
NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Isle of Arran
Reference	18/00489/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
-----------------------	--------------------------------

Location	Site To The East Of Linevern Silverhill Whiting Bay Brodict Isle Of Arran
-----------------	--

Applicant	Mr Stuart Heaney
------------------	------------------

Proposal	Upgrading of access road, erection of a 1 and 1/2 storey dwelling house and garage and temporary siting of an associated residential caravan for a period of 2 years
-----------------	--

1. Description

Planning permission is sought for road upgrading, the erection of a dwellinghouse and temporary siting of a caravan in the Upper Silverhills area of Whiting Bay. The application site extends to c.870m² and is 78m long, is 5.4m wide at its north end and widens to 20.7m at the southern end. The house would be erected on the widest southern part of the site.

The applicant has held pre-application discussions with NAC Active Travel and Transportation (Roads) regarding the road upgrading which would be required, prior to any further houses being built in the area. This application proposes the upgrading of the road to an adoptable standard for a distance of 55m along the north-western edge of the application site and then for a distance of c.62m beyond the site to the west where it would terminate at a turning head.

The application is for a two bedroom dwellinghouse, and the design incorporates a 7.8m high one and a half storey section with a footprint of 12.2m x 6m to the east side linked to a self-contained 5.35m high single storey section with a footprint of 7.7m x 4.9m by an entrance hallway. The upper level would contain the main living areas and would have a

double height upper window on the north front elevation, and balconies on the east and south elevations. The house would be externally finished in dark grey fibre cement cladding with dark grey window bandings and standing seam zinc pitched roofs linked by a flat Sedum roof section.

A single garage measuring 6.4m x 3.6m with a 3.9m high pitched roof and externally finished to match the house is also proposed at the north end of the site with a further car parking on hardstanding to the front. A passing place is also indicated on the proposed road to the west boundary following the pre-application discussions with the Roads Authority.

The site is bounded by residential properties on all sides. The properties to the east are at a lower level and that boundary is defined by a partly wooded slope. A residential caravan currently occupies the proposed site of the house. It is proposed to retain the caravan for a temporary period of two years to manage the construction period but the revised siting is not shown on plan.

In terms of the adopted North Ayrshire Council Local Development Plan ("the LDP"), the site is located within the settlement boundary of Whiting Bay and therefore within the residential allocation. LDP Policies RES1 (Housing Allocation), RES7 (Residential Caravans) and the General Policy are relevant.

The Silverhills area is served by a public adopted road only as far as the north edge of this site, adjacent to the dwellinghouse known as Wits End, which then deteriorates to an unmade private track beyond that. The original planning permission for the Silverhills site from 1976 (CH/76/628) required the provision of a service road into the area. There is a subsequent history of refusals of planning applications for housing development in the Upper Silverhills area, due to concerns over the unsuitability of the road provision in the area. At various stages, housing proposals had been granted planning permission, subject to conditions, requiring the road through the area to be completed, prior to construction or occupation of any house. A local review was sought against such a condition in at least one of these cases (09/00804/PP), which review was subsequently dismissed by the Local Review Board.

It is evident from a site visit that these previous conditions had not been implemented and furthermore that houses were built without any roadworks being undertaken. The Council is now time-bound from taking any enforcement action against those past breaches of planning control and the area had therefore developed in a rather piecemeal fashion with several properties serviced from the unsurfaced track. It is therefore considered that the need for a proper road to be completed to serve the area is a material consideration in any future proposals.

An application by the current applicant for a similarly designed house on this site (17/00443/PP) was refused in July 2017 as contrary to the General Policy of the Local Development Plan due to inappropriate siting and the lack of any proposals to provide the aforementioned access road. An application (17/01007/PP) for an amended siting of the house was withdrawn by the applicant following discussions with Planning Services regarding the lack of road upgrading proposals.

