

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

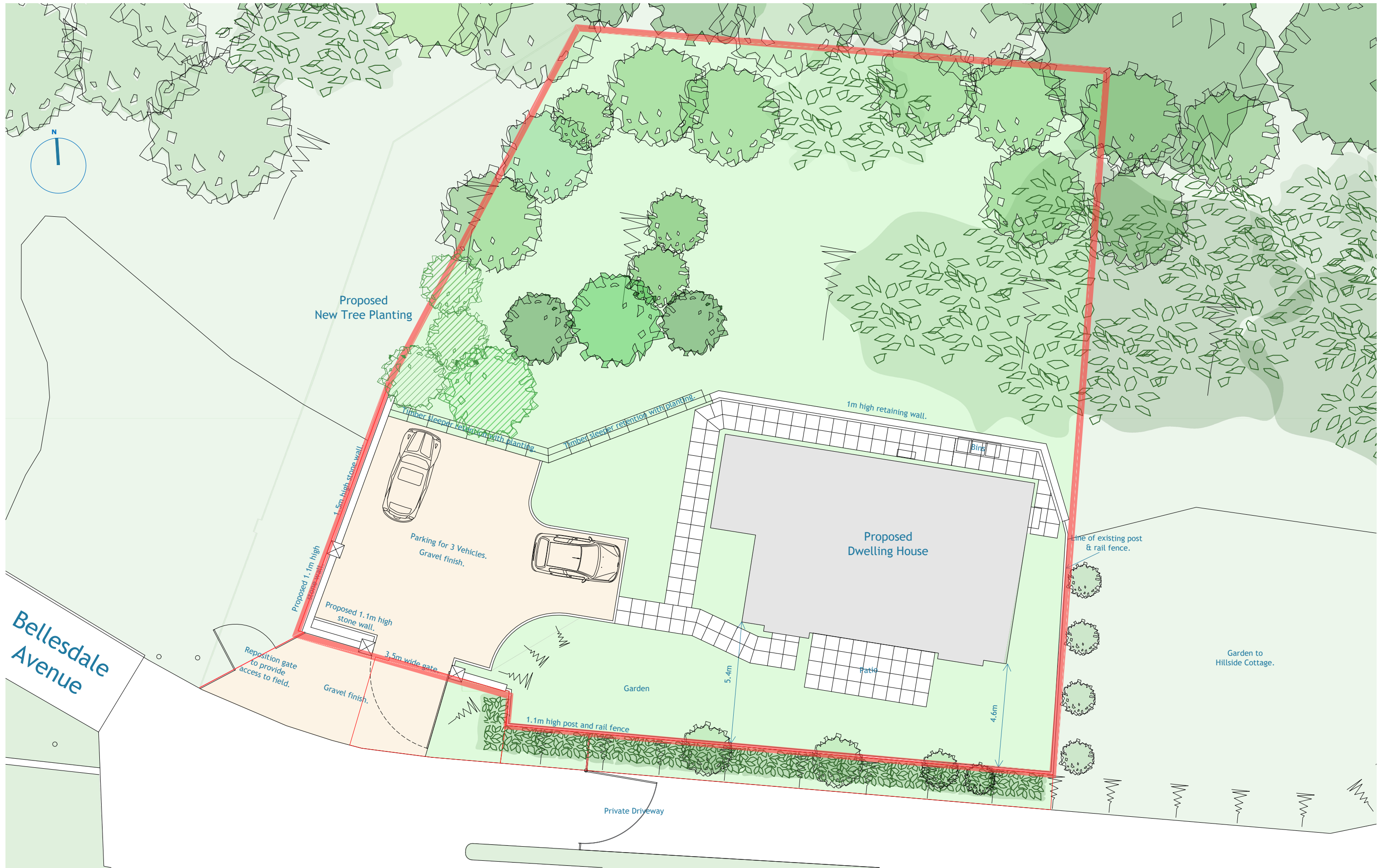
CHECKED BY: SD

SCALE 1:150



Garden to
 Hillside Cottage.

