
NORTH AYRSHIRE COUNCIL

2 October 2019

Local Review Body

Title: Notice of Review: 19/00147/PP – Site to West of 35 Irvine Road, Largs.

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant requesting the amendment of Condition 1 (iv) of planning permission 19/00147/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 19/00147/PP – erection of dwelling house (in principle) at 35 Irvine Road, Largs.

2.2 Planning permission was granted by officer's subject to conditions. Condition 1 states:

"That the approval of North Ayrshire Council as Planning Authority shall be obtained before the developments commenced with regard to details of the means of access, proposed driveway and parking provision. The access from the truck road shall be at least 5.5m wide for a distance of 10m from the nearest edge of the trunk road carriageway; for the avoidance of doubt, the indicative drawings submitted in support of this application, are not approved."

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

*"That the approval of North Ayrshire Council as Planning Authority shall be obtained before the developments commenced with regard to details of the means of access, proposed driveway and parking provision. **It is recommended that** the access from the truck road shall be at least 5.5m wide for a distance of 10m from the nearest edge of the trunk road carriageway; for the avoidance of doubt, the indicative drawings submitted in support of this application, are not approved."*

2.4 The applicant has requested that a site visit is undertaken prior to a decision being taken.

2.5 The following related documents are set out in the appendices to the report:-

Appendix 1 - Notice of Review documentation;

Appendix 2 - Report of Handling;

Appendix 3 - Location Plan;

Appendix 4 - Planning Decision Notice;

Appendix 5 - Further representations from interested parties; 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

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NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Yes No

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

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)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

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

Review procedure

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

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

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

Block plan revised to show the addition of a passing layby on the drive so if a car is entering the drive at the same time one is leaving one of them can pull in to the layby to let the other pass.

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 type="checkbox"/> | <input checked="" 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.

I wish to appeal against one of the conditions of approval, namely condition one item four:-

Details of the means of access, proposed driveway and parking provision. The access from the trunk road shall be at least 5.5m wide for a distance of 10m from the nearest edge of the trunk road carriageway;

The reason given on the conditional approval is that the condition is required to meet the requirements of Transport Scotland.

This condition cannot be met since the access is at most 4.9m wide at the pavement edge reducing to 4.5m. The ground on either side belongs to others so this condition effectively means the application is refused rather than approved. The planning officer approved the application but as this condition suggested cannot be met then the application is effectively refused. We have attempted to purchase a small strip of ground from the petrol station adjacent owners but they have said they are not interested.

I have used the word 'we' because the site requested for planning approval is currently part of the front gardens of 33 and 35 Irvine Road. I and my neighbour [REDACTED] of number 35 are sharing this application.

Transport Scotland response referred to The National Roads Development Guide.

The National Roads Development Guide provides advice and does not set out any new policy or legal requirements.

I have read this document as it is downloadable and while not claiming any technical knowledge of roads I cannot see where it states that a maximum of two houses can be served from a private driveway and it does not give any details of minimum widths of driveways.

The guide only states that:- *'6 or more individual dwellings should normally be served by a 'road' which will require Construction Consent and the submission of a Road Bond in a residential area. Generally 5 or fewer dwellings (more if a 'brownfield site', eg redeveloped farm steadings) will be served by a 'private access' which, as there is no right of public access, will not require Construction Consent and will not be available for adoption'*

Page 81 of the guide makes reference to a 5.5m minimum width but this is for passing places on Housing Roads not private driveways. We could and would introduce a 5.5m wide passing place half way up the driveway. I have attached a drawing showing this amendment to the plans.

My appeal then is that it is not a statutory or any other requirement for a driveway for three houses to have the dimensions quoted in the condition. It should therefore be seen as a recommendation and not a requirement.

When a similar application was made to NAC planning in 2013 for one house it was also asked at the pre-planning meeting if two houses would be considered. The planning officer advised that Transport Scotland were satisfied with the existing drive for three houses (two existing and one proposed) but would wish a wider drive for four houses. It was with the confidence from this previous advice that I only applied for OPP for one house although the site is easily big enough for two houses.

