



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 05 December 2018** at **14:00** 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 the meeting of the Committee held on 31 October 2018 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 1 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Hunterston Construction Yard – SEPA Consultation Response

Submit report by the Executive Director (Economy and Communities) on consultation response on behalf of the Council to SEPA with respect to the application for a waste management license at Hunterston Construction Yard (copy enclosed).

4 Isle of Arran

Submit reports on the following applications:

4.1 18/00419/PP: McLaren Hotel, Brodick, Isle Of Arran

Demolition of existing hotel and erection of new hotel and restaurant (copy enclosed).

5 North Coast and Cumbraes

Submit reports on the following applications:

- 5.1 18/00917/PP - Site To North West Of Chapelton Mains, West Kilbride**
Residential development (phase 5) comprising of 25 detached dwelling houses (copy enclosed).
- 6 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 6 Kames Bay, Millport, Isle Of Cumbrae KA28 0EA**
Submit report by the Executive Director (Economy and Communities) seeking to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring that the fence erected without Planning Permission be removed and the original stone wall be reinstated (copy enclosed).
- 7 Urgent Items**
Any other items which the Chair considers to be urgent.

Planning Committee 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, 31 October 2018 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

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 Planning Committee held on 26 September 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 18/00768/PP: Ayrshire College, Lauchlan Way, Kilwinning

The Bridge Church have retrospectively applied under Section 42 for non-compliance with condition 15 of planning permission N/01/98/0524 to enable the installation of a pedestrian gate on the south west perimeter fence on the boundary of the west car park of Ayrshire College. Two objections were received and summarised in the report.

Condition 15 of planning permission N/01/98/0524 states:

"That there shall be no direct vehicular or pedestrian access between the development and Dalry Road (the A78)."

The Committee unanimously agreed to grant the application subject to the following conditions:

1. The use of the gate hereby approved shall be opened only on Saturday and Sundays or any day of the week outwith college term time. At all other times the gate will remain locked shut, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

2. That within 3 months of the date of this decision, the gate shall be altered to open inwards towards the Ayrshire College car park and thereafter maintained to the satisfaction of North Ayrshire Council, as Planning Authority.
3. Notwithstanding the provisions of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no gate may be constructed, erected or altered between the grounds of Ayrshire College and the access road to the rear of the properties on the east side of Dalry Road, without the express permission of North Ayrshire Council, as Planning Authority.

4. 18/00845/PP: 9 Brisbane Street, Largs

MPB Structures Ltd. have applied for planning permission for the demolition of the existing building and the erection of 14 flatted dwellings at 9 Brisbane Street, Largs. Three objections were received and summarised in the report.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That prior to the commencement of development details and/or samples of the proposed external materials must be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt the approved elevation plan is indicated within drawing (ref. AP0804 Rev P01), hereby approved, with the exception of the roof materials, which shall be completed in natural slate. The development shall be completed in accordance with these details, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of development full details of the proposed access and parking layout shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include confirmation that:
 - i) The central aisle is a minimum 6 metres to allow vehicles to manoeuvre safely;
 - ii) At a minimum the first 2 metres of the access is hard surfaced in order to prevent loose material from being deposited onto the public road, and;
 - iii) The access is designed to ensure no surface water to issue from access/driveway onto public road.

The proposed access and parking arrangement, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt there shall not be any means of direct access to the trunk road either pedestrian or vehicular.

3. That prior to the commencement of development details of the proposed soft landscaping and bin storage facilities shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority.
4. Notwithstanding the details within drawing (ref. AP0804 Rev P01), hereby approved, the proposed windows identified on the stone bay feature, located on

the south elevation, shall have partially obscure glazing. Prior to the commencement of the development, the details of the obscure glazing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. That prior to the occupation of the flatted dwellinghouses, the partially obscure glazing shall be installed and retained in perpetuity, to the satisfaction of North Ayrshire Council as Planning Authority.

5. 18/00846/ALO: Meikle Ittington Farm, Ardrossan

Mr Lewis Scott has applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission 10/00326/PP at Meikle Ittington Farm, Ardrossan. No objections were received.

Planning permission was granted on 16 May 2011 for the erection of a dwellinghouse following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee unanimously agreed to grant the application with no conditions.

The meeting ended at 2.25 p.m.

