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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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**Title:** Notice of Review: 20/00010/PP - Fir Trees, Lamlash, Brodick, Isle Of Arran, KA27 SJN

**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.

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### 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 20/00010/PP – Demolition of existing dwelling house and erection of 3 detached dwelling houses at Fir Trees, Lamlash, Brodick, Isle Of Arran, KA27 SJN.
- 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 - Report of Handling;  
Appendix 3 - Location Plan;  
Appendix 4 - Planning Decision Notice;  
Appendix 5 - Further representations from interested parties: and  
Appendix 6 - Applicants response to further representations.

### 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 these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and this is attached at Appendix 6 to the report.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes No  
X ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

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

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

**Site inspection**

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

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

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



**Statement**

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

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

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

SEE ATTACHED STATEMENT DOCUMENT

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

|                          |    |
|--------------------------|----|
| Yes                      | No |
| <input type="checkbox"/> | X  |

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

**List of documents and evidence**

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

COVERING LETTER  
NOTICE OF REVIEW FORM  
NOTICE OF REVIEW STATEMENT

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

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**Checklist**

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

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

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

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**Declaration**

**I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

Date

02.07.20

NOTICE OF REVIEW Ref No. N/20/00010/PP

## NOTICE OF REVIEW STATEMENT

North Ayrshire Council refused Planning Permission Ref No. N/20/00010/PP on 03<sup>rd</sup> April 2020 for the demolition of the existing dwelling house and the erection of 3 No. detached dwelling houses at Fir Trees, Shore Road, Lamlash, Brodick Isle of Arran



In requiring North Ayrshire Council as the planning authority to review this case, we would contend that the above proposal would:

- Accord with Strategic Policy 2: Placemaking of the Local Development Plan.
- Reflect the positive characteristics of the surrounding landscape, and built form.
- Create quality residential amenity and privacy

We would also contend that the above proposal would:

- Not constitute backland development.
- Not be detrimental to Visual Amenity.
- Not be detrimental to the Residential Amenity by excessive overlooking to the detriment of privacy and Residential Amenity.

In preparing the appeal, this Statement will show how the proposal:

- Accords with NAC Planning Policy.
- Accords with the Local Development Plan.
- Accords with other Council Design Guidance.

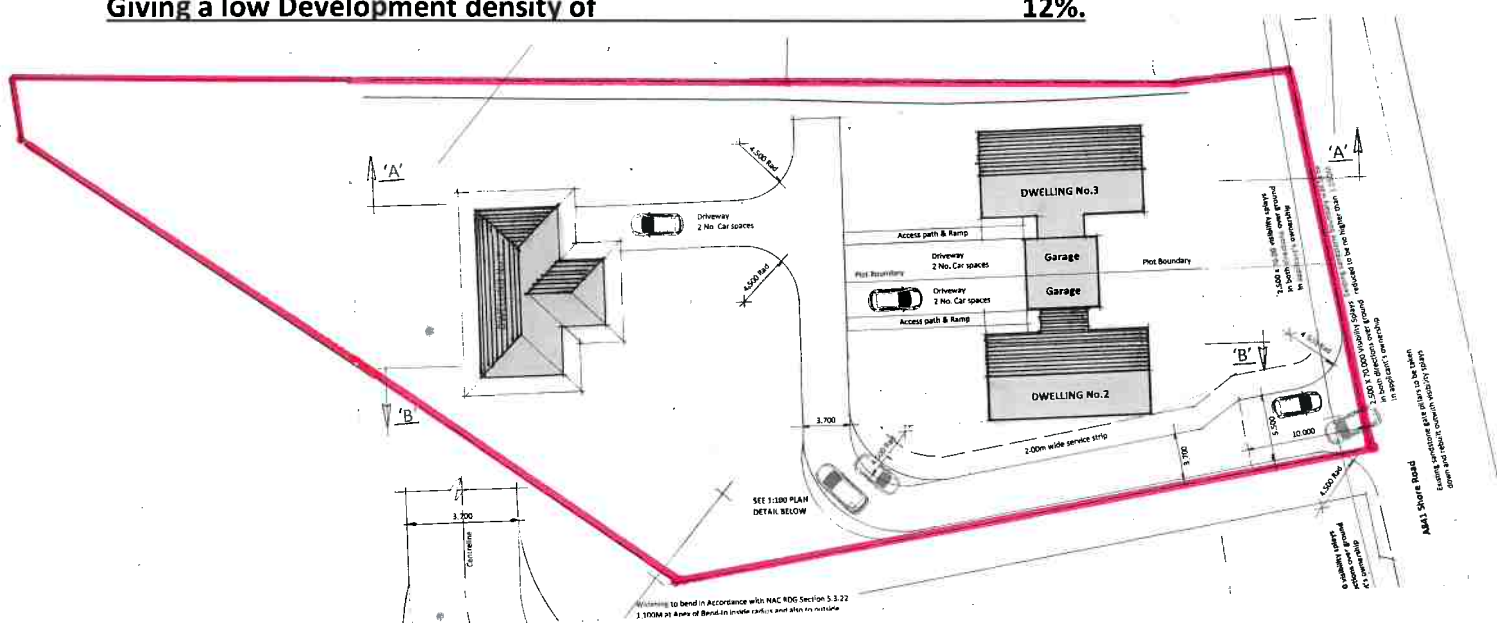
In illustrating the above, and by way of comparison, we would also highlight the perceived inconsistencies in the implementation of the above policies by NAC planning service by the granting of planning consents for other recent nearby developments.

**Development Site**  
Note existing development density  
Of surrounding housing



#### FIR TREES PROPOSED DEVELOPMENT

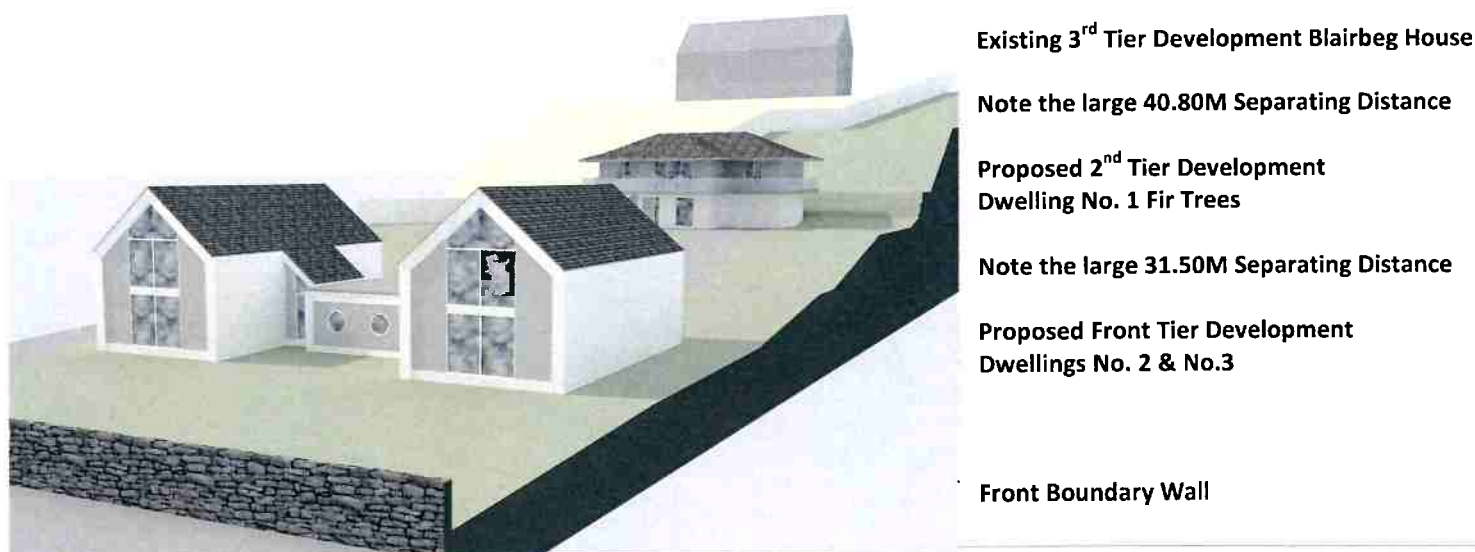
The development site extends to **33246 M<sup>2</sup>**  
The combined footprints of all 3 No dwellings extends to **367 M<sup>2</sup>**  
Giving a low Development density of **12%.**



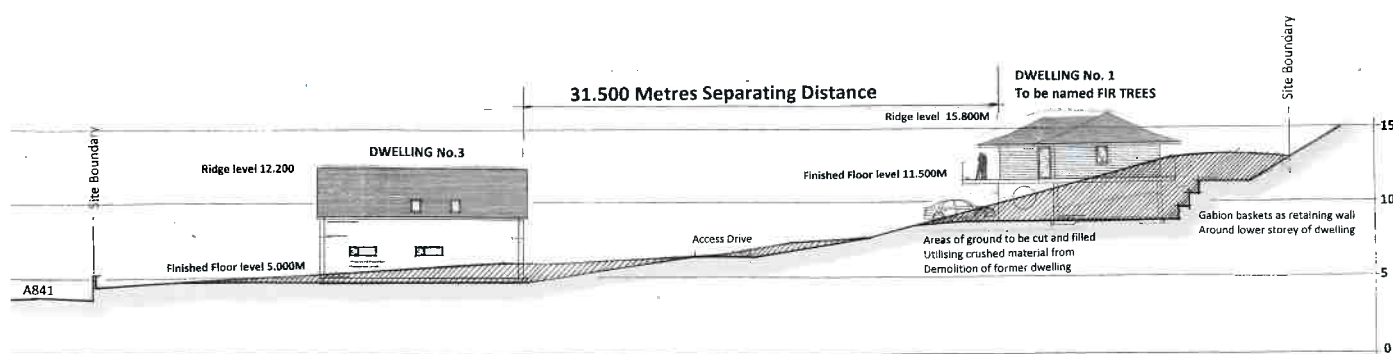
**Applicant Site showing proposed layout. Note large site area , Low density and Generous separating distances**

In common with the neighbouring developments to each side of the applicant site, development starts at the shore road and works back up the historic raised beach in a succession of rows or tiers of development ,

- Each row or tier of development will generally face forward towards the sea and naturally into the rear of the property in front.
- Earlier communication with NAC planning service confirmed that the 2 tier development proposed on the applicant site would accord with the existing development pattern to each side of the applicant site.



- Tiered development is a common feature on the island.
- It is a characteristic of the surrounding landscape, topography and built form.
- The proposed 2 tier development of the applicant site, reinforces this distinctive character of its local setting.



Section Through Applicant Site showing 2<sup>nd</sup> Tier Development set higher up the slope  
Note the large Separating distances

- This Proposal is not backland development,
- It is a consolidation of the existing characteristics of the build form within the local area.



It has been established and agreed that this area of Lamlash lying out with any conservation area exhibits a variety of different dwelling designs and sizes ranging from some 3 storey apartment blocks, 2½ storey Victorian villas down to single storey bungalows and cottages.

Note variety of housing styles and sizes

Note existing 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> tier development



**View of Applicant site showing variety of existing architectural styles and sizes**

There are some examples of modern, contemporary designs on the island, some with expressed gable front elevations, which help to create a new dynamic and establish visual interest by adding to the local visual amenity.



To suggest that the glazed gable feature is not reflecting local character is both misleading and incorrect.



**Aisling View Gable frontage expressed seawards**



One example of modern design, is situated next door to the applicant site, and it exhibits a contemporary glazed gable over 1 ½ storeys, a feature which is much desired by modern home owners, and a feature which has been replicated in the proposed development.