In conclusion then it seems unjust that a 1500m² site in the town should be denied a use because of a direction from Transport Scotland to widen a drive (photograph attached) that has existed for over 50 years. The direction to widen the drive is not possible and not a statutory requirement but please accept my suggestion of a passing place in the drive being good enough to allow approval.

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 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.

In the first instance I sought to try and meet the condition through attempting to purchase a metre of ground from the petrol station.

When this was not possible I reviewed the decision and the document (The National Roads Development Guide) that it was said to be based on and believe that it is not mandatory for condition one point four to be made and the condition could have been asked for 'if possible'.

I had not previously thought of providing a passing place further up the driveway but appeal that provision of this would resolve the concern over the possibility of two vehicles trying to use the drive in opposite directions at the same time.

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.

Block plan showing passing layby
 Photograph of existing driveway
 Copy of page 5 of this document signed.

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

Checklist

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

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed

J. Moultrie

Date

29 July 2019

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.

Block plan showing passing layby
 Photograph of existing driveway
 Copy of page 5 of this document signed.

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

Checklist

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

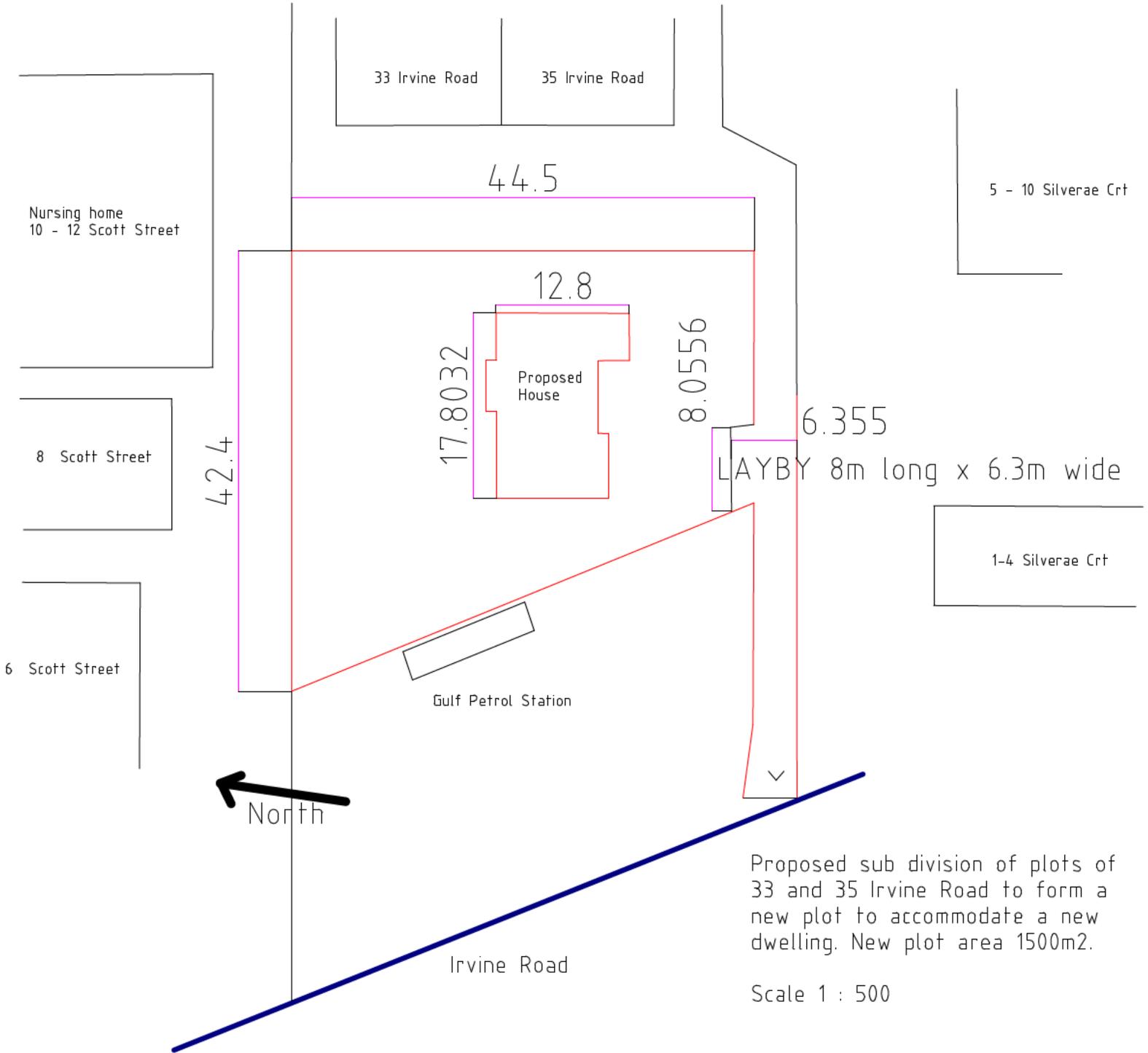
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed [REDACTED] Date 29 July 2017



