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## NORTH AYRSHIRE COUNCIL

25th January 2023

### Planning Committee

Locality	Isle of Arran
Reference	22/00890/PPP
Application Registered	16th November 2022
Decision Due	16th January 2023
Ward	Arran

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To North Of Kirn Point Newton Road Lochranza Brodict Ayrshire
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<b>Applicant</b>	John Thomson Construction Ltd Fao Mr Benjamin Cook
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<b>Proposal</b>	Planning Permission in Principle for four residential plots and re-aligned access path
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### 1. Description

This application relates to a site at Newton Shore, on the north side of Loch Ranza. This application seeks planning permission in principle for four residential plots.

The site extends to some 6080m<sup>2</sup> and is roughly rectangular in shape, being 141m wide by 49m at its furthest extents. It is relatively flat, undeveloped and overgrown with bracken. The site is bounded by houses to both sides, Kilbranan to the north and Kiloran to the south, by a rocky hillside to the east and by the foreshore of the Loch to the west.

There is a trodden path through the middle of the site to the hillside to the rear, which is recognised as a Right of Way and there is a hard surfaced area at the northwest corner of the site which is used as an informal turning area for vehicles as the surfaced part of Newton Road ends at the north of the site. It continues as an unsurfaced track to Newton Point.

The submitted plans indicate four plots of roughly similar size and shape, each between 1460m<sup>2</sup> and 1625m<sup>2</sup> and with a frontage onto Newton Road. The plans also indicate a relocated upgraded public path between Plots 1 and 2 to replace the existing undefined Right of Way.

The application relates to the principle of residential development only and therefore no detailed design drawings have been submitted. The application was supported by:

- an Ecological Appraisal;
- an initial Capacity Review from Scottish Water; and
- a Planning Statement

The Ecological Appraisal was conducted by a reputable ecological consultancy agency, Starling Learning. The Report describes the site and the desk survey and field survey work undertaken. It surveyed for evidence of badgers, otters, red squirrels, bats, breeding birds and other protected species. No evidence was found other than a potential protected structure which could be used by otters. This resulted in further survey which found no evidence of such use. Two cameras were then set up for an eight-day period, but a subsequent check of the footage recorded no use of the feature by otters. The parts of the report relating only to this potential otter use were redacted in the copy displayed on the Planning website in line with common Planning practice to protect the whereabouts of protected species and habitats.

The Report concludes that there would be no significant adverse effects on protected habitats provided that development is restricted to the lower-level ground and not the rocky cliff to the rear. Although it did not find evidence of otter use at the time of survey, its recommendations include further pre-construction checks for this and other species.

The Scottish Water pre-application review confirmed that there is capacity for four houses to be served by their water network.

The Planning Statement describes the site and the previous planning history of the site. It describes the proposed development of four houses following a linear development line similar to the existing houses along Newton Road, several of which were previously built by the applicants. It confirms that each plot would have its own access and off-street parking and that subsequent planning applications for house designs are envisaged to be in keeping with the scale, massing and appearance of the existing properties, with potentially modern features to enhance natural light. It confirms that septic tanks and surface water drainage details for each plot would be submitted with the subsequent detailed planning applications, that passing places could be provided to the front of the plots and that the existing hard surfaced turning area at the end of the road would be retained. It states that the public access across the site would be maintained by provision of a diverted path, several metres from the existing unsurfaced trodden path and that BT have proposed replacement of an existing overhead line along the length of the site with a new underground line if development goes ahead.

The Statement claims a strong need and demand for housing on Arran and recognises the need for more affordable housing but does not consider that type of housing is feasible at this particular site.

The site is located within the General Urban Area of Lochranza, as identified within the adopted 2019 North Ayrshire Local Development Plan ("the LDP") and is not subject to any site-specific policies or proposals therein. Lochranza is within the North Arran National Scenic Area but there are no environmental or landscape protection designations affecting

this site. The boundary of the North Arran Special Landscape Area (SLA) and the North Newton Shore Site of Special Scientific Interest (SSSI) is around 150m north of the application site.

In terms of the LDP, Strategic Policy 1: the Towns and Villages Objective; Strategic Policy 2: Placemaking; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; and Policy 29: Energy Infrastructure Development are relevant.