An unauthorised residential caravan had been placed on the site in anticipation of planning permission and a planning enforcement investigation (17/00110/COUB) was conducted which resulted in an Enforcement Notice being served on 27th April 2018 requiring removal

of the caravan and associated works. An appeal against the notice was made to DPEA (Department for Planning and Environmental Appeals). DPEA partially upheld the appeal on 31st July 2018 by amending the notice to allow a longer period (90 days) for removal of the caravan and works (i.e. by 31st October 2018).

2. Consultations and Representations

The statutory neighbour notification was undertaken and the application was advertised in the local press (Arran Banner 22nd June 2018). Four objections were received on broadly similar grounds which are summarised as follows:

1 (caravan): The illegal caravan overlooks neighbouring properties. It is also shown on the site of the proposed house so cannot be required to manage the construction of it. The caravan appears to be intended as a permanent holiday residence. A CCTV camera also appears to have been installed on it which overlooks neighbours.

Response: Partially agreed. The caravan is not approved in its current position, as detailed above, and a planning condition could be applied to any planning permission requiring final details of the proposed siting. The caravan has been applied for only for a fixed period of two years and a condition could be applied to any permission on this temporary basis. CCTV cameras affecting privacy would be a police matter and not a material planning consideration.

2 (Siting, Design and Amenity): The house would overlook the properties to the northwest which are at a lower level.

Response: The house would not have any significant shading, privacy or amenity impacts on neighbouring properties given the separation distances and oblique angles of view involved.

3 (Roads issues): The application does not commit to Planning Services previous requirement that "a suitable road must be provided before further housing development could be approved at Silverhills". The only property to benefit from the upgrading of the road would be the applicant's.

Response: The application contains details of the section of road to be upgraded, final details would be subject to a Road Construction Consent. Any Planning permission would be subject to a condition ensuring that the house construction did not commence until the road was completed. An upgraded road would serve several other existing properties and vacant plots as well as the application site.

4 (Land stability issues): The eastern boundary was created artificially by depositing large quantities of soil several years ago and may be unstable for housing development; the site falls away steeply to the east side and to the south is 'undevelopable ground'. Could the ground be caused to shift or subside onto neighbouring land?

Response: The reference on the plan to 'undevelopable ground' at the south of the proposed house refers to a title restriction not to develop to the front of the property 'Linevern,' rather than to ground conditions; Ground investigations would be required which

would be addressed as part of the building warrant process, if planning permission is approved.

5 (Disputed boundary): The eastern boundary was recently surveyed and marked. The plans mis-represent this property boundary and the application therefore includes land to which the applicant has no title or rights, which invalidates the application. The proper site is also therefore too narrow to accommodate the proposed garage.

Response: The applicant has certified ownership of the application site and the application is valid. Any boundary ownership disputes would be private legal matters between the concerned parties and not material planning considerations. The grant of planning permission would not confer the right to build unless all other rights and consents, including ownership rights, had been resolved.

6 (drainage issues): Drainage from the house would impact on garden ground at a lower level to the east.

Response: The application proposes connection to the public drainage network. Scottish Water was consulted on the previous, similar proposal and did not object. An appropriate planning condition could be applied in relation to confirmation of these details.

6 (Trees): Trees have previously been removed without permission or agreement.

Response: The application does not propose removal of any trees. The trees in the immediate vicinity are not protected in planning law.

7 (Underground cables): A High Voltage underground cable runs through the site.

Response: There is no previous planning record of such a power cable. An informative note could be applied to planning permission advising the developer to contact Scottish Power prior to commencement with regards to any infrastructure. This matter would also be addressed in the Building Warrant process before any construction could commence.

Three letters of support for the previous application (17/00443/PP) from neighbours of the site were also re-submitted with this application by the agent. This application proposal is essentially unchanged and these comments are therefore treated as material. These state that the house would not block views from adjoining houses, that the design and external finishes are thoughtful and pleasing and that Whiting Bay needs residential development to maintain school numbers and support local business.

NAC ACTIVE TRAVEL AND TRANSPORTATION: No objection subject to conditions. Road to be upgraded to adoptable standard prior to construction of the dwelling house.

