



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Local Review Body

A meeting of the **Local Review Body** of North Ayrshire Council will be held remotely on **Thursday, 25 February 2021** at **14:15** to consider the undernoted business.

Please note that this meeting will commence at 2.15 p.m. or at the conclusion of the meeting of the Planning Committee, whichever is the later.

### Arrangements in Terms of COVID-19

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

#### 1 **Declarations of Interest**

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

#### 2 **Minutes**

The accuracy of the Minutes of meeting of the Local Review Body held on (i) 30 September 2020 (ii) 5 October 2020 (iii) 7 October 2020 (iv) 26 October 2020 (v) 24 November 2020 (vi) 24 November 2020 (vii) 8 January 2021 and (viii) 8 January 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3 Notice of Review: 20/00662/PP – Site to North of Woodlea Cottage, Whiting Bay, Isle of Arran**

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

**4 Notice of Review: 20/00832/PP - 2 Young Street, Ardrossan**

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

**5 Urgent Items**

Any other items which the Chair considers to be urgent.

**Webcasting - Virtual Meeting**

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

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

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

If you have any queries regarding this, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Local Review Body Sederunt

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

Chair:

Apologies:

Attending:



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

**Present**

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

**In Attendance**

A. Hume, Planning Adviser to the LRB (Place); A. Craig, Legal Adviser to the LRB, J. Law, Legal Adviser to the LRB (Legal Services); S. Paterson, Customer Solutions Technician (ICT); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Local Review Body held on 2 September 2020 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: 20/00232/PP – North East of Wee Minnemoer, Millport, Isle of Cumbrae**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of conditions applied to a planning permission granted by officers under delegated powers

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

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

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

Councillor McNicol seconded by Councillor Billings, moved that the Local Review Body uphold the officer's decision to refuse planning permission for the reasons set out in the officer's report of handling.

There being no amendment, the motion was declared carried.

The Meeting ended at 2.55 p.m.

**Local Review Body  
5 October 2020**

At a Pre-Examination Meeting of the Local Review Body of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00882/PP – Sorbie Farm, Ardrossan, Ayrshire KA22 7NP**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of conditions applied to a planning permission granted by officers under delegated powers

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

The Legal Advisor to the Local Review Body addressed the Committee on a Preliminary matter, advising Legal advice had been sought on the competency of the application. As the height of the turbines was not specified in the description of the existing permission, the application was competent and could therefore be determined by the Local Review Body.

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

Councillor Barr, seconded by Councillor McNicol, moved that a site visit should be undertaken before the review request was determined.

As an amendment, Councillor Reid, seconded by Councillor Foster, moved that a site visit was not required, and the review request be determined.

On a division there voted for the amendment seven and for the motion three, and the amendment was declared carried.

The Local Review Body requested further written submissions on noise assessments. Clarification was sought regarding the assessment in the original application, as required by the Reporter, which was around cumulative noise whereas the Environmental Assessment provided by the applicant stated that background noise had been excluded.

The Local Review Body unanimously agreed to continue the application to a Hearing to be determined.

Accordingly, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, to consider the application for review and hear on the following specified matters from the applicant, officers of the Council's Planning Service, any interested party who made representations in relation thereto and in relation to (i) below the Council's Environmental Health team (noise); (i) noise assessment and how it had been appropriately dealt with (ii) flickering and shadowing and differences between both applications (iii) landscape impact assessment and how it fitted with LDP2 Policy 29; (b) undertake all necessary notifications and any further procedure in terms of the said Rules.

The Meeting ended at 3.10 p.m.



**Local Review Body  
7 October 2020**

At a Pre-Examination Meeting of the Local Review Body of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Apologies**

Shaun Macaulay and Ronnie McNicol.

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine**

The Legal Advisor to the Local Review Body addressed the Committee, advising the applicant had requested that the meeting be postponed until the live broadcast facility was available.

The Local Review Body agreed to continue the application to a future meeting.

The Meeting ended at 2.05 p.m.

**Local Review Body  
26 October 2020**

At a Pre-Examination Meeting of the Local Review Body of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Apologies**

Shaun Macaulay and Ronnie McNicol.

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of conditions applied to a planning permission granted by officers under delegated powers

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

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

Councillor Larsen, seconded by Councillor Clarkson, moved that a site visit should be undertaken before the review request was determined.

As an amendment, Councillor Foster, seconded by Councillor McMaster, moved that a site visit was not required prior to the review request being determined.

On a division there voted for the amendment four and for the motion four, and on the casting vote of the chair the motion was declared carried.

Accordingly, the Local Review Body agreed that a site visit should be undertaken before the review request was determined.

The Local Review Body then requested further written submissions from the Council's Planning Service and the applicant on a number of matters: -

- the reasons for alternative locations, including site size and map;
- SEPA's comments on flooding in respect of the Ayrshire Metals site;
- the impact on other supermarkets in the Town Centre;
- the impact on the 'health' of the Town Centre;
- a summary document setting out concisely the various reasons for/against the proposal as contained in the representations by interested parties;
- feedback from the Council's Legal Service on the QC's report;
- further information on points 4.9 to 4.12 of the applicant's supporting statement;
- more detail in respect of point 5.8 of the applicant's statement in relation to paragraph 9.20;
- the application of the Town Centre 1st Policy;
- the Green Policy and why only two charging spaces is deemed to be acceptable; and
- clarification on "edge of Town Centre".

Councillor Foster, seconded by Councillor Larsen, moved to continue the application to a Hearing to be determined.

There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed:

- (a) to continue consideration of the Notice of Review to a future meeting to allow (i) a site visit to be undertaken, (ii) further written submissions to be provided, as set out above and (iii) for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013;
- (b) that, the hearing hear on the following specified matters from the applicant, officers of the Council's Planning Service, any interested party who made representations in relation thereto and in relation to: (i) the reasons for refusal of the Planning and (ii) an up to date view on the Retail Impact Assessment due to the current Covid-19 situation; and
- (c) that officers undertake all necessary notifications and any further procedure in terms of the said Rules.

The Meeting ended at 3.15 p.m.

**Local Review Body  
24 November 2020**

At a Meeting of the Local Review Body of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); A. Hume, Senior Development Management Officer and P. Brennan, Specialist Environmental Health Officer (Place) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance**

M. Briggs, A. Hogarth, A. Neish, I. Winton and D. Slater.

**Apologies**

Shaun Macaulay

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00882/PP – Sorbie Farm, Ardrossan, Ayrshire  
KA22 7NP**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of conditions applied to a planning permission granted by officers under delegated powers in respect of Planning Application 19/00882/PP Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m at Sorbie Farm, Ardrossan.

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

At its meeting on 5 October 2020, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland)

Regulations 2013, to consider the application for review and hear on the following specified matters from the applicant, officers of the Council's Planning Service, any interested party who made representations in relation thereto and in relation to (i) below the Council's Environmental Health team (noise); (i) noise assessment and how it had been appropriately dealt with (ii) flickering and shadowing and differences between both applications (iii) landscape impact assessment and how it fitted with LDP2 Policy 29; (b) undertake all necessary notifications and any further procedure in terms of the said Rules.

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

The applicant and representatives, the Council's Planning and Environment Health Services and an interested party then addressed the Local Review Body. The Planning Adviser also read out the Hearing Statement from an interested party who was unable to attend the hearing.

Members asked questions and were provided with further information on:

- noise complaints in respect of the existing windfarm;
- the area of significant protection in terms of the spatial framework referred to in Policy 29;
- noise from the existing turbines;
- reduced noise mode at 6m per second;
- noise limits set by the Scottish Government;
- woodland planting at the site;
- shadow flicker mitigation;
- noise mitigation around wind speed;
- the cut off speed for the turbines in terms of wind speed;
- visual impacts of the site; and
- economic benefits to the local economy.

The Local Review Body agreed to continue consideration of the Notice of Review to a determination meeting.

The Meeting ended at 12:00 p.m.

**Local Review Body  
24 November 2020**

At a Determination Meeting of the Local Review Body of North Ayrshire Council at 12.30 p.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and E.Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Apologies**

Shaun Macaulay

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00882/PP – Sorbie Farm, Ardrossan, Ayrshire  
KA22 7NP**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of conditions applied to a planning permission granted by officers under delegated powers in respect of Planning Application 19/00882/PP Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m at Sorbie Farm, Ardrossan.

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

At an earlier Hearing Meeting on 24 November 2020, the Local Review Body heard from the applicant and representatives, the Council's Planning and Environment Health Services and an interested party on specified matters and agreed to continue the Notice of Review to a future meeting for determination.

The Planning Adviser to the Local Review Body summarised the Notice of Review and further written submission on noise assessment submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application.

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

Councillor Foster, seconded by Councillor McMaster, moved that the Local Review Body uphold the review and are minded to grant planning permission subject to conditions on the grounds that it adheres with Policy 29 of the Local Development Plan.