NORTH AYRSHIRE COUNCIL

5th December 2018

Planning Committee

Title: **Hunterston Construction Yard – SEPA Consultation Response**

Purpose: To agree the consultation response on behalf of the Council to SEPA with respect to the application for a waste management license at Hunterston Construction Yard.

Recommendation: The Planning Committee agree the consultation response attached at Appendix 1.

1. Executive Summary

- 1.1 SEPA has consulted the Council as Planning Authority on an application for a Waste Management Licence at Hunterston Construction Yard. SEPA's guidance advises that the planning function and the licensing function should complement each other, rather than duplicating controls.
- 1.2 On 25th April 2018 the Planning Committee resolved to grant planning permission to three applications, mainly:
 - i) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Condition 1 of Planning Permission ref 16/00268/PP to allow use of the site for decommissioning of large marine structures (Ref.17/01273/PP);
 - ii) Erection of caisson gates and subsequent removal of existing bund (Ref. 18/00132/PP); and,
 - iii) Replacement and enlargement of existing jetty (Ref. 18/00134/PP).
- 1.3 The applications were granted subject to conditions.
- 1.4 In order to implement the planning consent the applicant, Clydeport Operations Limited, must apply to Marine Scotland and SEPA for certain licenses relating to the construction works and general operations on site.
- 1.5 On 3rd October 2018 Clydeport Operations Limited applied for a Waste Management Licence under the Environmental Protection Act 1990 (As amended) and Waste Management Licensing (Scotland) Regulations 2011. SEPA has issued a consultation to North Ayrshire Council.

- 1.6 This report summarises the Council's response to SEPA with respect to the consultation.

2. Background

- 2.1 Planning permission was granted for the decommissioning of large marine structures at Hunterston Construction Yard. The use would result in the production of waste from decommissioning marine structures. In order to operate the site the applicant requires a Waste Management License from SEPA. Whilst Clydeport had proposed to seek a Pollution Prevention and Control (PPC) permit it is understood that SEPA has taken the decision that the decommissioning works would fall below the level of activities that would require a PPC and SEPA has therefore advised Clydeport to apply for Waste Management License.
- 2.2 As part of the Waste Management License (WML) procedure SEPA has consulted North Ayrshire Council on the content of the application and the activities on site.
- 2.3 The WML application contains the application form, supporting documentation in the form of a Certificate of Incorporation for Clydeport, a lease for the site, the approved planning application forms, a Working Plan for the site and the Ports Emergency Plan.
- 2.3 SEPA's guidance states that the planning system controls the development and use of land. It therefore has an important role to play in determining the location of development including waste management and disposal facilities. Planning controls are not an appropriate means for the detailed control of pollution from waste management facilities. This should always be done by SEPA through the licensing system. In the same way, licence conditions should not cover issues which are fundamentally about development and land use, except where there is not any planning permission. Important issues in the context of this consultation response would be the contents of the proposed Working Plan. The Working Plan contains details of the general operation of the site including operating hours, exported waste types, waste storage, decommissioning operations, pollution control and emergency procedures.
- 2.4 The application states that the proposed operation hours would be Monday to Friday 7am to 7pm and Saturday 7am to 1pm. A list of the expected types and annual quantities of waste to be handled by the site is outlined within the Working Plan as are the quantities that could be stored on site. Members should note that the values provided are annual rather than daily quantities. The expected start date is as soon as the WML is granted.
- 2.5 The WML was submitted to SEPA on 3rd October 2018. A consultation request was issued by SEPA on 16th October 2018. Whilst there is a deadline to respond

within 28 days of the consultation request SEPA has agreed to an extension of the consultation period until 6th December 2018.

- 2.6 As part of the Council's internal consultation process, Planning Services has consulted with Environmental Health, who offer the following response:

The Hunterston Marine Services Centre Working Plan document dated 3 October 2018 submitted with the application confirms in Section 6.5 Noise Control "All site operations shall be carried out so they do not give rise to nuisance noise beyond the site boundary".

The relevant planning permission relating to noise emission from the site requires "The rated noise level, as defined in BS 4142:2014, from activities associated with the construction, repair and decommissioning of large marine related structures, permitted under Condition 1, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. For the avoidance of doubt this condition would not apply to any operations that are licensed by SEPA or Marine Scotland"

It is recommended that the inclusion of a similar condition be imposed on any waste management licence for site activities licensed by SEPA in order that the operations do not give rise to nuisance noise beyond the site boundary.

