



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Special 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, 24 April 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 20 March 2019 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 18/01120/PP – The Rustics, Brodick, 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 (copy enclosed).

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:

**Local Review Body
20 March 2019**

Agenda Item 2

Irvine, 20 March 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.15 p.m.

Present

Tom Marshall, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

I. Davies, Planning Adviser to the LRB (Economy and Communities); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Timothy Billings, Robert Foster and Shaun Macaulay.

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 20 February 2019 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: 19/00023/PP - BP Girdle Toll Service Station, Long Drive, Irvine

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a Class 1/Class 3 coffee shop unit with drive-through and associated parking at the BP Girdle Toll Service Station, Long Drive, Irvine.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice and a location plan were provided as appendices to the report. There were no interested parties and therefore no further comments or responses.

The Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

The Committee unanimously agreed that there was enough information provided to determine the review request without a site visit.

Members asked questions and were provided with further information in relation to existing provision of coffee shops in the area; site access and egress and confusion around the existing road layout within the service station; the impact the proposal would have on Irvine town centre; and the potential for screening to be added to the roundabout to reduce the visual impact of the proposed development.

Councillor Reid, seconded by Councillor McMaster, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the Planning Officer's decision to refuse planning permission on the following grounds:

1. That the proposal would be contrary to Policies TC 4 and TC 5 of the adopted North Ayrshire Council Local Development Plan in that no local need for the development has been adequately demonstrated for an additional Class 1/Class 3 development outwith the Irvine town centre boundary and outwith Commercial Centre allocations. Whilst the proposed 140 square metres of additional Class 1/Class 3 floorspace would be adjacent to an existing petrol filling station (PFS), its siting to the north of the PFS via dedicated vehicular access and egress routes with separate parking provision demonstrates that the development would be capable of operation independently of the PFS at a location which cannot be conveniently reached on foot from the surrounding residential areas. As such, the proposed development cannot be justified either as a local shop nor as a facility that would exclusively serve the needs of motorists using the local road network, resulting in the potential for detrimental impacts on the vitality and viability of Irvine town centre.
2. That the proposal would be contrary to criterion (a) siting, design and external appearance, (b) amenity and (d) access of the General Policy contained in the adopted North Ayrshire Council Local Development Plan in that:
 - the proposed building would appear out of scale for its context and setting, resulting in over-development of the petrol filling station site;
 - the prominent siting of the proposed building and drive-thru facility on an elevated roadside site at the edge of the Hill Roundabout would have an adverse visual impact on the 'parkland' landscape design of the Long Drive area, to the detriment of visual amenity; and

- there would not be a pedestrian footpath connection between the site and the surrounding residential areas, to the detriment of active travel, and road safety in the area.

The Meeting ended at 2:40 p.m.

NORTH AYRSHIRE COUNCIL**24 April 2019****Local Review Body**

Title: Notice of Review: 18/01120/PP – The Rustics, Brodick, 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 18/01120/PP – Formation of two dormer extensions to the front and one former extension and roof terrace to the rear of a detached dwelling house.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The applicant has requested that a site visit is undertaken prior to a decision being taken.
- 2.4 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 A Fraser
Head of Democratic Services

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

Background Papers

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Appendix 1



Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100147865-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Allison Architecture
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Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="Hilary"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Paton"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value=""/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="THE RUSTICS"/>
Address 2:	<input type="text" value="WEST MAYISH ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BRODICK"/>
Post Code:	<input type="text" value="KA27 8AF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="635823"/>	Easting	<input type="text" value="201297"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of 2 dormer extensions to front and 1 dormer extension and roof terrace to rear of detached dwelling house

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

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

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see supporting document

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

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

The overlooking of the neighbouring gable window was not discussed with the case officer before as it was not raised as an issue by the officer. However it was one of the reasons for refusal and should therefore be considered.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

18-01120-PP Review Request 00-003 Block Plan as Proposed View from existing bedroom.jpg View from existing living room.jpg

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01120/PP

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

03/01/2019

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

21/03/2019

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We feel a site inspection is necessary due to the nature of the issues that have been raised.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

If the site inspection is not sufficient to come to a conclusion we would like to request a hearing.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stephen Allison