As an amendment, Councillor Marshall, seconded by Councillor Billings, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

On a division and a roll call vote, there voted for the amendment, Councillors Marshall and Billings (2) and for the motion, Councillors Barr, Clarkson, Foster, Larsen, McMaster, McNicol and Reid (7), and the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the review and, once a s75 Agreement has been signed and registered in the Land Register for Scotland to ensure the restoration of the site when operations cease, are minded to grant planning permission on the grounds that it adheres with Policy 29 of the Local Development Plan, subject to the following conditions:

1. That, in condition 3 as set out in Appendix 1 to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015, the wording "6 months" and "6 month" shall be substituted for "5 months" and "5 month" respectively.
2. That, for the avoidance of doubt, all other conditions as set out in Appendix 1 to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015 shall continue to have effect except for conditions 4 and 7 which shall be amended to read:

"4. That the turbines shall be erected, and the site roads constructed in the locations identified on drawing Figure 1.3 Site Layout, dated 15/11/2019, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.

7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. For the avoidance of doubt, the height of the wind turbines to blade tip shall not exceed 125 metres. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority."

3. That, prior to the commencement of the development hereby approved, a written statement setting out the measures which shall be taken by the developer during the windfarm procurement, construction and commissioning phase to take into account Policy 29 of the adopted North Ayrshire Local Development Plan in respect of “Community: providing a net-economic impact – including socio-economic benefits, such as employment, associated business and supply chain opportunities” shall be submitted. Thereafter, a demonstration of the implementation of such measures shall be submitted to North Ayrshire Council, as Planning Authority, upon completion of the development.

The Meeting ended at 1.35 p.m.



**Local Review Body  
8 January 2021**

At a Meeting of the Local Review Body of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); J. Miller, Chief Planning Officer (Place) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance**

D. Wheelwright, R. Jackson, A. Neish, S. Mallinson, S. Taylor and I. Ali.

**Apologies**

Ellen McMaster

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning permission refused by officers under delegated powers in respect of Planning Application 19/00752/PP – the erection of a Lidl foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment at the Site To North West Of 10 Crompton Way North Newmoor Irvine.

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

At its meeting on 26 October 2020, the Local Review Body agreed:

(a) to continue consideration of the Notice of Review to a future meeting to allow (i) a site visit to be undertaken, (ii) further written submissions to be provided, as set out above and (iii) for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013;

(b) that, the hearing hear on the following specified matters from the applicant, officers of the Council's Planning Service, any interested party who made representations in relation thereto and in relation to: (i) the reasons for refusal of the Planning and (ii) an up to date view on the Retail Impact Assessment due to the current Covid-19 situation; and

c) that officers undertake all necessary notifications and any further procedure in terms of the said Rules.

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

The applicant and representatives, the Council's Planning Service and three interested parties then addressed the Local Review Body.

Members asked questions and were provided with further information on:

- other potential sites available;
- impact on existing local retail businesses;
- suggested upgrades to access routes, traffic calming and improvement measures at Stanecastle roundabout;
- Strategic Environmental Assessment objective for the Ayrshire Metals site;
- the Lamont Drive site previously acquired by Lidl but not developed;
- creation of potential jobs;
- rationale for Lidl using Invicta Public Affairs Ltd; and
- Lidl's contribution to improvements at Stanecastle Roundabout.

The Local Review Body agreed to continue consideration of the Notice of Review to a determination meeting.

The Meeting ended at 12:10 p.m.

## **Local Review Body 8 January 2021**

At a Meeting of the Local Review Body of North Ayrshire Council at 12.30 p.m. involving participation by remote electronic means.

### **Present**

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

### **In Attendance**

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray, A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

### **Apologies**

Ellen McMaster.

### **Chair**

Councillor Marshall in the Chair.

### **1. Declarations of Interest**

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

### **2. Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning permission refused by officers under delegated powers in respect of Planning Application 19/00752/PP – the erection of a Lidl foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment at the Site To North West Of 10 Crompton Way North Newmoor Irvine.

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

At an earlier Hearing Meeting on 8 January 2021, the Local Review Body heard from the applicant and representatives, the Council's Planning Service and interested parties on specified matters and agreed to continue the Notice of Review to a determination meeting.

The Planning Adviser to the Local Review Body summarised the Notice of Review and further written submissions submitted by the applicant and North Ayrshire Council Planning Service, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application.

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

Councillor Marshall, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision and refuse planning permission on the following grounds:

- (a) The proposed development would be contrary to the Strategic Policy 1 Spatial Strategy (Towns and Villages Objective) and Policy 3 Town Centres and Retailing of the adopted North Ayrshire Council Local Development Plan, as the applicant has demonstrated a town centre first approach as required. The proposed site is not suitable for a large retail development as it would compete with the town centre and there are preferable sites available in, or close to the town centre;
- (b) The proposed development would be contrary to the Strategic Policy 2 Placemaking of the adopted North Ayrshire Local Development Plan as it would be neither distinctive in respect of scale, street, building form and material and does not create a place with a sense of place of identity nor in keeping with the predominantly residential character of the surrounding area; and
- (c) The proposed development would be contrary to Policy 27 Sustainable Transport and Active Travel of the adopted North Ayrshire Council Development Plan as the application would be for an out-of-centre retail development, encouraging car use, which would not take into account the need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.

As an amendment, Councillor Foster, seconded by Councillor Larsen, moved that the Local Review Body uphold the review and grant planning permissions subject to conditions on the following grounds:

- (a) Retail sequential assessment - There are no sequentially preferable, suitable or available sites within the catchment area that can accommodate the application proposal;
- (b) Retail Impact - It will not have a significant adverse impact on the Irvine Town Centre;
- (c) Design and context of the proposal - The single-storey and high-quality contemporary design of this proposal is entirely consistent with its surroundings which are a mix of residential and commercial properties; and
- (d) Accessibility of the site by a range of transport choices – the site benefits from close access to bus stops which provide frequent bus services in and around Irvine and wider North Ayrshire.

On a division and a roll call vote, there voted for the amendment, Councillors Foster, Larsen and Macaulay (3) and for the motion, Councillors Barr, Billings, Clarkson, Marshall, McNicol and Reid (6), and the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

The Meeting ended at 1.40 p.m.



## **NORTH AYRSHIRE COUNCIL**

**25 February 2021**

### **Local Review Body**

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**Title:** **Notice of Review: 20/00662/PP – Site to North of Woodlea Cottage, Whiting Bay, Isle of Arran**

**Purpose:** To submit, for consideration of the Local Review Body, a Notice of Review by the applicant requesting the removal of condition 1 of planning permission 20/00662/PP.

**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 20/00662/PP – removal of condition 1 for the erections of 2 detached dwelling houses at the Site to North of Woodlea Cottage, Whiting Bay, Isle of Arran.
- 2.2 The application was approved subject to conditions by appointed officers under delegated powers, detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
  - Appendix 2 - Report of Handling;
  - Appendix 3 - Location Plan; and
  - Appendix 4 - Planning Decision Notice;
  - Appendix 5 - Further Representations; 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 their response is set out in Appendix 6 to the report.

Craig Hatton  
Chief Executive

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

#### **Background Papers**

0



# 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)   | X                        |
| 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  |                          |
| 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   | X                        |

**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  | X                        |
| 4. Assessment of review documents only, with no further procedure | X                        |

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?                                 | X   | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X   | <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.

---

**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.

---

**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

(AGENT)

Date

18.12.20

# NOTICE OF REVIEW Ref No. N/20/00662/PP

## STATEMENT

Conditional Planning Permission Ref No. N/20/00662/PP dated 03rd October 2020  
Erection of 2 No detached dwellings at site to north of Woodlea Cottage,  
Whiting Bay Isle of Arran

**We wish to appeal Condition 1 of the above consent which states:**

*That the roads within the site, as shown on the approved drawings Ref: 2013/02, shall be installed to an **adoptable standard** as agreed by North Ayrshire Council as the Roads Authority. A Road Construction Consent shall be obtained by the developer and the works completed prior to the occupation of the first house hereby approved, all to the satisfaction of North Ayrshire Council as planning authority*

In requesting North Ayrshire Council as the planning authority to remove this condition, we would contend that the proposed private access roads serving a total of 3 No dwellings each should remain as private roads and therefore, do not need to be adopted by NAC.

- The application site is rural and is accessed from an unclassified single track country road.
- The first 10.00 metres will be hard surfaced and be 5.00M wide to facilitate safe entry and exit.
- The remainder will be 3.500M wide and finished with local stone to a suitable standard.
- Each private access road will have 4.5M radiussed entrance curves at junctions with public road.
- Each private access road will have clear 2.50 x 35.00M visibility splays in both directions
- Each private access road will terminate with a turning head, and will not lead to a through road.
- Each Private access road will be fit for purpose and will satisfy road safety as advised by the Roads Authority
- Weekly kerbside bin collection will be uplifted at the junctions with Golf Course Road in keeping with the practice of other local existing dwellings.

The proposed **Adoptable Standard** specified in **Condition 1** together with the associated **Road Bond** will place an unnecessary, and crippling financial burden on the proposal and will jeopardise the viability of the project

We are aware also, that the Council may never adopt the access roads, and we are concerned that the developer may have to hold any **Road Bond** in perpetuity .