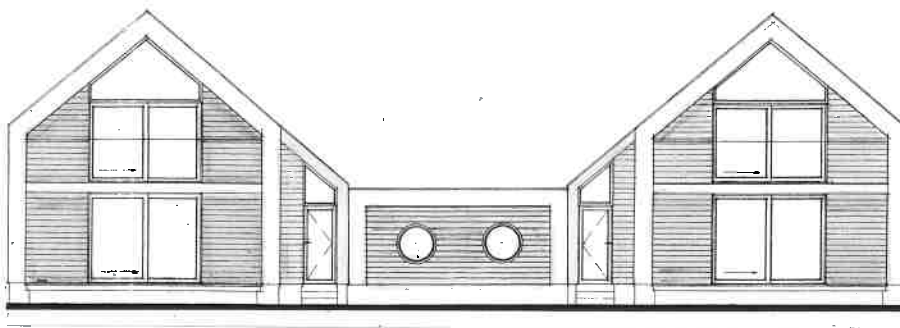


Seabreeze Kinneil Park dominant gable frontage

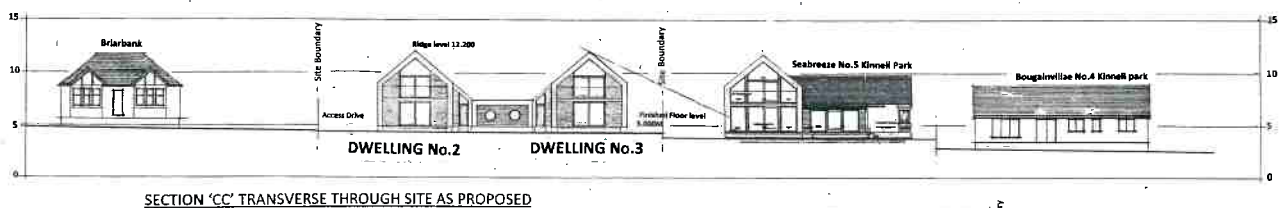


Seabreeze Neighbouring property 'dominant gable as a prominent feature'

The proposed designs on the applicant site are simple and modern with clean lines which will add a fresh feel to the area, they pick up on the existing design feature of the glazed gable of the neighbouring property and they will add distinctive character to the area and enhance the local visual amenity.



Front Elevation of Proposed Development Dwellings No.2 & No.3

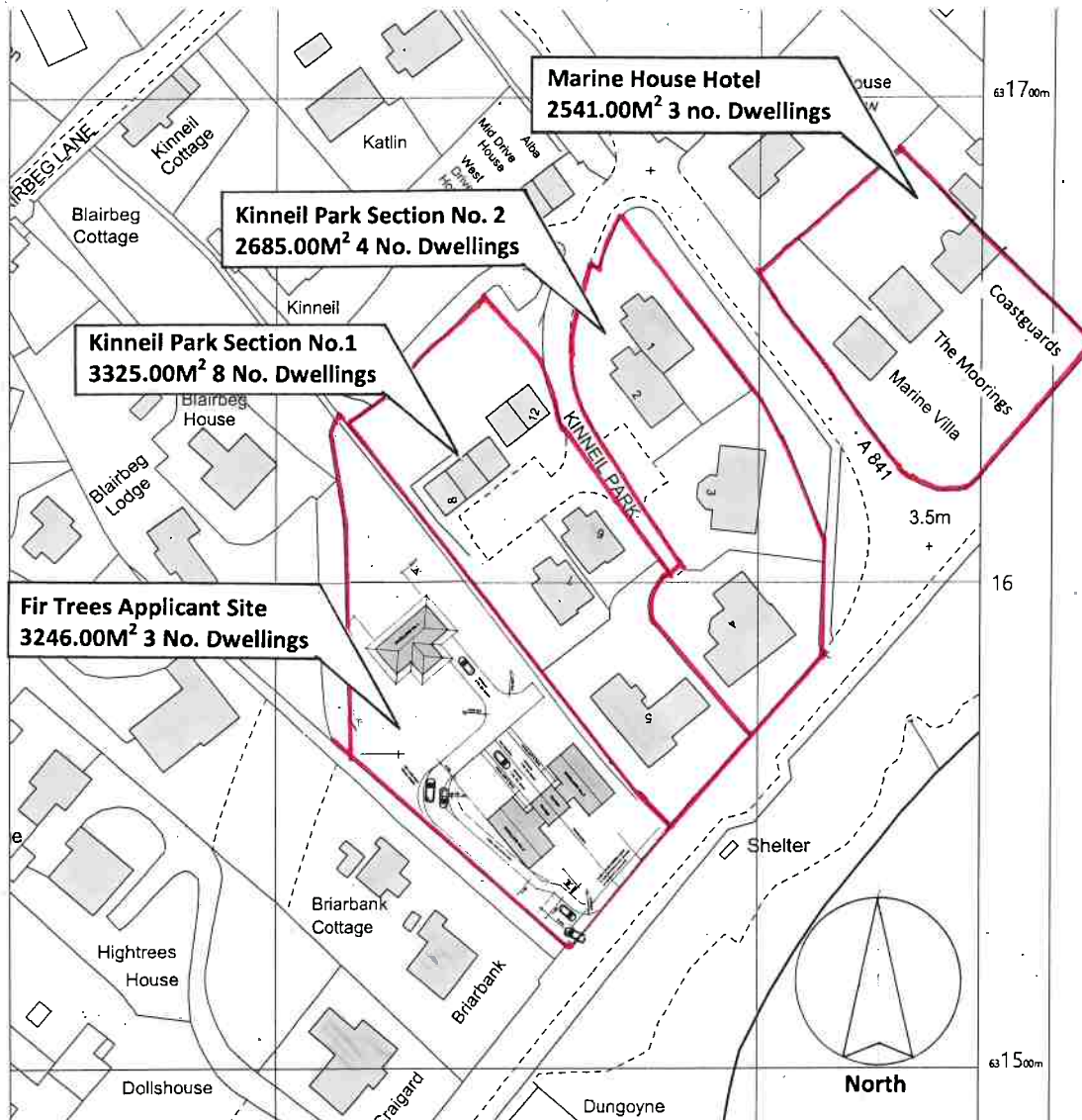


Roadside Elevation showing proposal in context with existing dwellings



By way of comparison, to highlight perceived inconsistencies in the implementation of the planning regulations, the following examples are illustrated.

Kinneil Park, a recent development of 12 No. dwellings situated adjacent to the applicant site, has a development density well in excess of this proposal. and separating distances between dwellings as low as 13.00M.



- The Applicant site proposes 3 No. dwellings on 3246.00M<sup>2</sup>

The examples show that by transposing a similar site area to that of the applicant site, it can be showed that there are in Kinneil Park ,

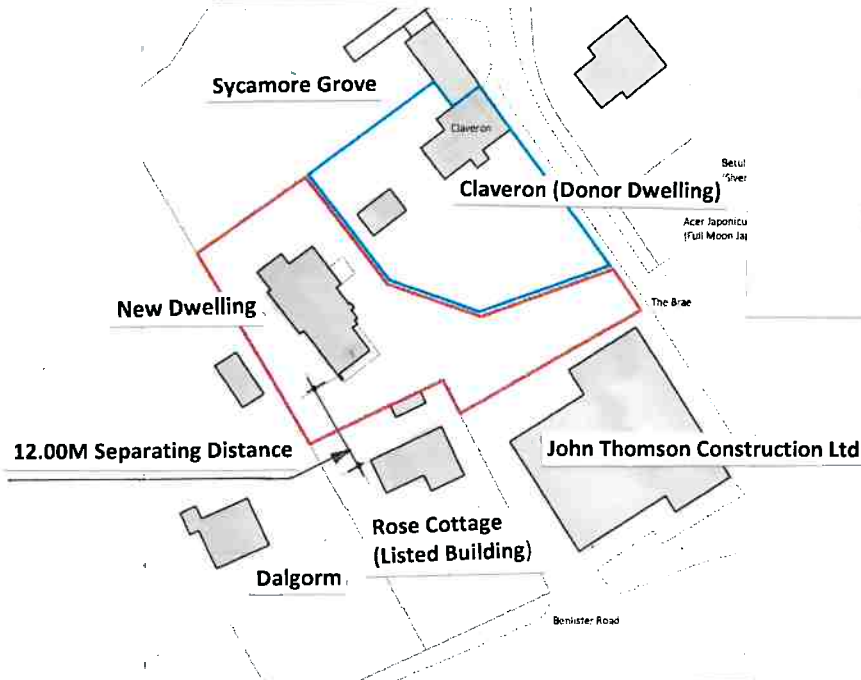
- 8 No. Dwellings in Section 1 extending to 3325.00M<sup>2</sup>
- 4 No. dwellings in section No. 2 extending to 2685.00M<sup>2</sup>.
- The separating distance between some dwellings is as low as 13.00M

The recent development at the former Marine House Hotel site, there are

- 3 No dwellings on a site extending to 2541.00M<sup>2</sup>  
On an area much smaller than the applicant site.



Another recent example in Lamlash Planning Ref No 19/00399/PP relates to a new dwelling being erected in the garden of an existing donor house where the separating distance to the back of a neighbouring listed building is a mere 12.00Metres.



- New dwelling
- Ref No. 19/00399/PP
- 12.00M Separating Distance

Layout Plan showing recent approved development in Lamlash

- 12.00M separating distance

The current development at the back of Brodick for 34 new houses for North Ayrshire Council, allows for a separating distance of 16.25M

Clearly it was considered by the planning service that the privacy and residential amenity of these developments despite their sub- standard separating distances was acceptable.



Why is the proposed development on the current appeal site deemed to be detrimental to privacy and residential amenity with a whopping 31.5M separating distance.

Clear and unequivocal precedents has been set by these examples showing that sub standard separating distances and higher density levels were not deemed to impact adversely on residential amenity and privacy.

We would therefore contest this earlier decision to refuse planning and request that you uphold this appeal and overturn the earlier decision.

## SUMMARY

- The applicant site has low development density at 12%, and a large separating distance between dwellings of 31.50M.
- Recent local developments granted planning consent exhibit a greater development density and lower separating distances.
- The proposed development reinforces the local characteristic of the built form by utilising a second tier of development.
- The designs respect the existing environment and promote natural informal surveillance by local people providing privacy and quality residential amenity.
- The proposal accords with Strategic Policy 2: Placemaking, the 6 No. qualities of a successful place as shown below.

## DISTINCTIVE Strategic Policy 2: Placemaking

- The simple modern 'place specific' designs draw upon the positive characteristics of the surrounding area
- Replicating the glazed gable feature of the neighbouring property to reinforce the sense of identity
- Appropriate smaller massing and scale to integrate comfortably within its context
- A very definite active frontage to the principal elevation creating a welcoming vibrant addition to the local visual amenity.



## **WELCOMING** Strategic Policy 2: Placemaking

- The proposal creates and enhances a very welcoming entrance.
- Re-siting stone gateposts as a feature creating a sense of arrival.
- Pedestrian and vehicular traffic enter and leave the site in a safe and easy manner.



Photomontage view of site from main road  
Note rising ground and existing tiers of development behind

## **SAFE AND PLEASANT** Strategic Policy 2: Placemaking

- The proposal creates an attractive, safe and pleasant environment,
- Creating a sense of security by promoting natural informal surveillance is reinforced by the 2 tier development.
- Large open safe areas of private amenity space for each dwelling.
- The proposal also respects the residential amenity of future users by way of privacy, sunlight/daylight, traffic and parking.



View from back of site looking east across Lamlash bay to Holy Isle

## **ADAPTABLE** Strategic Policy 2: Placemaking

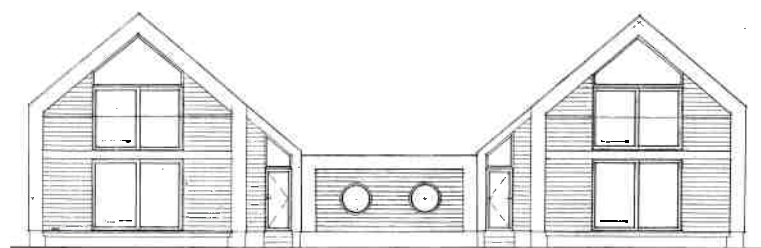
- The proposal considers the future use of occupants and the design allows the layout to be adaptable to their future needs.
- Ensuring easy level access to the dwellings and the associated open amenity areas.
- Dwelling No.1 set on the higher ground has an upside down arrangement with the principal apartments on the upper level accessed by a pedestrian lift to future proof the use by the occupants.