There is no objection to the application provided SEPA is satisfied that the limits set for any relevant discharges to air, land and water will be protective of the environment.

The planning permission (Ref. 17/01273/PP) contains a number of conditions including condition 3, quoted above. Whilst the applicants Working Plan does outline a number of measures to avoid nuisance noise (Section 6.5) it would be appropriate to request that SEPA place a similar restriction on noise from the site to protect amenity.

- 2.7 It is noted within the Working Plan that the operator proposes to export scrap metal from the Hammerhead Quay or the Hunterston Coal Jetty with all other wastes exported by sea, rail or road. The planning permission controls, under condition 1, all operations within the existing dock and quay. It does not extend to the areas identified within the Hunterston Coal Yard or Jetty.
- 2.8 No details regarding the export of materials by road have been provided. The traffic implications on the road network would be assessed by Transport Scotland, as Trunk Road Authority. However in the interests of residential amenity, it would be recommended that the Council seek the application of a condition, ensuring that any Heavy Goods Vehicles or other larger vehicles transporting waste from the site are subject to an approved routing agreement.
- 2.9 Members will be aware of a number of objections to the Waste Management License. These objectors have been referred to SEPA so that they may consider the concerns being raised.

3. Proposals

- 3.1 Subject to the proposed Waste Management License and the contents of the applicants Working Plan it is recommended that North Ayrshire Council in the response to SEPA state that certain aspects of the waste export do not benefit from planning permission and request that should the WML be granted the following conditions be applied:

(i) That the rated noise level as defined in BS 4142:2014, from activities licensed by SEPA must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property.

Reason: To ensure that the site activities licensed by SEPA do not give rise to nuisance noise beyond the site boundary.

(ii) That any vehicles exporting waste materials by road shall be subject to a routing agreement to be approved by SEPA in conjunction with North Ayrshire Council.

Reason: In the interests of amenity and road safety.

(iii) That no waste materials from the site shall be exported via the Hunterston Coal Yard or Jetty.

Reason: To ensure the Waste Management License complies with the approved planning permissions.

- 3.2 A copy of the draft response is provided with Appendix 1.

4. Implications

Financial:	The Consultation has no financial implications out with normal budgetary provisions.
Human Resources:	The matters raised can be addressed within existing staff resources

Legal:	Environmental Protection Act 1990 (As amended) and Waste Management Licensing (Scotland) Regulations 2011
Equality:	N/A
Children and Young People:	
Environmental & Sustainability:	To ensure environmental practices are in line with appropriate regulation.
Key Priorities:	The consultation response supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

5.1 None



Karen Yeomans
Executive Director
Economy & Communities

For further information please contact **Ross Middleton, Planning Officer** on **01294 324379**

Background Papers

N/A

Your Ref: W/M/L/1173385

Our Ref: RM/17/01273/PP

6th December 2018

Registry Angus Smith
Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
ML1 4WQ

Dear Sirs

APPLICATION FOR WASTE MANAGEMENT LICENSE
APPLICATION ID: WML/L/1173385
APPLICANT: CLYDEPORT OPERATIONS LIMITED
LOCATION OF SITE: HUNTERSTON MARINE SERVICES CENTRE

Thank you for your consultation and for the extension of time in which to submit comments.

Advice to SEPA

The Council would have **no objection** to the license, provided that the proposals to utilise Hunterston Coal Jetty are omitted from the license and that SEPA is satisfied that the limits set for any relevant discharges to air, land and water would be protective of the environment.

The Council has considered the detail of the proposals and can provide the following comments.

Planning Permissions

On 25th April 2018 North Ayrshire Council as Planning Authority granted planning permission for a variance of Condition 1 of Planning Permission ref 16/00268/PP, to allow use of the Hunterston Construction Yard for decommissioning of large marine structures (Ref.17/01273/PP).

The Council would note that the applicants form contains a copy of the planning consent.

The applicants Working Plan refers to the export of materials via sea, rail or road with proposals to export waste through Hunterston Coal Jetty as well as the docking of structures at the jetty prior to their movement to Hunterston Construction Yard. The Council would advise that planning consent does not exist for the use of the Hunterston Coal Jetty in association with the decommissioning site at Hunterston Construction Yard and would raise objection to any operations associated with the Waste Management License that proceed without the benefit of planning permission.