In terms of planning history, planning application 02/00007/OPP for four houses at the site was refused in 2002 as being contrary to the policies of the Local Development Plan as the site was located in the countryside at that time and housing development was not supported. The refusal was upheld by the Scottish Executive Reporters Unit (ref: PPP/310/066).

The site was included within a revised boundary of Lochranza in the North Ayrshire Local Development Plan, adopted in November 2019. The inclusion of the site within the boundary of Lochranza was accepted by the Scottish Government Reporter on examination prior to the LDP being adopted.

## **Relevant Development Plan Policies**

### **SP1 - Towns and Villages Objective** **Towns and Villages Objective**

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

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

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

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

#### Welcoming

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

#### Safe and Pleasant

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

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

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

#### Adaptable

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

#### Resource Efficient

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

#### Easy to Move Around and Beyond

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

#### Detailed Policy 15-Landscape & Seascape

##### Policy 15:

##### Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

- a) **National Scenic Areas**  
Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:
  - i) the objectives of the designation and the overall integrity of the area will not be compromised; or
  - ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- b) **Special Landscape Areas**  
We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.
- c) **Wild Land**  
We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- d) **Local Landscape Features**  
Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:
  - i) patterns of woodlands, fields, hedgerows and trees;

- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

#### Detailed Policy 16- Protection of our Designated Sites

##### Policy 16:

##### Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

##### a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

##### b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

##### c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

##### d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

- e) **Biodiversity Action Plan Habitats and Species**  
Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.
- f) **Protected Species**  
Development likely to have an unacceptable adverse effect on;
- i) **European Protected Species** (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.
- ii) **The Scottish Biodiversity List (SBL)** of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

## Detailed Policy 29 - Energy Infrastructure Development

### Policy 29:

#### Energy Infrastructure Development

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

#### Environmental

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

#### Community

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

#### Public Safety

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

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

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

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

This requirement will not apply to:

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

## **2. Consultations and Representations**

The statutory neighbour notification was carried out and the application was advertised in the local press (Arran Banner).

A total of 56 objections, 53 from individuals and 3 on behalf of groups (Lochranza and Catacol Community Association, Arran Civic Trust and Community of Arran Seabed Trust), and 2 expressions of support were received.

The objections received largely raised similar points, which are summarised as follows:



1: HOUSING NEEDS. Lochranza needs social and affordable housing not large properties likely to be only affordable as second homes. The Arran Estate has indicated it is unwilling to donate a portion of land to the community to build affordable housing.

*RESPONSE: Not material to this application. Each planning application requires to be determined on its individual merits and this application relates only to the principle of residential development. There is no policy requirement in the LDP for every application to address Affordable Housing needs. Arran Estate is not the applicant or landowner in this case, so this point is not material to this application.*

2: ACCESS/ROAD/PARKING. Many cars use the road and turning area as a parking area when visiting the geo-park and Arran Coastal Way to the north and it should be retained. The turning area should not be incorporated into a private house plot. Access for emergency vehicles must be provided.

*RESPONSE: Active Travel and Transportation was consulted as Roads Authority and the response is in the following section of this report.*

3: ENVIRONMENT. This is an area of unspoilt natural beauty. The development would do untold damage to an area teeming with flora, fauna and rare animal species.

*RESPONSE: A preliminary Ecological Report was submitted with the application and NatureScot was consulted in this regard. NS response is in the following section of this report.*

4: ECOLOGICAL REPORT. Many sections of the report have been redacted.

*RESPONSE: Sections of the Report were redacted from public view where matters of potential Protected Species Habitats are discussed, in line with standard Planning practice. The full text of the Report was available to NatureScot and Planning Services in the consideration of the application proposal.*

5: TOURISM IMPACT. Wildlife on Newton Shore is a big tourism attraction, and this would be badly affected. The site should be maintained without housing frontage

*RESPONSE: Not directly material to this application. All development proposals require to be assessed on their own merits and this application requires to be assessed as a housing proposal. As above, NatureScot was consulted on the application on potential wildlife impacts. There appears to be no directly quantifiable data on tourism visitor numbers to Newton Shore upon which this objection is based.*

6: FLOOD RISK. This would promote building in a flood risk area. The site is already boggy and may be at risk as global warming raises sea levels. It is also unclear whether surface water discharge to the loch from the development would be acceptable.