In support of this appeal against Condition 1. We would highlight the following examples of recent responses from NAC Active Travel and Transport for similar developments when adoptable standard has not been required:

1. ARDSHONAS Planning Ref. 05/00286/PP.

Directly across Golf Course Road from applicant site, consent for the last of **6 No. dwellings accessed from private road off Golf Course Road finished with local stone.**

2. Site to west of MARGAREOCH Planning Ref. 19/00925/PP

Detached dwelling accessed from private track shared with **6 No. other dwellings**, Active Travel & Transport Comments; *'First 20M to be hard surfaced'*. The remaining **track is finished in local stone.**

There are no access radiussed curves at junction with main road and no visibility splay sight lines onto main road.

3. Site to North of PLANETREE Planning Ref. 19/00878/PP

Proposed additional 2 No. detached dwellings utilising an existing access now serving **6 No. dwellings.**

Active Travel & Transport Comments: *'the proposed houses will be accessed from a private track, this track requires upgrading with local stone to a suitable standard'*.

4. Site to west of SILVERBANK Planning Ref. 13/00218/PP

Proposed additional 3 No. dwellings utilising an existing access track now serving **6 No. dwellings.**

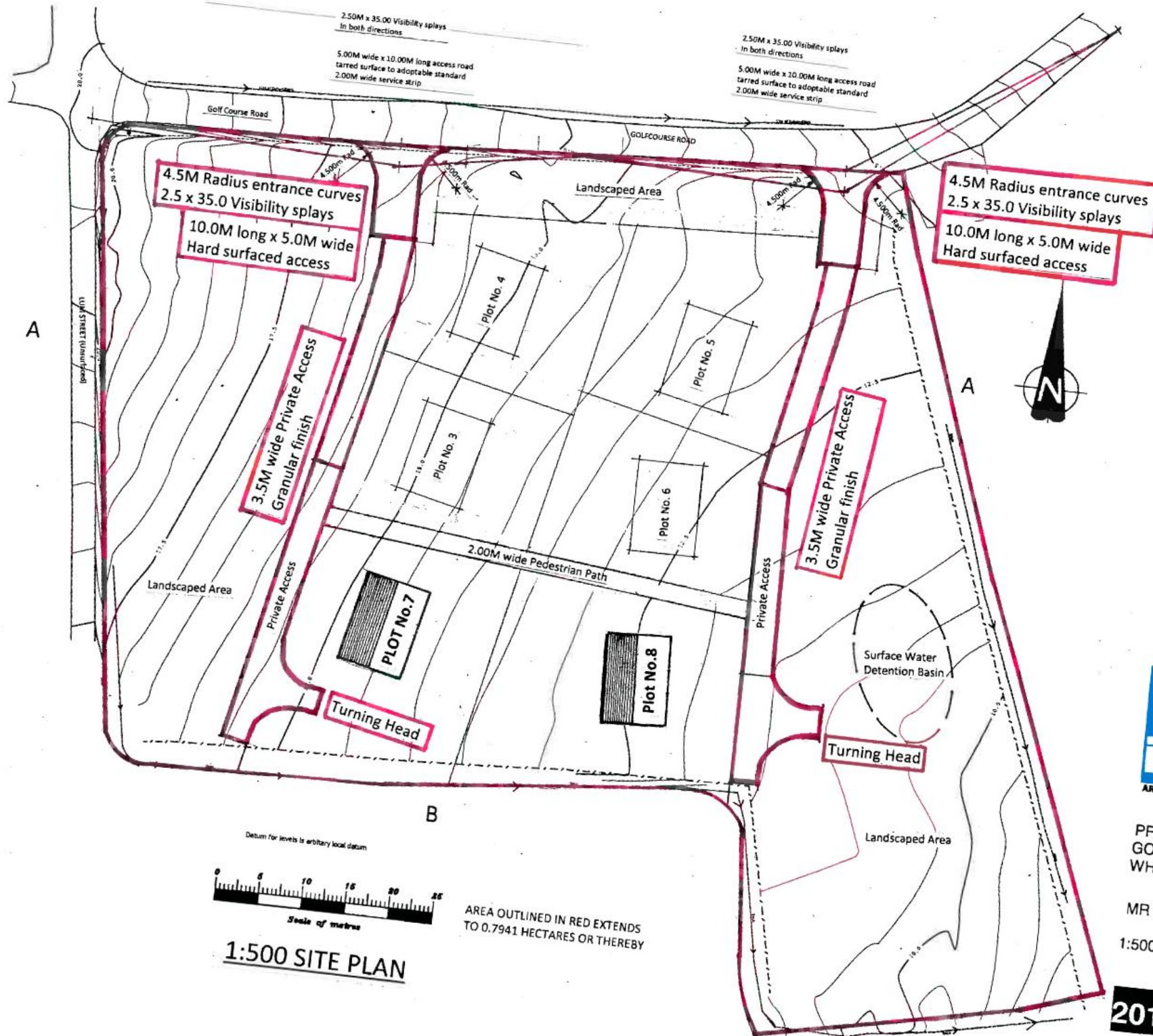
Active Travel & transport Comments: *'a plan showing the provision of a passing space along the access track, and details of improvements to the access track including repairs to pot holes'*.

Again a Single track private access with **local stone finish.**

5. Site to West of AILSA COTTAGE Planning Ref. 19/00606/PP

Active Travel & Transport Comment: *'It serves a courtyard development where the number of properties have gradually increased over the years, and then terminates rather than leading to a through road. It is considered that the access road can remain private given that it is of reasonable repair and maintenance and is therefore fit for purpose'*





TOPO INFORMATION BY  
DAVE CAMPBELL (ARRAN) LTD



01770 700411  
info@icad-arran.co.uk

PROPOSED 2 No. DWELLINGHOUSES  
GOLF COURSE ROAD (GRIEVES RD)  
WHITING BAY ISLE OF ARRAN

MR A & MRS S MACLEOD

1:500 SITE PLAN

2013/02

Rev A Jul '20

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 20/00662/PP  
**Proposal:** Erection of 2 no detached dwelling houses  
**Location:** Site To North Of Woodlea Cottage, Whiting Bay, Brodick, Isle Of Arran

**LDP Allocation:** Residential/Housing  
**LDP Policies:** Strategic Policy 1 / Strategic Policy 2 / Detailed Policy 29 - Energy Infrastructu /

**Consultations:** Yes

**Neighbour Notification:** Neighbour Notification carried out on 11.08.2020  
Neighbour Notification expired on 01.09.2020

**Advert:** Regulation 20 (1) Advert  
Published on:- 21.08.2020  
Expired on:- 11.09.2020

**Previous Applications:** 16/00712/PP for Erection of 12 No detached & semi detached dwellinghouses Approved subject to Conditions on 12.01.2017  
19/00300/PP for Erection of 4 no. one and half storey detached dwelling houses Approved subject to Conditions on 21.06.2019

**Appeal History Of Site:** None

### Relevant Development Plan Policies

Strategic Policy 1  
Spatial Strategy

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

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means



on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support.

We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

## Strategic Policy 2

### Placemaking

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

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts.

We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

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

#### Welcoming

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

#### Safe and Pleasant

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

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

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

### Adaptable

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

### Resource Efficient

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

### Easy to Move Around and Beyond

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

### Detailed Policy 29 - Energy Infrastructure

#### Policy 29:

#### Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

#### Environmental

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

#### Community

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

### Public Safety

20/00662/PP

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

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

#### Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

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

---

## Description

Planning permission is sought for the development of two (2no) three bedroom, one and a half storey dwellinghouses on a previously approved residential site in Whiting Bay, Isle of Arran.

The two houses would be sited in line with, and approximately 10m south of, the previously approved houses on the site and approximately 7.8m from the south boundary. A 2m wide footpath would be formed between the two groups of houses. The houses would be of the same design as the previously approved houses with a 20/00662/PP

footprint of c.88m<sup>2</sup> and featuring pitched roofs and two front wall-head dormers with a smaller mono-pitched roof dormer between. The houses would similarly be externally finished in off-white cement render walls, slate roofs and white upvc windows and doors.

The road layout and the SUDS retention pond at the south-east corner of the site would be the same as shown in the previous four houses planning approval for the site (19/00300/PP).

The application site is within a previously undeveloped field located on the south side of Golf Course Road in Whiting Bay which extends to approximately 0.8 hectares in area. The wider field is generally rectangular in shape and is 91m wide (east - west), although it is deeper at the eastern end (96m) than the west (73m). It slopes down towards the east and south of the site. It is bound by existing residential properties to the east, sitting lower down the slope, and to the south by a grouping of rural houses. The site is drained by open ditches running along the south and east boundary and is contained by a stob and wire fence and hedging.

The site is within the settlement boundary of Whiting Bay, as identified in the adopted North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site specific plans or policies therein. There are no designated landscape protection areas within the site. The main relevant policies of the LDP are: Strategic Policy 1: the Towns and Villages Objective, Strategic Policy 2: Placemaking and Policy 29: Energy Infrastructure Development.

In terms of the planning history, 16/00712/PP was granted in 2017 for twelve houses including eleven affordable housing units on the site. Altered circumstances for the developer resulted in a reduction in the scale and layout of the development to allow a quicker commencement and 19/00300/PP was subsequently granted in 2019 for a different layout of four houses which superseded the previous permission. At that time, it was indicated that further subsequent development of the remainder of the site would likely be sought at a later stage and a planning condition was applied requiring an indicative plan of potential future development to be submitted.