Dwelling No. 1 FIR TREES features pedestrian lift for future proofing

## **RESOURCE EFFICIENT** Strategic Policy 2: Placemaking

- The design and construction method embrace modern technology creating modern dwellings which maximise the efficient use of resources.
- Large areas of glass allow natural light and solar gain,
- Renewable energy heating and lighting schemes provide efficient meet the demands of the occupants.
- The proposed dwellings are above the flood risk datum level and will have efficient flood drainage systems.



*Large areas of Glass*  
*Natural Light & Solar Gain*  
*Min. Resource Dependency*



## EASY TO MOVE AROUND AND BEYOND Strategic Policy 2: Placemaking

- The proposed development is situated centrally within the village of Lamlash
- It benefits from easy level access to the existing public transport ,
- the site is easy to access on foot, by bike, or even by rowing boat
- The external vehicle circulation areas are safe and contained behind the dwellings out of sight from the main road.



PHOTOGRAPH OF APPLICANT SITE FROM SEA SHOWING BRIARBANK, BRIARBANK COTTAGE, PROPOSED DWELLINGS No 2 & 3, SEABREEZE & CORNER OF BOUGAINVILLIA

- The applicant remains confident that the proposed development of modern family homes is helping to address the demand on the island for such properties, the level of interest expressed to the applicant from local families convince her that all the properties could be sold twice over.
- In the wake of the Covid-19 pandemic, the island economy will be in need of support, the proposed development would benefit local construction businesses and trades.



iCAD  
FIR TREES 1918  
June 2020

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 20/00010/PP  
**Proposal:** Demolition of existing dwelling house and erection of 3 detached dwelling houses  
**Location:** Fir Trees, Lamlash, Brodick, Isle Of Arran KA27 8JN

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**LDP Allocation:** General Urban Area  
**LDP Policies:** SP1 - Towns and Villages Objective / Strategic Policy 2 /

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**Consultations:** Yes

**Neighbour Notification:** Neighbour Notification carried out on 09.01.2020  
Neighbour Notification expired on 30.01.2020

**Advert:** Not Advertised

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**Previous Applications:** None

**Appeal History Of Site:** None

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## 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.

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## Description

Planning permission is sought for the demolition of a detached bungalow and the erection of three one and a half storey houses. A structural report, design statement and indicative photomontages were submitted with the application.

The existing house, to be demolished, is set back some 28.5m from the A841 shore road to the front. The three proposed houses would be set out in a 'courtyard' type arrangement with House 1 on slightly raised ground at the rear of the plot, some 59m back from the road and two linked houses further forward in the site, some 13m back from the road.

House 1 would be 'cut' into the rising ground level at the rear of the site so as to appear single storey at the rear and two storey at the front. It would have a generally rectangular footprint of 111m<sup>2</sup>, measuring 14.3m wide by 8.7m deep at its furthest extents. The ground floor would feature an entrance hall, store room, utility room and integral garage and the upper level would contain a kitchen/dining/sitting room, two en-suite bedrooms and a separate shower room. A deck would project



1m from the sides and rear of the upper floor and 2.4m from the front, seaward elevation.

The house would have standard sized windows to the rear and sides of the upper floor and three sets of patio doors to the upper front level. It would be externally finished in white cement render to the lower walls and grey Cedral weatherboard to the upper walls. Windows and doors would have anthracite grey pvc frames and the roof would be natural slate. The upper deck would be enclosed by a 1.1m high safety glass balustrade and there would be an external stainless steel staircase leading up to the deck.

Houses 2 and 3 would each have a footprint of 97.4m<sup>2</sup>, measuring 7.2m wide by 13.5m deep and would be linked by a 6.5m<sup>2</sup> porch and 18.7m garage for each. Each would have a seaward facing gable 7.7m high and 4.7 m high at the eaves and the linking garages would have flat roofs 3m high.

The designs would incorporate high levels of glazing to the front elevations with recessed upper balconies, deep eaves/fascias and external finishes in a mix of smooth render, Cedral weatherboard cladding and slate roofs. There would be round 'porthole' windows to the front of the link garages.

The ground floor of each house would have a kitchen/dining/sitting room, a bedroom, bathroom and utility room and the upper level would contain a sitting room and two en-suite bedrooms.

The houses would have standard windows to the side and rear elevations and 2.1m high sliding doors to the upper and lower front, seaward elevations. There would also be a ground level deck/patio projecting 2.35m from the front of each.

Each house would have an area of private amenity garden space; access would be by a shared driveway from the existing gate and driveway from Shore Road which also appears to have been a historic access to Blairbeg House to the rear. Parking provision would be between the two 'rows' of houses; no drainage details have been submitted with the application.

The site is generally level but slopes upwards at its rear (northwest) end. It is adjoined by residential properties on three sides and by the A841 and shore to the south east. The rear boundary is enclosed by shrubs and the north east boundary by a hedge and a burn/ drainage ditch culverted under the A841 road to the front. The front and west boundaries are enclosed by a stone wall.

## Structural Report and Design Statement

The structural appraisal of the existing Fir Trees states that while the property is, overall, in fair condition for its age, there is some vertical and horizontal cracking of brickwork and roof sagging. It also found that the rear garden was waterlogged due to a broken drain/sewer pipe. It noted that due to structural movement and soft soils underground, the property required to be underpinned. It concluded that the costs of remedial works, repair and re-wiring throughout would outweigh the value of the property and recommended demolition and rebuild of a property to meet current standards.

The design statement outlines the site characteristics and history, believed to have originally been as part of the grounds of Blairbeg House to the rear (northwest) but a

separate curtilage since the post war years. It reiterates the conclusions of the structural report on the sub-standard nature of the current house and the need for replacement.

It details the brief to create three contemporary family homes with high levels of glazing to take advantage of natural light and sea views to the front. It notes that the semi-detached properties to the front would respect the building line formed by properties to both sides and would present 'gable on' to the road similar to the property Seabreeze in the adjacent Kinneil Park development. The property to the rear would be at a higher level and centred between the two front houses to ensure an open aspect across Lamlash Bay. It claims that the three houses could be easily accommodated within the 0.32 hectare site and that materials, construction methods and alternative heat and light sources have been utilised to minimise resource dependency and reduce carbon footprint.

The statement claims that the design evolved from pre-application discussions with the Planning and Transportation services of the Council and took cognisance of the Placemaking policy of the LDP and the Rural and Coastal Design Guidance.

It claims that the site layout reflects the residential sites to both sides and that the site would be a low-density development. The floor plan of the front two houses is claimed to be based on traditional Scottish Long House design and the gabled frontage on the neighbouring Sea Breeze and other gabled examples on Shore Road and elsewhere on Arran is therefore said to be 'place-specific'. The rear house is based on 19th Century colonial bungalow design with the apartments on the first floor and functional areas below with an elegant overhanging slate roof.

The access and parking layout has been designed on the advice of the Active Travel and Transportation service and would be out of sight from the road to the front. The sandstone entrance gateposts and front boundary wall would be dismantled and re-built by hand to protect visibility splays at the road access.

The statement concludes that the house at a higher level on the raised foreshore behind are of a mixture of scales and architectural styles with no overall clear design or pattern and the proposal has been designed in the context of this 'backcloth' with no overlooking issues for neighbouring properties. The statement includes several examples of gabled properties in Lamlash and elsewhere on Arran.

## Local Development Plan

The site is located within the settlement boundary of Lamlash, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: (the Towns and Villages Objective) of the LDP is relevant, as is Strategic Policy 2: (Placemaking).

## Planning History

There have been no previous planning applications on the site. A pre-application enquiry was made in 2019 regarding re-development of the site for three houses of a similar layout to this proposal. Advice was given that residential development would be acceptable in principle but that the site appeared suited to two rather than three houses given concerns over outlook for the rear house and the indicated gabled front design of the front properties.

## Consultations and Representations

The statutory neighbour notification was carried out and there was no requirement to advertise the application. Eleven objections and seven expressions of support were received, addressing largely similar points. The various points can be summarised as follows:

Objections:

1: Overdevelopment of the site. Three houses on the site of the one existing would be quite out of character for the Lamblash village frontage facing the sea. There is precedent in the area for two houses on the site but not three.

Response: Matters of siting and layout are considered in the following Analysis.

2: Road safety. Parking for up to nine vehicles, in addition to those from Blairbeg House entitled to use this drive, would create serious safety issues for vehicles exiting and entering the main road close to a sharp bend.

Response: Active Travel and Transport was consulted and did not object on road safety grounds. The access up to Blairbeg House, although still available, is overgrown by moss and does not appear to have been used by vehicular traffic for many years.

3: Drainage. A full competent investigation is needed into sewage infrastructure implications of this development given recent substantial changes re: the adjacent Kinneil development.

Response: The supporting statement mentions drainage arrangements which could feed into the boundary drainage channel, although these are not detailed on the plans. A planning condition could be applied to any planning permission requiring the arrangements to be approved prior to development.

4: Holiday use. Socio-economic implications of such developments for the Arran community and housing availability for people who want to live and work on the island is a growing problem. Unless holiday letting/Air BnB use is formalised, the island risks becoming a shell of a theme park for occasional visitors.

Response: Not material to this planning application. Holiday letting does not constitute a separate planning use class from dwellinghouses. The application is for Class 9 dwellinghouses within the settlement and must be considered on its merits.

5: Design. The houses are not sympathetic to the area in terms of the gable end design, roofline or placement within the site, with the exception of the neighbouring Sea Breeze, which is itself not in keeping with the character of the village and should not be used as the basis for future planning approvals. The design does not comply with the Council's Rural and other Design Guidance which advises that design should not be led by the requirements of car parking and in-fill buildings should relate well to their surroundings.

Response: Matters of design and compliance with the various LDP policies and supporting guidance are considered in the following Analysis.

6: Access rights. Both Blairbeg House and Blairbeg Lodge have a legal right of access through this site and this should be acknowledged in the application.

Response: Legal access rights are not a material planning consideration.

Support:

1: Arran needs more housing across all spectrums. Replacement of one unremarkable bungalow with three modern homes offering open plan living with sea views and good access to services may attract new families to the island.

Response: The principle of residential development is considered in the following Analysis.

2. The layout would be a proportionate use of the site, replacing one unoccupied house with three family homes.

Response: Layout is considered further in the following Analysis.

3: Holiday homes. Until there is a ban on use as second or holiday homes, then this should not be a consideration.

Response: Holiday letting does not constitute a separate planning use class from dwellinghouses. The application is for Class 9 dwellinghouses within the settlement and must be considered on its merits.

4: The access has been designed after discussion with the Roads department. The owners cannot be responsible for potential errant cyclists.

Response: Active Travel and Transport was consulted and their comments are below.

5: The retention of planting around the rear boundary would make a welcome contribution to visual amenity. It is also positive that the existing stone wall and gate pillars are to be retained at not inconsiderate cost to carry out these works.

Response: The detail of the application proposal is considered in the following Analysis.

Consultations:

NAC Active Travel and Transportation: No objection, subject to conditions regarding driveway width and design and visibility splays at the junction with the public road. Road Construction Consent will be required.

Response: Noted. Appropriate planning conditions and an informative note could be applied to any planning permission.

West of Scotland Archaeology Service: No objection subject to an archaeological watching brief being obtained to ensure that archaeological sensitivities in the area are protected.

Response: Noted. An appropriate condition could be applied to any planning permission.

20/00010/PP

Arran Community Council: No objection, subject to the proposal meeting Planning guidance. This appears to us to be over-development of the site and the layout and gable fronted design of the front houses may not be compatible with neighbouring properties. We note the concerns over road safety and the legal access rights issues.

Response: Comments all noted. These concerns are all assessed in the following Analysis.

## **Analysis**

Pre-application advice was sought in 2019. The advice provided by Planning Services was that residential development of the site would be acceptable in principle; that the site appeared to be more suitable for two houses rather than three; and that the gabled side-on layout of the front houses was not likely to be supported. The application was eventually submitted for the three-house layout, and following discussions over design and road access concerns, amended plans were submitted showing linking garages between the front houses and driveway amendments. The submitted supporting statements and the contents of the various objections and expressions of support are noted.

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations.

In terms of the LDP, the site is within the settlement of Lamlash. Strategic Policy 1: Spatial Strategy: the Towns and Villages Objective indicates that residential development within the General Urban Area of settlements shall accord with the Plan in principle, subject to compliance with the other policies of the LDP.