planform



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

SCALE 1:150

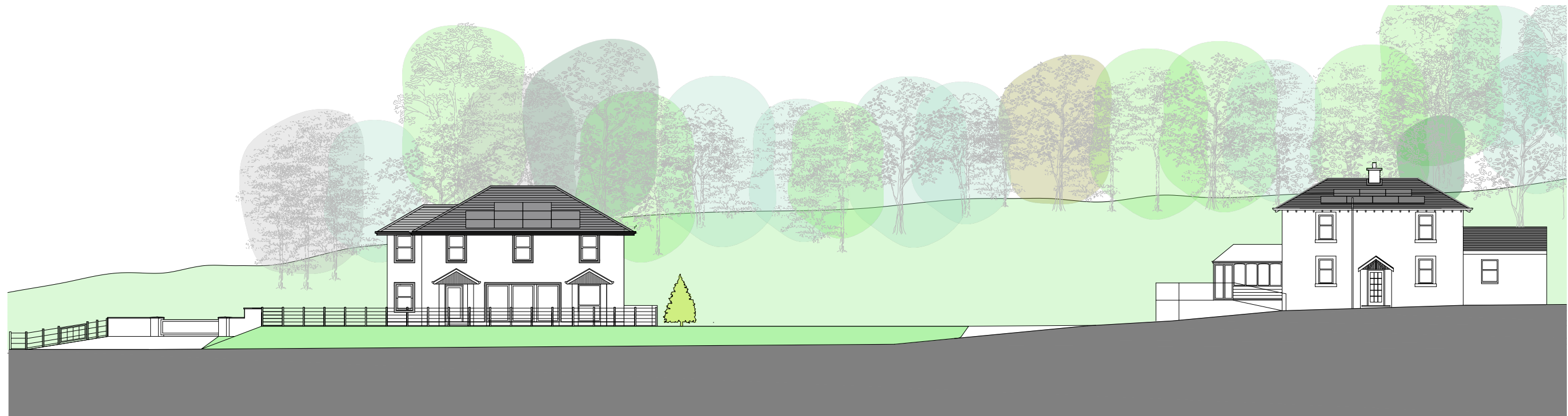




West Elevation 1:150



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



