



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 05 December 2018** at **14:15** to consider the undernoted business.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of meetings of the Committee held on 31 October 2018 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 18/00559/PP - Croftlands, Lamlash, Isle of Arran

Submit report by the Chief Executive on a Notice of Review by the applicant requesting the amendment of Condition 2 of planning permission 18/00559/PP (copy enclosed).

4 Urgent Items

Any other items which the Chair considers to be urgent.

Local Review Body Sederunt

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

Chair:

Apologies:

Attending:

**Local Review Body
31 October 2018**

Irvine, 31 October 2018 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.25 p.m.

Present

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

In Attendance

A. Hume, Senior Development Management Officer (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 26 September 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 18/00469/PP - The Stables, 15A Thirdpart Holdings, West Kilbride

Submitted report by the Chief Executive on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a detached dwellinghouse with stables.

The Notice of Review documentation, the Planning Officer's Report of Handling, and a copy of the Decision Notice were provided as appendices to the report. No further representations were received from the interested parties.

The Legal Adviser to the Local Review Body outlined the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant.

The Planning Adviser summarised the Notice of Review for the applicant and the Report of Handling of the appointed officer. Photographs and plans of the site were displayed. The Local Review Body was informed that no request had been made for a site visit.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Members asked questions and were provided with further information on:-

- the definition of an addition to an existing well-defined nucleated group of four or more houses in close proximity to one another as set out in Policy ENV2 and the history of this policy;
- the different styles of development which have already been established in the area and the fact that design was not the leading factor in the officer's decision to refuse planning permission; and
- the siting of the proposed development and its visibility from the A78.

Councillor McNicol, seconded by Councillor McMaster, moved that the Local Review Body grant the planning permission on the grounds that the proposal complies with Policy ENV2 as a small-scale, sympathetic addition to an existing well defined nucleated group of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access.

As an amendment, Councillor Billings moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons set out in the decision notice. There being no seconder the amendment fell.

Accordingly, having considered all of the information, the Local Review Body agreed to uphold the appeal and grant planning permission with no conditions.

The Meeting ended at 2.55 p.m.

NORTH AYRSHIRE COUNCIL

5 December 2018

Local Review Body

Title:	Notice of Review: 18/00559/PP - Croftlands, Lamlash, Isle of Arran
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant requesting the amendment of Condition 2 of planning permission 18/00559/PP.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

- 2.1 A Notice of Review was submitted in respect of condition 2 of planning permission 18/00559/PP for internal and external alterations to form additional living accommodation, including raising of roof height, formation of dormer extension and balcony to front and formation of pitched roof over existing flat roofed garage.
- 2.2 Planning permission was granted by officers subject to conditions. Condition 2 states:-

"That, for the avoidance of doubt, the development hereby approved shall function only as an annexe of the existing dwelling at Croftlands and not as a separate independent dwellinghouse. The annexe shall not be let or sold separately from the existing dwellinghouse known as Croftlands."

- 2.3 The Notice of Review is seeking to amend this condition to:-

"The annexe will not be sold separately from the property known as Croftlands."

2.4 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;
- Appendix 6 - Applicant's Response to Further Representations

3. Proposals

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

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	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:	None arising from this report.
Children and Young People:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

- 5.1 No consultation was required as there were no interested parties (objectors, supporters or statutory consultees) in relation to this planning application.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

CRAIG HATTON
Chief Executive

For further information please contact **Euan Gray** on **01294 321430**.

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: ☒ Yes ☐ No

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

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

Notice of Review

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
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) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

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 ☒
2. One or more hearing sessions ☐
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☐

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:

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.

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.

The purpose of requesting a review on the application is that it is considered unreasonable to restrict letting of part of Croftlands.(Condition 2).

The purpose of the development, an attic conversion to provide additional Living Accommodation, is to allow the applicant Penny Albrich to share the property with her mother and sister Nina Hamilton, whilst the two sisters retain a degree of separation and privacy. The final design for the proposal reflects this objective.

