



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 20 February 2019** at **14:15** to consider the undernoted business.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of meetings of the Committee held on 5 December 2018 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 18/00780/PP - Site to the East of Scotthaven, Park Terrace, Lamlash, Isle of Arran

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

4 Urgent Items

Any other items which the Chair considers to be urgent.

Local Review Body Sederunt

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

Chair:

Apologies:

Attending:

Irvine, 5 December 2018 - At a Meeting of the Local Review Body of North Ayrshire Council at 4.05 p.m.

Present

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

In Attendance

A. Hume, Senior Development Management Officer (Economy and Communities); M. Barbour, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Robert Foster, Christina Larsen

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Local Review Body held on 31 October 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 18/00559/PP - Croftlands, Lamlash, Isle of Arran

Submitted report by the Chief Executive on a Notice of Review submitted by the applicant in respect of a condition attached to a planning permission approved by officers under delegated powers to re-roof a building and convert the attic to provide additional living accommodation.

Condition 2 of planning permission 18/00559/PP states:-

"That, for the avoidance of doubt, the development hereby approved shall function only as an annexe of the existing dwelling at Croftlands and not as a separate independent dwellinghouse. The annexe shall not be let or sold separately from the existing dwellinghouse known as Croftlands."

The notice of review set out the appellant's request that Condition 2 be amended to read:-

"The annexe will not be sold separately from the property known as Croftlands"

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations by interested parties and the appellant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and went on to summarise the Notice of Review for the applicant and the Report of Handling of the appointed officer. Photographs and plans of the site were displayed.

Members asked questions and were provided with further information on the procedure around applying for the removal of conditions from planning permissions.

The Local Review Body unanimously agreed to uphold the officer's decision to attach a condition to planning permission 18/00559/PP to the effect that the sale or letting of the annexe separately from the existing dwellinghouse is restricted. Accordingly, the review was dismissed.

The Meeting ended at 4:15 p.m.

NORTH AYRSHIRE COUNCIL

20 February 2019

Local Review Body

Title: Notice of Review: 18/00780/PP - Site to the East of Scotthaven, Park Terrace, Lamlash, Isle of Arran

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.

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 18/00780PP - Demolition of existing storey and a half workshop building & erection of new storey and a half dwelling.
- 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 and supporting documents;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan; and
 - Appendix 4 - Planning Decision Notice.

3. Proposals

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

4. Implications/Socio-economic Duty

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	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 Duty:	None arising from this report.
Children and Young People:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

- 5.1 No consultation was required as there were no interested parties (objectors, supporters or statutory consultees) in relation to this planning application.



Andrew Fraser
Head of Democratic Services

For further information please contact **Euan Gray, Committee Services Officer**, on **01294 324130**.

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 MR LEE DUTTON

Address 

Postcode

Contact Telephone 1 N/A


Contact Telephone 2 N/A

Fax No N/A

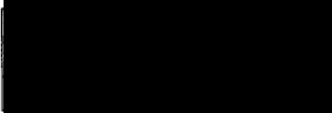
E-mail* N/A

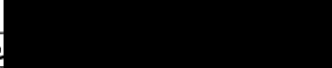
Agent (if any)

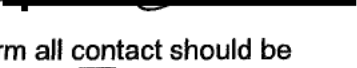
Name DAVID NIMBLEY

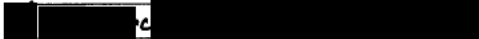
Address 

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

NORTH AYRESHIRE COUNCIL

Planning authority's application reference number

18/00780/PP

Site address

SITE TO EAST OF 'SCOTTHOUSE'
PARK TERRACE, LAMHASH, ISLE OF ARRAN

Description of proposed
development

DEMOLITION OF STOREY + HALF WORKSHOP.
& ERECTION OF NEW STOREY + HALF DWELLING

Date of application

12/09/2018

Date of decision (if any)

3/12/2018

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:

IMPERATIVE THAT ALL TIME, EFFORT & PLANNING GUIDANCE AT PRE-APPLICATION STAGE BE RECOGNISED & NOT DISMISSED,

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:

N/A

Statement

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

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

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

SEE ATTACHED DOCUMENTATION.

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.

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.

SEE ATTACHED.

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



Date

02/02/2019

20/01/2019

Appeal Grounds Against Refusal of Proposed New Dwelling at :
'Scotthaven', Park Terrace, Lamlash, Isle of Arran.

Item:

- (i) within notice for refusal – Over development and residential amenity.

The site as proposed, along with the existing donor plot, are both substantive in their own right, when compared with others within the locality and in fact throughout the more built-up areas of the Island as a whole.

By referring to the proposed block plan submitted, it can clearly be seen that the extent of both plots created extend to an area at least a third more than the existing adjacent.

It is therefore evident that this leveled item is both erroneous and unfounded.

Residential amenity goes hand in hand with the previous point, in that when compared with adjacent plots, the proportional increase in footprint is still providing for far more external amenity space than adjacent residencies due to greater overall plot size.

It is also worthy of note, that the planner assigned to the eventual submission admitted that he had failed to appreciate that the client had in fact taken title to a strip of land to the north-east boundary, thus increasing the plot width up to 2.5m from what is currently perceived on site.

Great play has been made within the handling report, that the clients were totally inflexible in terms of pushing the footprint further to the rear of the site.

As was explained at the time, the nature of the geology in the area dictates that any advance into the upwardly sloping site would entail major rock excavation works as this is what exists beneath the grassed surface level.

