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# NORTH AYRSHIRE COUNCIL

3 November 2021

## Local Review Body

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**Title:** Notice of Review: 21/00542/PPP 4 Lilybank Lane, Fairlie

**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.

**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 Permission in Principle Application 21/00542/PPP, 4 Lilybank Lane, Fairlie for the erection of a dwellinghouse at that address.

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;
- 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 Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5.

Craig Hatton  
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

## **Background Papers**

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Cunninghame House Friars Croft Irvine KA12 8EE Email: 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 100456485-001

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="james"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="allan"/>	Address 1 (Street): *	<input type="text" value="brodick avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="kilwinning"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="ayrshire. scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA136RL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

4 LILYBANK LANE

Address 2:

FAIRLIE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LARGS

Post Code:

KA29 0DT

Please identify/describe the location of the site or sites

Northing

654770

Easting

220961

## 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)

PLANNING PERMISSION IN PRINCIPAL FOR THE PROPOSAL TO ERECT A DWELLING HOUSE ON THE GROUNDS AT 4. LILYBANK LANE FAIRLIE. WE REQUEST A MEETING WITH THE REVIEW BODY TO PUT FORWARD A DETAILED WRITTEN SUBMISSION ALONG WITH PHOTOS OF DEVELOPMENT SITE, LILYBANK LANE ACCESS AND CLEAR VISIBILITY BOTH ENTERING AND LEAVING LILYBANK LANE ONTO THE MAIN STREAM OF TRAFFIC (A78)

## 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? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

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)

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.

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.

SEE SEPERATE SECTION DOCUMENTS IN SUPPORTING DOCUMENTS

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

Yes  No

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)

HISTORY OF THE SITE, DETAILING WHAT IT WAS USED FOR FROM 1920 TILL PRESENT DAY, AS DETAILED ON MY ATTACHED LETTER. ALSO DETAIL OF ALL RESIDENTS OF LILYBANK LANE, AND THERE USE. MY ATTACHED LETTER DETAILS RESIDENTS WHO DO NOT ACCESS LILYBANK LANE, AND USE BURNFOOT ROAD OR GLEN ROAD FOR VEHICLE ACCESS. HOUSE No 4, WHICH USE TO BE TWO PROPERTIES, No4 AND No 6 LILYBANK LANE. HOUSE No 4 IS NOW ONE PROPERTY. THEREFORE ANOTHER PROPERTY DOES NOT ON THIS OCCASION EQUAL AN INCREASE IN

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)

LETTER DATED 30th AUGUST 2021. PHOTOGRAPHS MAIN ROAD JUNCTION. pdf file PHOTOGRAPHS OF SITE PLUS LILYBANK LANE. pdf file PHOTOGRAPHS OF NEIGHBOURING ACCESS.pdf file

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00542/PPP

What date was the application submitted to the planning authority? \*

08/06/2021

What date was the decision issued by the planning authority? \*

06/08/2021

## 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 james allan

Declaration Date: 30/08/2021

## Proposal Details

Proposal Name	100456485
Proposal Description	WE REQUEST A MEETING WITH THE REVIEW BODY TO PUT FORWARD A DETAILED WRITTEN SUBMISSION ALONG WITH PHOTOS OF DEVELOPMENT SITE, LILYBANK LANE ACCESS AND CLEAR VISIBILITY BOTH ENTERING AND LEAVING LILYBANK LANE ONTO THE MAIN STREAM OF TRAFFIC (A78)
Address	4 LILYBANK LANE, FAIRLIE, LARGS, KA29
	ODT
Local Authority	North Ayrshire Council
Application Online Reference	100456485-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
LETTER DATED 30 th AUGUST 2021	Attached	A4
MAIN ROAD JUNCTION	Attached	A4
SITE PLUS LANE	Attached	A4
NEIGHBOURING ACCESS	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

30<sup>th</sup> August 2021

Planning Dept  
North Ayrshire Council  
Cunningham House  
IRVINE  
KA12 8EE

Mr James Allan

[REDACTED]  
KILWINNING

KA13 6RL

Email: [REDACTED]

Dear Sirs

**Application Ref: 21/00542/PP**  
**4 Lilybank Lane, Fairlie**  
**Erection of Proposed Dwellinghouse**

### **Historic Information**

The existing sloped garden area plus the flat platform of land located to the rear of Numbers 4 and 6 Lilybank Lane was originally the site of a large hut which was originally a Tea Room in the 1920's and 30's. Over time this evolved into a garage for a local coal lorry in the 1930's and 40's and then became a general garage and parking area for Numbers 4 and 6 Lilybank Lane. Numbers 4 and 6 Lilybank Lane have used the lane and this area for parking for motor vehicles from 1960 until the present day.

### **Context**

Number 4 Lilybank Lane was originally two properties, Numbers 4 and 6 Lilybank Lane being a ground floor and first floor flats. Some years ago the properties were amalgamated into a single dwellinghouse.

### **The adjoining properties – use of Lilybank Lane**

Number 2 Lilybank Lane does not use the lane at all as this property has direct vehicular access from Burnfoot Road.

Number 4 Lilybank Lane has access and parking on the lane with a garage and off-street parking. It also has private access for the turning of vehicles.

Number 1 Lilybank Lane (Rose Cottage) has direct vehicular access from Glen Road.

Number 3 Lilybank Lane (Whinn Cottage) has access and limited parking from the lane with a garage and private access for turning.

Number 5 Lilybank Lane (The Butte) makes use of Lilybank Lane but does not have any off-lane parking.



### **Increased Vehicular Use**

We contend that there is potentially no increased vehicular use of the lane. Historically Number 4 Lilybank Lane was two properties as previously mentioned and presumably could be restored to this state and then sold separately which would allow for the same amount of increased vehicular traffic as the current planning application. The proposed property would have off-lane parking and a private access for turning.

### **Visibility**

Visibility both up and down Lilybank Lane itself is good with straight sight lines from the rear (ie Glen Road) to the front of the lane where it joins the A78.

The sight lines along the main A78 both entering and leaving are excellent as can be seen from the attached photographs. We attach photographs which show that you can see the full extent of the A78 at this point in the village all the way to the junctions with Glen Road and Montgomerie Crescent and beyond. The existing pavement has already been lowered to accommodate vehicular traffic and as previously mentioned the sight lines here are better than almost every similar access in the village of Fairlie.

If some works were required to the entrance to the lane or to the pavement in order to improve the sight lines we would be willing to assist with the cost of this.

### **Proposed Planning Permission**

The proposed property to be built on this site would be a small 2-bedroom detached dwellinghouse, with the opportunity for this to be developed on a self-build basis and to allow for the construction of an eco/low energy property.

### **Transport Scotland**

After discussion with John Mc Donald and Alan Stubs of Transport Scotland I submitted the following information for them to review.

- (a) E-mail letter to John Mc Donald dated 24<sup>th</sup> August giving details of development and visibility splay lines also site lines at junction of Lilybank Lane and main road ( A 78 ).
- (b) Photos of Site plus Lane, pdf file.
- (c) Photos at Main Road Junction, pdf file.
- (d) Photos at neighbouring access, pdf file.

#### **Visibility Lines**

- (e) Drg, No 2021-LB-07 (Sheet 1 ). Scan 20210801 pdf file.
- (f) Drg, No 2021-LB-07 (Sheet 2 ). Scan 20210801 ( 2 ) pdf file.
- (g) Drg, No 2021 LB-08. Scan 20210801 ( 3 ) pdf file

### **Summary**

In short therefore we believe at that this application does not represent over development on the site as the existing property at Number 4 Lilybank Lane was previously 2 properties.