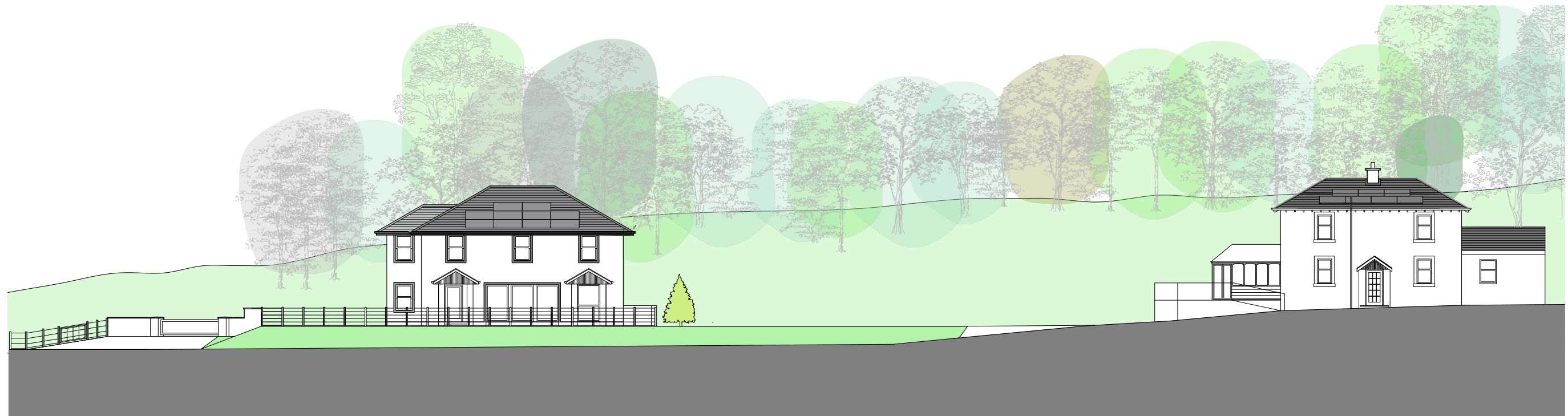
planform



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

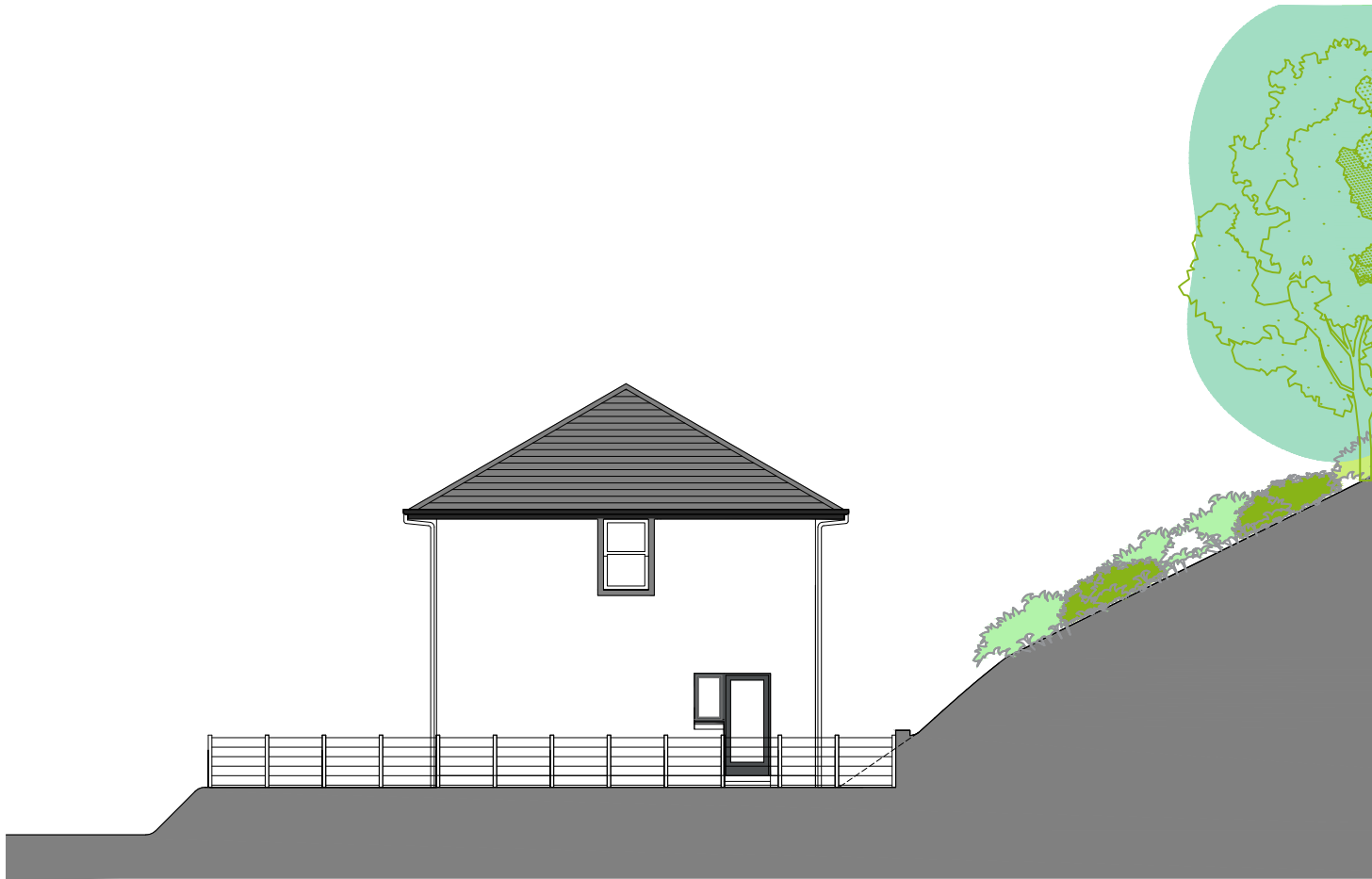
SCALE 1:150