It has been fully explained to NAC Planning service that it is and never will be the intention to seek a formal sub-division of the property, consequently the applicant has no objection to the condition restricting a partial sale of the property.

Ideally both sisters will live for many years in Croftlands, however, if circumstances change and there remains only one party living at the property it would be unreasonable to prevent that person from sub -letting part of the property. There is presently no restriction on letting part of Croftlands, nor on any of the other properties along Blairbeg Lane.

The applicant will spend a considerable amount on the proposed work and there is no reasonable justification in preventing letting of the property in future.

It is formally requested that condition 2 of the planning consent be amended to state that "the annexe will not be sold separately from the property known as Croftlands".

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

Yes No
☐ ☒

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.

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.

Checklist

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

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ 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.

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

1/10/18.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/00559/PP
Proposal:	Internal and external alterations to form additional living accommodation, including raising of roof height, formation of dormer extension and balcony to front and formation of pitched roof over existing flat roofed garage
Location:	Croftlands, Lamlash, Brodick, Isle Of Arran KA27 8JT
LDP Allocation:	Residential/Housing
LDP Policies:	General Policy /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 20.06.2018 Neighbour Notification expired on 11.07.2018
Advert:	Not Advertised
Previous Applications:	None
Appeal History Of Site:	

Description

Planning permission is sought for the erection of an upper extension and alterations to a detached bungalow in Lamlash. A previous application (18/00280/PP) was withdrawn by the applicant following discussions with Planning Officers over issues of design and massing.

The existing four bedroom house and attached garage cover a footprint of some 225m². The house has a pitched roof 2.75m high at the eaves and 5.6m at its highest point and the attached garage to the rear (north west) has a flat roof 2.4m high. There is a raised terrace to the front, seaward side of the house, which is some 2.4m above garden ground level and enclosed by a 900mm timber handrail. The house is externally finished in a roughcast white render with stone details and profiled concrete roof tiles.

It is proposed to erect an upper extension to provide a self-contained two bedroom annexe which would be accessed via a new internal stairway formed by internal conversion of an existing bedroom. The external alterations would involve:

- Raising of the roof ridge height by 0.7m to 6.3m high;
- Formation of a dormer extension to the front (south east) measuring 2.7m wide with a pitched roof terminating 350mm below the main roof ridge;
- Formation of a French windows and a 3m wide balcony which project 1m from the front (south east) gable;
- Formation of a 4.7m high pitched roof over the existing flat double garage roof;
- Alterations to the existing fenestration.

The roofs would be clad in grey roof tiles to match the existing and the face and sides of the dormers would be clad in Cedral weatherboard.

The house is bounded by other residential properties and gardens to all sides. The garden area slopes from rear to front and extends to some 2815m². The house has a dual aspect with the driveway and main entrance being from the rear (north west) and the terrace and main windows on the seaward (south east) elevation.

The property is within the settlement boundary of Lamlash, as identified in the adopted North Ayrshire Local Development Plan ("the LDP"). The application refers to the extension of an existing house and therefore only requires to be assessed against criterion (a) Siting, Design and External Appearance and (b) Amenity of the General Policy.

Consultations and Representations

Neighbour notification was carried out and there was no requirement to advertise the application. Two objections were received and the grounds are summarised as follows:

OBJECTION 1: Impact of loss of daylight on the property to the rear from the increased ridge height. Objection notes that the scale has been reduced and design has taken account of objections to the previous application.

RESPONSE: The house would remain 29m from the rear boundary of Croftlands and c.36m from the windows of the house to the rear. This is sufficient separation to prevent any significant impact on available daylight to neighbouring properties.

OBJECTION 2: Associated traffic would damage the narrow access lane at Blairbeg which has inadequate land drainage and sewage treatment.

RESPONSE: No alterations are proposed to the existing access arrangements to the house. The lane is privately owned and is not adopted by the Council. Its upkeep would be a private legal matter between the various owners.

