clarification for so doing.

(iv) I get the impression from what I have read and from what Robbie Stevenson has appraised me of following your recent meeting with him, that there's not a significant amount of ground between our respective interpretations of policy and how it should be applied in the consideration of this particular application. I have seen no mention in any correspondence from you of the weight to which you have applied to '*other material considerations*' in your assessment of the application's merits. Such merits, as outlined in the Planning Statement submitted in support of the application, include the following:

- the dwelling house proposed is sustainably located benefitting from its close proximity to facilities and services within Largs including bus based public transport services and educational facilities (primary and secondary school), all of which can be accessed on foot via safe walking routes.
- the dwelling house proposed will be occupied by close family members of the occupants of Hillside Cottage (i.e., daughter and family) they can care for and look after each other as life evolves. Such an extended family approach is considered to be consistent with the Scottish Government's Policy on '*Independent Living*' which seeks, as one of its central aims, to ensure that the older citizens can live safely, comfortably and independently in their own home.
- the application site, as a consequence of established topographical and landscape considerations, represents a natural and '*ready-made*' location for the erection of a new home. The dwelling proposed is entirely sympathetic in its form, massing and detailing with the adjoining dwelling house (Hillside Cottage) and will include ancillary landscaping proposals and boundary treatments to further assist its absorption into the surrounding landscape context. I note, following the submission of draft amendments to the scheme that you no longer have any opposition to the design.
- The site is brownfield in nature having previously been developed and benefits from a grant of planning permission for the erection of a stable block which would have a significantly greater impact on the appearance of the area than the dwelling house now proposed.

Please indicate in your response if you agree or disagree with any of the material considerations put forward in support of the application and what, if any weight, you have given to these in your assessment of the application.

In finely balanced applications of this nature, I frequently, on the back of advice once given to me by a former Reporter in the Scottish Government, find it of benefit to apply what he described as '*the principle of common sense.*' Applying that particular principle to this situation suggests to me that the benefits of developing a dwelling on this site outweighs the disbenefits and the application should be approved. Given the specific circumstances applying to the site I do not see it creating any sort of precedent in favour of supporting or refusing other applications, as each application, in the end of the day needs to be determined on their own individual merits.

I have for convenience and in light of his involvement at pre-application stage, copied your colleague, Iain Davies into this e-mail. I look forward to hearing from you further and thank you in anticipation of your assistance.

Kind Regards

Derek



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REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/00812/PP
Proposal:	Erection of detached dwelling house
Location:	Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire
<hr/>	
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 15-Landscape & Seascape / Detailed Policy 16- Protection of our / Detailed Policy 17 - CMRP / Detailed Policy 29 - Energy Infrastructu /
<hr/>	
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 31.08.2021 Neighbour Notification expired on 21.09.2021
Advert:	Not Advertised
<hr/>	
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our

prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

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Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 15-Landscape & Seascape

Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

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- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our
Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and
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suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 17 - CMRP

Policy 17:

Clyde Muirshiel Regional Park

Proposals that affect Clyde Muirshiel Regional Park must have regard to the Park's statutory purpose of providing recreational access to the countryside.

Proposals should also take account of wider objectives as set out in relevant management plans and strategies, namely to:

o Provide visitors of all ages and abilities the opportunity for quality recreation.

Using its unique assets, the Park will facilitate a high quality programme of leisure activities which contribute to the health agenda

o Ensure the Park is an increasingly popular and productive venue for formal and informal education and outdoor learning. More people will participate in learning opportunities and will develop a better appreciation of the area's natural and cultural heritage

- o Ensure the Park is an attractive and ecologically important visitor destination with increased biodiversity value. The Park embraces opportunities for positive environmental change

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm 21/00812/PP

Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Description

The application site comprises of a riding arena and lies to the west of Hillside Cottage which is located on Bellesdale Avenue approx. 60m to the east of the settlement boundary of Largs. The site measures approx. 890sqm in area and comprises of a flat riding arena surrounded by low timber fencing on the southern part of the site with a steep and wooded hillside on the northern portion. The site can be accessed from Hillside Cottage proper or from the turning area at the head of Bellesdale Avenue which is also within land owned by the owners of Hillside Cottage and is located to the southwest of the site.