As a stand alone site this may have been an option, however any such works would undoubtedly impact on the integrity of neighbouring properties, not least in terms of discharging surface water, but more importantly in terms of structural integrity along any boundary line.

- (ii) within notice for refusal – Conflict with existing linear pattern of streetscape.

Once again, the criticism leveled belies the reality of the situation, as there exists two distinct linear settlement lines.

The first is from the north-east end of the terrace, which is where the original developments evolved and the second is the relatively new recessed building line imposed at time of constructing the local authority scheme.

The existing disused workshop is located at the point of transition and as it exists fails to provide a satisfactory meaningful hinge point.

As with the footprint development, on site discussions were held during the pre-application stages to establish how the proposal could provide for a visually natural 'stepping back' point and at the time of tabling the submitted scheme, the solution was deemed to be a positive addition to the streetscape.

- (iii) within notice for refusal – Out of character with existing properties.

Again the principal discussed at the pre-application stage with a senior planner, was to accept that the existing workshop could not yield the level and quality of space required to achieve the clients' expectations, but as there was no immediate precedent of design, we would look to recreate the existing workshop form, which pre-dates even the non traditional donor house 'Scotthaven'.

It then becomes a game of semantics as the proposal clearly owes little to the more contemporary regimented mediocrity surrounding it in terms of bespoke residential development, however it does pay homage to an earlier established building, which in context is within a series of one off's.

Once more, the senior planner was fully supportive of our intentions and could appreciate the considerable effort and sympathetic 'sense of place' thought that had led to the conclusions which manifested themselves as the final proposal.

- (iv) within notice for refusal – undesirable precedent.

It is our sincere held view, that refusal of this application will in fact set an undesirable precedent for future opportunities to achieve full potential for well considered and sympathetic design on the Island and encourage widespread cloning of mediocrity as the 'safe option' ensuring that no in depth knowledge of historical precedent or detailed 'sense of place' are required in assessing any future developments.

Summary :

Whilst the above addresses the refusal notice specifics, It is without doubt the dismissal of the pre-planning stage input, which we find most unacceptable.

The fact that much time and effort was expended both by ourselves, the client and a senior N.A.C. Planning Officer, only to be passed to an inexperienced Officer for determination who validated the eventual outcome position by stating that the 'Council were under no obligation to recognise or adhere to any outcome of pre-planning phase discussions and that no minute or record of these ongoing discussions was held'.

Clearly then this raises the question of whether the whole concept of pre-planning consultations is a valid process.

The situation is now further complicated as the allocated Planning Officer left the service of N.A.C. at the time of issuing his refusal and will obviously not be available as part of the appeal process.

Yours Faithfully

A large black rectangular box redacting the signature of Mr. David P. Nimbley.

Mr David P. Nimbley Bsc. Hons. B. Arch.

28/10/2018

Planning Statement in Support of Proposed New Dwelling at :

'Scotthaven', Park Terrace, Lamlash, Isle of Arran.

Background:

Our clients are a young couple who have, along with previous generations lived and worked on the Island of Arran and with a maturing family are looking to consolidate their future within the community and create a home which will meet their needs for the future.

Currently residing within the 'affordable housing' development nearby, they have been offered an opportunity by the parents, to develop part of the 'Scotthaven' site, which currently contains a redundant workshop building and hardstanding.

Following preliminary pre-application discussions with Planning Officer Mr Neil McAteer, both on site with Clients and latterly in person with us as designers, within Cunninghame House in relation to a tabled design proposal, having been developed as a result of both the initial site visit comments and subsequent ongoing telephone discussions with ourselves.

Island Context:

In keeping with most Island settlements, but one where a prime asset is it's unquestionable naturally beautiful scenery, developable land is always going to be of a premium.

Not least by the very scale of any Island, clearly it becomes increasingly important to optimize the use of available space, particularly now redundant 'brown field' sites in a conscious effort to minimize the impact on the available 'land bank' and any need to further advance on the previously undeveloped countryside on the periphery of current settlements.

From a socio-political viewpoint, although heavily dependant on tourism, the island depends on a basic infrastructure capable of maintaining it's indigenous population, who may work on the island, but find securing suitable and affordable accommodation difficult, particularly as in recent years more previously rented out properties are being occupied by their 'early retirement' owners.

Whilst it must be said, the recent injection of affordable accommodation on the island has greatly alleviated this problem, our clients initiative should be applauded and encouraged in their endeavour to contribute in some small way to the optimization process, by firstly making good use of a redundant site, both aesthetically and in terms of practical usage and secondly as a consequence freeing up an existing affordable unit giving others the opportunity to benefit.

Unlike other opportunities locally, this avoids the consideration of the prevalent 'Back House' development, as the feu split would result in two individual, more than adequate front facing deep plots, which sit comfortably within the context of those existing along this side of the Terrace.

Immediate Setting:

Located mid way along the original Park Terrace residential development, the donor site to 'Scotthaven' currently contains a former commercial storey and half workshop with rear w.c. annexe. The site is bounded to the south-west by the single storey 'Scotthaven' dwelling built circa 70s-80s and being of relatively standard contemporary design of that period, being finished with a coloured dry dash render and concrete roof tiles.

Beyond this and roughly on the same building line, there is a row of 6 two storey semi-detached, former local authority dwellings, much as can be found in any Scottish location.

Immediately opposite is a recently completed row of storey and half 'affordable homes', built in what was previously the garden grounds of the former 'White House Hotel'.