Declaration Date: 05/04/2019

2nd April 2019

Planning Services
North Ayrshire Council
Cunninghame House,
Irvine
KA12 8EE



Review Request

Proposed Alterations to The Rustics, Brodict, Isle Of Arran. Reference: 18/01120/PP

Reasons for Refusal

1. That the development would be contrary to criteria (a) Siting, Design and External Appearance, and (b) Amenity, of the General Policy of the adopted North Ayrshire Council Local Development Plan as the proposed dormer extension and balcony on the north roof slope would represent overdevelopment and be both oversized and unduly visually prominent to the detriment of visual amenity; and would overlook gardens and windows of neighbouring properties to the detriment of residential amenity in the area.

Response to Point (a) 'Siting, Design and External Appearance'

The Proposed dormer is of a size well within the parameters of Permitted Development and is centred on the roof plane.

The front of the terrace is sited 8m from the boundary of the adjacent front public facing garden.

With regards to external appearance the proposed dormer is to be lined in zinc which is a commonly used dormer material and one which was approved for the proposed dormer and glass balustrade roof terrace in Lamlash **17/01279/PP**.

Within the Report of Handling for this decision the following statement is made:

'Quartz zinc is intended to offer a similar appearance from new to a more weathered zinc roof finish and it is not considered that this would be detrimental to the appearance of the building, particularly as it refers to a dormer extension at the rear of the property. The overall proposal therefore complies with criterion (a) of the General Policy. '

It is our opinion that this represents clear precedent for the use of zinc dormer and glass balustrading.

Cont'd...

[REDACTED]

Response to Point (b) 'Amenity, of the General Policy of the adopted North Ayrshire Council Local Development Plan as the proposed dormer extension and balcony on the north roof slope would represent overdevelopment and be both oversized and unduly visually prominent to the detriment of visual amenity; and would overlook gardens and windows of neighbouring properties to the detriment of residential amenity in the area'

With regard to '*and be both oversized and unduly visually prominent to the detriment of visual amenity*' we refer you to our previous comments regarding size and form.

We take note that another reason for the refusal is based upon the overlooking of the front garden of the adjacent property at Manse Road.

We also note the case officers view, set out in his emails, that, although the proposed dormer and terrace does not overlook the private rear garden of the Manse Road property, the front garden may enjoy some level of privacy due to Manse Road being a dead-end to vehicular traffic.

We contest this view point for the following reasons:

Manse Road remains a frequently and heavily used footpath linking the Main Road A841 with the Co-op, Chemist, Bank and many other important amenities with the West Mayish estate and the Ormidale Hotel.

We would argue that pedestrian passers-by present a greater privacy failure than motorists who are concentrating on the road ahead.

In addition, Ormidale Park is frequently in use for football, rugby and hockey on an almost daily basis with busy side lines and subsequent heavy pedestrian traffic on Manse Road.

It is clearly evident from the landscaping of the front garden that no sitting out takes place whereas the private rear garden is perfectly landscaped and carefully tended with well used patio spaces. This, in our view is a direct result of the current lack of privacy of the front garden.

Regarding the overlooking of windows of neighbouring properties, we believe the neighbouring gable window services an attic storage room rather than an apartment. The proposed dormer and terrace sit at an angle towards the neighbouring window and 14 metres away. The existing bedroom window is located closer to the neighbouring window therefore the dormer does not propose a greater privacy failure as already existing. In fact the proposed dormer and terrace are positioned far enough away from the neighbouring window to not cause a privacy failure at all as outlined in the Scottish Planning Guidance. Please see additional document *00-003 Block Plan as Proposed* and included photographs for further details.

We also note that no representation has been made from this neighbour as they clearly do not see any privacy failures arising from the proposal. It is reasonable to conclude that this point of view would be shared with any future occupant.

Cont'd...

[REDACTED]

In Summary

Massing, size and form sit within Permitted Development parameters and a precedent has been established for materials and appearance.

It is our opinion that the case officers point of view regarding privacy is, in this case, subjective and does not take into consideration the factors noted above. As a result we feel that he chose to modify the general principals of Planning Policy to re-designate the front garden as private amenity space.