OBJECTION 3: No second dwelling or new front door should be allowed at a later stage.

RESPONSE: This application relates to a "granny annexe" of the existing dwelling. Planning permission would be required to split the house to form a separate dwelling and any future proposals would be assessed on their own merits in terms of access, amenity etc. Alterations to doors or windows of the existing house could be carried out under permitted development.

There was no requirement for any consultations.

Analysis

Albeit the extension would form a self-contained annexe, the property would continue to be used as a single dwellinghouse and would not therefore involve the creation of a new planning unit. The applicant has been made aware that use of the extension as a separate dwelling would require planning permission.

Internal alterations which do not affect the external appearance of the building would not require planning permission and the proposed external alterations to the fenestration of the existing building would constitute permitted development in terms of class 2B of the General Permitted Development Order. Only the raising of the roof height and formation of a dormer and balcony require planning permission.

The main determining consideration is whether the proposal accords with the relevant criteria of the General Policy of the adopted LDP, namely (a) Siting, Design and External Appearance and (b) Amenity.

The footprint of the house would not be altered and there is adequate garden curtilage to accommodate the development. The development is an extension of an existing modern house and would not have any adverse effect on the character of the setting of the nearby Lamash Conservation Area. It would not be readily visible from outwith its own boundary other than from the neighbouring property to the rear. The proposed dormer and balcony would be in line with the existing ground floor windows. The pitched roof design and external materials would match the existing house although a planning condition should be applied to confirm the final finishes to the dormer extensions. The proposal is therefore satisfactory with regards to criterion (a) Siting, Design and External Appearance.

The architect advised that the width constraints of the site meant that extension upwards was the preferred option, rather than extending to the front or rear which would have resulted in more significant changes to the layout of the house and loss of garden ground. The house is over 30m from any other property and it is not considered that the raising of the roof height by 0.7m would have an unacceptable detrimental effect on the outlook available to the neighbouring property at the rear. The separation distances and sloping landscape also mean that there would be no significant overshadowing or privacy impact on neighbouring properties from the proposed small balcony. The proposal also therefore satisfies criterion (b) Amenity.

In summary, the proposal accords with the relevant provisions of the LDP and there are no other material considerations. Planning permission can therefore be granted subject to conditions confirming the limitations of the use as an annexe and final confirmation of the external finishes.