*RESPONSE: SEPA and Flooding Services were consulted on the application and the responses are in the following section of this report. There were no objections, subject to planning conditions requiring further details on drainage and flood defence to be submitted with the submitted detailed planning applications before any development could take place. Such conditions could be applied to any approval.*

7: PREVIOUS PLANNING REFUSAL. In 2004, planning permission for further housing at this site was refused by the Scottish Government. Nothing has changed since the original refusal. At that time, the planning department confirmed that no further 'ribbon development' would be allowed along Newton Road.

*RESPONSE: A previous refusal of outline planning permission (02/00007/OPP) by North Ayrshire Council was upheld by the Scottish Government (then Scottish Executive) Reporters as the site was then in the countryside area and housing development did not accord with the then Isle of Arran Local Plan. The Local Plan has since been replaced several times and the site is now within the identified settlement boundary of Lochranza in the Adopted North Ayrshire Council Local Development Plan. This is a material change since that previous refusal and the current application must be assessed on its merits.*

8: SCALE AND DESIGN: Four large new villas are not needed in the area. The extensive landscape glazing proposed is not in keeping with local rural properties.

*RESPONSE: Not a material consideration. This application relates to the principle of residential development only and no detailed design proposals have been submitted.*

9: RIGHT OF WAY. This is an important link and should not be moved 15 m to allow a private house.

*RESPONSE: The Access Officer in Active Travel and Transport was consulted in this regard and the response is in the following section of this report.*

10: ALTERNATIVE DEVELOPMENT. The site was previously considered unsuitable for Affordable Housing due to the distance from public transport/main road. If it has to be built on, perhaps a small care home would be more suitable for the site and local community needs.

*RESPONSE: The site is within the settlement boundary in the LDP and proposals for residential development must therefore be considered on their merits, as submitted. Other forms of development would be a private commercial matter for the landowner/developer and not a material planning consideration.*

11: DEVELOPER MOTIVATION. This proposal would not improve Lochranza and appears to be motivated only by the private commercial interests of the developer.

*RESPONSE: All development proposals must be assessed against the Local Development Plan and any other material considerations. Notwithstanding this, private financial interests of any individual or developer are rarely considered a material consideration to outweigh other material planning matters.*

12: WATER SUPPLY. Potential impact of development on water supply to properties at High Newton above and to the east.

*RESPONSE: Scottish Water was consulted on the proposal and did not object. The response is in the following section of this report.*

**SUPPORT COMMENTS:** We are planning to retire to the village but the lack of choice of attractive, well insulated homes built to modern standards is a concern. These four new homes would add to the vibrancy of village life.

*RESPONSE: Comments noted.*

## **CONSULTATIONS**

**ACTIVE TRAVEL AND TRANSPORT:** No objection subject to conditions. Inter-visible passing places along the road must be provided and retained as passing places and the existing turning point must be retained and not included within any property boundary. The existing Right of Way SCU123/1 should not be stopped up or diverted in any way until a Path Diversion Order is made and confirmed under s.208 of the Town and Country Planning (Scotland) Act.

*RESPONSE: Noted. This application relates to the principle of development only and appropriate planning conditions and notes could be applied to any permission to address these matters. The applicant has confirmed acceptance of these conditions in pre-application discussions and in the application form.*

**NATURESCOT (NS):** No objection. There are natural heritage interests of national importance close to the site, but these will not be affected by the proposal. The site is close to a Local Nature Conservation Site to the north and the inter-tidal zone adjacent to the west of the site is used as a common seal haul out. The site is also within the North Arran National Scenic Area and close to the North Arran Wild Land Area designated for their scenic beauty and special landscape qualities.

NS agrees with the recommendations of the submitted preliminary ecological appraisal with regards to protection of nesting birds and biodiversity and advise that they be implemented in full. The upland oakwood running along the cliff side should be retained and protected from development work and, while it would be preferable if any areas of coastal marsh in the site could be retained, where this is not possible the developer should provide areas of compensatory biodiversity areas elsewhere.

*RESPONSE: All noted. It is noted that the tree areas along the cliffside are largely outwith the applicant site but planning conditions could be applied to address these matters, where they fall within the control of the planning system.*

**SCOTTISH WATER:** No objection. There is SW water supply infrastructure within the vicinity, but the developer should investigate private wastewater treatment options.

*RESPONSE: Noted. The applicant has been made aware of the consultation response.*

**SEPA:** No objection subject to condition. No built development should take place below 4.22m AOD to ensure the longevity and resilience of the site to future climate change and sea level rise.