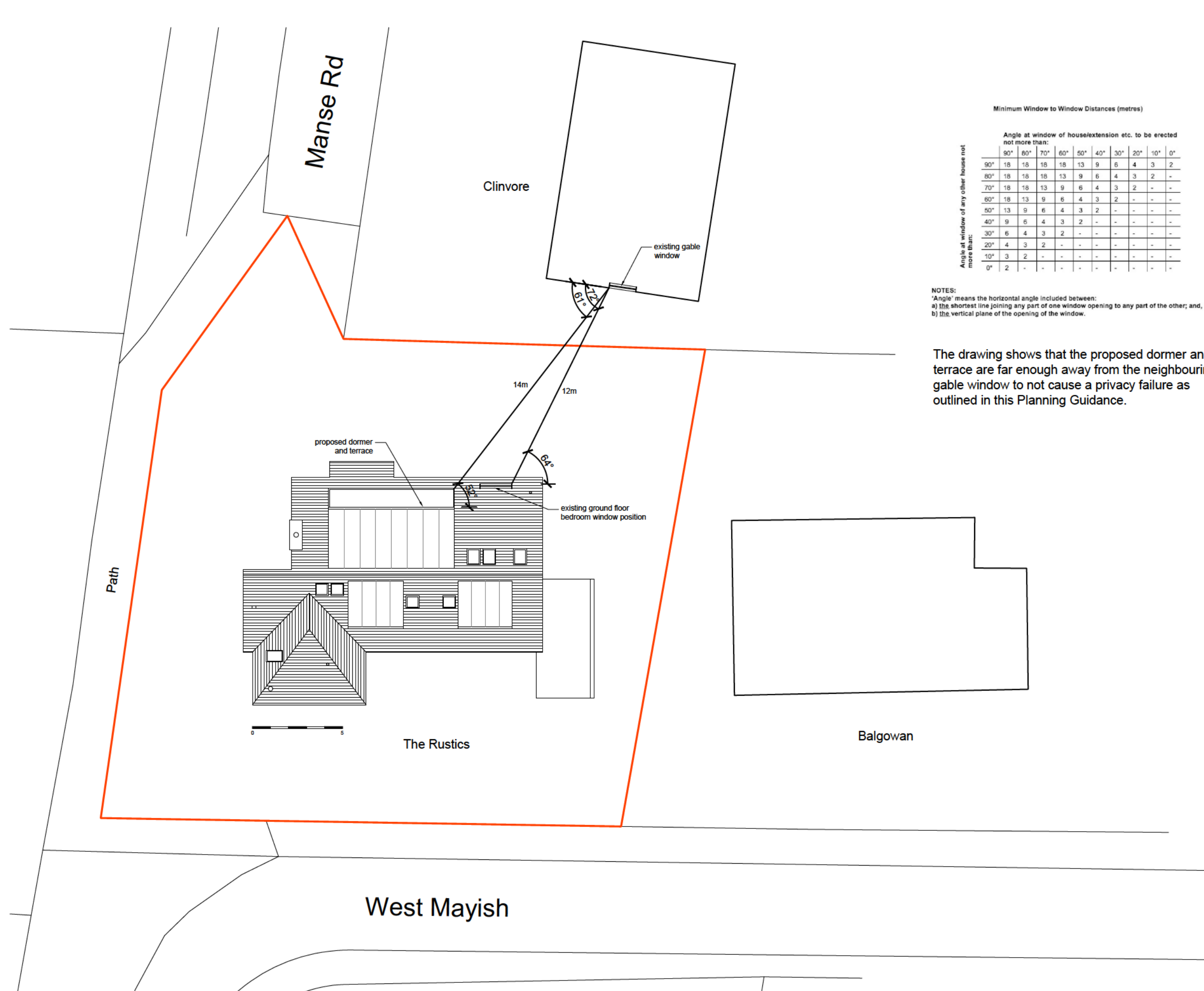
We trust the above is sufficient to review this application, however should you require any additional information regarding our submission please do not hesitate to contact this office.