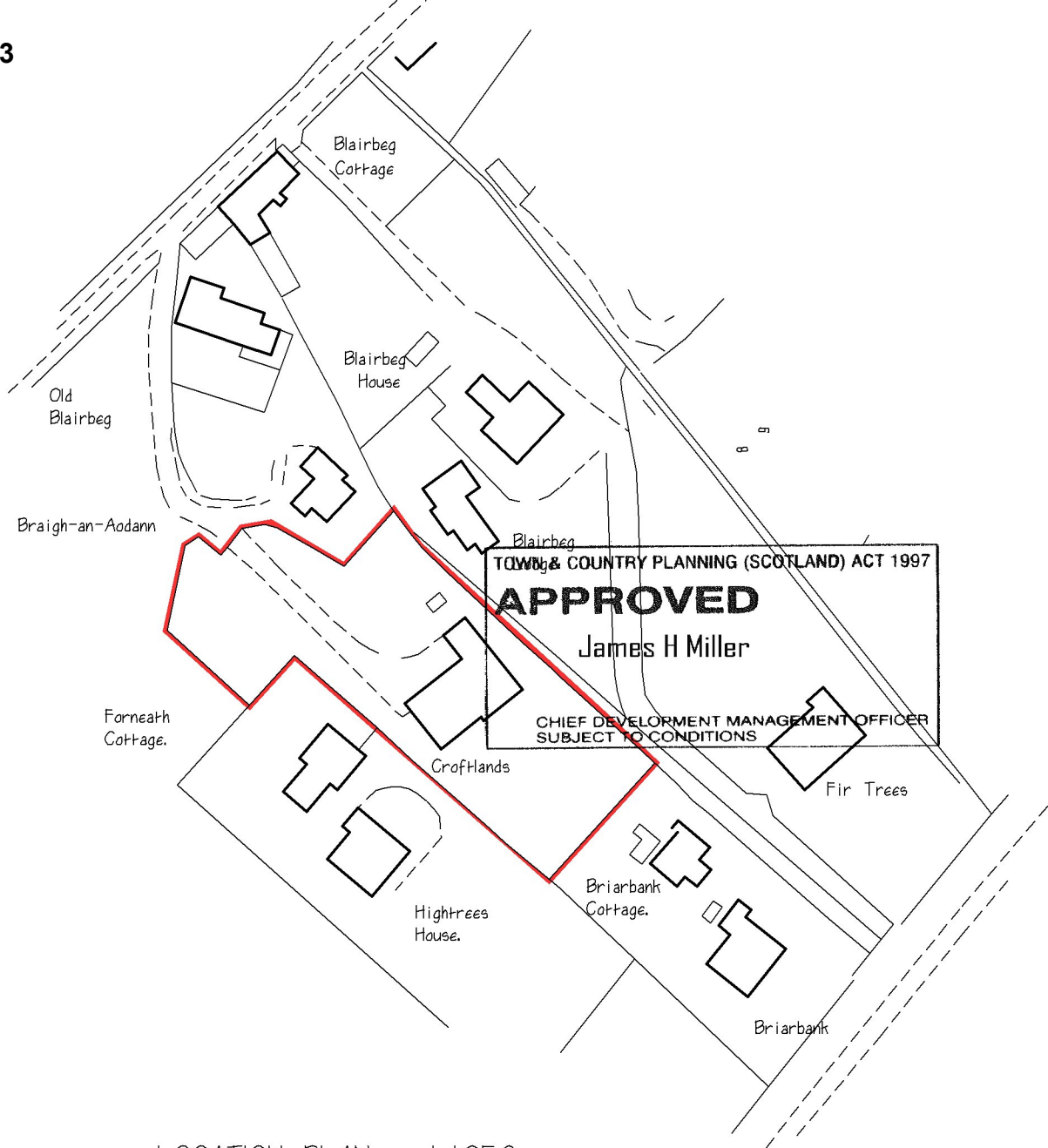
Decision

Approved subject to Conditions

Case Officer - Mr Neil McAteer

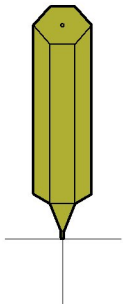
Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Existing Plans and Elevations		
Proposed Floor Plans		
Proposed Elevations		



LOCATION PLAN 1:1250.

Application site outlined in red.

	<p data-bbox="572 1821 1078 1852">ARCHITECTURAL DESIGN SERVICES</p> <p data-bbox="572 1892 1085 1921">Bellevue, Maish, Brodick, Isle of Arran KA27 8BX.</p> <div data-bbox="587 1921 1043 1986" style="background-color: black; width: 286px; height: 29px;"></div> <p data-bbox="480 2047 1262 2110">PROJECT. PROPOSED ALTERATIONS AND DORMER EXTENSION AT CROFTLANDS, LAMLASH.</p>
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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director – (Economy & Communities)

No N/18/00559/PP

(Original Application No. N/100125044-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

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

To : Mrs Penny Albrich
c/o Architectural Design Services Fao John McKean
Bellevue
Mayish
Brodick
KA27 8BX

With reference to your application received on 20 June 2018 for planning permission under the above mentioned Acts and Orders for :-