Strategic Policy 2: Placemaking aims to safeguard and enhance environmental quality by avoidance of unacceptable adverse environmental or amenity impacts. It expects all development proposals to meet the six qualities of successful places contained within the policy.

Whilst the principle of residential re-development of the site is acceptable and the incidence in the area of multiple 'rows' of housing is noted, it is not considered that any of these give precedence for the development proposed here.

The historical pattern of tiered development in the area is dictated by the rising topography back from the shoreline up the 'raised beach' to the secondary row of properties, including Blairbeg House, which are accessed from Blairbeg Lane to the north rather than from Shore Road. This site, in isolation, does not have such a significant difference in ground levels to necessitate rows of houses.

In terms of the adjacent sites, Briarbank and Briarbank Cottage to the west appears to have been a historical arrangement of two smaller houses, more akin to the 'back house' form of development common on the island. The more recent development at Kinneil Park to the east is a larger site developed as a cul-de-sac of 12 houses around a central access. It is not considered that either of these present a pattern of development to be followed by this proposal. It is noted that the development would respect the building line and set-back from the road dictated by these neighbouring sites.

The Placemaking policy expects proposals to draw upon the positive characteristics of the surrounding area including landscape, topography, scales, street and building forms and materials to create places with a sense of identity.

It is not considered that the dominant front gable design of the two houses to the front with excessive levels of glazing and deep fascia detailing responds well to the surrounding context and they would appear overly dominant in the locality to the overall detriment of visual amenity. The addition of linking garages does not particularly reduce this visual impact and the visual appearance of the development is not therefore appropriate.

With regards to residential amenity, the houses would benefit from a reasonable level of garden ground but their amenity would arise mainly from the location adjacent to the shorefront and good sea views from the front properties. The larger house to the rear would not have a similar quality of outlook.

Given the tandem, or backland, nature of the development, there would be only 18m separation between the rear house and the rear garden areas of the houses to the front. This would lead to significant overlooking of those garden areas to the detriment of residential amenity and would not comply with the Council's Neighbourhood Design Guidance or the requirements of SP2: Placemaking under the quality of 'Safe and Pleasant' to respect the amenity of future users in terms of privacy.

It is acknowledged that there would be no significant adverse impact on the privacy or amenity of any existing neighbouring properties outwith the site.

However, on balance and in view of the foregoing, in terms of SP2: Placemaking it is not considered that the proposal would meet the identified six qualities of a successful place, in particular under the sections 'Distinctive' and 'Safe and Pleasant'.

This site is within the settlement boundary and whilst neither the Council's Rural Design Guidance or the Coastal Design Guidance referred to in the Design Statement and the objections are considered particularly relevant, the Neighbourhood Design Guidance does have relevance to developments within towns and villages and it guides that design should encourage people to use and enjoy outdoors spaces. In this case the backland layout would discourage the use of garden areas by excessive overlooking and loss of privacy and does not therefore take cognisance of the Guidance.

Given this assessment against the Neighbourhood Guidance and the Placemaking Policy, the proposal does not comply with the provisions of the LDP or the Council's Planning Design Guidance.

The remaining factor is the quoted examples of similar gabled developments around Arran. All developments require to be assessed on their merits in their own context and it is not considered that any of the quoted examples are similar enough or particularly indicate that this development is acceptable. Seabreeze on the adjacent site is nearby, but that is a dominant gable to a rear part of that house rather than the over-riding design of the whole property. It is not therefore accepted as a precedent that similar development is acceptable on the adjacent site.

In conclusion, the proposed development does not accord with Strategic Policy 2: Placemaking of the Adopted LDP or incorporate the Neighbourhood Design Guidance and, in view of the foregoing, planning permission should therefore be refused.

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## **Decision**

Refused

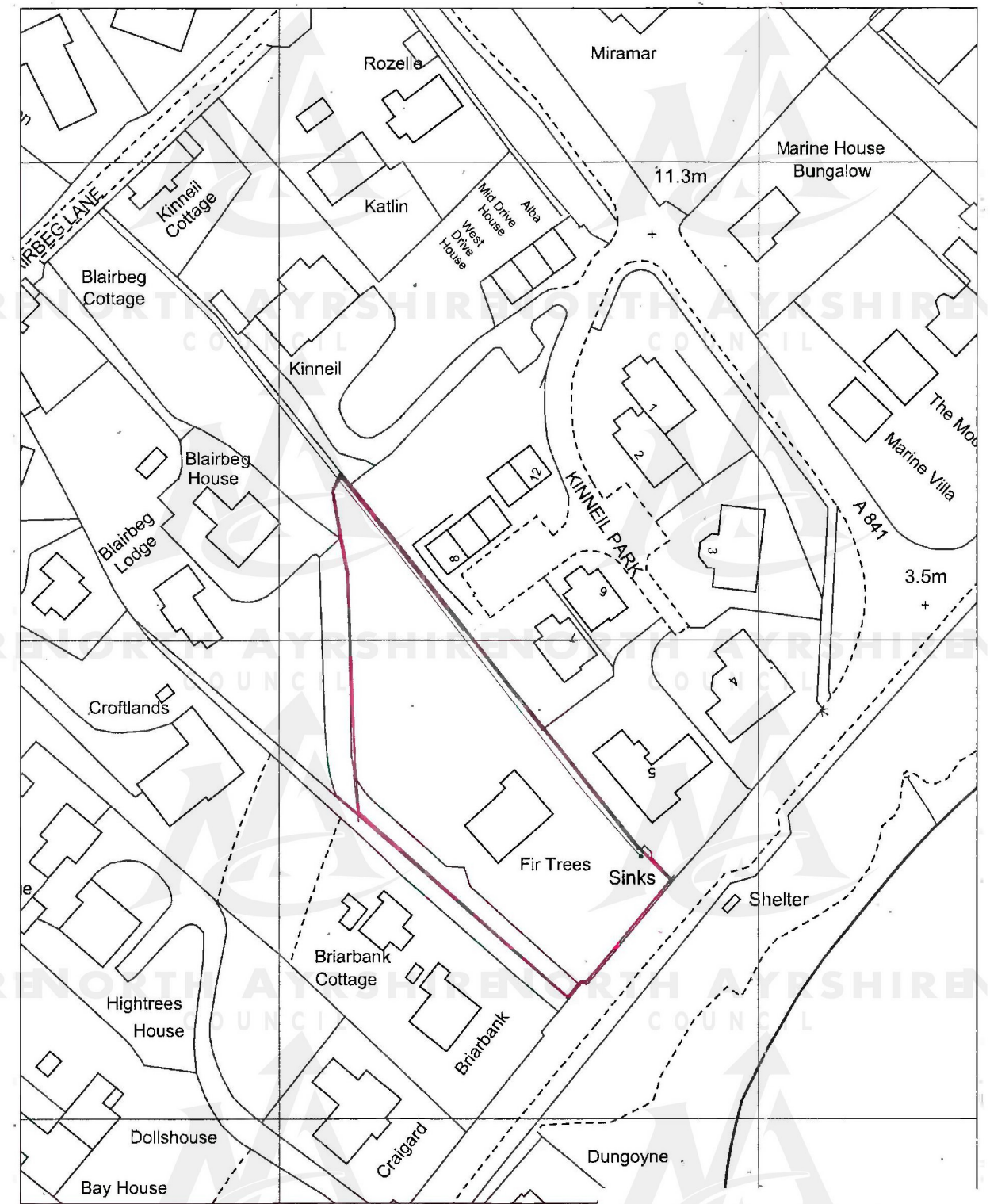
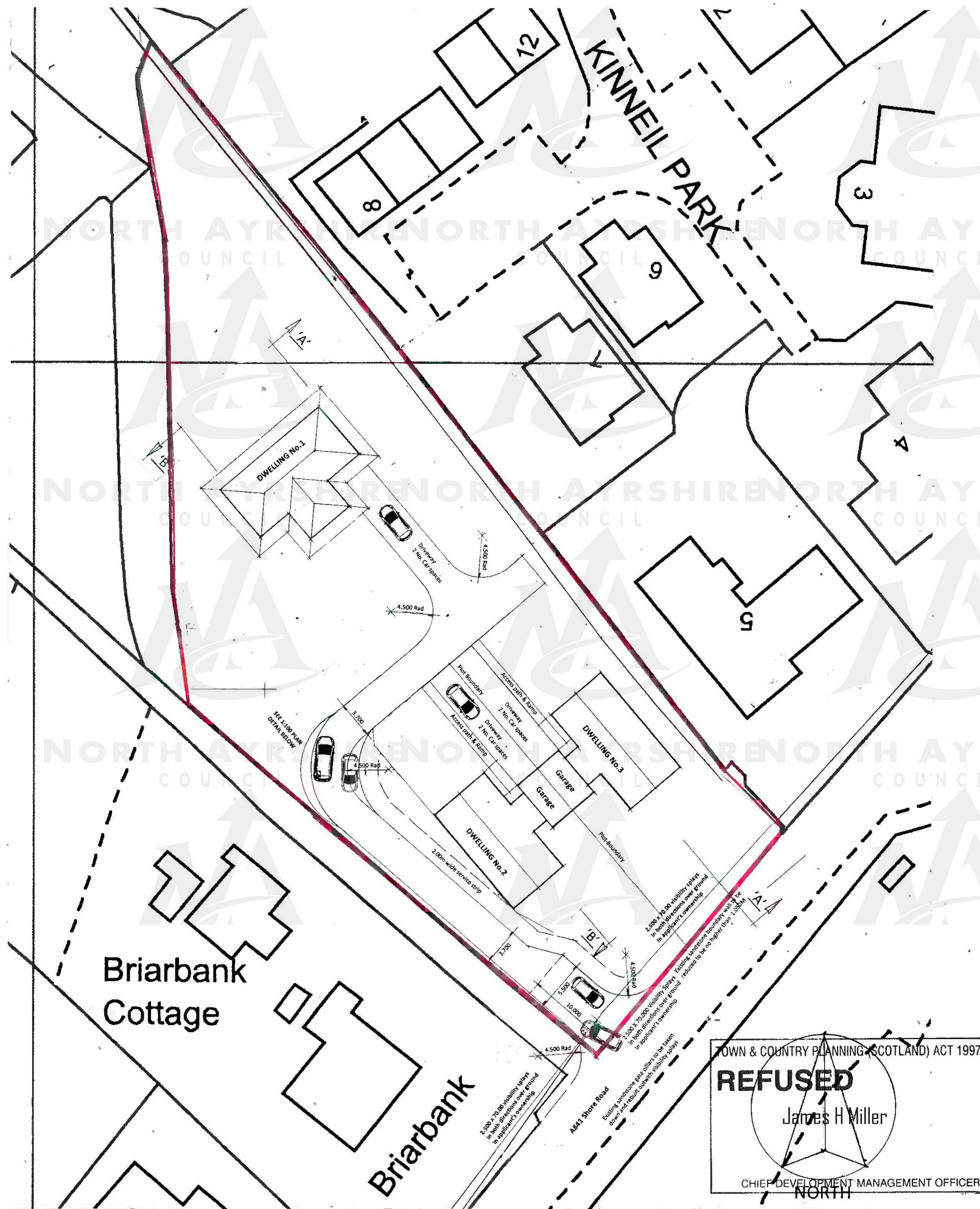
Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

| Drawing Title           | Drawing Reference<br>(if applicable) | Drawing Version<br>(if applicable) |
|-------------------------|--------------------------------------|------------------------------------|
| Location and Block Plan | 1918/01 Rev A                        |                                    |
| Block Plan / Site Plan  | 1918/02 Rev C                        | Proposed                           |
| Sections                | 1918/03 Rev A                        | Existing                           |
| Sections                | 1918/04                              | Proposed                           |
| Proposed Floor Plans    | 1918/10                              | House 1                            |
| Proposed Floor Plans    | 1918/11                              | House 1                            |
| Proposed Elevations     | 1918/12                              | House 1                            |
| Proposed Elevations     | 1918/13                              | House 1                            |
| Proposed Elevations     | 1918/14                              | House 1                            |
| Proposed Elevations     | 1918/15                              | House 1                            |
| Proposed Floor Plans    | 1918/20 Rev A                        | House 2                            |
| Proposed Floor Plans    | 1918/21 Rev A                        | House 2                            |
| Proposed Elevations     | 1918/22                              | House 2                            |
| Proposed Elevations     | 1918/23 Rev A                        | House 2                            |
| Proposed Elevations     | 1918/25                              | House 2                            |
| Proposed Elevations     | 1918/26                              | House 2 and 3                      |
| Proposed Floor Plans    | 1918/30 Rev A                        | House 3                            |
| Proposed Floor Plans    | 1918/31 Rev A                        | House 3                            |
| Proposed Elevations     | 1918/32 Rev A                        | House 3                            |
| Proposed Elevations     | 1918/33 Rev A                        | House 3                            |
| Proposed Elevations     | 1918/35                              | House 3                            |
| Sections                | DC/191024/02                         |                                    |
| Annotated Photos        | Photomontage                         | Existing                           |