Response: Noted. Appropriate conditions and an informative note to contact NAC regarding Road Construction Consent could be applied to any planning permission.

Scottish Water and the **West of Scotland Archaeology Service** were consulted on the previous application and did not object. This application proposal is essentially unchanged and these responses are taken as current.

3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that planning authorities, in determining planning application, shall have regard to the provisions of the development plan and to any other material considerations. The main determining consideration in this application therefore is whether the proposal accords with policies RES1, RES 7 and the General Policy of the LDP and whether there are any other material considerations indicating that planning permission should not be granted.

The site is within the settlement boundary of Whiting Bay and the proposal therefore accords in principle with Policy RES1 which supports residential development proposals within the existing Housing allocation. Policy RES7 states that proposals for residential caravans shall not accord with the LDP, but indicates that temporary consent may be granted in exceptional circumstances such as during the construction of a permanent dwelling. The proposed temporary caravan would therefore accord with the LDP subject to a condition confirming the temporary period.

The proposals also requires to be assessed against the General Policy in terms of criterion (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking. In terms of (a), the house would be sited 4.7m back from the proposed upgraded road. The house would have a footprint of 131m², some 15% of the total site area of 877m² and would not represent over- development of the plot. The siting of the house would be appropriate to the form of development of the wider area. In terms of its scale, massing, appearance and contemporary finishing materials the house is reflective of the appearance of the existing houses to the north east at Silverbank View. Criterion (a) also requires that consideration be given to the proper planning of the area and the avoidance of piecemeal development and it is considered that the proposal accounts for this consideration and would resolve the longstanding issue of the provision of a road to service Upper Silverhills. The proposal therefore accords with criterion (a).

In terms of (b) (Amenity), the house would provide an acceptable level of residential amenity for the occupants and would be separated sufficiently from the houses to the east (24m from the rear of Silverbank View and 63m from the rear of Silverbank Cottage) to ensure that there would not be any significant adverse impacts in terms of privacy, daylight or residential amenity. Whilst it would be only 4.5m from Linevern, a title condition, referred to in the site plans, requires that the area directly in front of that neighbour would be left clear. The proposal also therefore accords with criterion (b).

With regards to (d) (Access and Parking) the applicant has discussed road upgrading with NAC Active Travel and Transport and indicates that he will provide the required road upgrading. NAC Active Travel and Transport does not object, subject to condition, although a Roads Construction Consent would be required to ensure that the road is upgraded to a sufficient standard prior to commencement of works on the house. The applicant has also indicated acceptance of such a condition.

In summary, given the previous history of the site, it is considered that this proposal represents a positive contribution to the wider area and would resolve a longstanding obstacle to the proper planning of further development in the area by the provision of a suitable standard of road. Given the previous analysis, the proposal accords with the relevant provisions of the LDP, and there are no significant material considerations which would indicate other than the development would be appropriate.

It is therefore recommended that planning permission should be granted, subject to the conditions and informative notes described in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

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

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

Reason

In the interest of the amenity of the area.

Condition

2. That prior to the commencement of development the developer shall submit for the written approval of North Ayrshire Council as Planning Authority, full details of the proposed upgrading of the access road and turning hammerhead, as outlined on plan 1704/02-Rev F, hereby approved. For the avoidance of doubt the access road shall be upgraded to an adoptable standard to the satisfaction of North Ayrshire Council as Planning Authority. The access road upgrade shall be completed, prior to the commencement of the development of the dwellinghouse, hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing, by North Ayrshire Council as Planning Authority.

Reason

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

Condition

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

Reason

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

Condition

4. That notwithstanding the details within the approved plans the proposed residential caravan is temporary and shall be removed from the application site by 28th August 2020 or

on first occupation of the dwellinghouse hereby approved, whichever occurs first, all to the satisfaction of North Ayrshire Council as planning authority. Details of the resiting of the caravan shall be submitted for the approval in writing of North Ayrshire Council as planning authority.

Reason

To restrict the development to the terms of its justification/special need.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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