(SEE APPENDIX 'A')

The now redundant building although in the main structurally sound, is showing signs of lintol support failure in places, particularly to the main entrance doorway.

Internally there are protruding brick butts, which if the building were to be redeveloped in it's current configuration would greatly compromise the useable internal space, when the current footprint already dictates a narrow longitudinal plan form.

To the rear of the workshop and most of the properties nearby, the land rises sharply and as is prevalent within the local, is solid bedrock beneath a fairly shallow depth of topsoil and vegetation.

Any consideration towards moving the proposed footprint further into this zone, would entail costly engineering works and potentially compromise the surface water dispersion and integrity of neighbouring properties.

As any intervention to this area would also result in a vertical rock face of a height in excess of any perceived building, there would be considerable issues with achieving effective light penetration, especially as with the narrow site boundaries fenestration opportunities along it's length would already be restricted.

Design

The proposal seeks to reinforce the individuality of the existing neighbouring properties whilst seeking to connect the regimented early local authority building line to the more forwardly situated properties at the north-easterly end of Park Terrace, by effecting a natural stepped visual connection. (SEE APPENDIX 'B')

The design as tabled combines both traditional and more contemporary elements, such that it takes its place along side the other 'one off' properties which exist as 'statements of their time' and showcase a sensitive use of both. (SEE APPENDIX 'C' FOR SIMILAR QUALITY DESIGN OF UP MARKET DWELLING IN TROON)

The plan form being at first glance perpendicular in pitch and orientation to it's immediate north-easterly neighbour, is in fact designed to be visually sympathetic to it's overall form.

Whilst appearing as a small front to back pitched cottage, the neighbouring property when viewed beyond the 'face on' point of vision, has been extended to the rear in a manner which complements the proposal and appears totally in step with it's creation, being both long, narrow and pitched accordingly.

The proposal footprint springs from the existing workshop north-east corner and although the roof apex is some 900mm above the existing 'Scotthaven' ridge height, the fact that it pitches away from the dwelling, minimizes any visual awareness of this. (SEE APPENDIX 'D')

The fact that accessibility is a key factor in the design, also minimizes it's visual impact by lowering of the dwelling's floor level in relation to the much higher present in 'Scotthaven', a factor which reinforced the need to utilize the former workshop site as a potential home as opposed to carrying out alterations to the existing dwelling, which would result in a visually unacceptable series and expanse of external ramps and landings.

Summary & Conclusion:

As designer for the proposed new dwelling and having previously lived and worked on the Island, particularly in Lamlash for a number of years, I bring to the table detailed knowledge and understanding beyond the mere appreciation of setting and design potential.

It is to be hoped that it is clear from the expansion of thought process and explanation as to both physical and socio-political factors involved, the proposal has evolved in answer to all these considerations as a 'best-fit' solution for both the family involved and the localized built environment.

It should be both approved and applauded, as should the clients, on several levels. Firstly the alleviation on the requirement to further impact on the landscape of the Island, by utilizing a redundant brown field site within an accepted settlement area, thus freeing up an existing affordable housing unit and secondly by taking account of it's immediate built environment by being both sensitive to scale, nature and massing, whilst being bold enough to be a statement of quality design in it's own right.

During the 1980's a remote Island crofter was interviewed about the impact of the mainland government on his life and he replied, 'that it was like the sun, very remote but you could feel it's presence'.

It is to be hoped, that these are far more enlightened times and the proposal is being assessed within context and a clear understanding of all contributing factors relating to the uniqueness of the Island community and built infrastructure.