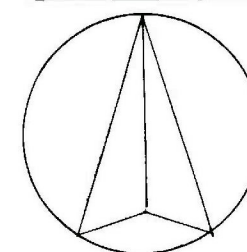
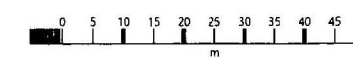


|                  |              |          |
|------------------|--------------|----------|
| Annotated Photos | Photomontage | Proposed |
|------------------|--------------|----------|



**1:1250 LOCATION PLAN**

AREA OUTLINED IN RED EXTENDS TO  
3246.00 SQUARE METRES OR THEREBY



Planning Permission Issue 03.01.20  
Rev A: Site layout & off street parking altered  
Dwellings No. 2 & 3 Semi-Detached



01770 700411  
info@icad-arran.co.uk

PROPOSED DEVELOPMENT AT  
FIR TREES SHORE ROAD  
LAMLASH ISLE OF ARRAN

MRS PENNY ALBRICH

1:1250 SITE PLAN  
1:500 SITE PLAN AS PROPOSED

1918/01 Rev A Dec '19





**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

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

No N/20/00010/PP

(Original Application No. N/100223481-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

To : Mrs Penny Albrich  
c/o ICAD Fao Ian Cook  
Linn Cottage  
Whiting Bay  
Brodict  
Isle Of Arran  
KA27 8PR

With reference to your application received on 9 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Demolition of existing dwelling house and erection of 3 detached dwelling houses

at Fir Trees  
Lamlash  
Brodict  
Isle Of Arran  
KA27 8JN

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan. The proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located as a result of the backland development layout proposed, and would be detrimental to (i) visual amenity and (ii) residential amenity by excessive overlooking to the detriment of privacy and residential amenity.

Dated this : 3 April 2020



.....  
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.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** REVIEW APPLICATION 20/"00010/PP, Fir Trees, Lamdash,  
**Date:** 21 July 2020 19:30:22

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

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Thank you for your letter dated 17 July regarding the above development site.

I note that the applicant maintains that these would be family properties and that since Covid 19, the demand for such properties would be high. This I feel could be said about any property that was in a low Covid area as all estate agents have reported a 40% increase in rural properties across the country.

If you were to take the Covid aspect into account, the new "must haves" for families now is outside garden space. I note from the plans that the parking areas take up a fair amount of land and that actual "play areas" for young families would seem to be very small in relation to the size of the houses to be built. This would also raise the question of whether people with young families could actually afford properties such as these on Arran in any case.

Taking events slightly further, when families grow up, assuming 2.4 children per property, then that could result in each house having 3 - 4 cars. Taking our love for online shopping then the number of vehicles entering and leaving the site for this purpose along with everyday service work could be significant. as well as having a parking problem within the site.

Whilst the traffic load has been very light over the past 6 months, it would appear that Arran will blossom in the future and it has to be taken into account that the main road is near a corner. It can also be a fast road in both directions and the speed of some bike clubs coming off the corner at the bottom of the hill can be breathtaking, if there are vehicles waiting in the middle of the road waiting to turn in, I would worry that if it was a club and they had to anchor up it could be catastrophic. These guys have no regard for speed limits and I have followed them and tracked them at speeds in excess of 40 mph within 30 mph limits.

I note that the argument for density is compared to the development next door. However, that development does have a far better and safer access in that the entry is very wide, with good visibility in both directions, which Fir Trees does not.

Given the fact that there is no doubt the site needs to be developed, I feel that 3 properties is not the ideal situation for that plot.



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application:20/00010/PP, Fir Trees, Lamblash, Brodick, Arran KA27 SJN- Notice of Review. APPEAL  
**Date:** 23 July 2020 18:37:11

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Earlier this year I wrote to object to this development as I considered it to be grossly overdeveloped with the plans for three houses to be built on this site. There seemed to be so much restriction of freedom of movement compounded by the accompanying excessive requirements for the need to accommodate so many vehicles rather than residents having open space at the centre of the development. I agree with the conclusion by North Ayrshire Council planners that the development as proposed, has little or no architectural merit. I also note in the report of handling that the owner and promoter behind the original planning application were advised in a pre-application consultation that the site would be more suitable for two dwellings and that the gabled side-on layout of the buildings on the frontage was not likely to be supported. I can see the reason that this advice was given at the time and it is clear that the promoters were not prepared to respond to these constraints which may have led to a more harmonious environment in keeping with its immediate surroundings.

In the documentation supplied by the owner and agent in support of their appeal, great play is made of the adherence to the spirit of Strategic Policy 2 in the Councils local development plan. Again, I agree with the conclusions in the Record of Handling that the site development as proposed, in particular the two considerations, "distinctive" and "safe and pleasant" are not met, for the reasons given above, namely, crowding of the site and the priority of vehicles over garden and recreational/leisure space. Security and privacy in home life is so important but this design layout, mitigates against such values simply through the undesirable potential for overlooking ones neighbours.

I believe the decision to refuse permission should be upheld on appeal.

Yours sincerely,

**From:**  
**To:** [Committee Services \(shared mailbox\)](#)  
**Subject:** Planning Application: 20/00010/PP - Fir Trees Lamlash Brodick Isle Of Arran KA27 SJN – Notice of Review  
**Date:** 28 July 2020 20:55:31

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For the respectful attention of: Hayley Clancy, Committee Services Officer

Re: Planning Application: 20/00010/PP - Fir Trees Lamlash Brodick Isle Of Arran KA27 SJN – Review

Dear Sir/Madam,

The Arran Community Council met earlier this evening and is grateful for the opportunity to make an additional response.

However, after due consideration, we would respectfully not wish to add anything to our previously submitted comments.

Yours Faithfully

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

I support this appeal before the LRB for Planning Reference: 20/000/10 PP Fir Trees

The Planning Officer in the Report of Handling Analysis states (ref: pge 9 para 5.)  
"in terms of SP2: Placemaking it is not considered that the proposal would meet the identified six  
qualities of a successful place, in particular under the sections 'Distinctive' and 'Safe and Pleasant' "  
***This is so wrong; this statement is wholly incorrect and totally misleading.***

- **'DISTINCTIVE'** these are modern homes in a central village location drawing upon the positive characteristics of the surrounding area and building styles; by replicating the design of the neighbouring properties they will create a place with a wonderful sense of identity and the designs complement their coastal location.
- **'SAFE AND PLEASANT'** the proposed homes, along with neighbouring sites will create an attractive well defined active frontage on to the main road with the added benefit of natural surveillance. With generous garden areas, the new homes will improve the visual amenity of a prime village location. There will be **no overlooking** due to a separating distance of 31.5m.
- **'RESOURCE EFFICIENT'** the new homes with large areas of glass allow for natural lighting and solar heat gain, they embrace alternative heating sources to minimise resource dependency, they are very efficient dwellings.
- **'WELCOMING'** This will be a very welcoming site, the striking gable design helping to accentuate the existing neighbouring designs, and consolidate the sense of arrival...the photo images and site speak for themselves.
- **'ADAPTABLE'** the central village location, access to public transport and amenities, generous garden areas and the adaptability of the proposed dwellings for future users; there is even a pedestrian lift in the rear dwelling.
- **'EASY TO MOVE AROUND AND BEYOND'**. Its central location allows for immediate access to the existing public transport links, for pedestrians and cyclists. Level walking distance to retail and leisure amenities and to some of Arran's larger employers: Arran High School, Health and Social Care Partnership, NAC Local Council Offices, AWM Hospital.

***Fir Trees, new homes that clearly tick all the planning boxes and will add stimulus to our community.***  
Kind regards,



## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
IRVINE KA12 8EE

I fully support this appeal for Planning Reference: 20/00010/PP Fir Trees .

***"Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. (ref. [www.gov.scot](http://www.gov.scot))"***

The Planning Officer in the Report of Handling Analysis states:

***"there would only be 18m separation between the rear house and the rear garden areas of the houses to the front, this would lead to significant overlooking of those garden areas to the detriment of residential amenity" (Ref: page 9)***

- The above figure is misleading and irrelevant in planning legislation
- There is 31.5M distance between windows of the proposed dwellings
- Residential amenity & privacy will not be detrimentally impacted
- FIR TREES at 31.5m is almost double the minimum of 18m

by contrast, the following recent and neighbouring approved developments have these separating distances between windows.

- 13m Kinneil Park (Right next door)
- 12m Claveron to Rose Cottage (c1900 category B listed)
- 16.25m Brathwick Place, Brodick

Having approved these recent examples NAC Planning Service cannot describe the proposed development at FIR TREES as excessive overlooking and loss of privacy.

***"Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy." (ref: [www.gov.scot](http://www.gov.scot))"***

In light of the above, you must now uphold this appeal and overturn the earlier decision.

A 'modern clachan', has been created, embraced within a mature site. There is not one

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reason in the Report of Handling that stands up to scrutiny and the separating distance highlighted, is downright misleading. NAC should be encouraging a development that, along with Seabreeze, creates distinctive and memorable homes in a key location perfectly reflecting their coastal location.

Regards,

**31/7/20**

**Planning application: 20/00010/PP, Fir Trees, Lamlash, Arran KA27 SJN**

Arran Civic Trust supports the original decision of the planners to refuse this application on the grounds given in our objection. We see no reason to change the original rejection which, in our view was made on good grounds and still stands regardless of the submission under Notice of Review.

Arran Civic Trust

**Planning Application: 20/00010/PP Fir Trees, Lamlash, Brodick, Arran KA27 8JN**

31 July 2020

Hayley Clancy  
Committee Services Officer  
North Ayrshire Council

Dear Sir

**Planning Application: 20/00010/PP Fir Trees, Lamlash, Brodick, Arran KA27 8JN  
Notice of Review**

Thank you for informing me of the Notice of Review submitted by the applicant in response to the decision to refuse the application above and subsequent appeal.

I understand my previous letter of 23 March 2020 re. the Fir Trees development will be included in the Review, in parallel with the submission from ICAD, which I have read on NAC website. I am however also attaching that letter to the planning officer Mr McAteer on 23 March 2020 as well as this letter dated 31 July on the Review document.

I have now reviewed further representation of the owner's agent ICAD. Earlier this month I received a copy of the Conservation Area Appraisals for the three Conservation Areas of Arran (Corrie, High Corrie and Lamlash). The Council has commissioned a team of independent consultants to carry out this work in preparation for further consultation with the public. The consultants have looked at the built heritage and special historic character of the Conservation Areas and made recommendations designed to both protect and enhance these areas. These Appraisals are seen as a key part of the work involved in delivering the new Local Development Plan of NAC.