*RESPONSE: Noted. A planning condition could be applied to address this.*

**NAC FLOODING SERVICES:** No objection subject to conditions regarding further flood risk information and details of surface water drainage solutions for the proposed houses.

*RESPONSE: All noted. These issues were also addressed by the SEPA comments above. This application relates to the principle of development only and appropriate planning conditions could be applied regarding the level of details to be submitted with subsequent detailed planning applications for development of the site.*

**ARRAN COMMUNITY COUNCIL:** No objection. It is considered that the proposal complies with current planning regulations and that road access will be managed by NAC as Roads authority. The site would fill in a currently vacant area and offer additional housing for the village which may offer new families the opportunity to add to the village resources.

*RESPONSE: Noted.*

### 3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act requires that applications for planning permission be determined with regard to the development plan and to any other material considerations.

The application relates only to the principle of residential development and no detailed plans or supporting design reports have been submitted. The determining issues in this application are whether the development proposal complies with the policies of the LDP and whether there are any other material considerations.

Whilst it is noted that the public comments received mention a previous refusal of Outline Planning Permission (the previous equivalent of Planning Permission in Principle) in 2002, that was on the grounds that the site was then within the countryside area and the Local Plan then in place did not support further housing development outwith the settlement.

That Plan has since been replaced several times and the site is now within the settlement boundary in the North Ayrshire Council Local Development Plan which was Adopted in November 2019 following a full public consultation period, and examination by the Scottish Government, as required by legislation.

The Scottish Government Reporters' Examination, prior to adoption, identified that Lochranza is predominantly characterised by linear development along both the northeast and southwest shores of the Loch and that, while this site formed a gap in the overall view from the southwest shore, it had a visual relationship with the houses to either side and was not viewed separately from the existing houses along Newton Shore. The Reporter therefore accepted that the site could be considered as an extension of the settlement boundary.

In light of the above, the site location within the General Urban Area of the settlement boundary of Lochranza in the LDP means that the proposal would therefore accord with the Towns and Villages Objective of Strategic Policy 1: which confirms that residential development within settlements shall accord with the LDP.

Strategic Policy 2: Placemaking expects that development shall avoid unnecessary adverse environmental, or amenity impacts and shall meet the six qualities of successful places outlined in the policy. There are no designated wildlife or environmental protection areas within the application site and its position within the wider National Scenic Area is considered further below.

The site is within the settlement and would share the same connections and accessibility to both the functions and services of Lochranza and the countryside beyond as the existing houses along Newton Shore and would satisfy the criterion 'easy to move around and beyond.'

In terms of the other listed qualities: 'distinctive'; safe and pleasant'; resource efficient'; welcoming'; and 'adaptable', while the aims and aspirations outlined in the submitted Supporting Statement are noted, this application relates to the principle of development only and these matters could only be fully assessed in a subsequent planning application (or applications) for detailed house designs and siting.

The plot scales shown on the plans would be similar to existing development along Newton Shore and would therefore be appropriate to the surrounding area and only this aspect has been fully considered. Houses on the plots would be expected to be a maximum of one and a half storeys high and of relatively traditional form, design and materials but this could only be fully assessed in the subsequent application(s).

The comments of the consultees are noted but provided that appropriate consideration is given to design, drainage, access etc, in subsequent detailed planning application(s), it is agreed that houses of similar scale to the neighbouring plots along the shore could potentially be accommodated within the site without significant adverse effects on the amenity of any existing or neighbouring properties. The principle of residential development does not therefore raise any significant issues in terms of SP2 subject to a condition being applied to permission indicating the required details to be submitted with the new application(s) including further ecological survey prior to the commencement of any development works on the site as recommended by NatureScot.

Policy 15: Landscape and Seascape relates to the NSA and Special Landscape Areas and states that development should not have unacceptable adverse impacts on designated and non-designated landscape areas and features or the objectives of their designation. The comments and advice given by NatureScot above on the lack of specific impacts on the surrounding landscape are noted and the principle of development does not conflict with the requirements of Policy 15.