Internal and external alterations to form additional living accommodation, including raising of roof height, formation of dormer extension and balcony to front and formation of pitched roof over existing flat roofed garage

at Croftlands
Lamlash
Brodick
Isle Of Arran
KA27 8JT

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

- | | | |
|-----------|----|--|
| Condition | 1. | That, prior to the commencement of the development hereby approved, full details and/or samples of the proposed external finishing materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority, and that the development shall thereafter be completed only in accordance with the approved details. |
| Reason | 1. | In the interest of the amenity of the area. |
| Condition | 2. | That, for the avoidance of doubt, the development hereby approved shall function only as an annexe of the existing dwelling at Croftlands and not as a separate independent dwellinghouse. The annexe shall not be let or sold separately from the existing dwellinghouse known as Croftlands. |
| Reason | 2. | To ensure that the annexe is not split from the existing dwellinghouse in the interests of amenity. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 3 August 2018

Croftlands Lamlash Brodick Isle Of Arran KA27 8JT

No N/18/00559/PP

.....
for the North Ayrshire Council

Drawings relating to decision

Drawing Title	Drawing Reference	Drawing Version
Location Plan		
Existing Plans and Elevations		
Proposed Floor Plans		
Proposed Elevations		

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



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

NOTIFICATION OF INITIATION OF DEVELOPMENT

Please return notice when you intend to commence development

3 August 2018

TO:

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

Our Ref: N/18/00559/PP

Decision: Approved subject to Conditions

Decision Date: 3 August 2018

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		Architectural Design Services Fao John McKean Bellevue Mayish Brodict KA27 8BX

Description of Development: Internal and external alterations to form additional living accommodation, including raising of roof height, formation of dormer extension and balcony to front and formation of pitched roof over existing flat roofed garage

Location of Development: Croftlands Lamash Brodict Isle Of Arran KA27 8JT

Date when work commences: _____

Signed: _____

Applicant/Agent* _____

* Delete where applicable

Please read the following and retain for your information.

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



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

3 August 2018

TO:

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

Our Ref: N/18/00559/PP

Decision: Approved subject to Conditions

Decision Date: 3 August 2018

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		Architectural Design Services Fao John McKean Bellevue Mayish Brodict KA27 8BX

Description of Development: Internal and external alterations to form additional living accommodation, including raising of roof height, formation of dormer extension and balcony to front and formation of pitched roof over existing flat roofed garage

Location of Development: Croftlands Lamblash Brodict Isle Of Arran KA27 8JT

Date when works complete: _____

Signed: _____

Applicant/Agent* _____

*Delete where applicable

Please read the following and retain for your information.

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



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

KAREN YEOMANS : Executive Director – (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Euan Gray
Committee Services Officer
Cunninghame House
Irvine KA12 8EE

15 October 2018

Dear Mr Fraser

**Planning Application: 18/00559/PP Notice of Appeal to Condition 2
Further representation to the Review Body from [REDACTED]**

We wish to make further representation and register objections regarding Appeal to Condition 2 of the Planning Permission for Croftlands, Lamlash, Brodick KA27 8JT. Our concerns are as follows :-