Whilst the site in question is outside the Lamlash Conservation Area by 2 house frontages, the architectural appearance and setting of this site are important in the overall distinctiveness of the character of Lamlash. For example on the steep raised beach of sandstone area behind there are distinctive Victorian and early 20<sup>th</sup> Century villas which are impressive in setting the tone of the conservation area and include Kinneil, Blairbeg House, Braigh-an-Addan, High Trees and Bay House. The Kinneil Park development mentioned by ICAD was mostly built on a flat meadow below Kinneil. This view of the earlier built environment is important in the context of this planning application and the Conservation Area of Lamlash. *"New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life is to identify its key characteristics and to establish the boundaries within which change can contribute so that it enhances rather than diminishes historic character."* CAMP Objective 1.0

The plans for the Fir Trees site are unsatisfactory for several reasons:

- Overcrowded frontage facing the main road into the village with imposing, architecturally unattractive, semis of kit design, unlike anything along this part of Lamlash. Completely lacking in sense of place to add value to the Lamlash approach to the Conservation Area.
- These semis gable end on, occupying the front of a site previously occupied by a perfectly sound well-built bungalow knocked down after being refused planning permission for 3 dwellings. Why destroy an apparently sound building without permission except to maximise profit from over-development of the site? This sets a precedent for other developers, and especially on Arran; such behaviour has the potential to destroy many "older" buildings for their land value profit rather than their aesthetic value to our built and rural environment.
- Under the North Ayrshire Character in NAC Design Guidance there are clear suggestions for individual properties, massing and scale including inappropriate proportions. The gable end side-on layouts facing the road with huge windows are unsatisfactory and very unlike anything in central Lamlash. Now with garages in-between making semis, look very much out of place. Overly suburban, this is out of place in a rural village setting, so close to the Conservation

Area of Lamlash. The vision displayed at the front of ICAD's Review is alien to anything in Lamlash.

- The drawing and notification suggest this is common on Arran, even Lamlash. This is repeated in the further notes from ICAD. I repeat that these large gable end windows do not enhance the built environment of Arran. It just enables more houses on a tight site! Retaining a locally distinct character for Lamlash from the corner skirting the shore right through to Lamlash church and beyond is important. There is a greater mix of design along Shore Road to Clauchlands, but many of the newer houses fit well into the Design Guidance being set back from the road with distinctive individuality blending into the whole.
- The Design Guidance talks about Retaining a Locally Distinctive Character. Arran does indeed incorporate a diverse range of architectural styles from traditional 18<sup>th</sup> century farm buildings to 1930's bungalows with hipped roofs. It is important that a design here needs to enhance the existing Lamlash settlement. Use design features which will unite and integrate any house built into the character of Lamlash Conservation Area which begins just along the road and is central to the charm, and historical context of the largest settlement on Arran.
- An important aspect is the car impact in this area. Blairbeg House, where the original access was from the main road now shares the bottom part of that drive with Fir Trees. With 3 houses on the site, and the one behind available for use as two flats in the longer term, there could be up to 8 cars parked on the site, clearly over development of the site, removing personal space for gardens etc.
- The Victorian wall is a feature of the road, and needs be retained, not cut away to make for access for a fleet of vehicles. Again the features, such as trees, walls, gate posts are important sense of place features. Sadly several mature trees have already been cut down along the boundaries of the site, including a large mature fir on the eastern boundary, the only remaining link to the retained name of the property for no reason except perhaps to give the house next door more light, as well as a couple of large trees on the south side. Whilst none were subject to TPOs, it does indicate a lack of respect for the natural environment on the site which bodes ill for the future in the absence of any commitments otherwise.
- Finally, the Design Guidance does provide examples of good design. I repeat that the application for this site conforms little in this Guidance, contrary to ICAD's claim. This site proposal so close to the Conservation Area of Lamlash has nothing to recommend it. This is a wonderful site of strategic locality importance deserving of excellence of design and not a copy of pastiche seen all too often, which is illustrated in some of the examples in ICAD's Notice of Review.

North Ayrshire Council provides clear Guidance to developers in rural village environments. It is important that aspirations by developers adhere to these, are cognisant with the area they wish to develop, from Conservation Areas to very rural locations, design features and the local built environment. The reasons for refusal of the plans for this site and Report of Handling is comprehensive and to my view entirely appropriate in its analysis.

Your sincerely

23 March 2020

**Application 20/00010/PP New Design for Firtrees Lamlash Isle of Arran**

Dear Mr McAteer

When we had to postpone the meeting of ACT a week ago Thom Ledingham wrote the following regarding work being completed on Conservation Area Appraisals and therefore a sense of place on Arran.

*"The work that the team has been doing but not quite finished yet relates to the Conservation Area Appraisals for the three Conservation Areas of Arran (Corrie, High Corrie and Lamlash). Last year, the council commissioned a team of independent consultants to carry out the work which has been drafted, but I still need to finalise it before we share them and potentially formally consult on them.*

*The consultants will look at the built heritage and special historic character of the Conservation Areas and make recommendations designed to both protect and enhance these areas. These Appraisals are seen as a key part of the work involved in delivering our new LDP. "*

The new plans submitted under application 20/00010/PP for Firtrees, Lamlash are so unsatisfactory I wanted to record that according to Design Guidance of NAC by Anderson Bell Christie, the design, and layout do not fit any of the criteria shown in the Design Guidance. Under local distinctiveness the plans are just not suitable or adhere to the suggestions. The Conservation Area of Lamlash is just along the road into the village from the bend at the bottom of the steep hill into Lamlash, and the distinctiveness begins at this corner, apart from the new house Seabreeze, which was a case that created huge ill-will in the locality for its out of character imposition at the edge of this central part of the Lamlash settlement. Under the North Ayrshire Character it is clear the design is about instant, simplistic kit construction especially on the front of the site, with huge windows, very unlike anything else in the locality, the exception being Seabreeze next door. The gable ends facing the road with huge windows are unsatisfactory and very unlike anything in central Lamlash. Now with garages in-between making semis, look very much out of place. No sense of place, just poor development, presumably to meet a cost constraint. The drawing and notification suggest this is common on Arran, even Lamlash. Two wrongs do not make a right; the house next to Llewellyn of similar design, is also regarded as an eyesore by local people. Retaining a locally distinct character for Lamlash from the corner right through to Lamlash church is important. There is a greater mix of design along Shore Road, but many of the newer houses fit well into the Design Guidance being set back from the road with distinctive individuality blending into the whole.

The Victorian wall is a feature of the road, and needs be retained, not cut away to make for access for a fleet of vehicles. Again the features, such as trees, walls, gate posts are important sense of place features.

Finally, the Design Guidance does provide examples of good design. Yet the application for this site does not conform, contrary to claim, to anything in this Guidance. This site so close to the Conservation Area of Lamlash has nothing to recommend it. A wonderful site deserving of excellence of design and not a copy of pastiche seen too often.

Yours sincerely

31 July 2020

Ms H Clancy  
Committee Services officer  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

Dear Ms Clancy

**PLANNING APPLICATION 20/00010/PP, FIRTREES LAMLASH KA27 8JN**  
**Notice of Review**

My views on this development as proposed in its two iterations, one in January, the more recently in March have not changed. Essentially the proposal constitutes overdevelopment and unfavourable massing on its frontage, it is devoid of architectural value and is unsympathetic in its relationship to its immediate surroundings. It is clear from the record of determination of the planning application 20/00010/PP that a steer was communicated to the owner of the property regarding the scope of development that might be appropriate for the site in question and it appears this was ignored. As neighbours we are now faced with a further attempt through the appeals procedure to justify their case rather than bring forward plans more appropriate to the site and its surroundings.

Rather than simply repeat what has already been said, and it is understood that previous correspondence will form an integral part of the review, I will comment on the appeal supporting document recently submitted by the owner's agent.

The front page drawing of the proposed development as viewed toward the frontage illustrates my point about architectural value or lack of it, the absence of any sense of place and, one of the main conclusions of the determination, that of lack of privacy.

In regard to the list of contentions noted on the front page I do not consider what is being proposed contributes to making quality space. The positive characteristics of the immediate surroundings comprise a number of traditional dwellings blending into the raised beach topography and these proposed buildings appear totally out of place in this respect. Lack of residential amenity is a consequence of a cramped frontage and high potential for invasion of privacy. Visually the impression is of a confusion in style, utilitarian, detracting from traditional small community residential amenity. In all these respects it simply achieves the opposite of what is claimed in the final contention.

It seems that much of what is stated going forward is an attempt to justify the original proposal on grounds of comparison with other residential property in Lamlash and Brodick and ignores the point that the proposed development is itself compromised and not in tune with its immediate surroundings. The Firtrees site is substantial but is restricted by significant areas taken up with severe raised beach profile and a drainage burn within the

site boundary on the east side of the property. It is also constrained by the original now shared access drive to Blairbeg House. The actual available width of frontage where two dwellings are proposed is roughly the same length of frontage as occupied by single detached houses on either side facing on to the Shore Road as illustrated on page 2. Much of the space between the proposed dwellings is taken up with accommodating vehicles, a further reflection of overdevelopment. Even then the very limited parking space for up to six vehicles and movement in and out of the site coupled with additional movements linked to the right of access to Blairbeg House simply add to the safety issue.

On page 3 it is clear that separation is more about accommodating vehicles than providing amenity space. A further desire is apparently to achieve elevation of what is termed the second row building No 1 through backfilling with demolition rubble. This factor is unmerited and another manifestation of overdevelopment and the resulting overlook and consequent lack of privacy imposed on the frontage dwellings is a severe compromise to amenity that is compounded by surrounding vehicle movements.

The description, "adding a fresh feel to the area", has no place in appropriate planning decisions but the roadside elevation on page 3 does illustrate the cramped use of frontage of the development plot when measured against the frontage of adjacent new and older established dwellings. The drive and the burn limit further the frontage width. There seems to be a fixation on simple distance measurement between dwellings when the real objections centre on inappropriate massing of the frontage, unsympathetic design for secure living and lack of privacy deliberately introduced through Mediterranean style design of the dwelling to the rear and undesirable elevation difference with no respect for the immediate surroundings. Proximity and lack of privacy is clearly recognised as an issue in the slot windows on each side of the of the semi-detached frontage dwellings .

The attempt to justify the lodging of an appeal on the basis of a strategic development policy fails simply because this development does not meet the basic tenet of the policy, namely that the development as proposed does not, I quote, contribute to making quality space. In that context the photomontage on page 9 is a misrepresentation to anybody familiar with the site as illustrated by just one of the many manipulations of this image, namely the distortion seen in the road frontage.

In summary I conclude there is absolutely no justification on the basis of these statements to amend the decision to refuse development as presently proposed.

Yours sincerely

23 March 2020

Mr N McAteer  
Planning Department  
North Ayrshire Council  
Irvine

Dear Mr McAteer

**North Ayrshire Planning Application 20/00010/PP Firtrees Development Lamlash**

On returning to the Council's planning website over the weekend to ascertain if any decision had been reached on this planning application I was surprised to see that an entirely new set of supporting documents dated 9th March and containing modified proposals had been uploaded to the site. As one of those originally notified of the proposed development I have not received any notification or seen any pronouncement to this effect. The original supporting documents have been removed and are no longer available for cross reference. As the public consultation period for the original application is closed there appears to be no opportunity for further comment on what are patently considerable modifications. In point of fact the revised documents describe some fundamental changes that constitute a new application. Why is it then that there has been no formal decision announced on the original plans, or that the applicant has proceeded to withdraw those plans then submit an entirely fresh application to restart the process and allow for a proper consultation period ?

I have additional reservations about what is being proposed at the Firtrees site. The proposal is to introduce greater separation of the two dwellings along the frontage with integral garages now provided linking the whole as a semidetached development. This not only increases the massing problem that was already obvious but now presents a 'wall' of development totally out of place with the immediate locality. All the properties are in the immediate surroundings single storey houses of varying age similar to the existing Firtrees. The one exception is Seabreeze adjacent to Firtrees, the development of which was controversial from the start and even there the orientation is to some degree sympathetic to its neighbours in architectural appearance. Much of what is included as justification through illustration in the new design statement is irrelevant in this respect. The proposals still constitute overdevelopment with the obvious answer being a larger single dwelling on the frontage of design much more in tune with its immediate surroundings. This would also go a considerable way to addressing the access and egress issues.

On examining the sections through the site I also have concern about the excavation of the steep contour of raised beach to accommodate Building 1 on the Firtrees site. As this steep hillside consisting of shallow alluvium and weathered sandstone of weak structural consistency remains saturated for the entire year there is a risk that bank failure could be induced during construction resulting in the drive to Blairbeg slumping down grade. It would seem more sensible in civil engineering terms to position this building further forward on



the Firtrees site to minimise excavation. The reduced elevation would have no measurable adverse impact on the view from the resulting property.