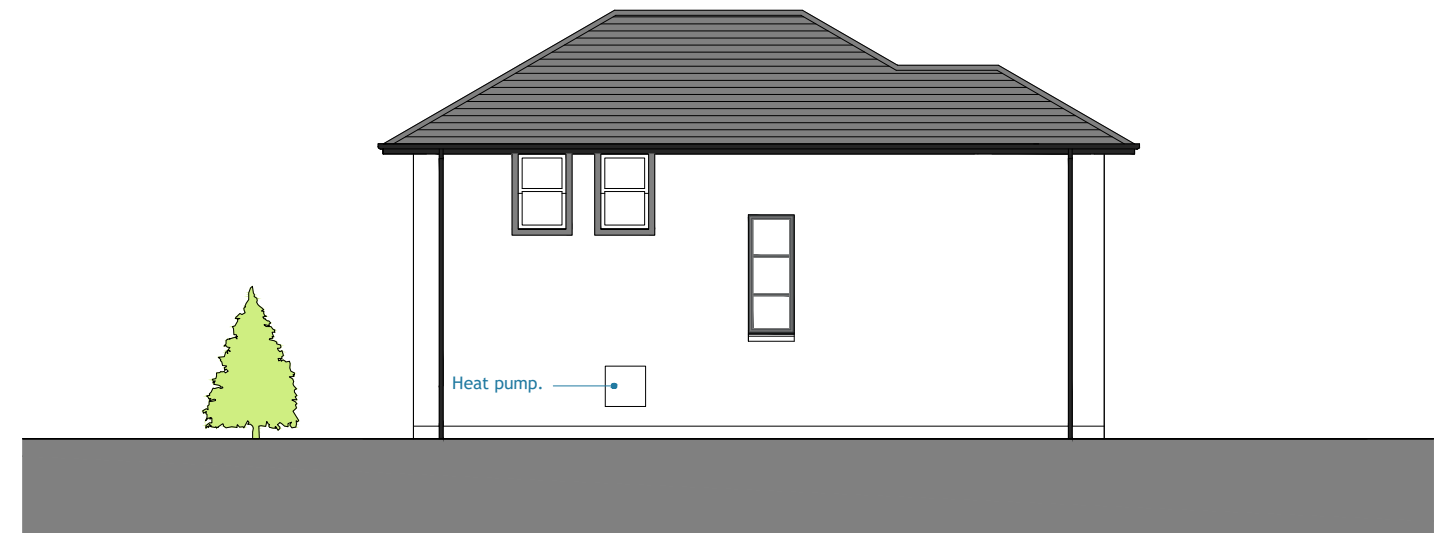
SCALE 1:250



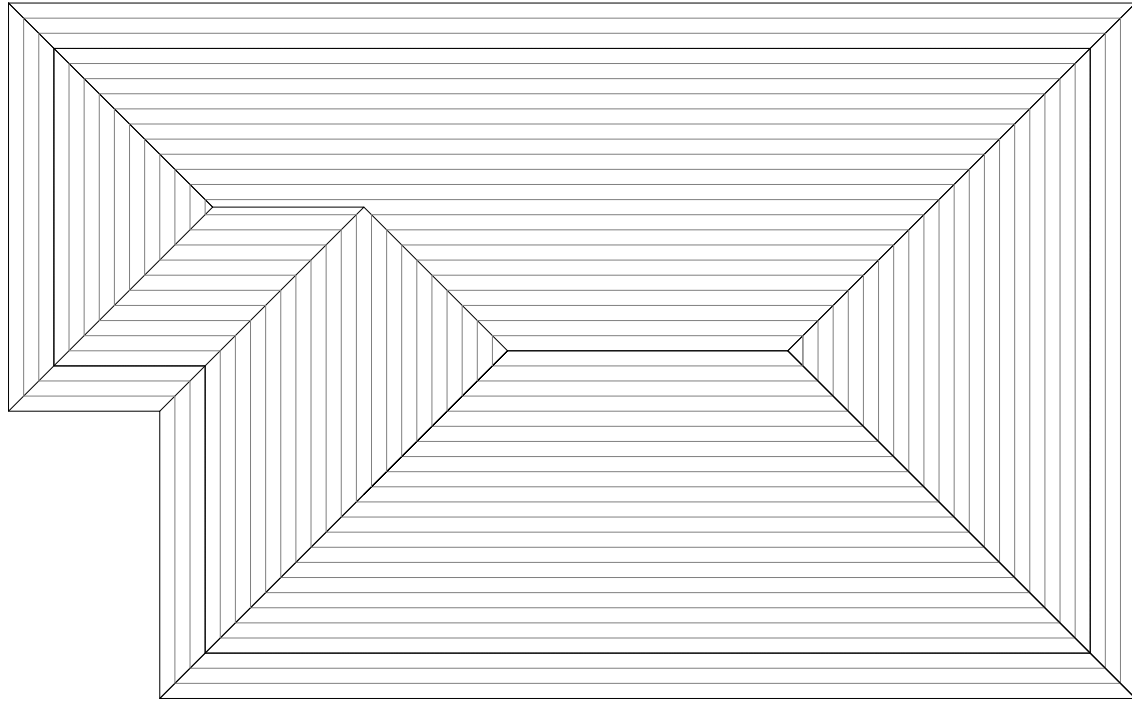
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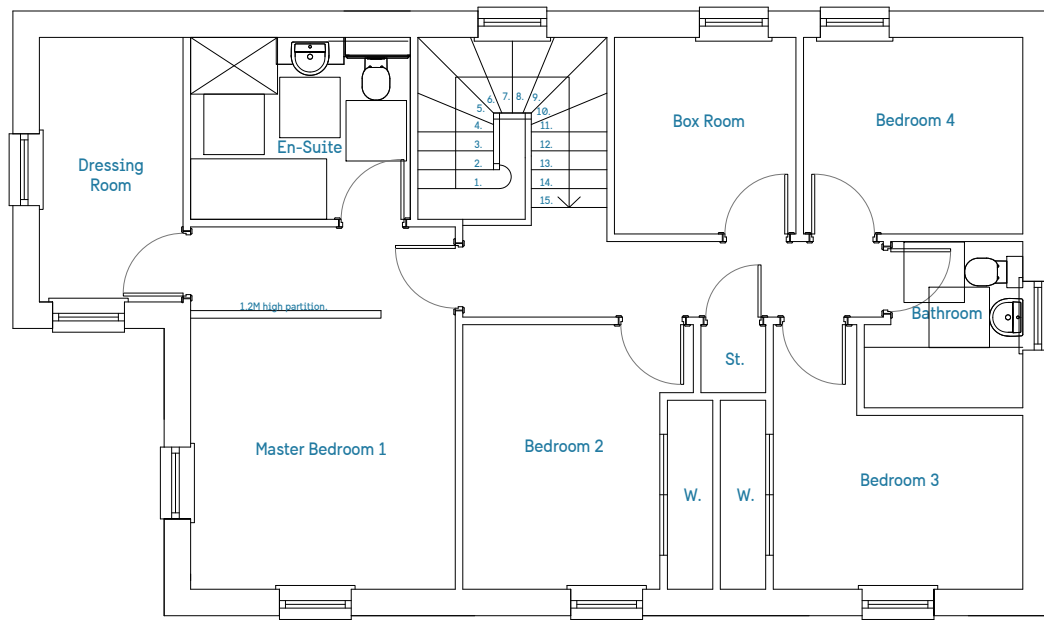
East Elevation 1:150