The two houses proposed in this application are effectively those which were shown on the indicative plan submitted to discharge condition 8 of 19/00300/PP in September 2019.

## **Consultations and Representations**

The standard neighbour notification procedures were followed and the application was advertised in the local press (Arran Banner) on 12th August 2020. No objections or representations have been received.

Consultations:

Scottish Water - No objection. The developer should contact Scottish Water to confirm future connections to water and drainage infrastructures.

Response: Noted. An informative note could be added to any planning permission in this regard.

NAC Active Travel and Transport - No objection. The Roads Development Guide requires an adoptable standard road to be provided to serve more than two

20/00662/PP

dwelling. Two accesses were approved in 19/00300/PP, each to serve two houses and Roads Construction Consent would be required to bring these up to the required standard to each serve a third house. North Ayrshire Council will carry out an independent Transport Assessment of the wider Golf Course Road area before any further houses would be accepted.

Response - Noted. A planning condition could be applied regarding this with an informative note advising the developer to contact Roads regarding Roads Construction Consent. The agent has been made aware.

NAC Flooding - No response

NAC Housing, West of Scotland Archaeology Service and Arran Community Council were consulted on the previous applications, their comments have been addressed and no longer apply to this smaller subsequent development proposal.

## **Analysis**

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

The principle of residential development of the site and the acceptability of the house designs and general layout was established by the previous planning approvals (16/00712/PP and 19/00300/PP respectively) and the main consideration is whether the additional two houses would still comply with the LDP or raise any further material considerations.

The previous applications were found to comply with policies RES1, RES4, PI1, PI8 and the General Policy of the LDP. The LDP was replaced in November 2019 and the Strategic Policies relating to development in General Urban Areas are now the relevant considerations. The LDP no longer contains any requirement for developer financial contributions in lieu of affordable housing provision.

The Towns and Villages Objective of SP1 confirms that residential proposals within the General Urban Areas of settlements shall accord with the LDP in principle subject to Placemaking being embedded within decision-making.

Strategic Policy 2: Placemaking requires developments to meet the six qualities of successful places outlined in the policy.

The two additional houses would be of similar scale and appearance as those previously approved for the adjoining plots and initially intended as an affordable house-type, two of which are currently under construction. Each would benefit from a decent level of private garden ground of approximately 635m<sup>2</sup> and would not adversely affect the residential amenity of other properties, either existing or within this development, given the separation distances involved and the proposal would contribute to the overall cohesive identity of the site within the settlement. It would retain links through the site to countryside areas beyond.

Given the sloping nature of the site, details of site levels and finished floor levels are required, which could be addressed by a condition. The overall proposal is therefore acceptable in terms of the qualities of successful places listed in the policy and so

20/00662/PP

complies with SP2: Placemaking and with the principles of the Council's Neighbourhood Design Guidance.

No information has been submitted regarding compliance with Policy 29 and while this would be secured through the building warrant process a planning condition should be added to indicate compliance with the requirements to meet identified reductions in carbon emissions throughout the final design, construction and fit-out process prior to commencement.

Given the foregoing, it is considered that the proposal accords with the relevant LDP policies and it is therefore recommended that planning permission be granted, subject to the conditions and notes described in this report.

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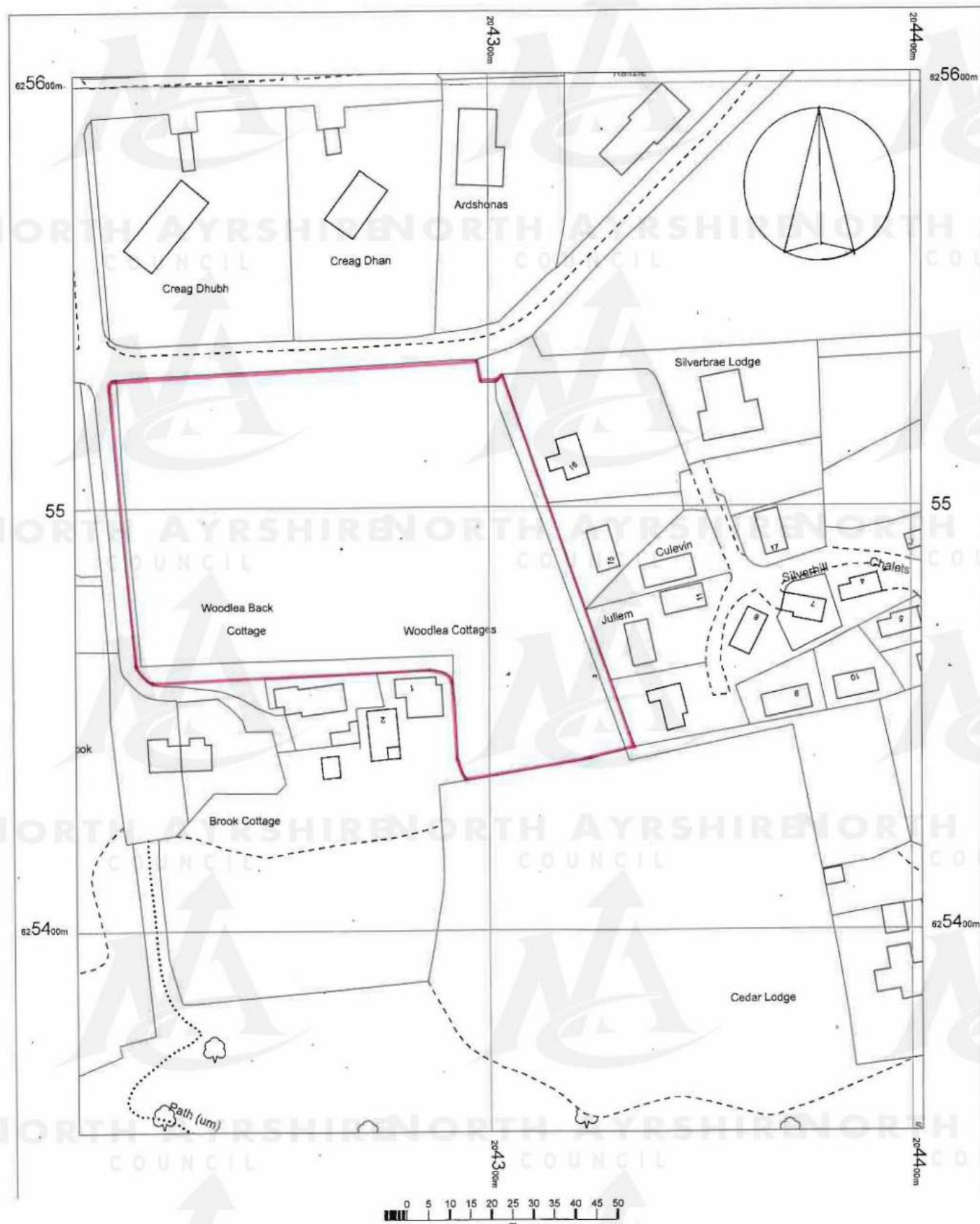
## **Decision**

Approved subject to Conditions

Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	2013/01	
Block Plan / Site Plan	2013/02	
Proposed Floor Plans	2013/03	
Proposed Floor Plans	2013/04	
Proposed Elevations	2013/05	
Proposed Elevations	2013/06	
Proposed Elevations	2013/07	
Sections	2013/08	



### 1:1250 LOCATION PLAN

AREA OUTLINED IN RED EXTENDS  
TO 0.7941 HECTARES OR THEREBY

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



01770 700411  
[info@icad-arran.co.uk](mailto:info@icad-arran.co.uk)

PROPOSED 2 No. DWELLINGHOUSES  
GOLF COURSE ROAD (GRIEVES RD)  
WHITING BAY ISLE OF ARRAN

MR A & MRS S MACLEOD

1:250 LOCATION PLAN

2013/01 Rev Jul '20





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

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

No N/20/00662/PP

(Original Application No. N/100290062-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

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

To : Mr Angus MacLeod  
c/o ICAD Fao Ian Cook  
Linn Cottage  
Whiting Bay  
Brodick  
Isle Of Arran  
KA27 8PR

With reference to your application received on 7 August 2020 for planning permission under the above mentioned Acts and Orders for :-

Erection of 2 no detached dwelling houses

at Site To North Of Woodlea Cottage  
Whiting Bay  
Brodick  
Isle Of Arran

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 the roads within the site, as shown on the approved drawing ref: 2013/02, shall be installed to an adoptable standard as agreed by North Ayrshire Council as the Roads Authority. A Road Construction Consent shall be obtained by the developer and the works completed prior to the occupation of the first house hereby approved, all to the satisfaction of North Ayrshire Council as planning authority   |
| Reason    | 1. | In the interests of road safety, as advised by the Roads Authority  |
| Condition | 2. | That, prior to the commencement of the development hereby approved, details of the heat and power systems for the houses, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. |
| Reason    | 2. | In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan   |



Condition 3. That prior to the commencement of the development hereby approved, details of site sections and the finished floor levels of the houses hereby approved 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 such details as may be approved, all to the satisfaction of the planning authority.