Proposed sub division of plots of 33 and 35 Irvine Road to form a new plot to accommodate a new dwelling. New plot area 1500m².

Scale 1 : 500



33

35

Unsuitable for vehicle

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 19/00147/PPP
Proposal: Erection of dwellinghouse (in principle)
Location: Site To West Of, 35 Irvine Road, Largs, Ayrshire

LDP Allocation: Residential/Housing
LDP Policies: POLICY RES 1 / General Policy /

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 06.03.2019
Neighbour Notification expired on 27.03.2019

Advert: Not Advertised

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

POLICY RES 1
HOUSING ALLOCATION

Proposals for residential development in areas allocated for housing on the LDP Maps shall accord with the LDP.

Note: The Mainland Affordable Housing Policy (see Policy RES 4) will apply to applications for residential development within RES 1 allocations (that comply with the criteria set out in the policy) from a date to be prescribed, which will be on or after adoption of the LDP.

General Policy
GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area

and landscape.

- Design should have regard to existing townscape and consideration should be given

to size, scale, form, massing, height, and density.

- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.

- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.

- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and

town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas.

Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.

- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.

- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;

- Levels and effects of noise and vibration;

- Smell or fumes;

- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;

- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural

heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and

planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will

generally be required to ensure an appropriate boundary between town and country is

provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist

assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;

- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

Description

The application site refers to an area of garden ground 1491.75sqm in area belonging to 33 and 35 Irvine Road. The site is flat and open with no boundary separating ownership. It is bordered to the west by the rear of the Gulf petrol filling station to the north by the rear boundaries of the houses on Scott Street, to the east by the fronts of 33 and 35 Irvine Road and to the south by a row of trees and bushes

separating the private access from Silverae Court. The site is accessed via a private access taken from Irvine Road which currently serves 33 and 35 Irvine Road.

This application is for Planning Permission in Principle for the erection of a house on the site.

In the adopted Local Development Plan the site is located within the settlement of Largs and Policy RES 1, Housing Allocation, of the LDP as well criteria (a), Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking Provision.

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has been assessed against the terms of the Proposed LDP. In this instance, assessing the proposal against the terms of the Proposed LDP would not alter the conclusion of the assessment of the proposal against the adopted LDP, because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the assessment of the proposal.

A previous application for a full planning permission for a dwellinghouse on half of the site was withdrawn in December 2013 (13/00664/PP).

Pre-application planning advice was given which stated that the site was likely suitable for the siting of a house but that consideration would have to be given to siting to ensure an appropriate relationship to the existing buildings and street layout (19/00075/PREAPP).

Consultations and Representations

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

1. The proposed dwellinghouse would overlook neighbouring properties. The proposed house would lead to loss of light for neighbours. Concerns about the height of the house.

Response: This is an application for Planning Permission in Principle and overlooking/overshadowing of neighbouring properties would be assessed as part of a following application for full Planning Permission. It is considered that through careful siting and design it would be possible to erect a house on this plot which would not overlook/overshadow neighbouring properties.

