
NORTH AYRSHIRE COUNCIL

25 February 2021

Local Review Body

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.

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

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No
X ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

SEE ATTACHED STATEMENT DOCUMENT

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

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

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

List of documents and evidence

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

COVERING LETTER
NOTICE OF REVIEW FORM
NOTICE OF REVIEW STATEMENT

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

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.**

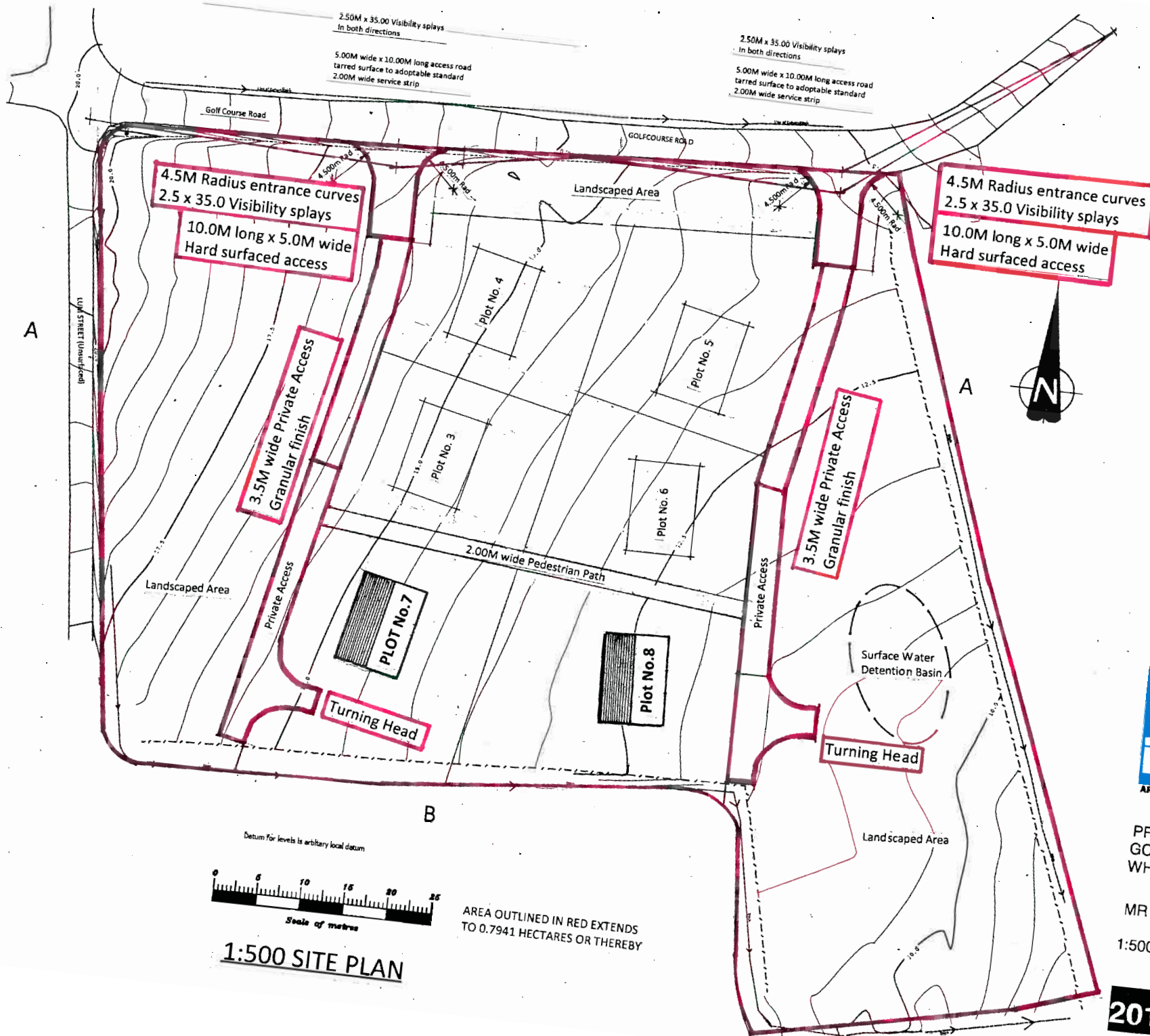
Active Travel & transport Comments: *'a plan showing the provision of a passing space along the access track, and details of improvements to the access track including repairs to pot holes'*.

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'*

Rev A: Notes added for Planning Appeal



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 2013

1:500 SITE PLAN

AREA OUTLINED IN RED EXTENDS
TO 0.7941 HECTARES OR THEREBY

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

- 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.88m² 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 635m² 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

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.