In closing I draw your attention to the conclusion in the report on the structural state of the existing Firtrees property that a broken or leaking sewer is at fault for surcharging the groundwater at the site. To my knowledge this is a wrong assumption as the previous owner commissioned a cutoff drain running across his property up-gradient of his house. This drain was not continued under the buried sewer pipe and consequently captured drainage water from above has been channelled along the outside of the sewer pipe, a deficiency that could have been easily addressed.

I urge you to think again about the entire issue of development on this site so that interested parties in the community can have their fair say !

Yours sincerely

29 Jan 2020

Planning Services  
North Ayrshire Council  
Cunninghame house  
Irvine KA12 8EE

Dear Sirs

**PLANNING APPLICATION 20/00010/PP - FIRTREES DEVELOPMENT**

I have now completed a review of this development proposal and wish to register my objection in particular to the scale of the proposal which is out of character with its surroundings and an example of gross overdevelopment. The site at present embraces a relatively large single storey dwelling set well back from the main road on a gently sloping site and screened somewhat by a stone wall. There is a generous amount of open garden space both front and back. It is proposed to demolish this property and in its place erect three houses, two of which are to be crammed into a highly constrained frontage and one of a different style located to the rear. In order to accommodate the scale of vehicle access and parking envisaged a large area immediately behind the two front properties labelled 2 and 3 has been designated to accommodate the need for up to nine vehicles.

The end result of this proposal is to create overcrowding of the site with the two front buildings parallel to one another in very close proximity, their seaward gable ends providing light and visual interest while attempting to limit overlook with slot windows facing each other along the length of the rectangular footprint. The building frontage has been pulled far forward of that of the existing Firtrees bungalow in order to create the vast parking area immediately behind. The result for all to see is the forward part of the development almost surrounded by vehicle movement, firstly fronting on to the second busiest road on Arran, secondly the drive with considerable potential for obstruction of movement and finally parking which itself is centred fair and square in the centre of the site. The outcome of such limited garden space combined with movement of vehicles in and out of the development site is simply not conducive to healthy and safe living.

A much more appropriate scale of development might continue to include a similar arrangement as proposed for House 1 at the rear of the property. But instead of trying to shoehorn two decidedly cramped buildings devoid of architectural merit into the frontage and compromising totally the built amenity by introducing so many vehicles a similar profile of new bungalow or 1.5 storey structure could be introduced. This replacement would be in keeping with its surroundings and sited in similar orientation to the existing Firtrees, namely with a rectangular or more creative footprint in parallel to the frontage, thus reducing the overall scale of development from three to two dwellings. It would then be possible to provide an imaginative and safe vehicle and pedestrian access and parking arrangement.

Other considerations of the existing proposal give cause for concern. The design statement describes the locality as a mix of housing styles but apart from the controversial new development next door the locality including the Kinneil cluster is characterised by single storey new and traditional Scottish architecture. The Firtrees development on the other hand with its two prominent glass faced gable ends, simple bland box appearance, and outlier porches when viewed from the public open space opposite is totally at odds in style and appearance and more akin to urban sea view development than rural character. The high roofline exaggerates this impression.

The applicant claims that the development conforms to the rural design guidelines set out by North Ayrshire planners but I challenge this claim based on what these guidelines say. In terms of character as stated previously the very poor parking arrangement driven by the number of vehicles to be accommodated completely dominates both the functioning and the appearance of the site. Secondly the proposal represents infill by any definition and can be criticised as standard “could be anywhere” buildings which generally detract from existing distinctive character and grouping with unacceptable massing to the frontage. The Guidelines make it very clear that designers should avoid new infill buildings that do not share the characteristics of their neighbours, these characteristics in this case being orientation to the frontage and set back from the road.

There is a serious safety consideration regarding access to and from the site along the existing shared drive this access predating by some 90 years even the original Firtrees property still standing on the site. The gateway has already a history of near misses and a serious accident involving fast moving vehicles. The ability to negotiate the T Junction only 100 metres along the main road east to Brodick at relatively high speed presents a potentially dangerous situation where so many vehicles are to be involved in movements in and out of the Firtrees site. There is also the consideration that Blairbeg House has vehicular right of way over the said drive possibly adding to this total number and not considered in the application. Again this is a reflection of overdevelopment with four properties involved.

Yours truly

## LETTER OF SUPPORT

Committee Services

Cunninghame House  
Irvine KA12 8EE

Planning Ref No. 20/00010/PP

Dear Hayley

**I wholly support this application and request the LRB to uphold this appeal and to overturn the earlier decision by NAC planning service.**

The statements used in the **Report of Handling** are both **INCORRECT** and **MISLEADING** and I am angry with the content.

From the **Report of Handling** (Page No.9 Paragraph No.9)

*“Seabreeze, on the adjacent site is nearby but that is a dominant gable to the rear part of the house rather than the over-riding design of the whole property. It is therefore not accepted as a precedent that similar development is acceptable on the adjacent site”*

**This statement is wholly incorrect and misleading,**

Seabreeze is an immediate neighbour, and has a stunning feature gable to the front elevation which strongly defines the front elevation and it is the overriding design feature of the whole property .

When granted, Planning Permission stated **that the design, including a significant amount of glazing, would be acceptable and that it would not be out of character with the other dwelling houses in the area.**

We love our house and in particular the feature gable which provides lots of natural light and a fabulous view out across the bay . **It is recognised as a positive distinctive characteristic within the local area and it is much admired.**

To suggest that this gable feature is on the ‘rear part’ of our house and that it is not a feature that creates a strong precedent is both wrong and misleading.

**Come and see for yourselves!.....or perhaps just our local councillors in light of Covid 19.**

We would be flattered if the beautiful feature gable design of our house was in some way replicated in the design of our new neighbours.

I am angry that the planners have refused planning permission for this proposed development and that they have not accepted Seabreeze as setting a strong, much admired precedent right next door. Particularly when they were so in favour of this design 5 years ago.

**You must uphold this appeal and overturn the earlier decision.**

Yours faithfully

## LETTER OF SUPPORT

Committee Services

Attention Hayley Clancy

Dear Hayley

**I wholly support this appeal to the LRB for Planning Consent Ref No. 20/00010/PP.**

I have read through the earlier **Report of Handling** relating to the above and I find some of the **reasons for refusal quite unbelievable.**

I cannot understand why, under the same Planning Service, in the planning application for the neighbouring property **Seabreeze**, Ref No. **15/00537/PP** the **Report of Handling** quite clearly states,

(Page No. 7 Para No.4)

***"There is a mixture of house designs along this stretch of Shore Road. the dwelling house (Seabreeze) would be of a relatively modern design incorporating a significant amount of glazing to the front, which would be acceptable."***

(Page No 7 Para No. 5)

***"It is considered that the dwelling house (Seabreeze) has been designed to retain the amenity of the neighbouring properties and would not be out of character with the other dwelling houses within the area, it is therefore considered that the alterations to the design of the dwelling house and the external finishes of render, timber cladding and slate would be acceptable."***

(Page No. 7 Para No.8)

***"Accordingly, it is considered that the proposal would accord with the relevant criteria of the general policy of the LDP. Conditional Planning can therefore be granted."***

**If these design features were deemed to be acceptable then, why do the planners not now recognise Seabreeze as setting an unequivocal precedent, and a good example of neighbouring modern design providing a positive characteristic that should now be enhanced and consolidated with the development at Fir Trees?**

**This clearly shows that the planning service are inconsistent, and that they are being subjective in their interpretation of planning policy.**

A clear and unequivocal precedent has been set with the design of Seabreeze, right next door to the above proposal. NAC must accept this as a positive characteristic of the local environment.

**You must overturn the earlier decision and uphold this appeal**

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
KA12 8EE

Dear Hayley

**I wholly support this appeal to the LRB for Planning Ref No. 20/00010/PP.**

**It appears that the planning service are being inconsistent with their issuing of planning consents and intentionally misleading with some of their reasoning in the Report of Handling.**

I note **Seabreeze** a very distinctive and attractive property right next door to the proposed development ( NAC Ref No 15/00537/PP); how can the planning service now refuse to accept this design as ***"a positive characteristic of the surrounding built form, and a distinctive character of the place in which it located "***

**This is surely a good example of a strong local design element and clearly sets a clear precedent which can be confidently replicated.**

What a strong, positive addition to the visual amenity of Lamlash. On turning the corner at the bottom of the hill from Brodick and entering the village to be met with this 'gateway' grouping of distinctive modern gabled dwellings, creating a real sense of place and arrival. Imagine the impact when sailing into the bay.

**Why would NAC planning service state 18.00M from, the rear dwelling to the garden boundary when they know that the accepted planning distance is 18.00M 'window to window ' unless they are trying to deceive and intentionally mislead by quoting irrelevant dimensions.**

NAC planning service do not accept the existing obvious Local Settlement Patterns, or the neighbouring property styles which are comprehensively referred to in the Neighbourhood Design Guidance as exemplars and so clearly followed by this proposal, Both the Local Settlement Pattern and the feature gable on the adjacent dwelling set a clear and unequivocal precedents.

**NAC Planning Service have clearly not been consistent with their handling and determination of the above planning application, when compared to other recent developments you must uphold this appeal and overturn the earlier decision.**

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
KA12 8EE

Dear Hayley,

**I wholly support this appeal to the LRB for Planning Ref No. 20/00010/PP.**

I disagree with the grounds given for refusal in the earlier planning application. Having read through **Strategic Policy 2: Placemaking in the LDP**, it is at best ambiguous with no clear directives and the interpretation presented by the planning service beggars belief.

To suggest that *"the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located"* is **wrong and frankly absurd.**

***The proposed design picks up on the existing bold gable feature of the neighbouring property, definitely reflecting a positive local characteristic.***

The development at Fir Trees is dictated by the rising ground of the historic raised beach and in keeping with the existing developments to each side, utilises this feature to create a tiered development. **Look at the existing tiered developments to each side of Fir Trees. To suggest that this local settlement pattern of tiered development on the rising ground is not relevant to the Fir Trees development is again wholly wrong and misleading. To suggest there is not enough ground level differential is also wrong and misleading.**

How can NAC planning deem this to be backland development, particularly when we consider the existing neighbouring development at **Kinneil Park**, and also at the recent approved development behind **Claveron** in Lamlash. (Ref no. 19/00399/PP)

**This is a new, complete blank canvas development; it is quite wrong and misleading to call any part of this backland development.**

The residential amenity and privacy afforded to all 3 proposed properties is very high particularly when compared to recent neighbouring property developments.

**There is 31.50M separating distance between windows of the proposed dwellings.**

**How can 31.50M separating distance between properties possibly be construed as excessive overlooking to the detriment of privacy and residential amenity?**

**It is wholly unacceptable and totally wrong to suggest this.**

By quoting a distance of 18,00M from the balcony of the rear dwelling to the garden boundary of the front dwelling; **where is the relevance of that dimension quoted in planning policy?**

It appears to me that the planning service are not being consistent with their application of council policy, indeed they appear to be deliberately misleading.

**In light of the above you must surely uphold this appeal and overturn the earlier planning decision.**



## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

**I support the appeal for Planning Reference: 20/000/10 PP Fir Trees**

The Planning Officer in the Report of Handling Analysis states:

***“..the houses would benefit from a reasonable level of garden ground but their amenity would mainly arise from the location to the shore front...the larger house to the rear would not have a similar quality of outlook”*** (Ref: Page 6)

*The above statement is misleading: Look at the drawings! Look at the layout!*

***“obstruction of views”*** is not taken into account for planning objection, (Ref: NAC website)

Why is the quality of outlook or view from the house to the rear mentioned by the planner in the Report of Handling? The site owner proposes to reside in the rear house, she would not live in a dwelling with no view and will enjoy far reaching vistas in all directions.

(Ref: NAC Neighbourhood Design Guidance Page 60)

***“Use simple proportions based upon best examples of local neighbouring buildings”..” take account of the scale of their neighbours “*** (Ref: page 40)

And the applicant has by replicating simple scaled proportions from **Seabreeze** right next door.