Policy 16: Protection of our Designated Sites states that the LDP will support development which would not have an unacceptable adverse effect on the natural environment. As above, there are no designated protection areas within the site, but NatureScot was consulted and confirmed that the installation would not compromise the overall integrity or reasons for designation of the protected areas in the wider vicinity. The contents and recommendations of the submitted Preliminary Ecological Assessment are considered to constitute a thorough pre-application assessment of the site and potential impacts. This application relates to the principle of development only and subsequent detailed planning applications would be required to provide further updated survey for habitats. It is considered that the detailed advice provided and the consultee comments in response

confirm that an appropriate assessment of these issues has been undertaken and the proposals satisfy the policy.

Details of the how sustainability has been considered in the design process of houses should be required by condition to ensure future planning applications accord with Policy 29: Energy Infrastructure Development which concerns compliance with energy reductions emissions required by Scottish Building Standards.

Just prior to this application being registered, public comments were received that works had commenced at the site which were damaging its habitats potential. The landowner/developer stated to Planning Services that works were limited to annual maintenance of overgrown bracken and that no excavations had occurred. This was investigated by Planning Services and a site visit confirmed that the site was not significantly changed from the evidence of previous planning site visit photos. This limited extent of works did not in itself require planning permission.

While the application was being considered, further comments were then also received that otters had been observed at the site. The comments were discussed with NatureScot and it was concluded that, as the Preliminary Ecological Report had acknowledged this potential use of the site and that, even if planning permission in principle was granted, further assessment of the issue would be required in later applications before any development works could commence at the site, that these comments would not justify refusal of the application given the foregoing analysis.

In view of the foregoing, the proposal accords in principle with the LDP policies.

The application has also been assessed against the approved National Planning Framework 4 and it has been determined that the proposal does not raise any significant strategic planning issues which conflict with the foregoing assessment.

There are no other material considerations which have not been addressed and planning permission in principle can therefore be granted subject to conditions, as discussed throughout this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the commencement of any development on site, a further planning application(s) for the approval of the matters specified in this condition (MSC) must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:
  - (a) details of the design, siting and external finishes of the proposed houses;
  - (b) details of the means of de-lineation of the individual residential plots;
  - (c) the design and location of all boundary treatments including any walls or fences and hard landscaped areas;

- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including ongoing maintenance details. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and any tree protection measures together with proposals for any new planting, specifying number, size and species of all trees and shrubs, a management implementation programme and proposals to replace any landscaping which fails in the first five years following planting; and
- (f) 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.

For the avoidance of doubt, the houses proposed for the site shall be of traditional design and no more than one and a half storeys in height. All of the above shall be to the satisfaction of North Ayrshire Council as planning authority.

**Reason**

In order that these matters can be fully considered in the interest of the amenity of the wider area

**Condition**

2. That prior to the commencement of any development works on the site: (i) intervisible passing places shall be provided and maintained thereafter on the road to the front of the site to the agreement and satisfaction of North Ayrshire Council as Planning Authority; (ii) the existing surfaced turning point at the northwest of the site shall be retained and shall not be included within the curtilage of any house. Full details of the matters above shall be submitted with the subsequent application(s) for detailed planning permission, all to the satisfaction of North Ayrshire Council as planning authority.

**Reason**

In the interests of road traffic safety as recommended by the Roads Authority

**Condition**

3. That the Right of Way (ref:SCU123/1) which runs through the site hereby approved shall not be stopped up or diverted in any way until a Path Diversion Order has been made and confirmed under S.208 of the Town and Country Planning (Scotland) Act.

**Reason**

In order to safeguard the public right of way

**Condition**

4. That the recommendations contained in Section 5.3 of the Preliminary Ecological Appraisal, prepared by Starling Learning and submitted with the application hereby approved, shall be implemented in full prior to the commencement of any development works on the site and that the details, conclusions and recommendations of a further otter survey shall be submitted with the subsequent

planning application(s) for detailed planning permission, all to the satisfaction of North Ayrshire Council as planning authority.

### Reason

In order to protect potential protected species habitats, as recommended by NatureScot

### Condition

5. That details of site sections and the finished floor levels of the proposed houses shall be submitted with the subsequent application(s) for detailed planning permission to ensure that no development takes place below 4.22m AOD, all to the satisfaction of North Ayrshire Council as planning authority.

### Reason

To ensure a precautionary approach to flood risk is taken by avoiding development in the flood plain as advised by SEPA

James Miller  
Chief Planning Officer

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

## Appendix 1 – Location Plan

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