- Over development of the site, since it is perched on the edge of the raised beach with most of their land dropping away steeply. So effectively no garden in front. The design is in fact transforming the bungalow into two flats with separate access that could be rented out to two families, or as holiday lets. This suggests the additions to the property are designed for two family units or subletting as holiday lets and therefore should be viewed as a proposal to create an additional dwelling on the site.
- The undeveloped access track to the house is unsuitable for more housing development without considerable upgrading. Further, there is no pavement along the single track Blairbeg Lane (sometimes known as Millhill Crescent) from the A841 and the tarmac finishes before the narrow curving turn off to the 3 houses on the narrow unadopted track, again without pavement providing secure pedestrian access. This has implications for traffic movement and pedestrians along the entire stretch of what is known as Blairbeg Lane especially if used as holiday flats and consequent increased delivery of services. It is understood that already Croftlands has ceased to allow vehicle turning on its ground, by oil deliveries and post vans etc, a neighbourly arrangement in place since Croftlands was built over 20 years ago. This will be a particularly severe added constraint for neighbours in terms of access especially during the winter months bearing in mind the difficult winter climate and inclement weather on Arran. As a result the backing of oil delivery tanker or any lorry etc will be difficult and already a concern.
- Local sewerage has been problematic over time, even recently, Scottish Water was called to unblock the sewage pipe as raw sewage was being discharged on the track along the public way (footpath) between Croftlands, Braigh-an-Addan and Blairbeg Lodge and certainly in its present state is unsuitable for the discharge accommodating an extra dwelling, bathrooms and appliances unless upgraded substantially.
- Scottish Water have intimated there is a new potable water main required for the upper Blairbeg Lane locality and there have been pressure deficiencies further along the existing private water supply serving Croftlands and five other houses further down the main. We are aware that already two additional developments have approval coming off this water main to the east. In other areas of Arran increased use of online holiday letting platforms are promoting increased demand both on sewerage and potable water supplies.
- Braigh-an-Addan and Old Blairbeg, the two other houses on this private access road, will be severely affected by the indications that the owner of Croftlands intends to rent out the property. Why do they require an additional outside staircase if this is not the case? There will be no curtailment of numbers of visitors or cars, noise, and general tourist behaviour if the Condition 2 is removed. This is a peaceful area of Lamlash, and many on Arran already are seeing increased disturbance and strangers arriving on their doorstep late at night, loud partying. This is in all likelihood a bungalow subject to conversion to suit for tourist accommodation or as two separate dwellings and access for resulting increased traffic is totally unsuitable.

The Condition 2, of the planning consent already granted, should be upheld and the appeal refused.

Yours sincerely

[REDACTED]

Dear Euan,

We are contacting you further to your letter dated 5 October 2018 in relation to the planning application appeal of condition 2 (reference above) and wish to make the following comments:

1. Sewerage

As outlined in our objection to this and the initial planning application which was withdrawn by the applicants, we are concerned about the impact on an aging and already failing sewerage system of the intention to let out or sell the property as two separate dwellings. The potential under such circumstances is for a significant increase in occupation levels, whether as permanent or temporary lodgings. This will place further burden on a struggling system which has had multiple problems over the years with burst sewers resulting in raw sewage coming to the surface near the back door of [REDACTED] and flowing down the access lane (this lane is not owned by any property in the locality but several share access). Environmental Health and Scottish Water have been required to deal with these problems as recently as February 2018.

There is an additional and widely recognised concern with holiday lets across all communities negatively affected by their proliferation as people on holiday have no personal stake in the local community and will often put unsuitable waste down the toilet without consideration. This could cause a catastrophic and costly failure of the sewage system for a number of homes surrounding Croftlands. The access lane in question which the sewage pipes lay beneath flow directly downhill towards the main road of the A814 and a public pedestrian footpath, thus potentially causing a wider public health issue.

2. Access track

With two separate dwellings, whether as holiday lets or permanent homes, there will be a significant and detrimental impact on an already substandard access track. Development of the surrounding area is currently underway with homes being built further up Blairbeg Lane and potholes are already reappearing after being treated by another neighbour at their expense earlier in the year. If the condition attached to the planning permission is removed it will only add to the damage being done.

Access to Croftlands and [REDACTED] is shared down a narrow and potholed track. The residents of Croftlands keep their gate closed most of the time and have advised a Scottish Fuels oil tanker driver that he can no longer turn his tanker in Croftlands grounds when delivering oil to [REDACTED] (something which has happened for many years up till now). We are advised by the Scottish Fuels driver that this will present significant problems for subsequent heating oil deliveries for [REDACTED]. In addition we are now experiencing an increase in delivery vehicles with business at Croftlands using our garden to turn which is increasing the wear and tear on our own drive.

Further up the access track is [REDACTED] whose resident is a lone 94 year old woman who uses the track on foot on a daily basis. In addition there is a child living in [REDACTED] who is disabled and registered partially sighted who also uses the track daily. Both of these vulnerable residents will be negatively affected if the

condition is removed as the increase in traffic, with holiday drivers not used to such poor tracks and not aware of the other local residents needs, will increase the risk presented to both.