***“Respond to key local design & construction elements or features” ... “Refer to the attractive characteristics of adjacent, successful buildings”***

And they do. The homes replicate feature gables similar to the one on **Seabreeze**...an adjacent successful new build

***“ using local settlement pattern”*** (Ref: NAC Neighbourhood Design Guidance Page 32)

And it does. The local settlement pattern in Lamlash similar to the other villages on the island is for a tiered development working back from the coast up the rising hills. This island settlement pattern is reinforced by all the new homes within the Fir Trees development.

***“use building elements to link different properties such as garages or canopies..”*** (Ref: page 59) And they do. The use of garages on the front 2 dwellings, creates a link between the properties and creates semidetached properties in keeping with this guidance.

With a red sandstone wall to link the new homes to the adjoining sites and stone pillars for a real sense of arrival...I'm home; Feature gables provide a further link between the existing gable of **Seabreeze** and the double gable window feature of **Briarbank**, generous garden grounds, a mature site, open sea views, and direct access to active travel and transport links. What a wonderful addition to the local Lamlash seafront.

(Ref: NAC LDP2.Spatial Strategy: Strategic Policy 1)

***“ We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive”***

Given that the proposals accord with all the above Council guidance, you must uphold this appeal.

Regards,

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

I support this appeal for Planning Permission Reference: 20/000/10 PP Fir Trees.

Planning Officer in the Report of Handling Analysis states:

*"..the site appeared to be more suitable for two houses rather than three..."* (Ref: page 6)

### **This proposal is not Overdevelopment nor is it Backland development**

- **12%**                      Density of development **FIR TREES**
  - **20%**                      Density of development **Kinneil Park Section 1**
  - **25%**                      Density of development **Kinneil Park Section 2**
  - **25%**                      Density of development **Brathwick Place, Brodick**
- 
- *In the Report of Handling, The planning officer states **"the properties will have reasonable garden grounds"**.*  
At 12% development density and with a minimum 600M2 plot size, they are surely a little more than **"reasonable garden grounds"** and not a description one would associate with overdevelopment.
  
  - NAC Neighbourhood Guidance Settings (Ref: page 60). ***"provide an appropriate relationship between property and plot size" .."so that newer properties reflect the scale of their neighbours"***  
The layout and design of the proposed development quite clearly accords with the above guidance and provides great family homes with generous garden grounds. They are scaled to reflect the neighbouring dwellings.
  
  - NAC LDP2 Strategic policy 2: Placemaking, (Ref: page 19) ***"the proposal draws on the positive characteristics of the surrounding area..."***  
The Fir Trees development has been designed to retain the amenity of the neighbouring properties and would therefore not be out of character with other homes within the locale. The scaled replication of the gable feature on Seabreeze, will allow the proposed design to link with both Seabreeze and Briarbank on the other side.

Overdevelopment?.....12% density. Backland?..... a brand new site, a tiered holistic design.

**NAC planning service have refused the application, by clearly ignoring their own planning guidelines.** Three homes with generous garden grounds, homes that will generate employment; homes for working from and homes that meet a need.

Regards,

21<sup>st</sup> July 2020

Planning Application:  
20/00010/PP  
Fir Trees

Dear Ms Clancy

Thank you for your letter dated 17 July 2020 which I received yesterday.

I still feel that this development is inappropriate, and permission should be refused again on review.

I consider the reference to COVID 19 to be cynical and tasteless. Perhaps it would provide more economic stimulus if we turned Lamlash into Torremolinos and built a bridge to Holy Isle while we are at it.

On a basic point the revised application does not address concerns about sewerage: it seems to say, just give me permission and someone else can sort that out later.

The whole approach to the updated application is reductionist: by trying to provide smart rejoinders to the points raised by the NAC in its refusal it fails to address the fundamental concern that the development as a whole is absolutely out of keeping with Council guidance.

It is debateable whether the inevitable usage of the properties in this development for short term letting is in point. Equally, however, the references to bringing "families to the community" (I am trying hard not to think of the theme tune from the Waltons) are irrelevant and indicative of the manipulative underpinnings of the revised application. Lamlash has very many recently built unsold houses either empty or out for let. They are not within the price range of the many young families who want to come to or stay on Arran. They are likely to be significantly cheaper than all three properties in this proposed over development.

The bottom line is that this development will be for holiday letting and potentially AirBnB and that will exacerbate the serious risks around the hugely dangerous junction onto a very busy road near the problematic bend into the village. "The owners cannot be responsible for potential errant cyclists": this unfortunate phrase should give the Review Body additional cause for reflection on this overdevelopment.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** PA 20/00010/PP Fir Trees Lamlash  
**Date:** 24 July 2020 11:15:57

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Dear Ms Clancy,

Thank you for your letter of 17<sup>th</sup> July notifying me of the applicant's submission of a Notice of Review.

As far as I am concerned, as an objector to the original proposal, my representations also still stand.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning application 20/00010/PP Firtrees  
**Date:** 03 August 2020 12:52:40

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Hi

Thank you for your letter advising of the request for a review.

I would simply like to reiterate my concerns as previously lodged in respect of the original application. The planning department made the correct decision to reject the application as it currently stands and I hope this is upheld at review.

Regards



NOTICE OF REVIEW Ref. No. N/20/00010/PP

## COMMENTS ON REPRESENTATIONS

We have read through the further representations and would now comment as follows:

We would contest that **NAC Planning Service** have:

- **Contradicted their own policies and design guidance.**
- **Blatantly refused to acknowledge and accept the clear design examples of neighbouring properties.**
- **Not acknowledged that the proposals enhance and replicate the existing Settlement Pattern of tiered development .**



- **Erroneously quoted misleading references:** -18.00M to a boundary fence 'excessive overview"  
-Dominant Gable on neighbouring Seabreeze to rear
- **Been inconsistent and disingenuous in their interpretation and application of Planning Policies.**
- **Been inconsistent and dissonant by the granting of planning permission to other recent examples highlighted in the Design Statement, and the Notice of Review Statement.**  
(Kinneil Park, Marine House, Claveron, & Brathwic Place)
- **Set clear and unequivocal precedents by the granting of other planning consents.** Where separating distances are much less than 18.00M

**It is therefore now wholly unacceptable and indeed a travesty to have refused planning permission for this proposal.**

**It clearly accords with planning policy, which other recent examples granted permission do not.**

- **FIR TREES:** Centrally located, safe direct access for pedestrians on foot, on bike and by bus.
- **FIR TREES:** Safe & Pleasant: creating a pleasant positive 'sense of place' by creating visual amenity
- **FIR TREES:** Outwith the Lamlash Conservation Area.



- **FIR TREES:** Distinctive, drawing upon the positive characteristics of the area including spaces and scales, street & building forms to create a 'sense of identity'.
- **FIR TREES:** Respects the established Building Line determined by its neighbours.
- **FIR TREES:** Respects and reinforces the existing Local Settlement Pattern
- **FIR TREES:** Replicates the historic tiered Development Pattern.
- **FIR TREES:** Delivers a very low development density of 12%.
- **FIR TREES:** Provides outstanding residential amenity and levels of privacy.  
(While maintaining informal surveillance by neighbours)
- **FIR TREES:** Provides a substantial 31.5M separating distance between windows.  
*"Any windows at a distance of 18M or more will not be considered to be adversely affected through loss of privacy"* (Ref, [www.gov.scot](http://www.gov.scot))
- **FIR TREES:** Neighbour to Kinneil Park development of 12No. dwellings. where 13.0M has been accepted as separating distance.
- **FIR TREES:** Nearby Claveron Ref No 19/00399/PP where 12.0M to a Grade B Listed Building has been accepted as separating distance.
- **FIR TREES:** 34 No. new houses at Brathwic Place in Brodick where 16.5M has been accepted as separating distance

**This highlights that the Planning Service is inconsistent and disingenuous with the interpretation of policy and decision making.**



- **FIR TREES:** Right next door to **SEABREEZE**, a distinctive and striking 'gable on' dwelling granted planning consent in 2015.

Planning Ref No. **15/00537/PP** The **Report of Handling** states:

*"There is a mixture of house designs along this stretch of Shore Road.... the dwelling house (Seabreeze) would be of a relatively modern design incorporating a significant amount of glazing to the front, which would be acceptable."* (Pge 7 Para 4)

*"It is considered that the dwelling house (Seabreeze) has been designed to retain the amenity of the neighbouring properties and would not be out of character with the other dwelling houses within the area, it is therefore considered that the design of the dwelling house and the external finishes of render, timber cladding and slate would be acceptable."* (Pge 7 Para 5)

*"Accordingly, it is considered that the proposal would accord with the relevant criteria of the general policy of the LDP, Conditional Planning can therefore be granted"* (Pge 7 para 8)



Seabreeze Neighbouring property 'dominant gable as a prominent feature'



Seabreeze Kinneil Park dominant gable frontage

These design features were deemed to be acceptable then, retaining the amenity of the neighbouring properties.

Why does the same Planning Service now blatantly ignore this neighbouring dwelling and the earlier Report of Handling and not recognise Seabreeze as setting a clear and unequivocal precedent, and a good distinctive example of neighbouring modern design providing a positive characteristic that should now be replicated.

This clearly shows that the Planning Service is being inconsistent, and disingenuous with its interpretation of policy and decision making.

North Ayrshire Council Planning Service in the grounds for refusal state that the proposal would be contrary to Strategic Policy 2: Placemaking

Far from being contrary to Strategic Policy 2: Placemaking, **we would contest that the proposals embrace the content and ethos of all 6 No qualities of a successful place.**



**We would highlight that the proposals do:**

- ***Reflect the positive characteristics of the surrounding landscape, topography and built form*** by respecting and reinforcing the existing historic settlement pattern of tiered development created by the existing topography, and by respecting the existing build lines and creating a very low development density.
- ***Reflect the distinctive character of the place in which it would be located*** by replicating the positive design feature of the glazed gable and character of the neighbouring property **Seabreeze** . creating and establishing a real sense of place.
- ***Would not constitute backland development layout.*** This is all new build on an empty site, The holistic approach to the overall layout ensures prime locations, aspect and amenity for all 3 No. proposed dwellings.
- ***Would not be detrimental to visual amenity*** The coastal setting, the large areas of glass and weatherboard finish redolent of coastal design, will enhance the visual amenity of the area and be a positive addition to the Lamlash sea front.
- ***Would not be detrimental to residential amenity by excessive overlooking to the detriment of privacy and residential amenity*** there is a substantial 31.5M separating distance between the proposed dwellings ensuring outstanding residential amenity and privacy.

***“Any windows at a distance of 18.00M or more will not be considered to be adversely affected through loss of privacy”*** (Ref, [www.gov.scot](http://www.gov.scot))

*The plans clearly show a generous layout with easy access, good garden grounds and external circulation.*

*The proposed development picks up on and reinforces the historic settlement pattern.*

*The proposals do reflect the positive characteristics of the surrounding landscape and built form.*

*The proposals do reflect the distinctive character of the place in which it will be located.*

*The proposals will enhance the visual amenity of the area and be a positive addition to the Lamlash sea front.*

*The proposals create a high degree of residential amenity and privacy while retaining neighbour interaction.*

**For the Planning Service to:**

**Suggest that the residential amenity of the proposed development will be impacted by “excessive overview” with a separating distance on 31.5M is both contentious and wilfully misleading.**

*“any windows at a distance of 18.00M or more will not be considered to be adversely affected through loss of privacy” [www.gov.scot](http://www.gov.scot)*

**Not recognise the neighbouring Seabreeze as a distinctive character is inconsistent and contradicts their earlier Report of Handing.**

**Not recognise that the proposed layout respects and reinforces the existing Settlement Pattern is unacceptable and wrong.**

**Not accept the neighbouring residential developments as setting a clear and unequivocal precedent is blatantly wrong**

**Not accept the proposal as ‘DISTINCTIVE’ and ‘SAFE & PLEASANT’ is again misleading and frankly beggars belief.**

**It can therefore be clearly shown that the planning Service have been misleading, inconsistent, contradictory and unprepared to accept the facts as they are in their determination of this application, particularly when viewed against earlier planning consents granted for neighbouring properties.**

**We respectfully request that you uphold this appeal and overturn the earlier decision.**

iCAD  
FIR TREES 1918  
August 2020