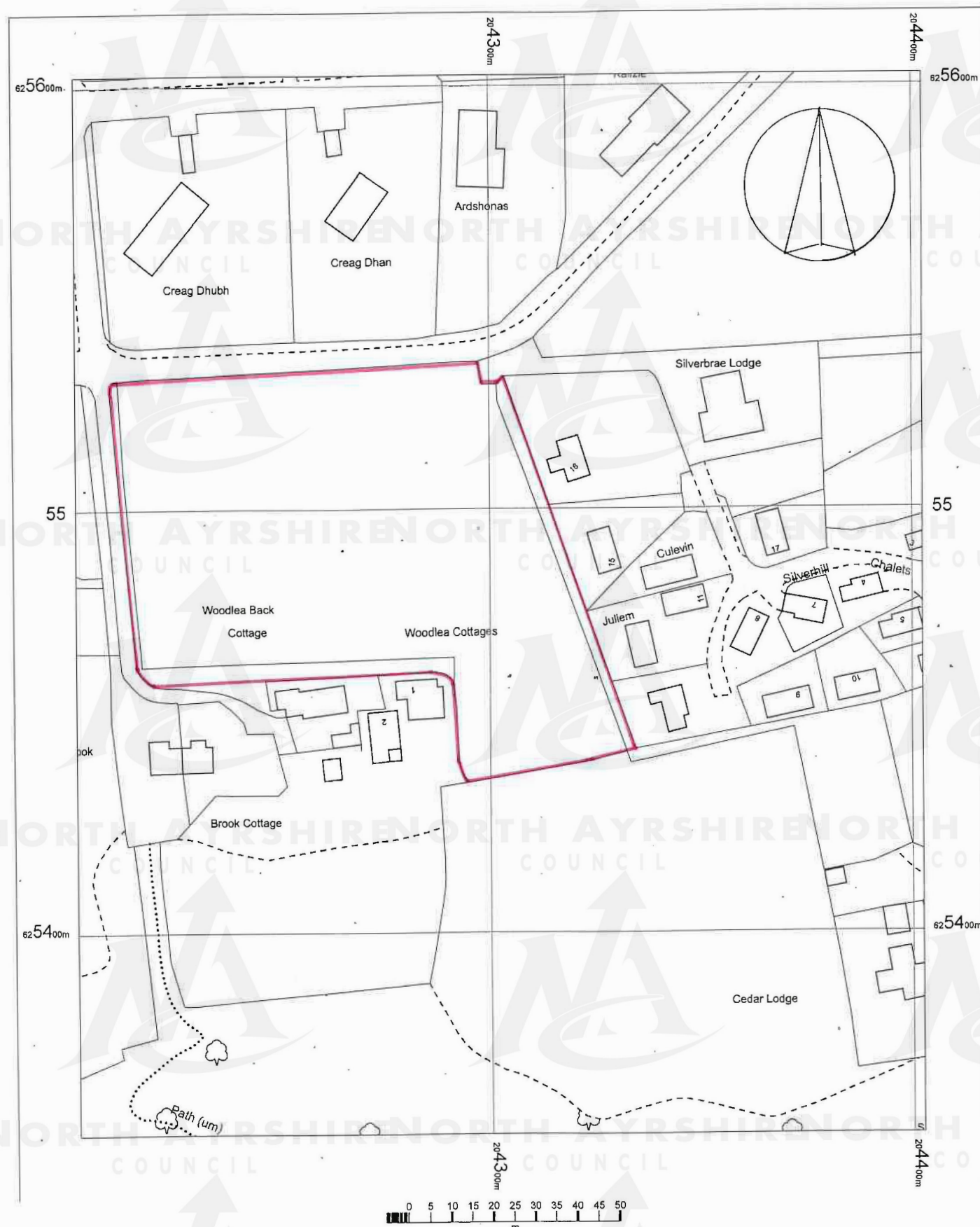
Decision

Approved subject to Conditions

Case Officer - Mr Neil McAteer

Appendix 1 - Drawings relating to decision

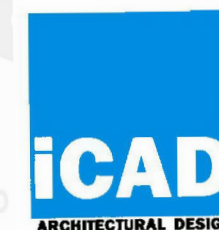
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	2013/01	
Block Plan / Site Plan	2013/02	
Proposed Floor Plans	2013/03	
Proposed Floor Plans	2013/04	
Proposed Elevations	2013/05	
Proposed Elevations	2013/06	
Proposed Elevations	2013/07	
Sections	2013/08	



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

1:1250 LOCATION PLAN

AREA OUTLINED IN RED EXTENDS
 TO 0.7941 HECTARES OR THEREBY



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

1:250 LOCATION PLAN



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

Drawing Title	Drawing Reference	Drawing Version
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.

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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.
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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**.