2. It may not be safe to build a house and fell trees next to a petrol station.

Response: The felling of the trees would not require Planning Permission. It is not considered unsafe to erect a house next to a petrol station.

3. There is an error in the block plan relating to the numbering of the neighbouring houses.

Response: The block plan is indicative and is a supporting document. Notwithstanding, it is considered sufficiently accurate to describe the proposal and incorrect numbering of neighbouring houses would not prejudice this.

19/00147/PPP

4. Concerns over the loss of so many trees.

Response: This is an application for Planning Permission in Principle and there are no plans to remove any trees. Details of landscaping would be assessed as part of a following application for full Planning Permission.

7. Would the house be used as a guesthouse business?

Response: This is an application for Planning Permission in Principle and there are no details of the house or how it would be used.

8. Please ensure site traffic does not park on our street.

Response: This is an application for Planning Permission in Principle and does not permit any development works. Notwithstanding, control over construction traffic is not a material planning consideration.

Consultations:

North Ayrshire Active Travel and Transportation: Transport Scotland is the trunk road authority and should be consulted on access and junction arrangements onto the A78 Trunk Road. Active Travel and Transport recommend that no more than 2 houses be served from a private driveway, however, in the previous application accepted Transport Scotland's advice that the access should be widened.

Transport Scotland: No objections subject to conditions requiring that the access be widened and that the applicant applies and is granted a 'departure from standard' in respect to overlapping visibility splays from the junction with the A78.

Response: Noted. Details of access would be required as part of an application for full Planning Permission and an informative could be added to any permission regarding Transport Scotland's visibility splay requirement.

Analysis

Proposals for residential development in areas allocated for housing on the LDP maps shall accord with the LDP subject to complying with the other relevant policies in this case the General Policy, criteria (a), Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking Provision.

The site is very large and could support a single dwellinghouse and its associated curtilage. An indicative block plan has been provided, however, the siting displayed on this plan would not be suitable as the house is set too far back from the road facing Silverae Court. As established by the pre-application advice, the house would need to be sited to ensure an appropriate relationship to the existing buildings and street layout which would mean either forming a meaningful frontage onto Silverae Court or rotating to face 22 and 35 Irvine Road, thus creating an enclosed lane. In the case of the first option this would mean siting the house close to the southern site boundary as well as removing some of the smaller bushes along this boundary whilst retaining the larger trees. Computer generated images of a house design have been provided as supporting information however these are also indicative. The issues of design, external appearance and finishing materials are matters for

consideration on submission of a full application, or an application for approval of matters as specified in the conditions attached to this PPP.

The development site is large enough to ensure that an appropriately sited and designed house would not impact on the amenity of any of the neighbours in terms of overlooking or overshadowing. The site is also large enough to ensure sufficient garden grounds for the proposed house. Planting and boundary treatments could be used to ensure the privacy of the garden of the proposed house and neighbouring properties.

The current driveway access would require to be widened to 5.5m for a distance of 10m from the edge of the trunk road, which may require the relocation of the existing gateposts. The land to the side of the driveway is currently outwith the control of the applicant and an agreement would have to be reached with the relevant landowner(s) in order to widen the access. A condition could be attached to ensure that the access is widened. In addition the Trunk Roads Authority requires that prior to any works commencing on site the Applicant shall apply for, and be granted, a departure from standard in respect to the overlapping visibility splays (2.4m x 70m) with the adjacent accesses / junction. The applicant has been advised of this requirement by an informative.

In view of the above it is considered that the proposed development satisfies the relevant policies of the Local Development Plan and accordingly it is recommended that the Planning Permission in Principle be granted for 3 years.