The sight runs north and south along the A78 are excellent as disclosed in the attached photographs where you can clearly see in excess of 120 metres in either direction all the way to the bend in the road both north and south. It is our contention that the sight lines from Lilybank Lane are considerably better than many of the accesses along this same stretch of the A78.

Yours faithfully

JAMES ALLAN

30-08-2021


Copies To :-

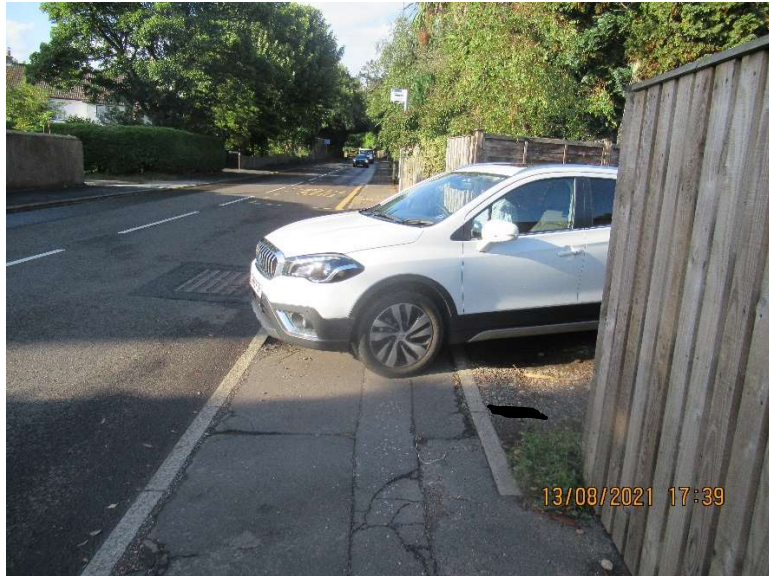
File

Planning Dept, North Ayrshire Council.

Transport Scotland, (John Mc Donald, / Alan Stubbs ).

Review Body, ( Councillors )

Mr A. Allan. E-mail. 























## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 21/00542/PPP  
**Proposal:** Erection of detached dwelling house  
**Location:** 4 Lilybank Lane, Fairlie, Largs, Ayrshire KA29 0DT

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**LDP Allocation:** General Urban Area  
**LDP Policies:** SP1 - Towns and Villages Objective / Strategic Policy 2 /

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**Consultations:** Yes

**Neighbour Notification:** Neighbour Notification carried out on 11.06.2021  
Neighbour Notification expired on 02.07.2021

**Advert:** Not Advertised

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**Previous Applications:** None

### 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

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

This is an application for Planning Permission in principle for the erection of a dwellinghouse on the site. The application site is currently part of the curtilage of No. 4 Lilybank Lane and lies to the east of the donor property. It is roughly rectangular in shape and covers 346sqm in area. The site consists of a flat platform at the Lilybank Lane end and a sloped garden area up to Glen Road which forms the eastern boundary of the site. To the north of the site is a stepped path which provides access between Glen Road and Lilybank Lane. The surrounding area is residential in character and comprises of houses of a range of different ages and styles.

In the adopted Local Development Plan (LDP) 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.

At a pre-application meeting in May 2021, it was noted that the site contained a number of challenges for any future dwellinghouse design. A main issue was identified with the access. Lilybank Lane is a private road that accesses onto the A78 trunk Road, which already supports five dwellings and is not constructed to adoptable standards. The application was initially submitted with the access proposed off Glen Road. Following consultation with North Ayrshire Council (NAC) Active Travel and Transportation, it was identified that the required visibility splays

21/00542/PPP

could not be met at Glen Road. The applicant therefore decided to change the proposed access for the dwellinghouse to Lilybank Lane. Transport Scotland was then consulted on the application.

## **Consultations and Representations**

The standard neighbour notification was undertaken and there was no requirement to advertise the application. Three letters of objection and two neutral representations have been received; the points raised in which are summarised below:

1. The proposed access at Glen Road is near a sharp corner and a junction and taking an access here would lead to road safety issues.

Response: Noted, NAC Active Travel and Transportation required that visibility splays of 2m by 35m be provided at the access to Glen Road. The applicant confirmed that this was not possible and so altered the access to be from Lilybank Lane.

2. The alternative access at Lilybank Lane is already at capacity and could not support another dwellinghouse and the potential traffic that would entail.

Response: Noted, see NAC Active Travel and Transportation and Transport Scotland comments in the following section of this report.

3. The site is located in an area that is at high risk of flooding.

Response: The site is not located within an area designated as being at a high risk of flooding, however, surface water drainage details would require to be submitted as part of any application for matters specified in condition, should permission in principle be granted.

4. The proposed house would potentially overlook neighbouring properties due to it being located on a steep slope.

Response: This is an application for Planning Permission in Principle, and therefore it is not possible to carry out a full assessment of amenity impacts. Amenity impacts would be considered as part of any application for matters specified in condition, should permission in principle be granted.

5. A new building would be out of character with the neighbouring historic properties.

Response: This is an application for Planning Permission in Principle, and therefore there are no details of the design of the dwellinghouse. The design of the dwellinghouse with respect to its surroundings would be considered as part of any application for matters specified in condition, should permission in principle be granted.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: Required that visibility splays of 2m by 35m be provided at the access to Glen Road. The applicant confirmed that this was not possible and so altered the proposed access to be from



Lilybank Lane. NAC Active Travel and Transportation was re-consulted with regards to the Lilybank Lane access and recommended refusal. Due to Lilybank Lane currently serving more than two dwellinghouses, it would need to be upgraded to adoptable standards to accommodate an additional dwelling. This requirement is not possible in land under the applicant's control, and therefore the application should be refused.

Response: Noted.

Transport Scotland: The proposed development would likely result in an increase in the number of vehicles using the junction between Lilybank Lane and the trunk road. Visibility is currently restricted at the junction and the alignment of the junction cannot be upgraded, and the additional traffic would create interference and safety issues with the traffic and pedestrians on the trunk road and its footway. The application should therefore be refused.

Response: Noted.

Fairlie Community Council: Express concerns over the safety of the proposed access at Glen Road. Also, the steps to the north of the application site are a public right of way and should not be affected by the proposal.

Response: Noted, the proposed access has been changed to Lilybank Lane. The steps to the north of the site are not included within the application boundary and so would not be affected by the proposal.

## **Analysis**

As the application site is located within an area identified as General Urban Area in the LDP, the erection of a dwellinghouse would be acceptable in principle. There is a range of different plot sizes in the surrounding area ranging from large to relatively constrained sites. The proposed site would be at the smaller end of the scale but is considered large enough to support a single dwellinghouse and associated curtilage. The majority of the plot lies on a steep slope and thus any proposed house would need to be designed to reflect the topography of the site. As this application is for Planning Permission in Principle, no details have been provided with regards to the siting or design of the house, and such details would need to be secured as part of a future full application or application for matters specified in condition, should permission in principle be granted.