Kind regards,

John Foster MCIAT
Associate Director

[Redacted signature]

[Redacted signature]

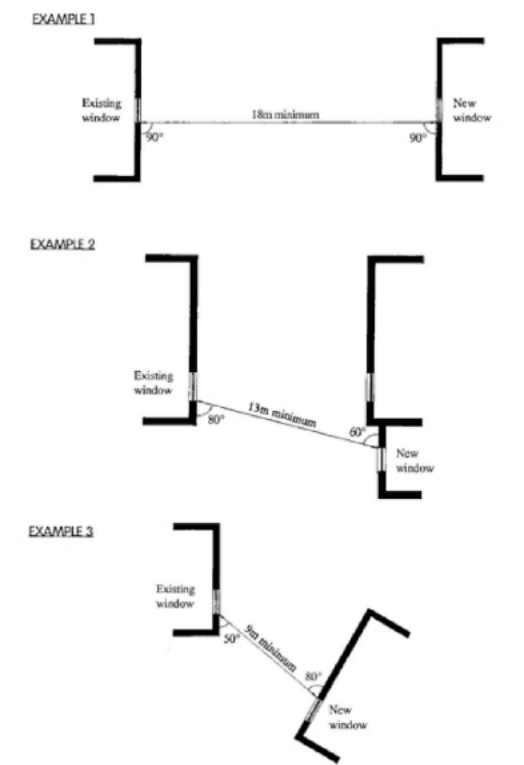


Minimum Window to Window Distances (metres)

		Angle at window of house/extension etc. to be erected not more than:									
Angle at window of any other house not more than:		90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
	90°	18	18	18	18	13	9	6	4	3	2
	80°	18	18	18	13	9	6	4	3	2	-
	70°	18	18	13	9	6	4	3	2	-	-
	60°	18	13	9	6	4	3	2	-	-	-
	50°	13	9	6	4	3	2	-	-	-	-
	40°	9	6	4	3	2	-	-	-	-	-
	30°	6	4	3	2	-	-	-	-	-	-
	20°	4	3	2	-	-	-	-	-	-	-
	10°	3	2	-	-	-	-	-	-	-	-
	0°	2	-	-	-	-	-	-	-	-	-

NOTES:
 'Angle' means the horizontal angle included between:
 a) the shortest line joining any part of one window opening to any part of the other; and,
 b) the vertical plane of the opening of the window.

The drawing shows that the proposed dormer and terrace are far enough away from the neighbouring gable window to not cause a privacy failure as outlined in this Planning Guidance.



Revisions

Status
PLANNING

Client
Hilary Paton

Project
**The Rustics
 West Mayish
 Brodick KA27 8AF**

Title
**Block Plan
 as Proposed**

Scale	Size	Date	Drawn	Checked
1:100	A3	04.04.19	SW	SA

Allison Architecture

Allison Architecture t: +44 (0)141 353 1082
 13 Royal Crescent e: hello@allisonarchitecture.co.uk
 Glasgow G3 7SL www.allisonarchitecture.co.uk

Project No.	Drawing No.	Rev.
18040	00-003	-





REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/01120/PP
Proposal:	Formation of 2 dormer extensions to front and 1 dormer extension and roof terrace to rear of detached dwelling house
Location:	The Rustics, Brodick, Isle Of Arran, KA27 8AF
LDP Allocation:	Residential/Housing
LDP Policies:	General Policy /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 03.01.2019 Neighbour Notification expired on 24.01.2019
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

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

Planning permission is sought for the formation of two roof dormers to the front, and one dormer extension and a roof terrace to the rear of a detached bungalow.

Two flat roofed dormer extensions, each measuring 3m wide by 1.8m high, would be formed 3m apart on the (south) front elevation of the house and a flat roofed dormer extension measuring 7m wide by 1.8m high would be formed on the (north) rear roof slope. The rear dormer would open onto a 7m wide by 1.35m deep roof terrace which would be enclosed by a 1m glazed balustrade. All of the dormers would be 180mm below the ridge height of the roof; all would be externally finished with Sarnafil roofing membrane and tiled cheeks to match the existing roof and grey painted timber fascias.

Four roof-lights would also be installed on the front, and three on the rear, roof slopes, all of which would measure 700mm x 550mm.

Two bedrooms would be formed in the roof space, thereby increasing the capacity of the house from three to four bedrooms.

The property occupies an elevated position on a sloping site and is adjoined by residential properties on all sides with Ormidale Park to the north west. The properties to the south are set at a higher level and those to the south, lower. The north (rear) garden boundary is enclosed by a c.2.5m hedge.