Executive Director (Economy & Communities): Karen Yeomans

The export of waste materials via the road may be acceptable subject to information with respect to vehicle movements, type of vehicle and transport routes. The Council would advise that any waste materials being exported from the site by road are minimised and where unavoidable, are subject to a routing agreement.

Noise

The Hunterston Marine Services Centre Working Plan document dated 3 October 2018 submitted with the application confirms in Section 6.5 Noise Control "All site operations shall be carried out so they do not give rise to nuisance noise beyond the site boundary".

The relevant planning permission relating to noise emission from the site requires "The rated noise level, as defined in BS 4142:2014, from activities associated with the construction, repair and decommissioning of large marine related structures, permitted under Condition 1, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. For the avoidance of doubt this condition would not apply to any operations that are licensed by SEPA or Marine Scotland"

The Council would recommend the a similar condition be imposed on any Waste Management Licence for site activities licensed by SEPA in order that the operations align with the planning permission and ultimately do not give rise to nuisance noise beyond the site boundary.

Conditions

Should SEPA be minded to grant the proposed Waste Management License, North Ayrshire Council would highlight that the proposed Export procedures outlined within the Working Plan do not benefit from planning permission. The Council therefore request that the following conditions be applied to any license:

(i) That the rated noise level as defined in BS 4142:2014, from activities licensed by SEPA must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property.

Reason: To ensure that the site activities licensed by SEPA do not give rise to nuisance noise beyond the site boundary.

(ii) That any vehicles exporting waste materials by road be subject to a routing agreement to be approved by SEPA in conjunction with North Ayrshire Council..

Reason: In the interests of amenity and road safety.

(iii) That no waste materials from the site shall be exported via the Hunterston Coal Terminal.

Reason: To ensure the Waste Management License complies with the approved planning permissions.

Should you have any queries regarding the contents of this letter please do not hesitate to contact James Miller on 01294 324315.

Yours Sincerely

Executive Director (Economy & Communities): Karen Yeomans

Caitriona McAuley
Head of Service (Economic Growth)

Executive Director (Economy & Communities): Karen Yeomans

NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Arran
Reference	18/00419/PP
Application Registered	10th May 2018
Decision Due	10th July 2018
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	McLaren Hotel Brodick Isle Of Arran KA27 8AJ
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Applicant	AbodeGroup
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Proposal	Demolition of existing hotel and erection of new hotel and restaurant
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1. Description

Planning permission is sought for the erection of a 3 ½ storey hotel fronting onto Brodick promenade. The hotel would accommodate 88 bedrooms over 4 floors with a lounge/bar on the ground floor. Five rooms for staff accommodation and staff room would also be provided on the 4th floor of the hotel. The proposal would see the demolition of the existing vacant hotel, known as the McLaren Hotel.

The building would be rectangular in form to the front with an extension to the rear. A front projection would provide much of the space required for the lounge and would appear as 1 ½ storeys.

The frontage of the building would be approximately 28 metres wide, 20 metres in depth, eaves height of 11 metres to the front with a pitched roof extending to 13 metres. The rear extension would be 19 metres in depth, 22 metres in width, eaves height of 9.5 metres and overall ridge height of 12 metres. The projection to the front would extend 10 metres forward of the building, 21 metres in width with an eaves height of 4.4 metres and ridge height of 7 metres.

An internal stair block would be attached to the rear of the building.

The resulting building would be located centrally within the site with a footprint of some 1262 square metres set within a plot of some 4411 square metres. The remainder of the site would accommodate landscaping, 80 car parking spaces, one way access road, cycle parking and a bin store. The current accesses from the main road would be maintained.

The building would be finished in stone cladding to the front, render and slate cladding to the rear extension with a slate roof.