The application site can be accessed from two directions; Glen Road to the east, which is an adopted road, and Lilybank Lane to the west which is a private lane. Both potential accesses have been explored and neither is considered suitable. The proposed access to Glen Road would be located close to a bend in Glen Road and a junction with Burnfoot Road. Glen Road is a single-track road with no footways in this location and the access would be located on a steep slope. An access from the site onto Glen Road could not achieve the required visibility plays in both directions and therefore such an access would pose a danger to road safety. Therefore the application should be refused, in principle, due to the traffic safety concerns.

The access onto Lilybank Lane already exists but takes the form of a private road joining with the A78 trunk road. The applicant has provided drawings showing 120m visibility splays in both directions from the junction with the A78, however Transport

Scotland state that visibility is restricted from the junction. Transport Scotland considers that an additional dwellinghouse and the associated increase in traffic using this junction would not be acceptable in the interest of traffic and pedestrian safety on the trunk road. Lilybank Lane is not capable of being upgraded to adoptable standards. As the site cannot be suitably accessed it fails to meet the qualities of successful places outlined by Strategic Policy 2: Placemaking, and therefore does not comply with this policy. In addition, due to the proposal failing to align with the requirements of placemaking, it is contrary to criterion (d) of the Town and Villages Objective of Strategic Policy 1.

The proposal is contrary to the relevant policies of the LDP, Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking as the proposed dwellinghouse could not be suitably accessed. Furthermore, the proposal is subject to two objections by consultees Transport Scotland and North Ayrshire Council Active Travel and Transportation, due to road safety concerns with the proposed access arrangements. 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

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	2021-LB-01	
Block Plan / Site Plan	2021-LB-03	
Block Plan / Site Plan	2021-LB-04	
Block Plan / Site Plan		
Block Plan / Site Plan	2021-LB-07 SHEET 1	
Block Plan / Site Plan	2021-LB-07 SHEET 2	

EXTRACT FROM  
O.S. SURVEY PLAN

SCALE 1:1250

DRG No 2021-LB-01

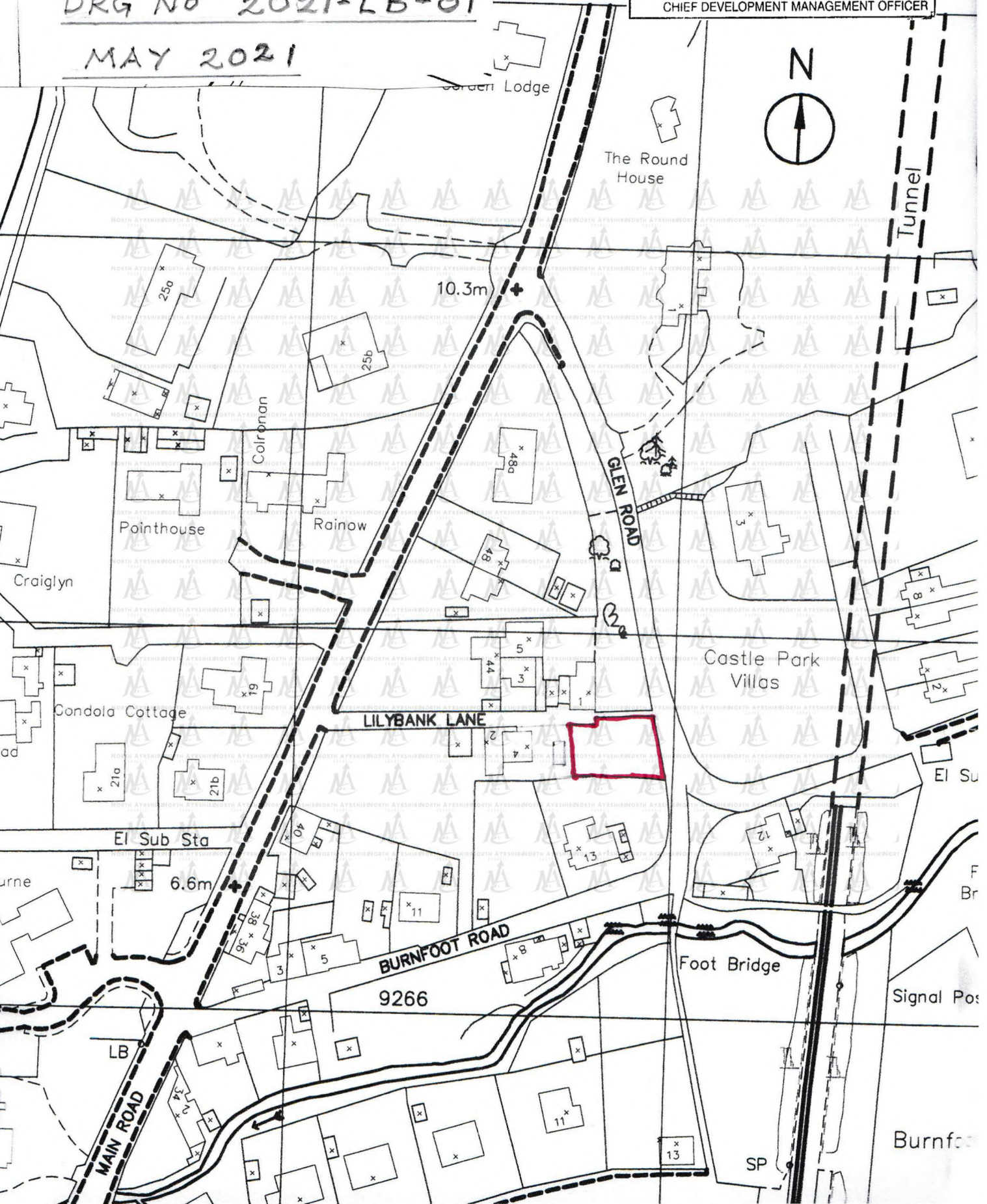
MAY 2021

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**REFUSED**

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER





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

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

No N/21/00542/PPP

(Original Application No. N/100421263-001)

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE    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 James Allan  
         9 Brodick Avenue  
         Kilwinning  
         North Ayrshire  
         KA13 6RL

With reference to your application received on 8 June 2021 for planning permission in principle under the above mentioned Acts and Orders for :-

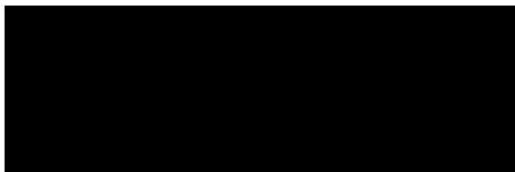
Erection of detached dwelling house

at        4 Lilybank Lane  
         Fairlie  
         Largs  
         Ayrshire  
         KA29 0DT

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission in principle on the following grounds :-

1.        The proposal is contrary to Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the adopted North Ayrshire Council Local Development Plan as the proposed dwellinghouse cannot be suitably accessed. The access to the proposed dwellinghouse would utilise the existing junction from Lilybank Lane onto the A78 trunk road which has inadequate visibility. An increase in the volume of traffic using this substandard junction would negatively affect the safety of vehicles and pedestrians using the trunk road and its footway.