It is proposed to erect a two-storey detached dwellinghouse on the southeast section of the site. The house would measure approx. 102sqm in area. It would have a hipped roof design measuring approx. 5.4m to the eaves and 8.2m to the ridge. The primary elevation of the proposed dwellinghouse would face south and would include a small hipped roof porch and a bank of patio doors. The roof of the proposed dwellinghouse would be finished in reconstituted slate tiles and would include photovoltaic panels on the southern roof panel. The walls would be finished in a smooth white render with black banding around the windows. The site would be accessed via the turning head at the top of Bellesdale Avenue and a gravel parking and turning area would be located in the southwest portion of the site. A 1.1m-1.5m high stone wall would surround the parking and turning area. The southern boundary of the site would be marked by post and rail fence and hedge while the northern boundary of the curtilage of the dwellinghouse would be formed by a retaining wall into the hillside. The boundary with Hillside Cottage would be demarcated by the

existing timber fence. The garden of the proposed dwellinghouse would feature a small patio to the front and pathway to the rear adjacent to the retaining wall.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a Countryside allocation and therefore the Countryside Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking. Furthermore, the following site-specific policies would apply: Policy 15: Landscape and Seascape, Policy 16: Protection of our Designated Sites and Policy 17: Clyde Muirshiel Regional Park. All applications for new building need to apply with Policy 29: Energy Infrastructure Development. North Ayrshire Council has also issued a Housing in the Countryside Policy Guidance Note which is of relevance to this proposal.

In July 2018 an application to erect stables on the site where the house is now proposed was approved (18/00423/PP). The works to build this commenced September 2020 but no structure has yet been erected.

In July 2020 the owner of Hillside Cottage sought pre-application Planning advice with regards to the erection of a dwellinghouse on the site (20/00599/PREAPP). The applicant was initially advised in August 2020 that the site is located in the countryside as allocated by the LDP. Advice was given with relation to the applicable LDP policies, in particular The Countryside Objective of Strategic Policy 1: Spatial Strategy, which is the main policy consideration for new houses in the countryside. The advice of the Planning Officer was that it was unclear whether the principle of a new house on this site would be supported. Further emails were exchanged between the applicant and the Planning Officer over the following months further discussing the design of the proposed house and other issues. It was reiterated on several occasions that it was not clear that the principle of erecting a dwellinghouse on this site could be supported under the Countryside Objective. The applicant was advised to engage with the Housing in the Countryside Policy Guidance Note which was being prepared.

Since the submission of the Planning Application the applicant has been advised that it is not considered that the erection of a dwellinghouse on this site could be supported under any of the relevant criteria of The Countryside Objective. The applicant was also advised that the initial design would not have been supportable under The Countryside Objective or Strategic Policy 2: Placemaking. The Case Officer met with the owner of the site (who is the father of the applicant) on the 23rd of September 2021 to discuss the proposal. Revised design proposals have since been submitted with an improved design.

Supporting Information: A Planning Statement was submitted in support of the application the contents of which are summarised below.

Planning Statement: The southern part of the site has been used as a riding arena since approx. 2006 and Planning Permission is in place for the erection of a stable block on the site. It is considered that the application site constitutes a gap site as defined by The Countryside Objective and Housing in the Countryside policy guidance note. It is considered that the site meets the definition of a gap site because it is a self-contained developed parcel of land with defensible boundaries.

Consultations and Representations

The standard neighbour notification was undertaken and there was no requirement to advertise the application. One letter of objection and one letter of support have been received the points raised in which are summarised below:

Objection:

1. The consultation response by North Ayrshire Council (NAC) Active Travel and Transportation is incorrect as it says that the public road finished at the turning point adjacent to 45 and 43 Bellesdale Avenue whereas the objector believes it finishes beyond this point.

Response: Council records show the adopted carriageway ends at the turning area adjacent to 45 and 43 Bellesdale Avenue.

2. Only two parking spaces are shown on the plans whereas the Active Travel and Transportation consultation response says that three are required.

Response: Revised plans have been provided which show in-curtilage parking for 3 vehicles.

3. No consultation has been carried out with the Clyde Muirshield Regional Park Authority or Largs Community Council.

Response: It is not considered that the proposed development would have a significant impact on the Regional Park and therefore it was not considered necessary to consult with the Park Authority. Largs Community Council is notified of all applications and comment on any application as see fit.

4. There has never been a building on the site and so it does not qualify as a gap site as defined by The Countryside Objective. The proposed dwellinghouse would have a much more significant impact on the area than the approved stable block.