Reason 3. To ensure that the setting of the houses within the site is appropriate in the interests of visual amenity

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

Dated this : 2 October 2020



.....  
for the North Ayrshire Council

**Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference</b>	<b>Drawing Version</b>
Location Plan	2013/01	
Block Plan / Site Plan	2013/02	
Proposed Floor Plans	2013/03	
Proposed Floor Plans	2013/04	
Proposed Elevations	2013/05	
Proposed Elevations	2013/06	
Proposed Elevations	2013/07	
Sections	2013/08	

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

Site To North Of Woodlea Cottage Whiting Bay Brodick Isle Of Arran  
No N/20/00662/PP

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

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



**ECONOMIC DEVELOPMENT & REGENERATION**  
**Caitriona McAuley (Head of Service)**  
**Cunninghame House, Irvine KA12 8EE**  
**Tel: 01294 310000**  
**www.north-ayrshire.gov.uk**



**NOTIFICATION OF INITIATION OF DEVELOPMENT**

**Please return notice when you intend to commence development**

2 October 2020

TO:

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

Our Ref: N/20/00662/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 2 October 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		ICAD Fao Ian Cook Linn Cottage Whiting Bay Brodict Isle Of Arran KA27 8PR

**Description of Development:** Erection of 2 no detached dwelling houses

**Location of Development:** Site To North Of Woodlea Cottage Whiting Bay Brodict Isle Of Arran

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.



**ECONOMIC DEVELOPMENT & REGENERATION**  
**Caitriona McAuley (Head of Service)**  
**Cunninghame House, Irvine KA12 8EE**  
**Tel: 01294 310000**  
**www.north-ayrshire.gov.uk**



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

**NOTIFICATION OF COMPLETION OF DEVELOPMENT**

**Please return notice when you have completed the development**

2 October 2020

TO:

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

Our Ref: N/20/00662/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 2 October 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		ICAD Fao Ian Cook Linn Cottage Whiting Bay Brodict Isle Of Arran KA27 8PR

**Description of Development:** Erection of 2 no detached dwelling houses

**Location of Development:** Site To North Of Woodlea Cottage Whiting Bay Brodict Isle Of Arran

Date when works complete: \_\_\_\_\_

Signed: \_\_\_\_\_

Applicant/Agent\* \_\_\_\_\_

\*Delete where applicable

**Please read the following and retain for your information.**

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





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

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

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

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

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



Please find below our response to the appeal that has been lodged against Condition 1 of Planning Application 20/00662/PP.

When considering developments, this service assesses each development on its own merit. This is particularly important on Arran where the existing road network is a mixture of private roads, tracks and public roads, sometimes serving multiple dwellings. New developments require to be designed in accordance with the Council's Roads Development Guide (RDG) and the Scottish Government's Designing Streets. The RDG is the approved Council guidance for assessing such developments.

The RDG states that a road built to an adoptable standard is required for new developments of more than two dwellings. This development is located within a settlement and policy 2.3.7 of the RDG applies. This states that: "3 or more individual dwellings must be served by a road which will require Construction Consent and the submission of a Road Bond in a residential area." As this development will result in three dwellings being served off each road then a road built to an adoptable standard is required.

Active Travel and Transport has agreed to some rural developments having up to five properties from a private access informed by local circumstances. In this case this is not deemed appropriate in the circumstances due to the site location being within the settlement rather than a rural setting and a road up to adoptable is achievable in the site. Furthermore, the understanding of the need for the internal road to be constructed to an adoptable standard was communicated through a previous application for the same site and developer (16/00712/PP). Whilst it is noted that this was for a larger number of properties, the plans submitted by the applicant confirmed that these were all accessed from an adopted road.

On acceptable completion of the private road to an adoptable standard, the Council is legally obliged to add the private road to the list of public roads (adopt) if requested by the developer. Any submitted Road Bond will be released on addition of the private road to the list of public roads (adoption). A developer can apply for a staged reduction in the Road Bond during the construction phase. For example the Bond could be reduced on application to 50% on completion of the base course, drainage and kerb base in the carriageway. When the road is added to the one year maintenance schedule, at the request of the developer, the bond value can be reduced to 10% of the original value. This is set out in the Application for Roads Construction Consent Guidance notes available [here](#).

Should this appeal be successful, it could set a precedent for the requirements for when a road built to an adoptable standard is required for future developments on Arran and throughout North Ayrshire. Furthermore if it is successful then we would at least require the private roads to be constructed in accordance with the standards within the RDG. This is defined as being of suitable construction, hard surfaced, of a minimum width of 3.7 metres wide with inter-visible passing places, positively drained and containing suitable turning areas for vehicles.



## NOTICE OF REVIEW Ref No. N/20/00662/PP

**COMMENTS ON REPRESENTATIONS**

We note the representation submitted by Active Travel & Transport in response to the above appeal and we would comment as follows:

- Active Travel & Transport (AT&T) state that they '*assess each development on its own merit, particularly on Arran where the existing road network is a mixture of private roads, tracks and public roads*'.
- This clearly demonstrates that AT&T have the scope to exercise flexibility in their response, confirming a '*fit for purpose*' standard is acceptable, highlighted by Silverbank (N/13/00218/PP) and Margareoch (N/19/00925/PP) both within the settlement boundary, both accesses serving 6 No. dwellings and both accesses allowed to be finished with granular material while directly off the main A841.
- Although within the settlement boundary, this application site is completely rural, being some 450M along an unclassified single track country road, which is deemed '*fit for purpose*', and is not constructed to Adoptable Standard,
- To create a private access that is '*fit for purpose*' and to avoid the unnecessary Road Construction Consent and the corresponding Road Bond for an Adoptable Standard road, it is proposed that the private accesses will be of '*suitable construction*' in accordance with the standards within the RDG.

This is defined by AT&T in their response '*as being of suitable construction, hard surfaced, of a minimum width of 3.7M, with inter-visible passing places, positively drained and containing suitable turning areas for vehicles*'.

- The first 10.00 metres of the private accesses at their junction with Golf Course Road will be 5.00M wide to facilitate safe entry and exit.
- Each private access will terminate with a turning head, and will not lead to a through road.
- Each Private access will be '*fit for purpose*' and will satisfy road safety as advised by the Roads Authority .
- Weekly kerbside bin collection will be uplifted at the junctions with Golf Course Road in keeping with the practice of other local existing dwellings.

Shown below, two of the examples from the earlier Notice of Review statement showing that AT&T have been able to exercise some flexibility in not requiring an Adoptable Standard finish to these private accesses.

**1. Site to west of MARGAREOCH Planning Ref. 19/00925/PP**

Detached dwelling accessed from private track shared with **6 No. other dwellings**, Active Travel & Transport Comments; *'First 20M to be hard surfaced'*. The remaining **track is finished in local stone**.

There are no access radiussed curves at junction with main road and no visibility splay sight lines onto main road.

**2. Site to west of SILVERBANK Planning Ref. 13/00218/PP**

Proposed additional 3 No. dwellings utilising an existing access track now serving **6 No. dwellings**.

Active Travel & transport Comments: *a plan showing the provision of a passing space along the access track, and details of improvements to the access track including repairs to pot holes.*

Again a Single track private access with **local stone finish**.

## **NORTH AYRSHIRE COUNCIL**

**25 February 2021**

### **Local Review Body**

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**Title:** **Notice of Review: 20/00832/PP - 2 Young Street, Ardrossan**

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**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.

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**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 20/00832/PP - erection of 1.5 metres high close boarded timber perimeter fencing to partially screen the courtyard, along with the erection of a timber screened bin enclosure (retrospective) at 2 Young Street, Ardrossan.
- 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; and
  - Appendix 4 - Planning Decision Notice.

### **3. Proposals**

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

#### **4. Implications/Socio-economic Duty**

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

##### **Equality/Socio-economic**

4.4 None arising from the recommendation of this report.

##### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and non were received.