Dated this : 6 August 2021



.....  
for the North Ayrshire Council

(See accompanying notes)

4 Lilybank Lane Fairlie Largs Ayrshire KA29 0DT

No N/21/00542/PPP



**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.

**From:** [rita holmes](#)  
**To:** [Angela Little \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Re: Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie  
**Date:** 02 September 2021 15:16:03

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Hi Angela, our concern was for a proposed access to the site from Glen Road. We have nothing further that we would wish to add to our original letter. Regards Rita

On Thu, 2 Sept 2021 at 15:12, rita holmes [REDACTED] > wrote:

On Thu, 2 Sept 2021 at 12:04, Angela Little ( Committee Services Officer / Committee & Member Serv ) <[alittle@north-ayrshire.gov.uk](mailto:alittle@north-ayrshire.gov.uk)> wrote:

Good afternoon

Please see attached letter advising of a Notice of Review in relation to the above planning application.

**I am working from home and can be contacted by email**

Angela Little

Committee Services Officer

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North Ayrshire Council Website

**From:** [JANICE E. BUSBY](#)  
**To:** [Angela Little \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Re: planning application 21/00542/ppp-4 Lilybank Lane, Fairlie  
**Date:** 10 September 2021 13:38:25

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Dear Angela,

Thank you for your letter dated 2nd September 2021 which arrived a few days ago in relation to our neighbour's planning application adjacent to 4 Lilybank Lane in Fairlie. We noted in further documentation that was added on 31.08.21 mentioning no 1 Lilybank Lane and stating that we have vehicular access from Glen Road. Whilst this is correct, I use Lilybank Lane at all times as this is our address and main entrance. As a community NHS worker with an electric vehicle and the charging point at the front of the house access is required at all times. I hope this will clarify our need for vehicular access. Thanks you,

Kind regards,

Janice Busby  
Sent from my iPad



**From:** [j.courtney](#)  
**To:** [Angela Little \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning application 21/00542/PPP 4 Lilybank lane Fairlie  
**Date:** 11 September 2021 22:07:52

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Dear Angela

Regarding this latest application to use Lilybank Lane as access and egress to the proposed new house development at the head of the lane here are my comments.

In my opinion this new proposal by the applicant offers no new credible achievable solutions to resolve the initial refusal observations, which states... "This is not achievable in land under the applicants control.."

In fact the photos supplied by the applicant clearly shows that the lane entrance is not wide enough for two vehicles to pass.

To achieve a good line of sight which is less than the recommended 2.4 mtr from the carriageway kerb line, a vehicle exiting the lane has to intrude onto the foot way blocking pedestrians & cyclists way.

The applicant states that there is a clear line of sight from bottom of the lane to the top. I have attached two photos (regs pixilated) showing the congestive parking on a normal everyday in the lane which contradicts the applicants assertions.

The adjoining properties actual use of the lane is quite different from the applicants views.

All the addressee s of Lilybank Lane have access and egress for personal vehicles, delivery vans, visitors, maintenance vehicles.

Rose cottage resident parks opposite their house and now has a permanent charging point installed for 24 hr use.

Whin cottage has a garage and off lane parking neither with a turning circle.

The Butte resident parks opposite whin cottage.

No. 2 appreciates that to park in the lane would be impracticable but all deliveries etc are from the lane.

Summary:

I agree with all the refusal reasons identified by J Mack planning officer dated 20/07/21 as noted on the Observations on Planning Application report.

Please confirm you have received this email.

Kind regards

S courtney



Fairlie KA29 ODT



**From:** [Iain.Clemen](#) [REDACTED]  
**To:** [Angela Little \( Committee Services Officer / Committee & Member Serv \)](#)  
**Cc:** [Alan.Hobbs](#) [REDACTED] [Denise.Angus@](#) [REDACTED]  
**Subject:** A78 - NSW/94/2021 - North Ayrshire - 21/00542/PPP - Residential - 4 Lilybank Lane, Fairlie, Largs  
**Date:** 21 September 2021 10:31:32

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## FAO Angela Little

Morning Angela,

Apologies for the late reply but we are currently experiencing connectivity issues.

Transport Scotland issued its original response dated 27<sup>th</sup> July 2021. This recommended refusal based on the following rationale:

*The proposed development is likely to result in a material change in the number of vehicles entering and leaving the traffic stream at a point where the access visibility is currently restricted and the alignment/design cannot be upgraded to accommodate opposing traffic movements thus creating interference with the safety and free flow of the traffic on the Trunk Road including its footway.*

Following the issue of this response, Transport Scotland received additional information from the applicant in relation to the proposals. The information included visibility splay drawings, photographs and estimates of traffic generation in relation to the existing properties served by Lilybank Lane.

Following a review of the additional information provided, Transport Scotland would indicate that our previous recommendation remains valid. Any access onto the trunk road, whether new or existing, requires to conform with the current design standards contained within the Design Manual for Road and Bridges (DMRB). In this instance, the proposed access on the A78 trunk road would need to meet the requirements set out in DMRB CD 123 - *Geometric design of at-grade priority and signal-controlled junctions*. A link to this document is provided below.

[CD 123 - Geometric design of at-grade priority and signal-controlled junctions - DMRB \(standardsforhighways.co.uk\)](#)

Clause 4.1 of CD 123 states that “*direct accesses shall only be used where access is to a single field or dwelling with less than 50 vehicle movements per week.*” As Lilybank Lane already serves a number of properties, then any additional property served by this access would be required to provide a priority junction arrangement designed to the requirements within CD 123. Where the design standards within the DMRB could not be achieved, then the applicant would be required to undertake an application for a Departure from Standard. This would need to be determined before any updated response from Transport Scotland Development Management.

Kind regards,

Iain

Development Management  
Network Operations  
Roads Directorate  
[transport.gov.scot](http://transport.gov.scot)

Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF



Transport Scotland, the national transport agency  
*Còmhdaill Alba, buidheann nàiseanta na còmhdaill*

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**From:** Phillips S (Shaun) [REDACTED]  
**Sent:** 02 September 2021 13:02  
**To:** Clement I (Iain) [REDACTED]  
**Cc:** McDonald J (John) [REDACTED]; Hobbs A (Alan)  
<[REDACTED]>  
**Subject:** FW: Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie

**From:** Angela Little ( Committee Services Officer / Committee & Member Serv )  
**Sent:** 02 September 2021 12:01  
**To:** [development\\_management@transport.gov](mailto:development_management@transport.gov).  
**Subject:** Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie

Good afternoon

Please see attached letter advising of a Notice of Review in relation to the above planning application.

I am working from home and can be contacted by email

Angela Little  
Committee Services Officer

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13th October 2021

Committee Services Department,  
North Ayrshire Council,  
Cunningham House,  
IRVINE  
KA12 8EE

Mr James Allan

F.A.O. Angela Little.

Dear Angela,

**Application Ref: 21/00542/PPP  
4 Lilybank Lane, Fairlie  
Erection of Proposed Dwellinghouse  
Notice of Review.**

Our comments on representations from R H (Fairlie Community Council), Mrs B (neighbour) and Mr & C (neighbour) also I C (Transport Scotland).

**Rita Holmes – Fairlie Community Council.**

Hopefully we will not have any issues with Glen Road or access steps leading from Glen Road to Lilybank Lane.

**Mrs B – neighbour.**

Mrs B at had a garage at the side of her house, she later did away with the garage and built an extension to her house. As stated previously she constructed a driveway off Glen Road giving her vehicle access to her property. Mrs B should have installed her vehicle charging point on her driveway off Glen Road. Mrs B parks her car on Lilybank Lane which interfears with vehicle access to the flat area of ground ( Old garage area ) belonging to 4. Lilybank Lane.

Lilybank Lane should be used for access and egress only and residents should have off lane parking areas or garage.