3. General impact on direct neighbours and wider area

With the condition removed, the current owners of Croftlands will be free to create two holiday lets on the property. People on holiday can often create a significant amount of disturbance in the local area, especially when alcohol and late night parties/hen or stag groups are involved. With no personal investment in the local area they are less likely to give consideration to the neighbours. [REDACTED] stands to be affected more than others given its close proximity and location directly behind Croftlands and with almost all rooms/ windows on ground and first floors (including bedrooms) facing onto Croftlands. As a very quiet residential area with little to no noise or light disturbance at present, the impact on the surrounding homes could be very negative with daily life/rest/quality of life/privacy being affected. This is a real worry for us and on our ability to enjoy the amenity of our home. The granted planning permission is already going to impact on our privacy but this condition provides a certain degree of protection to our quality of life as it stands at the moment.

We believe the condition applied by the planning department is appropriate and important as it balances the wishes of the residents of Croftlands to develop their property with the impact on their direct neighbours and the wider community. We therefore support condition 2 and believe their appeal should be rejected.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]

I refer to the the two statements objecting to the appeal for the partial amendment of condition 2 in respect of planning approval 18/00559/PP. The content of both objections is similar as they raise the same matters of contention and also include several inaccuracies. To avoid a long winded response to each letter and issues raised, I generalise below my response on behalf of the applicant.

OVER DEVELOPMENT OF THE SITE.

Croftlands does not perch on the edge of a cliff (raised beach?). The frontage to Croftlands facing Lamlash Bay has been cleared of shrubbery which has been left unattended for many years opening up a usable garden area in excess of 300 square metres. There is substantial additional garden ground to the opposite side of Croftlands adjacent to the access drive.

ACCESS TRACK.

It is indisputable that the access track is sub-standard, however no concerns were raised by NAC Roads department during the consultation period. Regrettably pot holes are inherent to many Arran properties located off the beaten track. A degree of annual maintenance is required by all parties who have use of the track.

It should be noted that [REDACTED] (objector) successfully applied for and obtained planning consent for a three bedroom two storey house abutting the access track during 2006.

The restriction on service vehicles manoeuvring over Croftlands is not relevant to the matter in hand.

LOCAL SEWAGE.

It is accepted that several of the properties in the vicinity have experienced sewage problems in the past and it may well be the case that the existing mains sewage system would struggle to accommodate additional outfall from new development, in this instance Croftlands. It should be noted however that Croftlands being located substantially lower than the sewage pipe would find difficulty in the absence of a pumping system to connect to the mains sewage pipe. In fact the sewage from Croftlands presently connects to a septic tank and will so for the foreseeable future.

I understand that the new house referred to above intended to connect to the mains sewage system.

INTENTION OF RENTAL OF CROFTLANDS.

The applicant has not at any time intimated rental of Croftlands in the short or long term and it is not the intention to attempt to sub-divide the property in the future (which would be subject to planning consent). NAC Planning service have been advised accordingly.

The above information is intended to respond to and address the concerns of the owners of Blairbeg House and Braigh an Aodann. I would raise one further point relevant to the removal/amendment of condition 2. Croftlands is located on a large plot of ground. There is the opportunity for the applicant to extend the existing house substantially by means of single storey extensions which would comply with permitted development rights. There would be no requirement for planning consent or opportunity for objections. The applicant subsequent to extending the property could without recourse to the planning service, then sub-let the property to several parties on an AIRBNB basis.

SUMMARY.

I submit to the LRB that there is no reasonable justification to impose a condition preventing the applicant from sub-letting part of Croftlands in the future based on the statement noted above. I refer to a statement prepared by the applicant explaining the circumstances for the extension and loft conversion of the property to provide additional living accommodation. Please read both documents in support of the appeal together.