The application site is within the settlement boundary of Brodick, as identified in the adopted North Ayrshire Council Local Development Plan ("the LDP"). Development of an existing dwellinghouse or within its curtilage is acceptable in principle and the application only requires to be assessed against the General Policy.

Consultations and Representations

The statutory neighbour notification procedures were followed and no objections or representations were received

No consultations were required.

Analysis

Section 37 of the Town and Country Planning (Scotland) Act 1997 states that, in determining planning applications, regard should be had to the provisions of the Development Plan and to any other material considerations. The main issue is therefore whether the proposal complies with the relevant policies of the LDP and if there are any other material considerations. In this case, the proposal requires to be assessed against the General Policy in terms of a) Siting, Design and External Appearance, and (b) Amenity.

As regards criterion (a) of the General Policy, the house sits at a lower level than the road and neighbouring properties on West Mayish to the front (south). It is therefore considered that the front dormer extensions would be relatively well contained within the streetscape, given this relationship to existing neighbouring development. The external finishes would be appropriate to the existing house. Similarly, the rooflights to both front and rear would be relatively unobtrusive visually. Both of these elements could therefore be considered acceptable.

However, given the elevated position of the house, as viewed from the rear (north), the 7m wide rear dormer and associated roof terrace would be excessive in size and unduly visually prominent, to the detriment of the visual amenity of the area. The rear dormer and roof terrace would not therefore comply with criterion (a).

In terms of (b) amenity, there would be no overshadowing of neighbouring properties. Again, the front dormers would be acceptable in terms of amenity impacts on neighbouring properties due to the sloping site and levels in relationship to the road at West Mayish. However, given the elevated position, the large rear dormer extension and roof terrace would be overbearing on the front windows and garden of the neighbouring properties on Manse Road to the north to the detriment of their privacy and residential amenity. The face of the dormer would be only 9.2m from the rear boundary and the terrace would be 8.1m at the nearest point. The boundary is enclosed by a hedge which provides a privacy screen for the large rear ground floor windows of the house but would be ineffective in that purpose for roof extensions. The rear dormer and roof terrace would not therefore comply with criterion (b).

These concerns were raised with the architect, who was advised that removal of the rear roof additions would make the proposal acceptable in terms of the General Policy.

Following discussions with the applicant, the architect responded that: in terms of criterion (a) considers that the dormer is centred on the roof plane and well within the parameters of Permitted Development. Comments were also made that the dormer would be "lined in zinc" which is a commonly used dormer material approved in planning applications at other applications on the island; and (b) Manse Road is a frequently used footpath linking West Mayish and the A841 and it is contended that passing pedestrians already cause a loss of privacy to the front of those properties. It also notes that no objections have been received.

In response to those comments: (a) notwithstanding errors in the scale annotation of the submitted drawings, the rear dormer would still appear to be over half of the width of the roof, measured at eaves level and would also be within 10m of the boundary which it faces. It could not therefore be Permitted Development in terms of Class 1D of the General Permitted Development Order. Roof terraces or balconies are excluded under Class 2B of the GPDO and always require planning permission; and (b) it is considered that the elevated position would result in an overbearing effect which would have a significant adverse effect on the residential amenity of properties on Manse Road. A permanent roof terrace and glazed dormer would have a more significant adverse effect on privacy than would passers-by using the footpath to the front.

Modifications to remove the roof terrace/balcony and reduce the scale of the dormer were suggested to the architect, but after some delay, the response was that the application was to be determined as it stands.

Given the foregoing, the proposal does not accord with criteria (a) or (b) of the General Policy and there are no other material considerations which outweigh this conclusion. As the development would not accord with the relevant provisions of the LDP, planning permission should therefore be refused.