Decision

Approved subject to Conditions

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

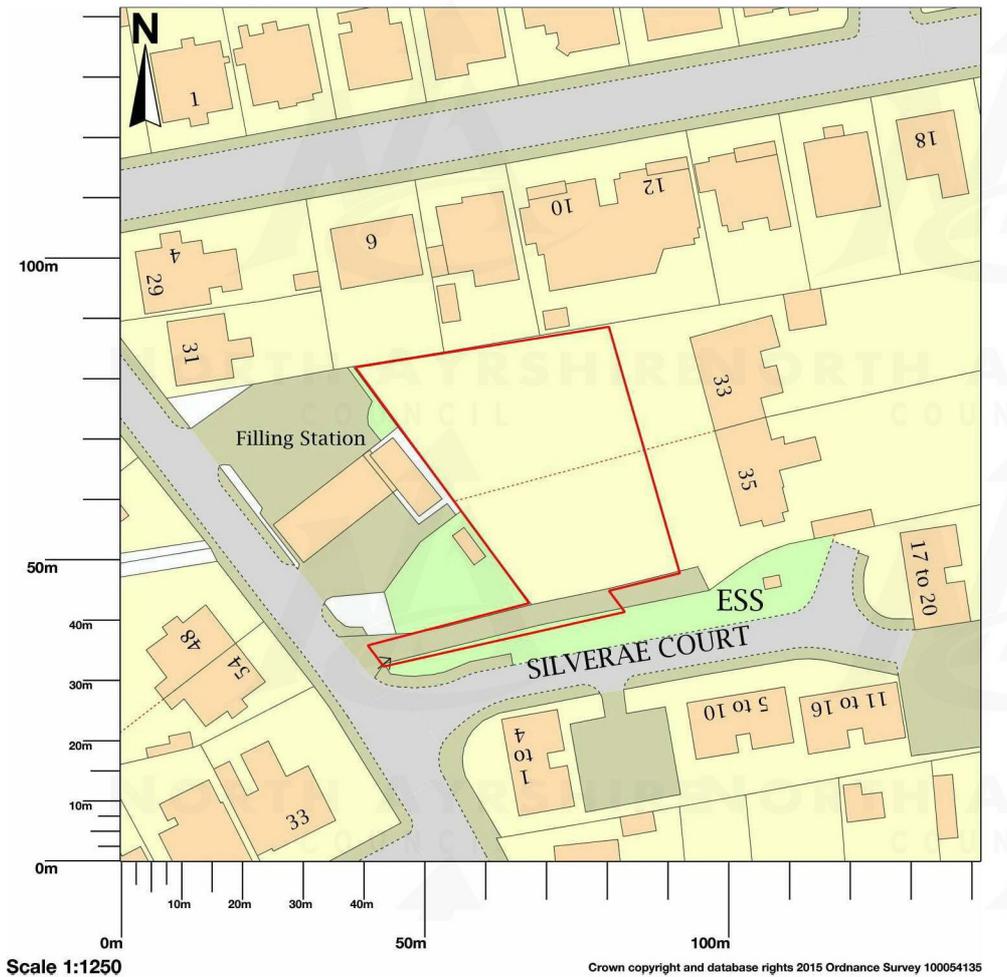
APPROVED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER
SUBJECT TO CONDITIONS



33 Irvine Road, Largs, KA30 8HS



Map area bounded by: 220675,658874 220817,659016. Produced on 27 February 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/323853/440298



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00147/PPP

(Original Application No. N/100151692-001)

CONDITIONAL PLANNING PERMISSION IN PRINCIPLE Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

To : Mr James Moultrie
 33 Irvine Road
 Largs
 Ayrshire
 KA30 8HS

With reference to your application received on 6 March 2019 for planning permission in principle under the above mentioned Acts and Orders for :-

Erection of dwellinghouse (in principle)

at Site To West Of
 35 Irvine Road
 Largs
 Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission in principle, 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 | <p>1. That the approval of North Ayrshire Council as Planning Authority with regard to:</p> <p> i) The siting, design and external appearance of the proposed dwellinghouse;</p> <p> ii) Details of all boundary enclosures;</p> <p> iii) Details of all hard and soft landscaping;</p> <p> iv) Details of the means of access, proposed driveway and parking provision. The access from the trunk road shall be at least 5.5m wide for a distance of 10m from the nearest edge of the trunk road carriageway;</p> <p> shall be obtained before the development is commenced. For the avoidance of doubt, the indicative drawings submitted in support of this application, are not approved.</p> |
| Reason | <p>1. In order that these matters can be considered in detail and to meet the requirements of Transport Scotland.</p> |