Craig Hatton  
Chief Executive

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

#### **Background Papers**

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100307023-003

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Eric"/>	Building Number:	<input type="text" value="24"/>
Last Name: *	<input type="text" value="McMillan"/>	Address 1 (Street): *	<input type="text" value="Main Street"/>
Company/Organisation	<input type="text" value="McMillan &amp; Cronin Architects"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Largs"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA30 8AB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

2 YOUNG STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ARDROSSAN

Post Code:

KA22 8JZ

Please identify/describe the location of the site or sites

Northing

642919

Easting

223191

## Description of Proposal

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

Erection of 1.5 metres high close boarded timber perimeter fencing to partially screen the courtyard, along with the erection of a timber screened bin enclosure (retrospective)

## Type of Application

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



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *	
<input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The timber fencing is not obtrusive, nor out of context, in that similar height perimeter boundary treatments are locally present. The screening improves the amenity of the area in that it improves privacy, enclosing a historic smoking courtyard and existing bin stances. The installation quality is high and follows the original boundary walling alignment thereby not affecting present visibility or sight lines. Stain treatment is intended, but not carried out awaiting the outcome of this review.</p> </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>	
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)	
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)	
Drawings 15039-PP001 (Existing Location & Layout Plans, Elevations & Section) and 15039-PP101 (Proposed Layout Plans, Elevations, Section & Photographs)	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 2px;">N/20/00832/PP</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 2px;">28/09/2020</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 2px;">23/10/2020</div>

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Eric McMillan

Declaration Date: 21/01/2021

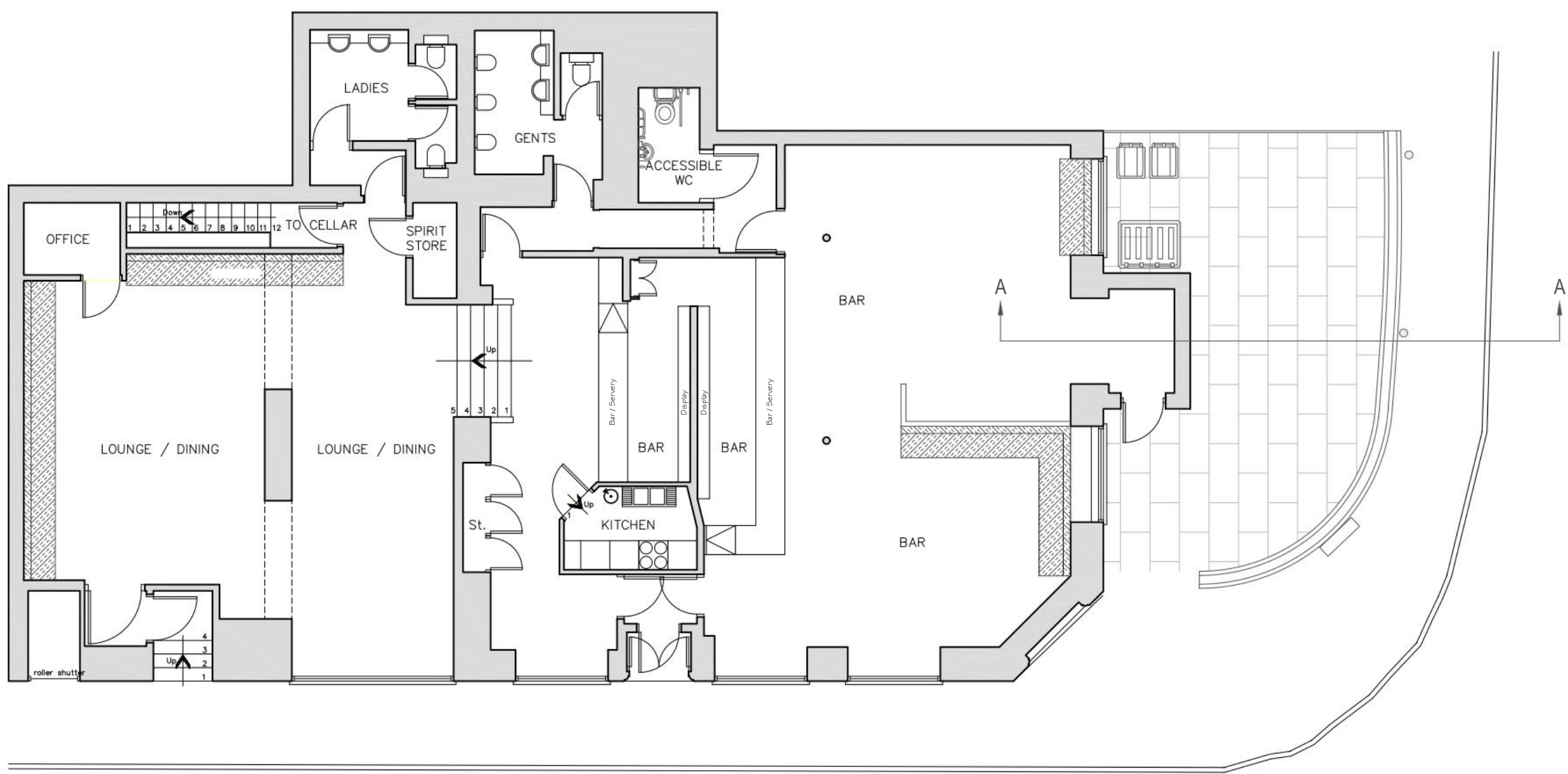




EXISTING NORTH MOST  
ELEVATION



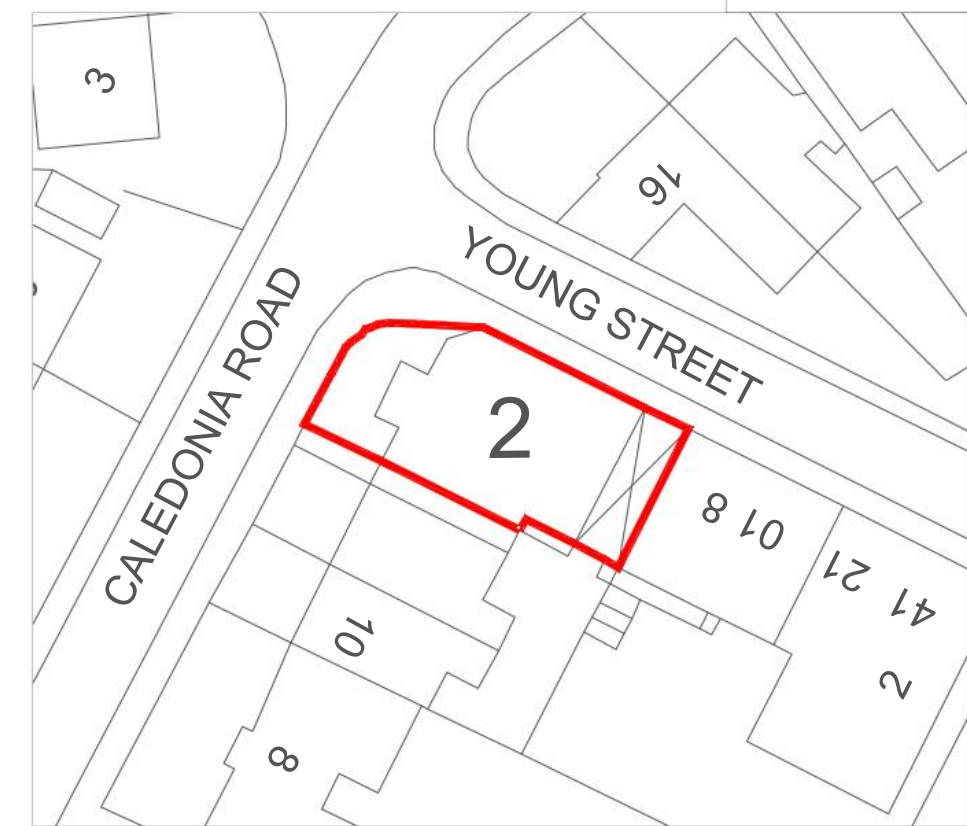
EXISTING WEST MOST  
ELEVATION



EXISTING FLOOR PLAN



Site Plan 1:1250



Location Plan 1:500

NOTES  
Internal dimensions are finished sizes unless otherwise stated.

REVISION SCHEDULE		
Rev	Description	Date

DO NOT SCALE FROM DRAWING :: SITE CHECK DIMENSIONS  
All dimensions to be site checked by the Contractor and all discrepancies to be advised to the Architect prior to the work being commenced.  
Use stated dimensions only.  
This Drawing Is Copyright.

This is the drawing referred to in my application  
Dated :: 22nd September 2020  
Signed :: *Eric McMillan*

CLIENT :: Mr Ronnie McConnachie  
Jacks Corner (Public House)  
2 Young Street  
Ardrossan  
KA22 8JZ

PROJECT :: Retrospective Planning Permission  
Application For Erection Of 1.5m  
High Perimeter Fence And  
Formation Of Timber Bin Store

DRAWING :: Location & Site Plan -  
Existing Plans, Elevations & Section

Scale	Date	Drawn by
1:100	22/09/20	dmcc
Job No.	Drawing No.	Revision No.
15039	PP001/Retrospective	