Yours Faithfully

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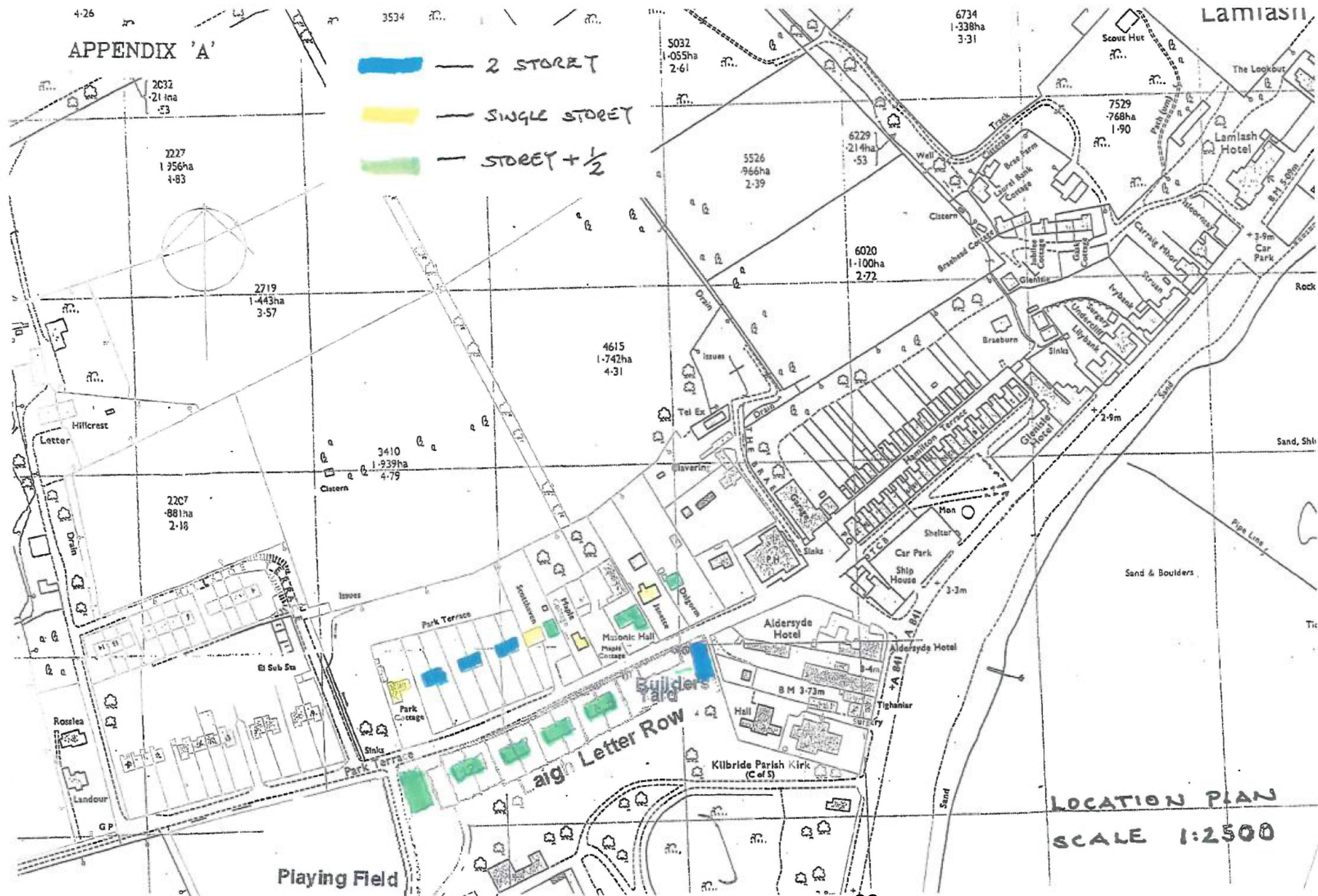
It is to be hoped, that these are far more enlightened times and the proposal is being assessed within context and a clear understanding of all contributing factors relating to the uniqueness of the Island community and built infrastructure.

Yours Faithfully

Mr David P. Nimbley Bsc. Hons. B. Arch.

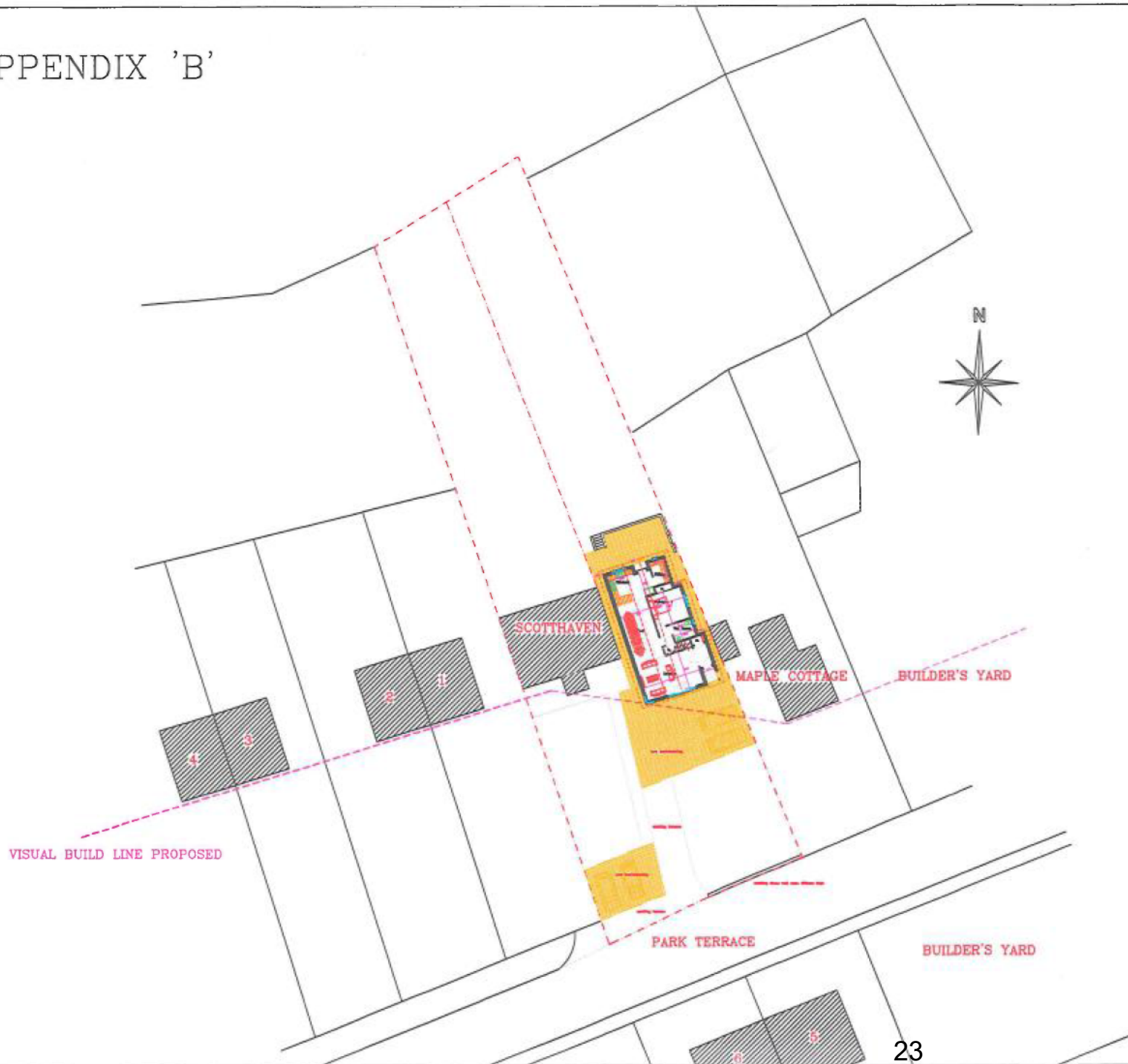
APPENDIX 'A'