Response: While a gap site does not necessarily need to have previously had a building on it to qualify as such under The Countryside Objective, it is agreed that in this instance the site does not qualify as a gap site. It is also agreed that the potential impact on the appearance of the area of a two-storey house is likely to be significantly greater than of a single storey timber stable block.

5. It is considered that the application property is a 5-bedroom house and not a 4-bedroom house as suggested.

Response: It is agreed that the proposed box room could potentially be used as a fifth bedroom, but this would not affect the determination of the proposal in terms of the relevant policies of the LDP. Planning Permission is not required to change the use of a room.

6. It is not considered that the neighbour notification process was carried out properly as the owners of an area of ground used as car parking adjacent to the development site were not consulted.

Response: Statutory neighbour notification was undertaken. The parking area is outwith 20m of the application site and therefore outwith the notification area.

Support:

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1. The proposed dwellinghouse would be a good use of the land, would provide a family home and make the upper section of Bellesdale Avenue safer.

Response: The erection of a dwellinghouse on this site does not accord with The Countryside Objective of Strategic Policy 1: Spatial Strategy of the LDP, and it is not therefore considered to be an acceptable land use. The proposed occupants of a proposed dwellinghouse (e.g., Families, students, pensioners etc) is not a material Planning issue. While the proposed dwellinghouse may make the adjacent section of Bellesdale Avenue safer through passive surveillance, it is not considered that this would justify the erection of a dwellinghouse considering the policy failures of the proposal.

2. The proposed landscaping would have a positive impact on the appearance of the area.

Response: The site is already well landscaped and maintained and it is not considered that the proposed landscaping would significantly improve the appearance of the area.

Consultations:

NAC Active Travel and Transportation: No objections. The proposed access is with a private road and would not affect the public road network. A four-bedroom house must provide three in curtilage parking spaces.

Response: Noted.

Analysis

Under the Countryside Objective of Strategic Policy 1: Spatial Strategy, proposals for new houses in the countryside are only supported if they meet one or more of a number of criteria. One such criteria, criterion (f), states that we will in principle support proposals in the countryside for sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion. The Housing in the Countryside Policy Guidance Note goes on to provide further definitions of a 'gap site'.

'A site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.'

The application site is within an established developed area insofar as it is a riding arena adjacent to the curtilage of an existing and well established dwellinghouse. The site has not however ever been the site of a building, although there is an extant permission for the erection of a stable block. Even if the approved stable block was erected and then subsequently demolished it would not be considered that this would justify the site as being a gap site, as the site of a recently erected and then demolished timber stable would not be a gap site under either the policy or the Guidance Note.

The site is not located in-between two buildings; there is only one building close to the application site, Hillside Cottage which lies to the east of the application site. The houses on Bellesdale Avenue are too far away from Hillside Cottage for the area in-between to be considered a gap site (the distance between 43 and 45 Bellesdale Avenue and Hillside Cottage is approx. 115m). Notwithstanding, 43 and 45 Bellesdale Avenue are located within the settlement of Largs. The settlement boundary for Largs runs along the north side of Bellesdale Avenue and then turns south through the turning area at the end of Bellesdale Avenue and continues down to the Gogo Water. This settlement boundary was approved as part of the approved LDP.

The application site is located between this settlement boundary to the west and Hillside Cottage to the east. The site is located in between the settlement boundary and a property, and it is therefore considered that the site is not a gap site as expressly described by The Housing in the Countryside Policy Guidance Note. Development of this site would undermine the settlement boundary of Largs and would therefore erode the distinction between town and countryside. While the site does benefit from having clear defensible boundaries, since it is not a gap site these boundaries cannot be used as justification for the siting of a dwellinghouse in and of themselves. It is not considered that the site is suitable for the erection of a dwellinghouse under any of the other criteria where a new dwellinghouse in the countryside may be supported under The Countryside Objective. The proposal is therefore contrary to Strategic Policy 1: Spatial Strategy.

Turning to Strategic Policy 2: Placemaking, and taking first the issue of scale, the proposed dwellinghouse would be of a similar size and appearance to the neighbouring Hillside Cottage. In terms of design, it also seeks to replicate Hillside Cottage and is successful in emulating the traditional rural appearance of Hillside Cottage. The main deviations from the traditional design are the bank of patio doors on the front elevation and the photovoltaic panels on the front roof panel, however, it is not considered that these modern elements detract significantly from the overall aesthetic. Likewise, the finishing materials would replicate those of Hillside Cottage (a slate roof and white rendered walls), and it is considered that these durable and traditional materials would be appropriate.