**Mr and C (neighbour)**

Lilybank Lane is a single lane access from the main road. Also exiting from Lilybank Lane is the same as exiting from any property which has a driveway and footway, you have to cross the footway to enter onto the traffic lane.

There would be clear line of site up and down the lane if residents parked there cars on "off lane" parking areas.

As shown on your photo, the only "off lane" parking is resident at "No 4 Lilybank Lane" who has formed block paved area for parking.

All residents using Lilybank Lane have to respect each others use, and by having "off Lane" parking there would be lot better flow for maintenance vehicles and delivey vans.

All residents should realise to park on Lilybank Lane would be impracticable and not just resident at No 2 Lilybank Lane.

The "off Lane" parking by resident at "Whin Cottage" is much appreciated, the parking area still projects onto Lilybank Lane some 300mm.

**Mr [REDACTED] C [REDACTED] (Transport Scotland)**

We are at present in consultation with Transport Scotland to apply for Departure from Standards for the direct access from Lilybank Lane and onto Main Road ( A78 ).

We submitted the following on 3<sup>rd</sup> October 2021 :-

Application for Departure from Standards Form, (JA-LB-1-10-2021).

Drawing No 2021-LB-09, Road Junction.

Drawing No 2021-LB-02, O.S. National Grid Reference

With regard to your e-mail of 12<sup>th</sup> October 2021 from Alan Hobbs (Transport Scotland). The bus stop used to be located at foot of Burnfoot Road. It was relocated by Transport Scotland to area in front of No 44 Main Road Fairlie, causing challenges for driveway access from existing houses and Lilybank Lane.

The width of Lilybank Lane has not changed and has accessed residents for over 50/80 years.

Existing visibility both entering and leaving Lilybank Lane is excellent as shown previously with drawings and photos.

As shown on List of Neighbours Notified on 11<sup>th</sup> June 2021 (Attached) No 6 Lilybank Lane was shown on this List.

The existing right of vehicle access with off lane parking / garage to Lilybank Lane is No 3 Whinn Cottage, Lilybank Lane, No 4 Lilybank Lane and No 6 Lilybank Lane ( new development ).

As shown above and on List of Neighbours, there are 3 Residents / vehicles who may access Lilybank Lane.

As proposed this would also be 3 Residents / vehicles who may access Lilybank Lane.

There being no change to the numbers using Lilybank Lane, then we see need for any change to the existing direct access from Main Road to Lilybank Lane.

### **General Information**

Only residents with parking facilities or a garage should be using Lilybank lane for any vehicles.

There should only be 2 vehicles using Lilybank Lane. Resident at No 3 and resident at No 4.

All residents may use Lilybank Lane for pedestrian access.

There is a public right of way for pedestrians from the main road up Lilybank Lane then up the steps to Glen Road.

In general all the parking issues are from properties at No 1, and No 5 Lilybank lane as they have parking issues.

In conclusion the proposed erection of a dwellinghouse would increase the use of Lilybank Lane from 2 vehicles to 3 vehicles. ( As stated below No 4 Lilybank Lane was previously 2 properties ). Therefore in general there is no increase in vehicles using Lilybank Lane.

### **Summary**

In short therefore we believe at that this application does not represent over development on the site as the existing property at Number 4 Lilybank Lane was previously 2 properties.

### **Attachments**

Please find attached the following :-

Application for Departure from Standards Form, (JA-LB-1-10-2021).

Drawing No 2021-LB-09, Road Junction.

Drawing No 2021-LB-02, O.S. National Grid Reference.

Drawing No 2021-LB-07 (sheet 1) Visibility Lines.

Drawing No 2021-LB-07 (sheet 2) Visibility Lines.

Drawing No 2021-LB-08 Visibility Lines.

Photos of Site plus Lilybank Lane.

Photos of Main Road Junction.

Photos of neighbouring access.

List of Neighbours Notified on 11<sup>th</sup> June 2021

If this review for Planning Permission in Principle is refused then we like to appeal to Scottish Ministers.

Yours faithfully

JAMES ALLAN

13-10-2021

Copies To :-

File

Planning Dept, North Ayrshire Council.

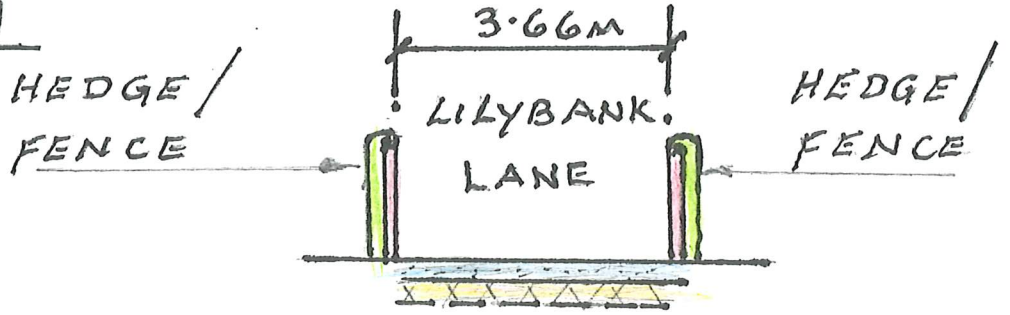
Angela Little, Committee Services Officer, North Ayrshire Council.

Transport Scotland,

Review Body, ( Councillors )

Mr A. Allan. E-mail.