-  — 2 STOREY
 — SINGLE STOREY
 — STOREY + 1/2



LOCATION PLAN
SCALE 1:2500

APPENDIX 'B'



Signed

Agent

Mr. L. Dutton

Proposed New Dwelling At:
Park Terrace
Lambeth

Block Plan - As Proposed

1:400 July 2018

GOING / U.S. / COLA / DOLLAR

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11

D N A

D.N.A.

24

1. *Journal of the American Medical Association*, 2000; 284: 2561-2566.

1

100

1

e-mail d-

114

D.N.A.rchitecture

24 Portland Road

Kilmarnock

KA1 2BS

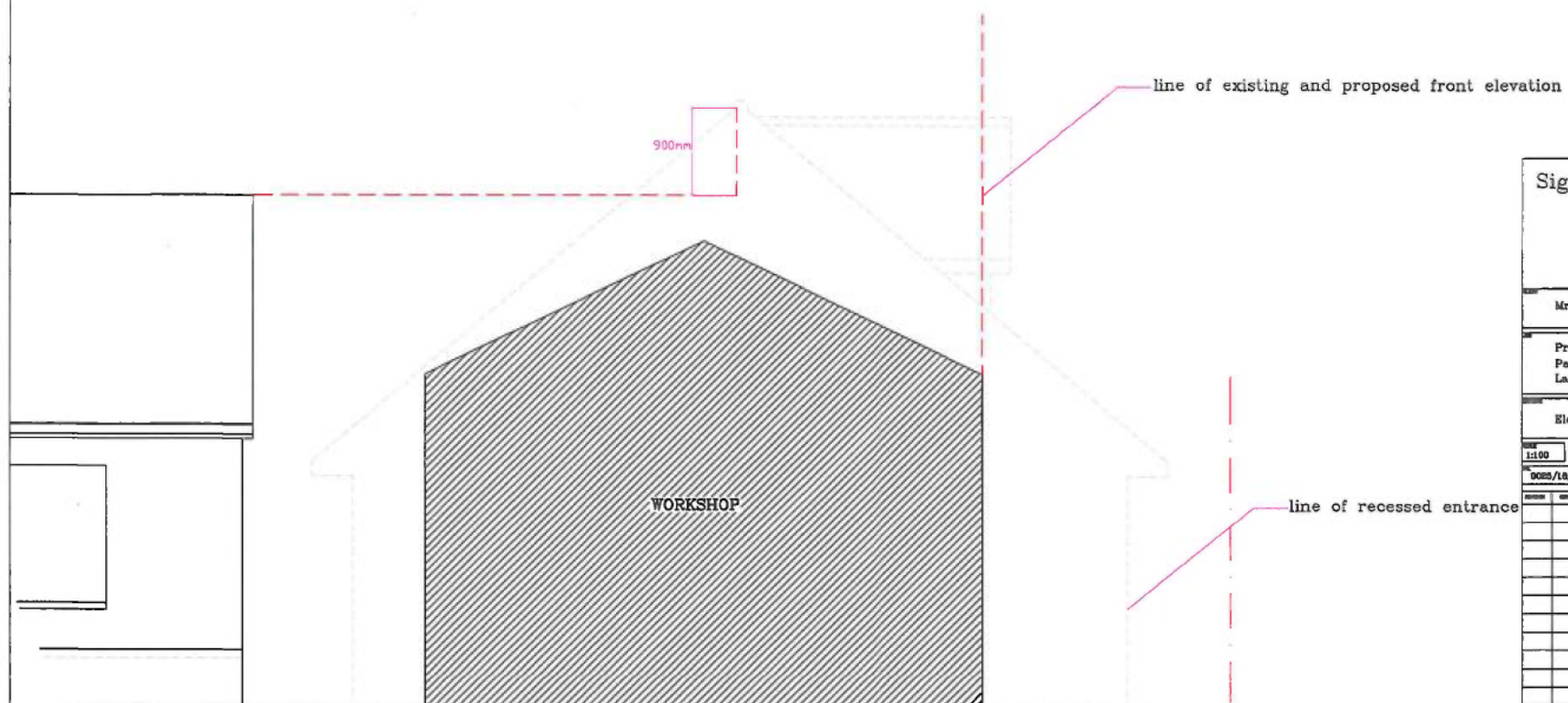
Tel. 07756033169

'e' mail d-n-a-architecture@hotmail.co.uk

APPENDIX 'C'



APPENDIX 'D'



Front Elevation

[illegible]