With regards to the amenity impacts of the proposal, the proposed dwellinghouse would be located approx. 30m away from Hillside Cottage to the east and 70m away from 45 and 43 Bellesdale Avenue to the west. Given these distances it is not considered that the proposed dwellinghouse would result in any overshadowing of these properties. Likewise, given the distances involved, it is not considered that any significant window to window overlooking would occur. The windows on the east elevation of the proposed house would overlook the front garden and parking area of Hillside Cottage but it is not considered that this would equate to a significant loss of privacy for that property.

The vehicular access of the proposed house would be taken from an unadopted section of Bellesdale Road which serves as the access to Hillside Cottage and the path following the course of the Gogo Water. Only one house is currently served from this access and the addition of another house would be acceptable. Sufficient space for parking and turning would be provided in the curtilage of the proposed dwellinghouse. Surface water drainage would discharge to nearby field systems and foul water to the public sewer. This is considered acceptable.

While the proposed house is acceptable in terms of its design, amenity, drainage and access arrangements, the application site is not a suitable site for the erection of a new house in the countryside as described in the section above. Therefore the proposal would not meet the qualities of a successful place as outlined in Strategic Policy 2: Placemaking in particular siting. The proposal subsequently does not accord with this policy.

The site is located in the Mainland Special Landscape Area and therefore must be assessed in terms of Policy 15: Landscape and Seascape. It is not considered that the proposed development would have a significant impact on the character of the Special Landscape Area as the site is a riding arena adjacent to the curtilage of an existing dwellinghouse with well defined boundaries. The site would not be highly visible from the Special Landscape Area due to the topography of the site and nearby trees which would screen the proposed house from the east which is the direction of the upland area covered by the Special Landscape Area. The proposal therefore accords with Policy 15.

The site is also located in the Lower Gogo Water Local Nature Conservation Site. As above, the application site is currently a riding area and therefore is not considered to be an important habitat in terms of wildlife. The development of the site would therefore accord with Policy 16.

In addition, the site is located within the Clyde Muirshiel Regional Park. The site lies close to the boundary of the Regional Park and is well screened from the primary upland section of the park itself. The development of the site would not have an adverse impact on Regional Park and the proposal accords with Policy 17.

Policy 29 states that all proposals for new buildings have to demonstrate that at least 10% of the current carbon emission reduction targets set by Scottish Building Standards would be met through the use of low or zero carbon generating technologies. The proposed house would have solar photovoltaic panels on the roof, an air source heat pump and enhanced insulation and would meet these requirements. The proposal accords with Policy 29.

In conclusion, the site is not suitable for the erection of a new dwellinghouse in the countryside under any of the criteria where such a development might be supported as outlined by The Countryside Objective of Strategic Policy 1: Spatial Strategy, and the accompanying Policy Guidance Note. As the site is not suitable for the erection of a new dwellinghouse in the countryside the proposal cannot be said to meet the qualities of a successful place by way of inappropriate siting. Therefore is also contrary to Strategic Policy 2: Placemaking.

There are no material considerations which would outweigh the failure to comply with these LDP policies and therefore the application should be refused.

Decision

Refused

Case Officer - Mr John Mack

21/00812/PP

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan	157-201 REV B	
Proposed Elevations	157-502 REV A	
Proposed Floor Plans	157-300 REV A	
Location Plan	157-100 REV D	
Proposed Elevations	157-501 REV A	
Block Plan / Site Plan	157-200 REV B	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/00812/PP

(Original Application No. N/100456378-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

To : Mr Alan Baillie
c/o Planform Architects Fao Stuart Dallas
The Centrum Building
38 Queen Street
Glasgow
G1 3DX

With reference to your application received on 19 August 2021 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached dwelling house

at Site To West Of Hillside Cottage
Bellesdale Avenue
Largs
Ayrshire

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

1. The proposed development is contrary to The Countryside Objective of Strategic Policy 1: Spatial Strategy of the adopted North Ayrshire Local Development Plan as the application site is not a gap site, and development of a dwellinghouse on this site would undermine the settlement boundary of Largs. The development of a dwellinghouse on this site would not be supportable under any of the other criteria under which a new dwellinghouse in the countryside might be supported under The Countryside Objective. As the site is not suitable for the erection of a new dwellinghouse in the countryside the proposal cannot be said to meet the qualities of a successful place and therefore is also contrary to Strategic Policy 2: Placemaking

Dated this : 9 November 2021



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

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.