Decision

Refused

Case Officer - Mr Neil McAteer

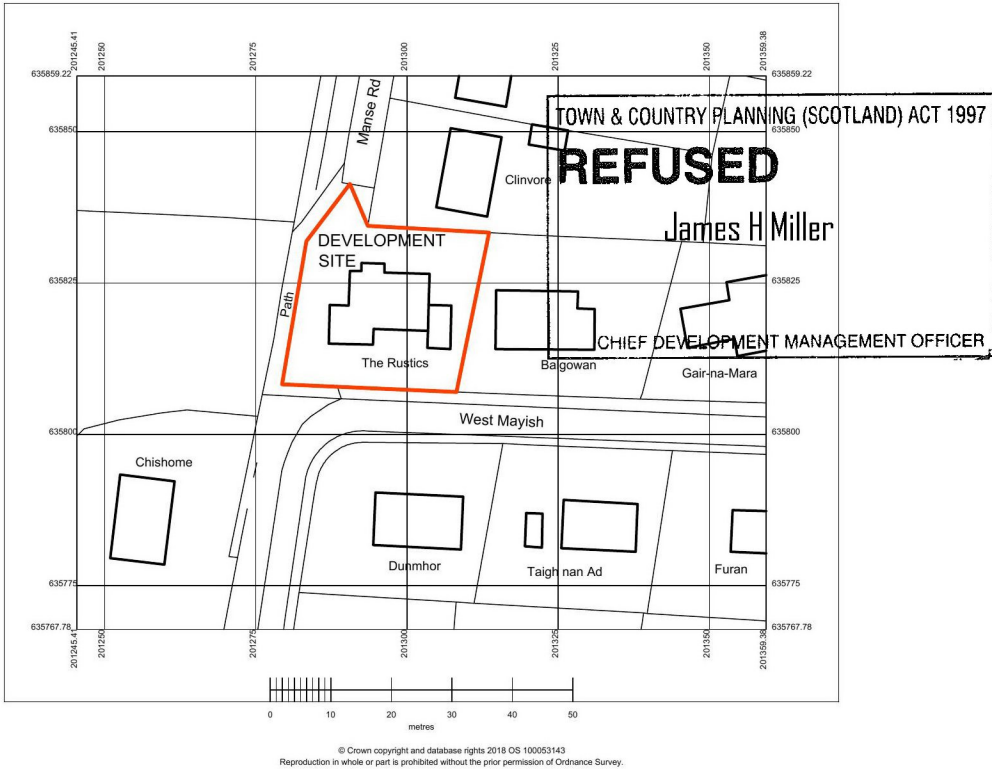
Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	00-001	
Block Plan / Site Plan	00-002	
Existing Floor Plans	01-001	
Proposed Floor Plans	01-002	
Existing Elevations	01-003	
Existing Elevations	01-004	
Sections	01-005	
Proposed Floor Plans	02-001	
Proposed Floor Plans	02-003	
Proposed Elevations	02-004	
Proposed Elevations	02-005	
Proposed Floor Plans	02-002 A	
Sections	02-006 A	
Sections	02-007 A	
Sections	03-003	

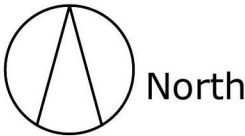
Appendix 3

Notes

Do not scale from this drawing. All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. Copyright reserved.



01 location plan
1:1250 @ A3



Revisions
Status
PLANNING / BUILDING WARRANT
Client
Hilary Paton
Project
The Rustics West Mayish Brodick KA27 8AF
Title
Location Plan

Scale	Size	Date	Drawn	Checked
1:1250	A3	14.11.18	SW	SA



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www.allisonarchitecture.co.uk

Project No.	Drawing No.	Rev.
18040	00-001	-

Appendix 4



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/01120/PP

(Original Application No. N/100147865-001)

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 : Mrs Hilary Paton
c/o Allison Architecture Fao Stephen Allison
13 Royal Crescent
Glasgow
G3 7SL

With reference to your application received on 3 January 2019 for planning permission under the above mentioned Acts and Orders for :-

Formation of 2 dormer extensions to front and 1 dormer extension and roof terrace to rear of detached dwelling house

at The Rustics
Brodick
Isle Of Arran
KA27 8AF

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 development would be contrary to criteria (a) Siting, Design and External Appearance, and (b) Amenity, of the General Policy of the adopted North Ayrshire Council Local Development Plan as the proposed dormer extension and balcony on the north roof slope would represent overdevelopment and be both oversized and unduly visually prominent to the detriment of visual amenity; and would overlook gardens and windows of neighbouring properties to the detriment of residential amenity in the area.

Dated this : 21 March 2019

.....
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.