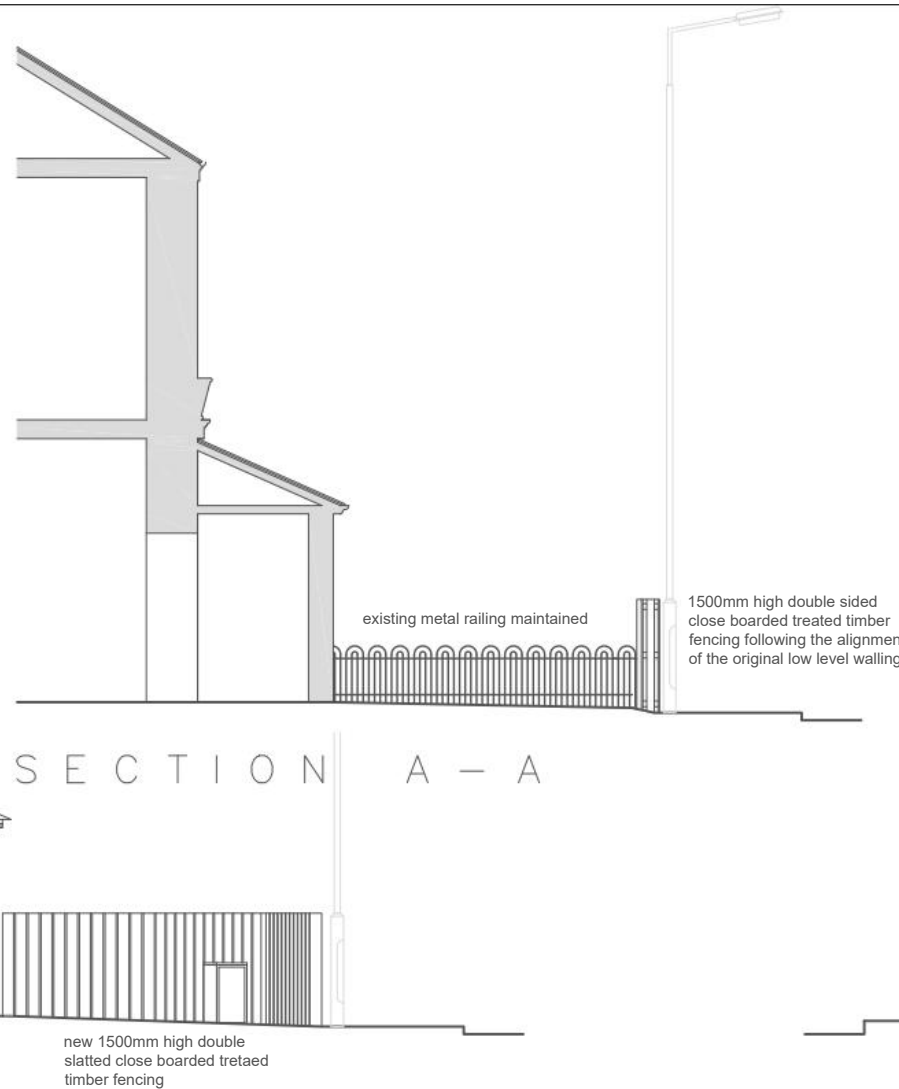
**McMILLAN & CRONIN**  
chartered architects & planning consultants  
24 MAIN STREET, tel. (44) 01475 686818  
LARGS :: KA30 8AB fax. (44) 01475 686331  
mail@mcmillancronin.co.uk

RETROSPECTIVE PLANNING  
PERMISSION APPLICATION





PROPOSED NORTH MOST ELEVATION



SECTION A - A



WEST MOST ELEVATION



INSIDE WEST ELEVATION - SHOWING BIN ENCLOSURE



FENCING FROM NORTH



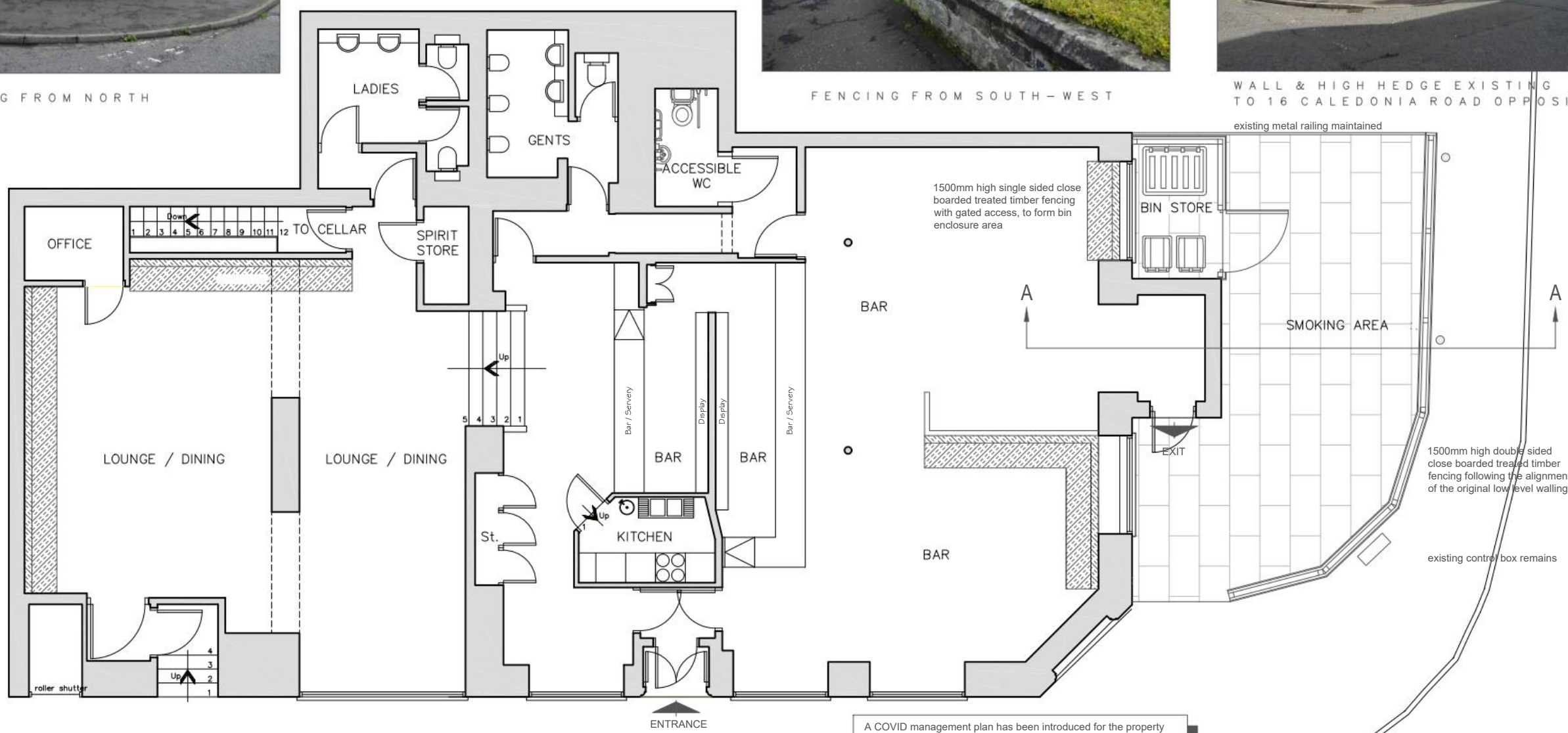
BIN ENCLOSURE



FENCING FROM SOUTH - WEST



WALL & HIGH HEDGE EXISTING TO 16 CALEDONIA ROAD OPPOSITE



PROPOSED FLOOR PLAN

A COVID management plan has been introduced for the property which identifies the sole entrance into the licensed premises by way of the door facing directly onto Young Street. Exit from the premises is by way of the door on the Caledonia Road elevation, into the smoking courtyard and out onto Young Street.

Patrons using the smoking area will, similarly, exit the premises by way of the door on the Caledonia Road elevation, into the screened courtyard. They will re-enter the premises by way of the door from Young Street.

NOTES  
Internal dimensions are finished sizes unless otherwise stated.

REVISION SCHEDULE

Rev	Description	Date
-----	-------------	------

DO NOT SCALE FROM DRAWING :: SITE CHECK DIMENSIONS

All dimensions to be site checked by the Contractor and all discrepancies to be advised to the Architect prior to the work being commenced.  
Use stated dimensions only.

This Drawing is Copyright.

This is the drawing referred to in my application

Dated :: 22nd September 2020

Signed :: Eric McMillan

CLIENT :: Mr Ronnie McConnachie  
Jacks Corner (Public House)  
2 Young Street  
Ardrossan KA22 8JZ

PROJECT :: Retrospective Planning Permission  
Application For Erection Of 1.5m  
High Perimeter Fence And  
Formation Of Timber Bin Store

DRAWING :: Proposed Plans, Elevations & Section

Scale	Date	Drawn by
1:100	22/09/20	dmcc
Job No.	Drawing No.	Revision No.
15039	PP 101?Retrospective.PP	

McMILLAN & CRONIN

chartered architects & planning consultants

24 MAIN STREET, tel. (44) 01475 686818  
LARGS :: KA30 8AB fax. (44) 01475 686331  
mail@mcmillancronin.co.uk

RETROSPECTIVE PLANNING  
PERMISSION APPLICATION

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	20/00832/PP
<b>Proposal:</b>	Erection of 1.5 metres high close boarded timber perimeter fencing to partially screen the courtyard, along with the erection of a timber screened bin enclosure (retrospective)
<b>Location:</b>	2 Young Street, Ardrossan, Ayrshire, KA22 8JZ
<b>LDP Allocation:</b>	General Urban Area
<b>LDP Policies:</b>	SP1 - Towns and Villages Objective / Strategic Policy 2 /
<b>Consultations:</b>	None Undertaken
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 29.09.2020 Neighbour Notification expired on 20.10.2020
<b>Advert:</b>	Not Advertised
<b>Previous Applications:</b>	15/00526/PP for Erection of canopy and bin store to side of public house and erection of 1.8m high perimeter fence Application Refused on 16.11.2015

### Appeal History Of Site:

### 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

20/00832/PP

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**

Jack's Corner is a public house located on the ground floor of a two-storey building in Ardrossan. The building is a blonde sandstone construction with a prominent turret feature on the corner of Young Street and Caledonia Road. The pub has a small front forecourt area which was formerly enclosed by low stone walls. This area is being used as a smoking area and a bin storage area. The surrounding area is residential in nature.