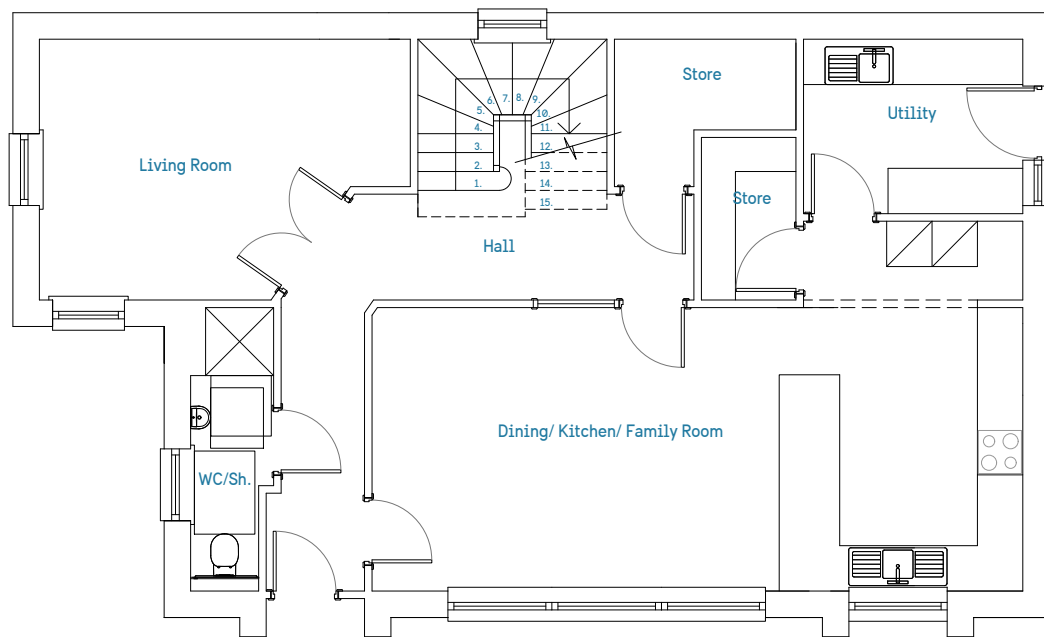
North Elevation 1:150



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

If you would like to view or comment on a planning application, please go to

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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www.eplanning.north-ayrshire.gov.uk



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

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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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www.eplanning.north-ayrshire.gov.uk