D.N.A.rchitecture

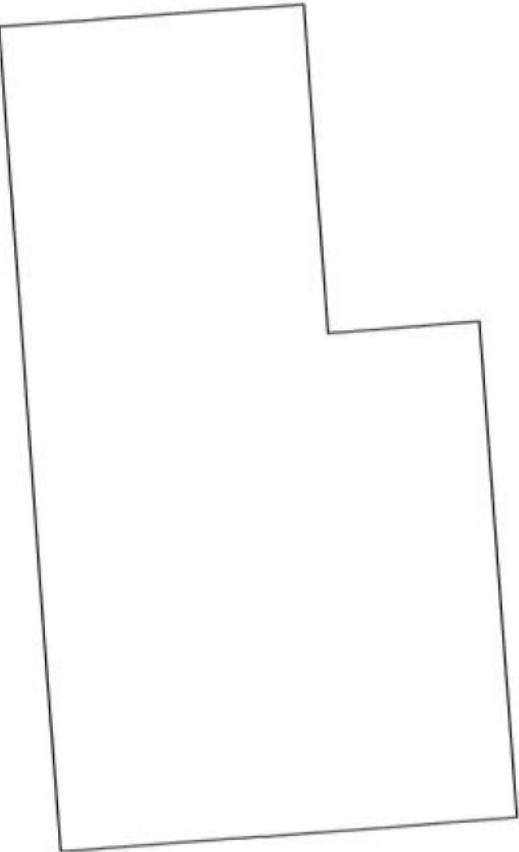
24 Portland Road

Kilmarnock

KA1 2BS

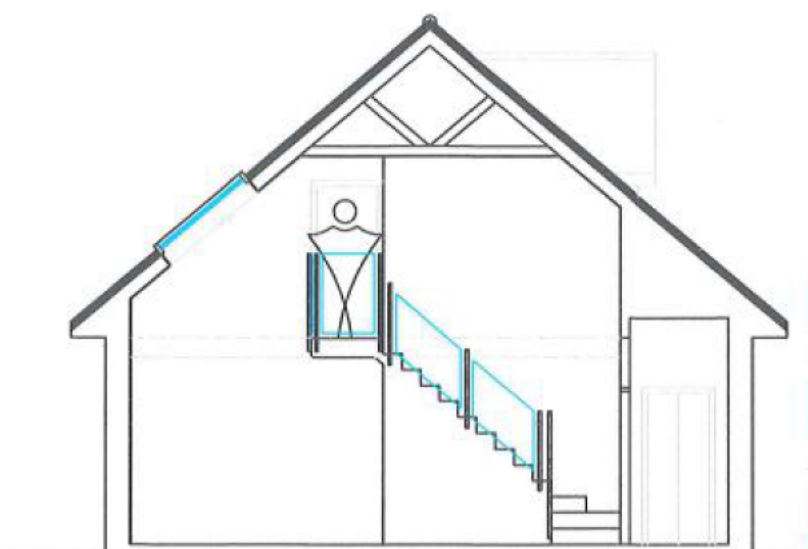
Tel. 07758033169

'e' mail d-n-a-architecture@hotmail.co.uk



'e' mail d-n-a-architecture@hotmail.co.uk

- 1 Roof - Marley Monarch concrete tiles (grey)
- 2 Walls - Smooth cement render (arctic white)
- 3 Base - Facing(engineering) brick (grey)
- 4 Windows - U.P.V.C. (grey)
- 5 Soffits/Fascias - U.P.V.C.
- 6 Panelling - 22mm natural cedar plank (lapped)



Section A-A



Front Elevation



Rear Elevation

Signed

Agent

Mr. L. Dutton

Proposed New Dwelling At:
Park Terrace
Lamleh

Elevations As Proposed

SCALE
1:100

DATE
July 2018

BY

0025/18/05/DNA

REVISION NO.

REVISION

COMMENT

D.N.A.rchitecture

24 Portland Road

Kilmarnock

KA1 2BS

Tel. 07758033169

'e' mail d-n-a-rchitecture@hotmail.co.uk

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/00780/PP
Proposal:	Demolition of existing storey and a half workshop building & erection of new storey and a half dwelling
Location:	Site To East Of Scotthaven, Park Terrace, Lamlash, Brodick Isle Of Arran
LDP Allocation:	Residential/Housing
LDP Policies:	POLICY RES 1 / General Policy /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 12.09.2018 Neighbour Notification expired on 03.10.2018
Advert:	Regulation 20 (1) Advert Published on:- 21.09.2018 Expired on:- 12.10.2018
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.

18/00780/PP

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 proposes the demolition of an existing domestic outhouse associated with a 1 storey house, and subdivision of the plot to create a new dwelling.

18/00780/PP

The existing site is approximately 1640 square metres, accommodating a 1 storey detached cottage some 10 metres wide and 7.8 metres in depth, alongside a detached garage some 6 metres wide by 8.5 metres in depth.

The plot would be subdivided to accommodate a new dwelling.

The proposed plot associated with the new dwelling would be rectangular in nature measuring 10 metres wide and 60 metres in depth. An existing flat platform would be used to accommodate the new dwelling which is shorter at 26 metres from front to back, this is due to the remainder of the rear garden having a sharp upwards slope, meaning the total developable area would be 294 square metres.

The proposed dwelling would be 14 metres in depth and 8.6 metres in width. Front of the building would be gabled with an eaves height of 3 metres extending to a ridge height of 7 metres. The resulting building would be finished in white rendered walls, concrete tiled roof, upvc windows and doors. Parking would be located to the front with amenity space to the rear.

The donor house would retain a plot of some 760 square metres.