J.A./SEPT, 21



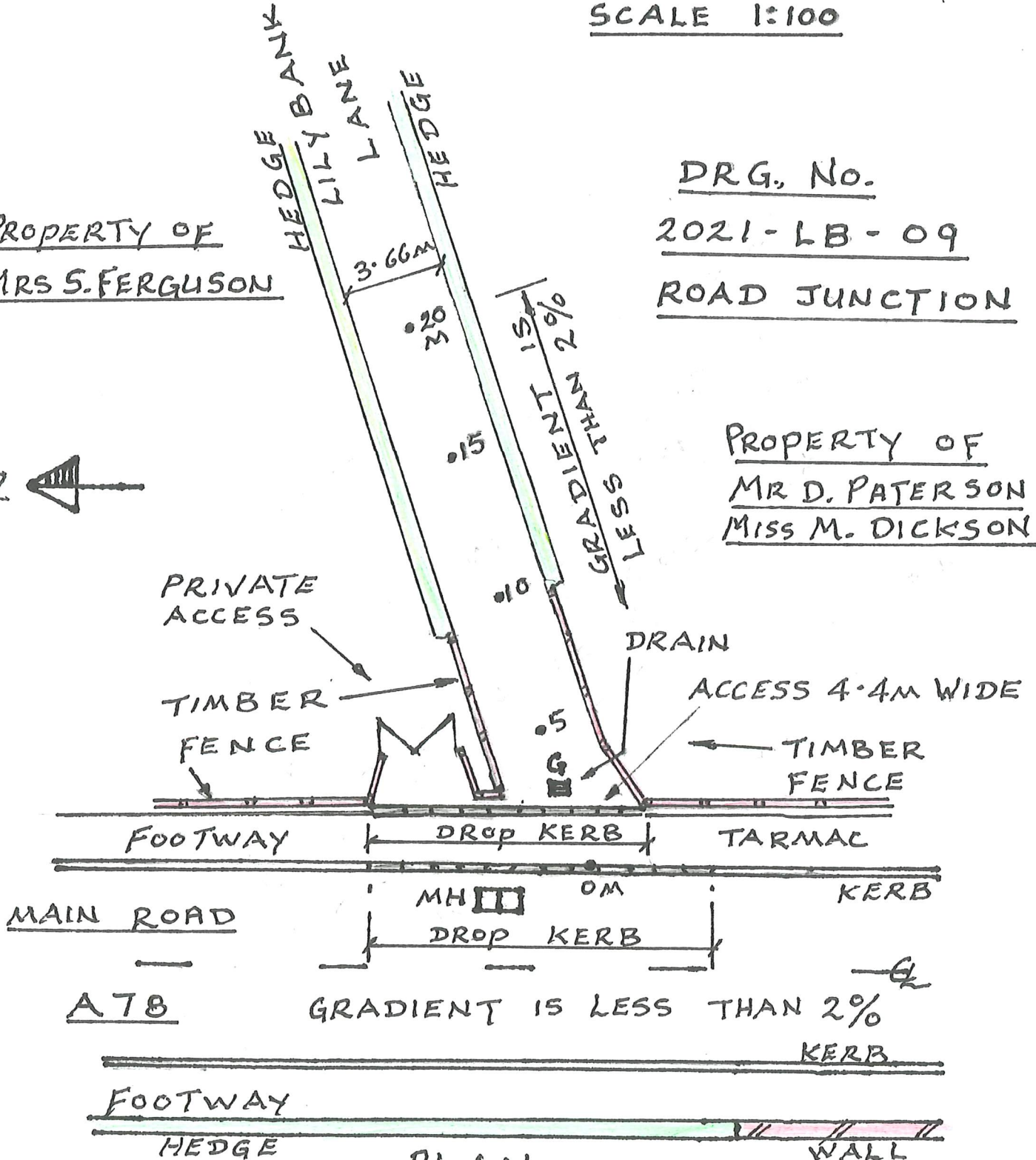
TYPICAL CROSS SECTION

SCALE 1:100

PROPERTY OF  
MRS S. FERGUSON

DRG. No.  
2021-LB-09  
ROAD JUNCTION

PROPERTY OF  
MR D. PATERSON  
MISS M. DICKSON.



PLAN

SCALE 1:200



TRANSPORT SCOTLAND  
APPLICATION FOR DEPARTURE FROM STANDARDS

APPLICANT : JAMES ALLAN  
PROJECT TITLE : PLANNING IN PRINCIPLE APPLICATION  
21/00542 / P.P.P. 4, LILYBANK LANE,  
FAIRLIE.  
DEPARTURE NO. : LILYBANK 001

PROJECT DETAILS	
General Description of Project	ERECTION OF PROPOSED DWELLINGHOUSE
Route Strategy	ATB TRUNK ROAD, JUNCTION WITH LILYBANK LANE, FAIRLIE
Road Category & Type	CATEGORY 1, NORMAL 7.3M CARRIAGEWAY S2. T.D 9
Proposed Carriageway Cross Section	SEE DRAWING 2021-LB-09
Design Speed Proposed	0 TO 5 MPH ON LILYBANK LANE C.D 109
Future Traffic Flows & Composition	2/5 VEHICLES/DAY - (CARS) 25 VEHICLES / WEEK (AVERAGE)

DESCRIPTION OF DEPARTURE	
Location and Chainage	ATB JUNCTION AT LILYBANK LANE FAIRLIE - CHAINAGE 20M
Departure Type CD123	STOP - SEE VISIBILITY SITE LINES DRAWINGS + PHOTOS
DMRB Reference CD123	CLAUSE 4 DIRECT ACCESS
Required Standard CD123	CLAUSE 5 PRIORITY JUNCTION
Standard Provided CD123	CLAUSE 4 DIRECT ACCESS. SEE DRG. 2021-LB-09
Associated Departures or Relaxations	NO ADDITIONAL DEPARTURES OR RELAXATIONS

Drawing No's. 2021-LB-08, 2021-LB-07 (SHEET 1 & 2) 2021-LB-09 + PHOTOS

JUSTIFICATION	
Detailed Justification	COST & REDESIGN OF JUNCTION INVOLVING NEIGHBOURS LAND & PRIVATE ACCESS
Safety Implications	THIS DIRECT ACCESS TO ATB HAS BEEN IN OPERATION FOR 20/30 YEARS, WITH NO ACCIDENTS OR
Structural Integrity	DEPARTURE WILL HAVE NO CHANGE TO STRUCTURAL INTEGRITY OF ROAD OR PAVEMENT INCIDENTS

ESSENTIAL COMPENSATORY MEASURES	
Compensatory Measures	NO ADDITIONAL COMPENSATORY MEASURES ARE NECESSARY.

→ DRAWING No 2021-LB-02

Rainow



MAIN ROAD

NORTH LILYBANK LANE

EXTRACT FROM O.S. SURVEY PLAN

SCALE 1:200

DRG No 2021-LB-07 (SHEET 1)