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

Dated this : 1 May 2019

.....
for the North Ayrshire Council

Drawings relating to decision

Drawing Title	Drawing Reference	Drawing Version
Location Plan		

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

Site To West Of 35 Irvine Road Largs Ayrshire
No N/19/00147/PPP

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

1. Thee applicant is required to obtain a departure from standard in respect to the overlapping visibility splays (2.4m x 70m) with the adjacent accesses / junction from Transport Scotland.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, 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: [REDACTED]
To: [Euan Gray \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: FW: Ref 19/00147/PPP - Transport Scotland Comments for Review Board - Site to west of 35 Irvine Road, Largs
Date: 08 August 2019 11:49:36
Attachments: [REDACTED]

Hi Euan

Please see attached comments from Transport Scotland

Regards

Lorna

From: [REDACTED]
Sent: 08 August 2019 08:44
To: eplanning (shared mailbox) <eplanning@north-ayrshire.gov.uk>
Cc: [REDACTED]
Subject: Ref 19/00147/PPP - Transport Scotland Comments for Review Board - Site to west of 35 Irvine Road, Largs

I refer to the above application and the forthcoming Review to be undertaken.

Transport Scotland would wish the following comments to be considered at the time of Review.

If this development proceeds three houses will then be using a narrow access from the trunk road. This increases the chance of a vehicle leaving the site as one attempts to enter and consequently causes it to stop on the trunk road to allow the exiting vehicle to clear the driveway. This would be to the detriment of road safety. The proposed passing place is too far up the access road to be of great benefit as a leaving vehicle may be beyond this point, or stopped at the edge of the trunk road waiting for a gap in traffic when another vehicle arrives and cannot enter without hindrance.

Therefore, Transport Scotland would maintain its request that the access be wide enough, at the section immediately adjacent to the trunk road, to permit a vehicle to enter while another is leaving without interfering with each other.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

27th August 2019

Dear Mr Gray, Reference 19/00147/PPP

Your letter of the 20th of August invited me to make comment on the email from Transport Scotland dated 08 August 2019.

I hope this email from Transport Scotland removes the need for the condition added to the planning approval in principle.

The reason the condition was applied was to meet the requirements of Transport Scotland. The email from Transport Scotland of the 8th August 2019 clarifies that contrary to their previous statement there is no requirement for a private driveway to be of the dimensions stated.

Transport Scotland are now saying that having a driveway wide enough for two cars to pass is only a recommendation and a request.

I would of course adopt this recommendation if it were physically possible. The ground forming the driveway is only 4.9m reducing to 4.5m so making the driveway wider is not possible.

Transport Scotland say that if an exiting vehicle stops one wishing to enter this would stop the traffic and this would be detrimental to road safety.

Between the Largs north and south 30mph limits on the trunk road there are 131 roads, entrances and driveways joining the trunk road. If a vehicle wishes to turn right into any of these and there is oncoming traffic that brings the traffic behind the vehicle wishing to turn to a stop.

Of these entrances and driveways 41 of them are narrower than the 5.5m width being requested by Traffic Scotland.

Some 500m south of our drive is the entrance to Douglas Park. The entrance between the iron gates is 3.46m wide and this entrance is used by cars parking for the bowling club and by North Ayrshire Council vans carrying out grounds maintenance.

Some of the other 41 entrances that are narrower than that recommended by Transport Scotland can have high vehicle use such as the churches St Mary Star of the Sea and St Columba's Scottish Episcopal Church.

In summary then I ask that the condition is removed because:

1. The requirement it was put in place for does not exist.
2. The site access cannot be widened to meet the recommended width.
3. There are 41 other entrances from the trunk road that are less than the recommended width.

Yours Sincerely,