In support of the application a statement has been provided. This states that the applicants are a young couple who currently reside on the island. The statement makes reference to the difficulties in Arran to find suitable and affordable housing. The donor house is owned by family who have provided them with the opportunity to use part of their land to build a house. The applicant advises that they have sought to avoid backland or countryside development and instead utilise a brownfield site within an existing settlement. The applicant confirms that the existing workshop is not in a viable condition for reuse and instead they intend [to demolish the building to build a modern family home. The summary considers the site context and the building line associated with neighbouring houses as well as their scale. Finally the statement advises that they have considered opportunities to set the building further back in the plot but due to constraints with site levels to the rear this would be uneconomical.

The site is located within the settlement of Lamlash as identified within the adopted Local Development Plan. Policy RES1 states the proposals for residential development in areas allocated for housing on the LDP Maps shall accord with the LDP as such the determining issue is whether the proposal complies with the General Policy of the LDP.

Pre application advice has been provided whereby the reuse of the existing detached garage in situ, demolition and replication of the garages scale and siting or an addition to the donor house to extend it would have been considered appropriate.

Consultations and Representations

Neighbour notification has been carried out and the application does not require to be advertised. No representations were received.

Consultations:

NAC Transportation - no objections subject to conditions regarding hard surfacing of the first 2 metres of the access and the design of the drainage to ensure no water issues onto the public road.

Response - No new access is proposed as such is a condition on hardstanding or water egress would be required.

Analysis

The application site is located within the settlement of Lamlash, as identified within the adopted LDP and therefore the principle of the development would be acceptable as it would comply with Policy RES 1. However the proposal requires to be assessed against the relevant criteria of the General Policy of the LDP, mainly a) relating to siting, design and external appearance, b) amenity, and d) access, road layout and parking provision.

With respect to a) the proposed dwelling would be set back some 21 metres from the road but 5 metres forward of the donor house. The applicant makes reference to a neighbouring building, Maple Cottage, which is already forward of the proposed dwelling by approximately 6 metres and suggests that the new dwelling would provide a stepped transition back to the donor house. The applicant also indicates that the house could not be pushed further back due to site constraints at the rear.

In terms of design the proposed dwelling would be gable fronted and approximately 7 metres high. In contrast the existing donor house is 1 storey with a pitched roof and a total height of approximately 5.9 metres. External materials in both houses would be relatively similar.

With regard to the siting of the proposed dwelling the building would be located forward of the established building line, marked by the donor house and houses to the west. Maple Cottage to the east is out of character with the building line, albeit it likely predates the more recent local authority housing to the west. The applicant has indicated that the new building would provide a transition between the donor house and Maple Cottage. However the Maple Cottage does not provide a defined building line nor does it reflect the character of the street. By bringing the new building forward, which is of greater height than the donor house and Maple Cottage, the scale of the proposal would be unnecessarily increased to the detriment of the streetscape.

Similarly the orientation and siting of buildings of other properties in the locality often provides clues as to the best way to site a new house. Houses which feature radically different orientation and siting to other buildings in the same locality tend to look out of place. In this case the prevailing character in the area are houses orientated in an east-west direction with gables located to the side of buildings. This is clearly demonstrated in the donor house, adjacent Maple Cottage and social housing located across the street. The proposed house would instead be orientated north to south with the gable fronting the road, contradicting the pattern of development which would not be in the interests of the proper planning of the area.

In both respects the siting and orientation would therefore not be acceptable, as existing development in this area is characterised by a linear pattern. The applicant makes reference to a rear extension of Maple Cottage which extends back on the plot. However the rear extension does not define the street frontage and is not readily visible.

A smaller one or two bedroom property would likely appear more acceptable on the site allowing it to be reoriented and set back within the site.

Amendments have been sought but the applicant considers that reducing the depth and scale of the dwellinghouse to an acceptable level for this plot, would render the scheme not viable for their needs.

As it stands the height, siting and orientation of the dwellinghouse means that the proposal would result in overdevelopment of the plot. This point is also demonstrated in the ground floor plan which indicates a stepping down of the buildings width as the building extends into the rear of the site and the limited amenity space located to the rear.

With regard to design and external appearance the materials would be acceptable but due to its height, siting and orientation the building is considered to be out of place with the prevailing character in the street. The building would dominate the appearance of the donor house, to the detriment of the visual amenity of the area. The proposal would fail to satisfy criteria a)

With respect to b) the primary outlook would be to the front and rear, overlooking the applicant's land. Two windows would be located on the ground floor of the side elevation with a dormer window above. Whilst both windows could be designed to address any high level overlooking, the siting of the windows in such proximity to the boundary would result in limited amenity for the occupants of the new dwelling. Overshadowing as a result of the dwelling would fall upon the applicant's land with partial overshadowing to the east, but not to an extent that neighbouring amenity would be adversely affected. As discussed above the proposal would have an adverse impact on the visual amenity of the area, as such the proposal would fail to satisfy criteria b)

In relation to c) access would be provided via an existing driveway with hardstanding to the front to provide parking. A new hardstanding would be created at the roadside to provide a new parking area for the donor house. NAC Active Travel and Transport has not objected to the proposals and as such the arrangements for parking and access would be considered acceptable. The proposal would therefore comply with criteria d).

Overall the scale, siting and design of the new dwelling would be out of character with the area and would dominate the donor house. Amendments have been sought from the applicant but the requests have been rejected by the applicant. It is considered that the development would not comply with criteria (a) and (b) of the General Policy of the LDP and therefore planning permission should be refused.