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



Derek Scott Planning
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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

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)

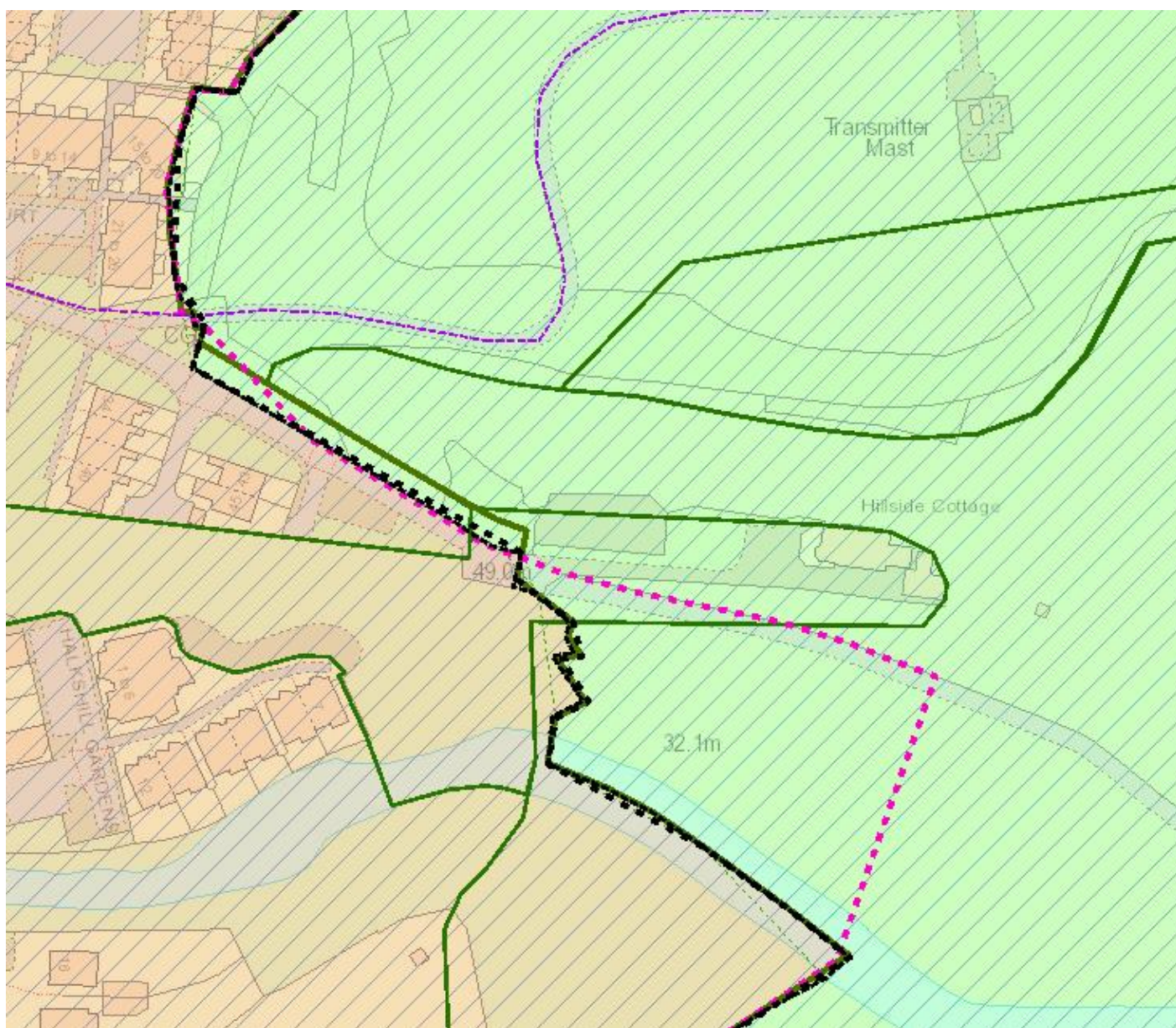
Subject: RE: 21/00812/PP - Erection of detached dwelling house on Site To West Of Hillside Cottage, Bellesdale Avenue, Largs, Ayrshire

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

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 /

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 31.08.2021
Neighbour Notification expired on 21.09.2021

Advert: Not Advertised

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.

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:

- 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
21/00812/PP

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

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:

21/00812/PP

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 :-

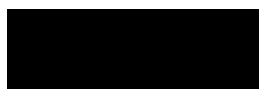
Erection of detached dwelling house

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.