The proposal is for retrospective Planning Permission to erect a 1.5m high close boarded timber fence around the perimeter of the forecourt and around the bin storage area. This development was erected in July 2020 and replaces the low stone boundary wall which used to mark the perimeter of the forecourt.

For non-residential properties, Planning Permission is required for any gate, fence, wall or other means of enclosure that is erected within 20m of a road and that would exceed 1m in height. The fence which has been erected is immediately adjacent to the road and is approximately 1.5m in height and therefore Planning Permission is

required. It should be noted that the use of the forecourt as a smoking area and bin storage area does not require Planning Permission.

Planning Permission was refused for the erection of a 1.8m fence around the forecourt in November 2015 (15/00526/PP). The reasons given for the refusal were:

(a) the siting of the proposed development would be an obtrusive feature in an otherwise open streetscene to the detriment of the visual amenity of the surrounding area; and

(b) the proximity and appearance of the development would have an adverse impact on the residential amenity of the adjacent properties on Caledonia Road, all to the detriment of the residential character and amenity of the area.

In pre-application advice given in March 2017, the applicant was advised that any boundary treatment above 1m in height would be considered to be detrimental to visual amenity and an application for such would therefore be refused (17/00279/PREAPP).

Notwithstanding the previous refusal and pre-application advice, an approx. 1.5m fence was erected around the forecourt and bin storage area in July 2020 without Planning Permission. An enforcement investigation was undertaken (20/00071/BREACH) and the applicant was advised to reduce the fence to 1m in height which would result in it being permitted development. Instead, the applicant has chosen to apply for Planning Permission for the fence at its current height.

In the adopted Local Development Plan the site lies within a General Urban Area allocation and therefore the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking.

## **Consultations and Representations**

The standard neighbour notification was undertaken and there was no requirement to advertise the application. One letter of objection has been received, the points raised in which are summarised below:

1. The fence was erected without Planning Permission being granted and a previous application for Planning Permission for a fence was refused.

Response: Noted.

2. The fence may affect property values on the street.

Response: This is not a material Planning consideration.

3. The fence poses a risk for road safety.

Response: It is not considered that the fence causes road safety issues.

4. The smoking area is sometimes subject to antisocial behaviour and the fence adds to the screening of the area and could increase the risk of anti-social behaviour.

Response: The use of the forecourt as a smoking area does not require Planning Permission. It is however noted that the fence screens the area from public view.

5. The fence is visually detrimental to the area.

Response: Agreed.

No consultations were carried out as part of this application.

## **Analysis**

The main considerations under both The Towns and Villages Objective of Strategic Policy 1 and Strategic Policy 2: Placemaking, are the external appearance of the fence and its effect on the amenity of the surrounding properties.

In terms of external appearance, the character of the street scene surrounding Jack's Corner is relatively open and is characterised by low boundary walls, railings and hedges. There are no fences in the front gardens of the immediately neighbouring properties. Front boundaries in the area are generally 1m or lower in height and in the rare occasions where they exceed 1m in height it is due to a hedge, such as at 16 Caledonia Road. Hedges are outwith the control of Planning and have a softer appearance than timber or masonry boundary treatments. Due to the open character of the area, the 1.5m fence surrounding the forecourt of Jack's Corner is a very prominent feature within the streetscape. As a result of its excessive height the fence causes a visual obstruction to the otherwise open character of the area, and this has a detrimental impact on the appearance of the area.

In terms of amenity, the visual prominence of the fence to the front of the building and close to the windows of neighbouring residential properties has an overbearing effect to the detriment of the amenity of these properties. Likewise, the overbearing impact of the fence within the context of the streetscape is detrimental to the amenity of the wider area.

Planning Permission has previously been refused for a 1.8m high fence in this location, and the applicant had been made aware that any fence in excess of 1m in height would require Planning Permission, and that Planning Permission would not be granted. The fence has a detrimental effect on the appearance and the amenity of the area due to its excessive height and it does not therefore accord with The Towns and Villages Objective of Strategic Policy 1 or Strategic Policy 2: Placemaking, of the LDP. It is therefore recommended that the application be refused.

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## **Decision**

Refused

Case Officer - Mr John Mack

## Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Existing Plans and Elevations	PP001	
Proposed Plans and Elevations	PP101	

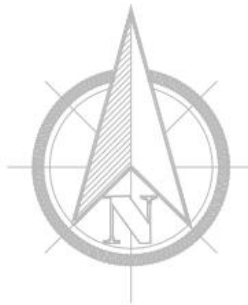




Site Plan 1:1250



Location Plan 1:500



## NOTES

## Appendix 3

Internal dimensions are finished sizes unless otherwise stated.

## REVISION SCHEDULE

Rev	Description	Date

DO NOT SCALE FROM DRAWING :: SITE CHECK DIMENSIONS

All dimensions to be site checked by the Contractor and all discrepancies to be advised to the Architect prior to the work being commenced.  
Use stated dimensions only.

This Drawing Is Copyright.

This is the drawing referred to in my application

Dated :: *22nd September 2020*

Signed :: *Eric McMillan*

CLIENT :: Mr Ronnie McConnachie  
Jacks Corner (Public House)  
2 Young Street  
Ardrossan  
KA22 8JZ

PROJECT :: Retrospective Planning Permission  
Application For Erection Of 1.5m  
High Perimeter Fence And  
Formation Of Timber Bin Store

DRAWING :: Location & Site Plan -  
Existing Plans, Elevations & Section

Scale	Date	Drawn by
1:100	22/09/20	dmcc
Job No.	Drawing No.	Revision No.
15039	PPO01/Retrospective	.

## McMILLAN & CRONIN

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mail@mcmillancronin.co.uk





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

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

No N/20/00832/PP

(Original Application No. N/100307023-001)

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 : Jacks Corner Bar Fao Mr Ronnie McConnachie  
c/o McMillan & Cronin Architects Fao Eric McMillan  
24 Main Street  
Largs  
KA30 8AB

With reference to your application received on 28 September 2020 for planning permission under the above mentioned Acts and Orders for :-

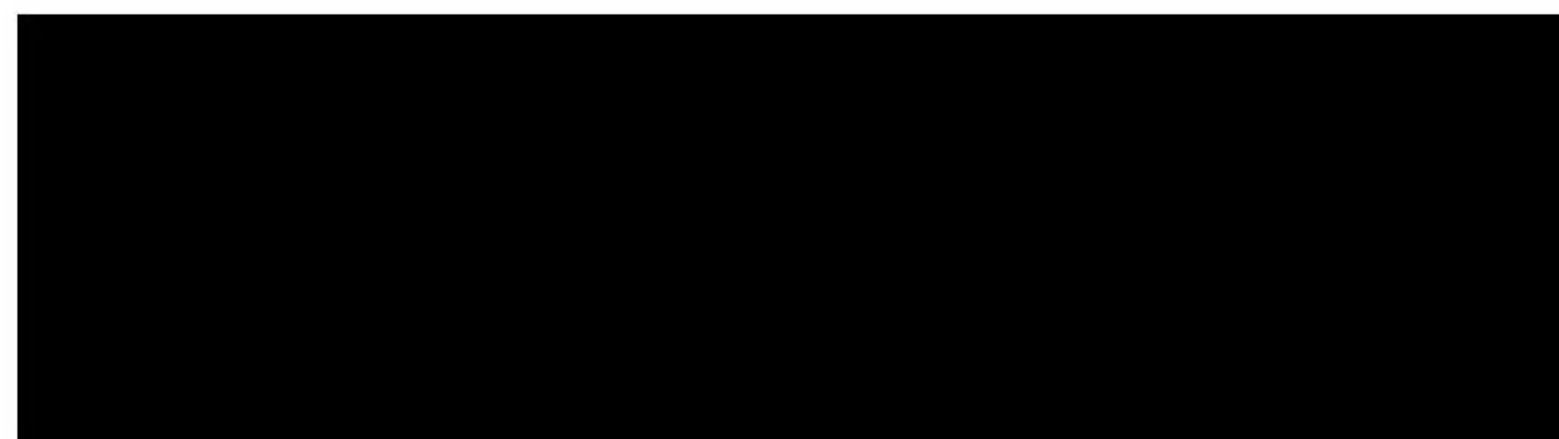
Erection of 1.5 metres high close boarded timber perimeter fencing to partially screen the courtyard, along with the erection of a timber screened bin enclosure (retrospective)

at 2 Young Street  
Ardrossan  
Ayrshire  
KA22 8JZ

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 The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the adopted North Ayrshire Council Local Development Plan in that: (a) the siting of the proposed development would be an obtrusive feature in an otherwise open streetscene to the detriment of the visual amenity of the surrounding area; and (b) the proximity and appearance of the development would have an adverse impact on the residential amenity of the adjacent properties on Caledonia Road, all to the detriment of the residential character and amenity of the area.

Dated this : 23 October 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.