The application is contrary to the Local Development Plan as no other material considerations have been made, the application has to be refused in terms of Section 25 of the Planning Acts.

Decision

Refused

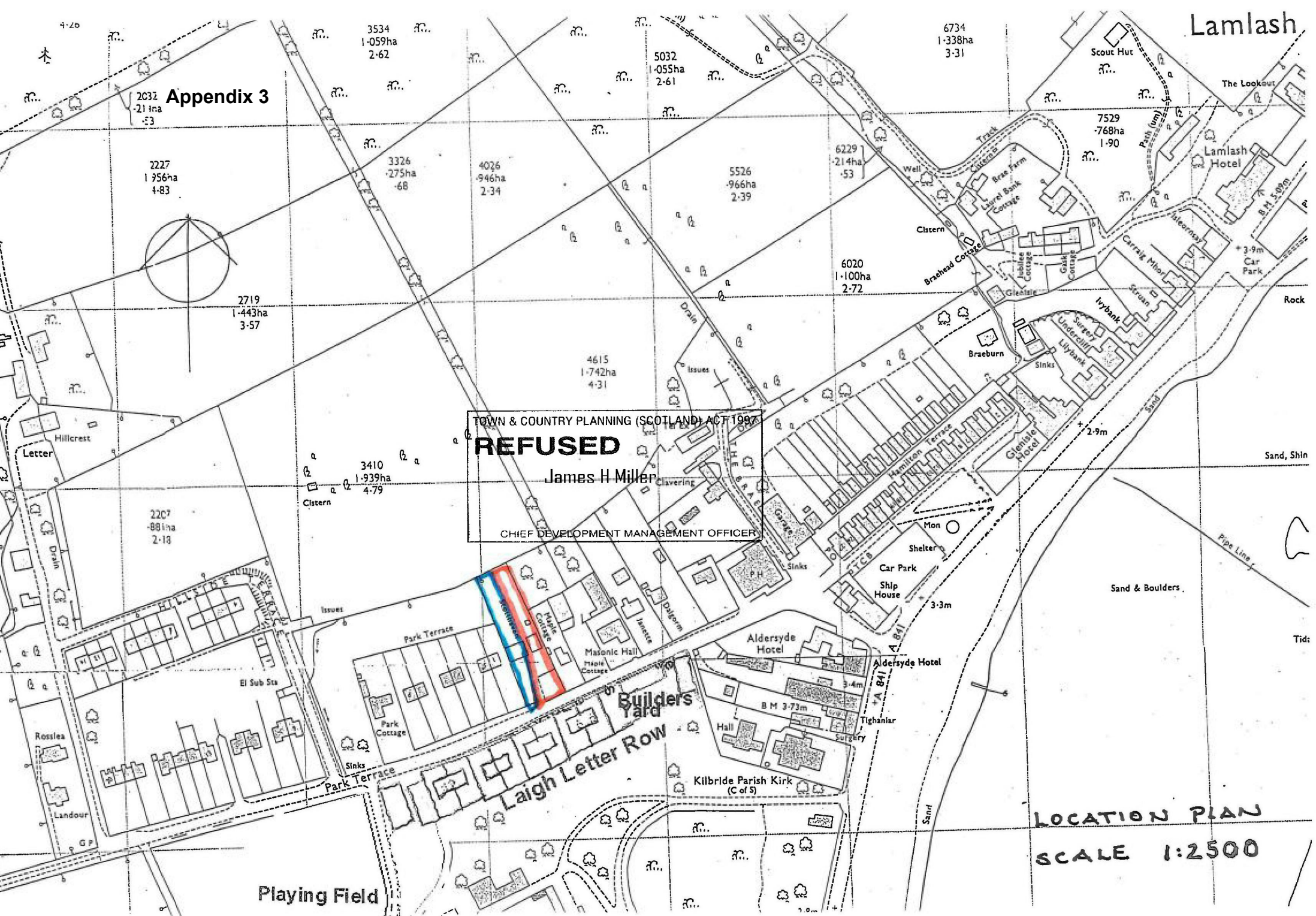
18/00780/PP

Case Officer - Mr Ross Middleton

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Proposed Floor Plans	0025/18/03/DNA	
Proposed Floor Plans	0025/18/04/DNA	
Proposed Elevations	0025/18/05/DNA	
Proposed Elevations	0025/18/06/DNA	
Existing Block Plan	0025/18/01/DNA	
Proposed Plan	0025/18/02/DNA	

Appendix 3



Appendix 4



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/00780/PP

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

To : Mr Lee Dutton
c/o David Nimbley
53 Mount Pleasant Way
Kilmarnock
KA3 1HH

With reference to your application received on 12 September 2018 for planning permission under the above mentioned Acts and Orders for :-

Demolition of existing storey and a half workshop building & erection of new storey and a half dwelling

at Site To East Of Scotthaven
Park Terrace
Lamlash
Brodick
Isle Of Arran

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

1. That, the proposed development would be contrary to Criteria (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting, scale and design, it would: (i) represent overdevelopment of the site and not offer an acceptable level of residential amenity for the proposed dwellinghouse; (ii) conflict with the existing linear pattern of development in the area which would not be in the interests of the proper planning of the area; (iii) would be out of character with the design and appearance of the surrounding residential properties; and (iv) if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.

Dated this : 3 December 2018

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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.