It is the belief of the applicant that the planning service as a result of the inappropriate and inaccurate submissions by the objectors have decided to resort to a measure of “lip service” to the objectors by imposing a condition to prevent future sub-letting of Croftlands. There is no restriction of this nature on any neighbouring properties and for my own part, I have been dealing with planning applications on Arran for the last thirty years and have not experienced a similar condition being imposed on planning consents.

Regrettably the content of both objections display a degree of NIMBYISM together with a bit of a moan about pot holes, visitors, tourists, tourists cars and late night partying, all of which is not really relevant to the present development.

Supplementary information. There is no outside staircase included in the proposed works. There is an internal staircase for the first floor accommodation to allow privacy of use for the applicant and her sister.

STATEMENT FROM PENNY ALBRICH.

Croftlands was purchased with the sole view of accommodating my 86 year old mum who has a diagnosis of vascular dementia that is starting to affect her daily life. I have recently given up my full time job to be available for her. The bonus of having my recently widowed sister living with us is the sole reason the annex is being built into the raised roof. We share the responsibility of Mum's care ensuring that she has continuity with one or both of us being here at all times. The 'chalet' bungalow now perfectly fits the brief of accommodating the three of us whilst each retaining a degree of privacy and peace. I'm not sure what or where the outside staircase referred to is but the plans allow for the sleeping quarters downstairs to remain private. Mum has catnaps throughout the day and my bank work at Montrose House Care home requires some night work which means I need to catch up on my sleep during the day.

The track off Blairbeg Lane is some 60m long with 2 (a third is overgrown) areas where cars can get off the track or pass side by side. The very nature of the track restricts even the most thoughtless or inexperienced of holiday drivers (not my personal view of our 1000's of holiday visitors). Braigh an Aodann has access to the upper part of the lane via a pedestrian access with clear visibility in either direction. In July of this year I installed a traffic mirror at the top of the access lane to facilitate safe access and egress due to the increasing level of traffic with the two new homes being build further along Blairbeg Lane.

As previously mentioned Croftlands sits some 5 -6 metres below Braigh an Aodann even with the new raised roof we cannot overlook the garden of Braigh an Aodann and their 4 windows that overlook Croftlands are the same number from Croftlands to Braigh an Aodann. Frankly why would you look to the back of the property when to the front of the house you enjoy panoramic views across Lamlash Bay.

Gates – I have 3 non-road / vehicle savvy dogs. The only access we have restricted is the oil tanker as it appeared in the grounds with no warning, it cannot turn on the driveway as both my sister and I have cars and the dogs have free run of the grounds; I am looking at air source for our own underfloor heating so that we don't have to remove a car for oil deliveries and worry about the dogs' safety. The owners of Braigh an Aodann also have gates across their driveway which could be closed but they chose not to.

Whilst much of the above has little or no relevance to the letting clause I feel it important to clarify some of the misinformation being put forward.

At the end of the day Croftland was purchased as a family home to suit my current circumstances, the happiest I have been following 6 years of being a widow now that I have my sister and mother living with me. There is no intention or desire to sell or divide the property.

My issue is the anomaly in the planning conditions. Blairbeg Lane currently has one letting property on it; Kinneil Cottage. In the past years Blairbeg House was split into two self-catering flats and Blairbeg Lodge was built specifically as letting accommodation before being sold as a holiday home. Blairbeg Farm has two outbuilding renovated which created a 3 bedroomed and 4 bedroomed self-catering units. Whilst both Blairbeg House and the Farm no longer do letting our neighbours, including Braigh an Aodann which was sold as a 5 bedroomed home, have no letting restrictions.

I find myself in the position of being able to let a 4 bedroomed bungalow with potential of 8 visitors and four cars but not a two-bedroom annex with potential 2 cars and 4 visitors.

Currently anyone can do AirBnB, property rental from a single room to a house. I find myself restricted when my neighbours are not and whilst we can all say I have no intention of letting...life has a habit of throwing a curve ball and everything changes; not only an anomaly but unfairly penalising our household when our neighbours of equal size properties have no such restrictions.