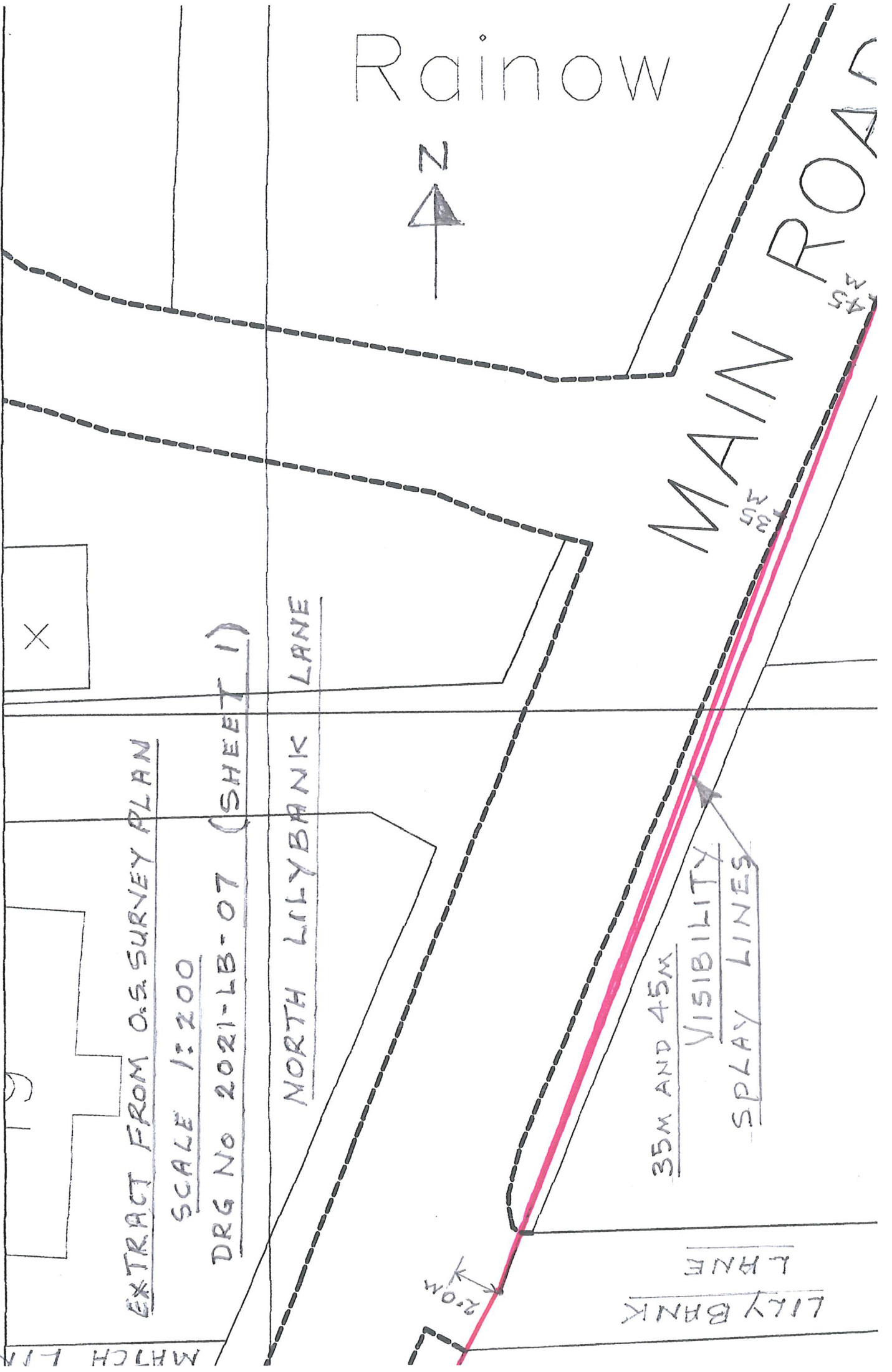
35M AND 45M

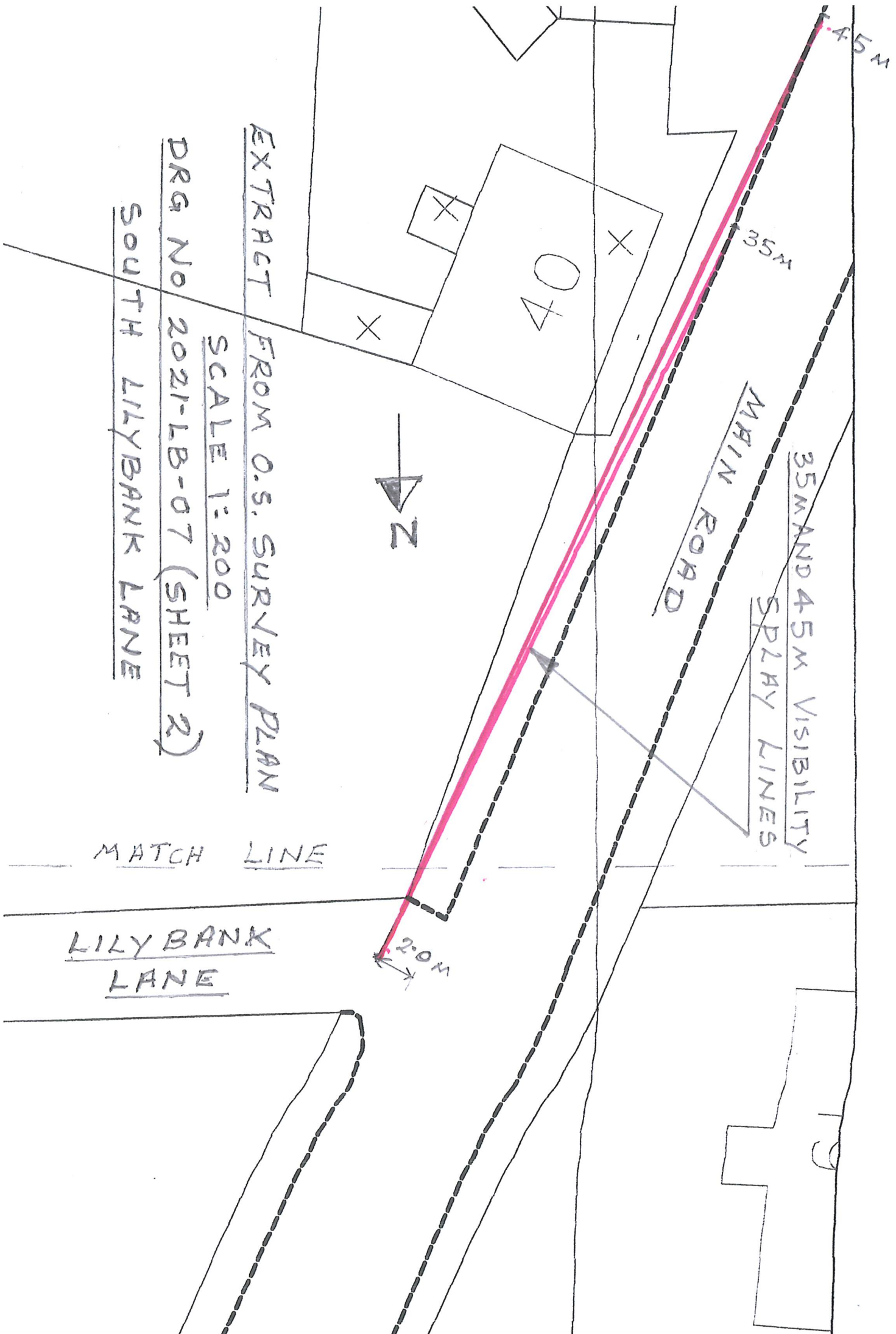
VISIBILITY  
SPRAY LINES

LILYBANK  
LANE

2.0M

WHICH LINE





EXTRACT FROM O.S. SURVEY PLAN  
SCALE 1:200  
DRG NO 2021-LB-07 (SHEET 2)  
SOUTH LILYBANK LANE

MATCH LINE

LILY BANK LANE



35M AND 45M VISIBILITY  
DISPLAY LINES

MAIN ROAD

40

45 M

35 M

2.0 M

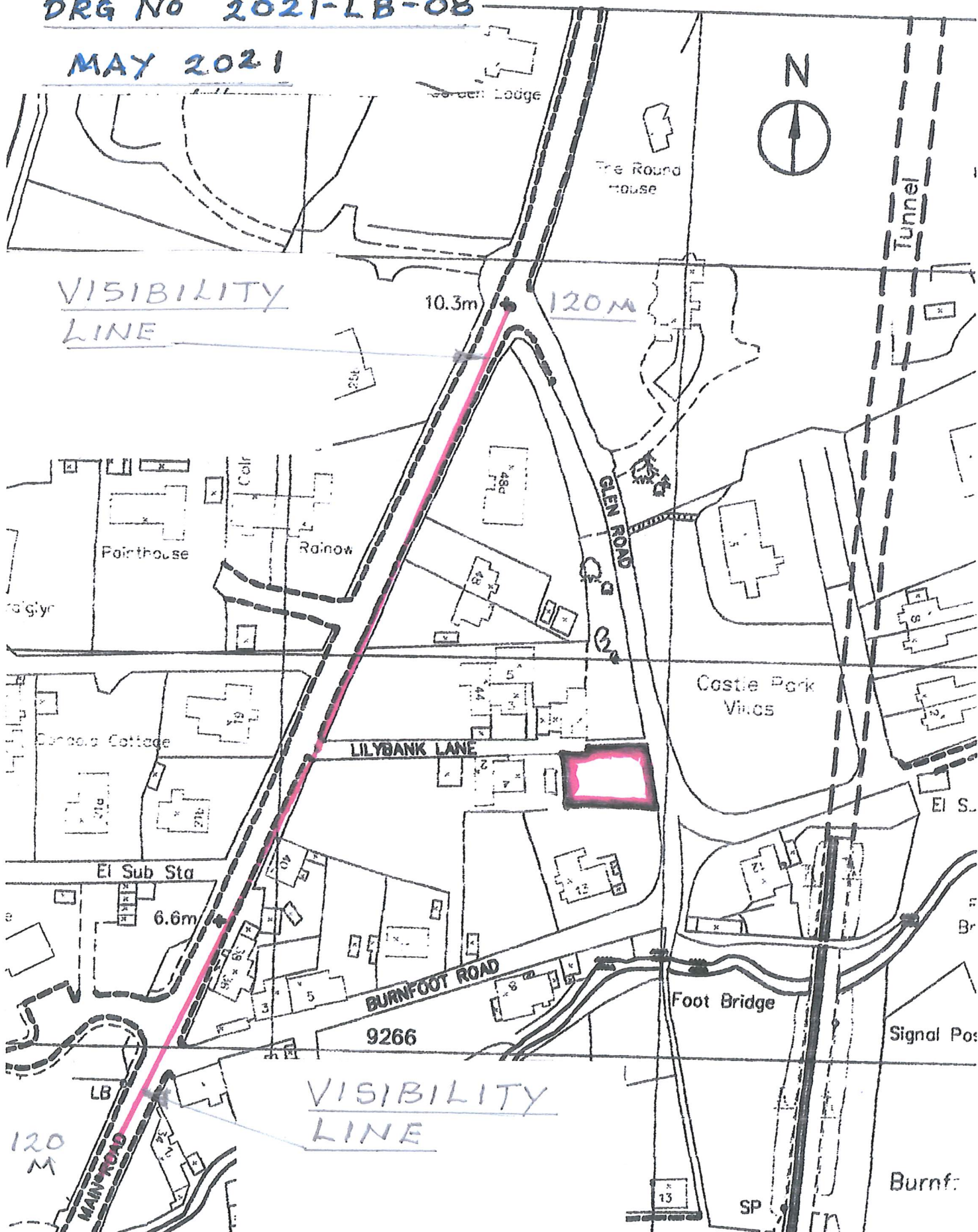
EXTRACT FROM  
O.S. SURVEY PLAN

SCALE 1:1250

DRG No 2021-LB-08

MAY 2021

2210 00m



  
**LAND REGISTER  
OF SCOTLAND**

Officer's ID / Date

9995  
9/3/2010

TITLE NUMBER

**AYR38658**

Scale

1/2500

Survey Scale

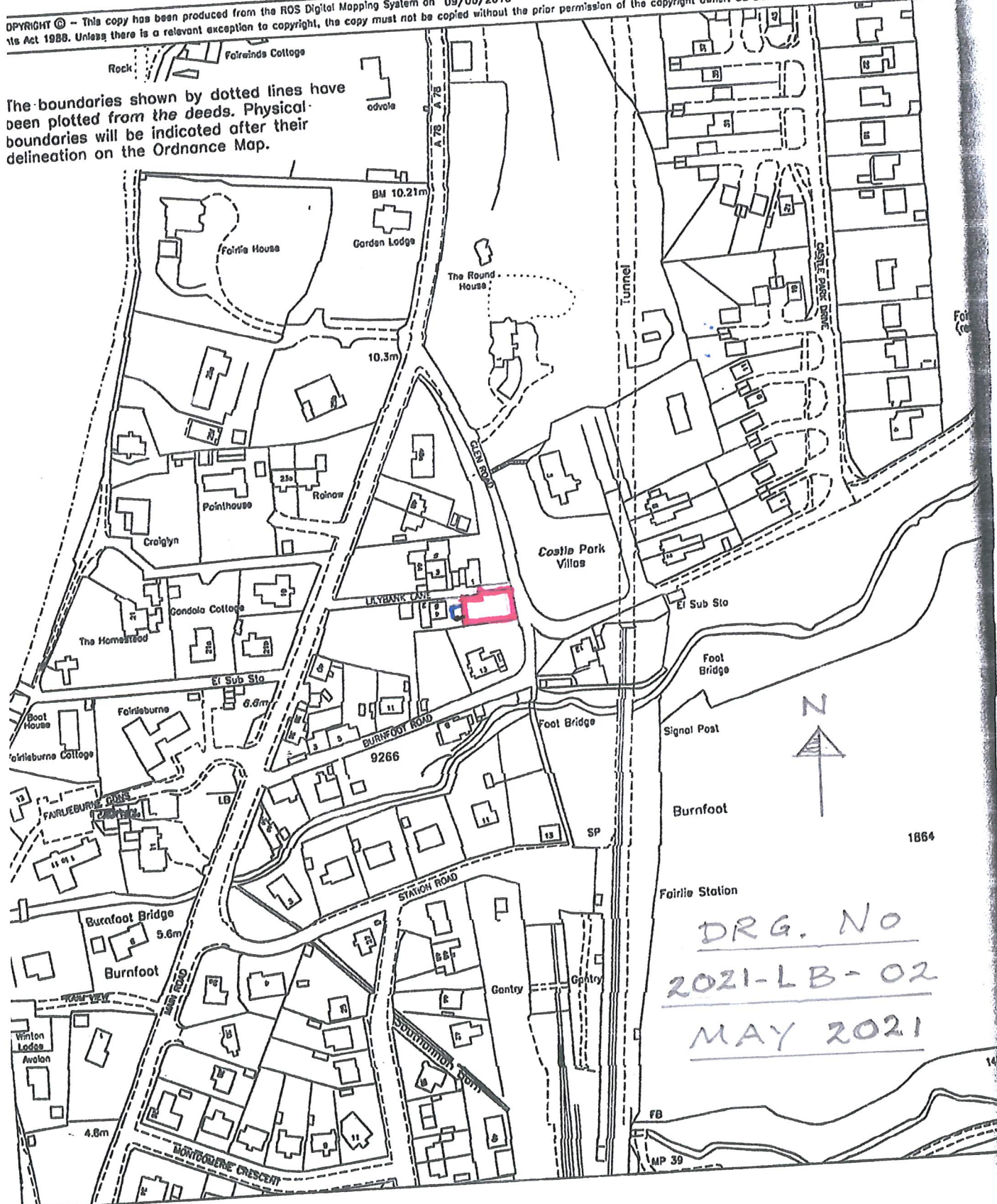
1/2500

ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

NS2054 NS2154 NS2055 NS2155

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



DRG. No  
 2021-LB-02  
 MAY 2021

**Ref Number 21/00542/PPP**

**List Of Neighbours Notified on 11th June 2021**

10 Burnfoot Road, Fairlie, Largs, Ayrshire

12 Glen Road, Fairlie, Largs, Ayrshire

3 Glen Road, Fairlie, Largs, Ayrshire

The Bute, Lilybank Lane, Fairlie, Largs

44 Main Road, Fairlie, Largs, Ayrshire

2 Lilybank Lane, Fairlie, Largs, Ayrshire

Whinn Cottage, Lilybank Lane, Fairlie, Largs

Rose Cottage, Lilybank Lane, Fairlie, Largs

1 Lilybank Lane, Fairlie, Largs, Ayrshire

13 Burnfoot Road, Fairlie, Largs, Ayrshire

6 Lilybank Lane, Fairlie, Largs, Ayrshire

■ Indicates neighbours notified within 20 metres of site boundary