In support of the proposals the applicant has provided the following documents:

Design and Access Statement

The Design and Access Statement summarises the characteristics of the site, its surrounding and general built character in Brodick. It confirms that the site is occupied by the McLaren Hotel which has been vacant since 2015. The building itself has a variety of extensions and buildings of differing quality and design. The statement makes references to a number of design precedents that have informed the new build. The statement summarises the brief for the project which was to develop a hotel that took account of more modern needs and provided a certain room type that could allow for basic self-catering and a size that would allow a family or small group to share one room. The scale of the building reflects the scale of hotel required to provide the facility but at a scale that ensures the business model is viable. The building has been designed to take account the Brodick Design Framework which took account of materials and detail of buildings whilst maintaining visual gaps between buildings on the frontage. The statement contains various photographs and visuals of the proposed development in context. The statement is supplemented with a room comparison document which confirms that the hotel would provide 88 studio type accommodation which would be approximately 30 square metres each, accommodating a bathroom, bed and social space. The target customer are couples or small families. A draft room layout is provided. With respect to staff, 180 square metres of space has been allocated to accommodate up to 20 staff on a temporary basis to provide temporary accommodation during the working week. The intention is to create 10 twin rooms with remaining space used for kitchen and common areas.

Planning Statement

The Planning Statement summarises the characteristics of the site, the information submitted and the proposed building. It assesses the development against key LDP policies, other Council strategies and other material considerations. Reference is made to previous planning applications and one which was approved, in 2007, by the Planning Committee but subsequently withdrawn due to a failure to agree a Section 75 agreement. The statement concludes that the proposal complies with the LDP and other relevant tourism strategies at both local and national level which aims to provide 5 star tourism experiences for the budget traveller without the need for 4 or 5 star accommodation.

Economic Impact Appraisal

The appraisal provides a quantitative assessment of the expected economic benefits derived from delivering this proposal including details of local expenditure from the hotel, its guests as well as job creation. It states that 471 of the island's 2,000 employees are employed in the accommodation and food industry and from a bed audit undertaken by

North Ayrshire Council the sector provides capacity for 2,600 over a range of accommodation establishments.

The appraisal states that as a result of the closure of the McLaren Hotel there is no mid-range offering on the island. The hotel development proposal aims to fill that gap by providing a high quality, affordable hotel. The aim is both to increase the total number of visitors to the island and to encourage day trippers to stay longer. The target market is both families and workers, as well as golfers, bikers, hikers and walkers.

The proposed hotel would be a 3* establishment. The appraisal estimates that the proposal would directly create 25 FTE jobs in management, food & beverage and housekeeping. It states that the hotel would directly spend some £0.6m annually on local goods and services whilst accommodating approximately 29,000 guests annually who would spend some £1.4m locally, on an annual basis. (based on a £50 per day spend). Construction costs would be in the region of £4.7m

The report acknowledges the difficulties in recruitment and the need to accommodate workers, the majority of which would be seasonal workers from the mainland. As such space for 20 FTE members of staff (80%) would be accommodated on site with the remaining 20% expected to be employed locally. There will be displacement of staff from other hotel facilities but this is expected within the sector.

The report concludes that taking into account the expected expenditure in the local economy some 20FTE jobs would be created in the hotel, 5.2 FTE jobs would be supported with hotel expenditure, guest expenditure would support some 35 FTE jobs and the construction would support some 75 FTE jobs.

Flood Risk Assessment

This FRA provides a summary of potential flood risk to the development and any potential impacts that result from construction on the site. The report states that the site is at risk from extreme sea levels in the Firth of Clyde with existing drainage on the main road and culvert which passes through the site offering very low risk to flooding of the site. The report provides a series of recommendations for the final building which include:

- a) Site level raised above the 200 year sea level (i.e. 3.62 m AOD);
- b) An overland flow path is provided along the western boundary of the site at least 1m wide and direct flows north towards the A841.
- c) Finished Floor Levels no less than 4.52m AOD;
- d) Finished ground levels designed to shed water away from any buildings and direct any potential surface water entering the site from the south away from the buildings without increasing the risk of flooding to others.

The assessment confirms that these measures should not increase the risk of flooding to others outside the site boundaries.

Transport Report

The statement provides a summary of existing transport links around the site which will provide access for guests and staff. It refers to the sites location close to Brodick Harbour, the existing path network, public transport links, existing roads for vehicles and cyclists as

well as the connection to the mainland. The statement provides a summary of parking standards and confirms that a total of 79 spaces are required, with 80 being delivered, and 10 cycle spaces being required, with 14 being proposed. The statement assesses the expected traffic impacts as a result of the development and confirms that staff vehicles are reduced by the proposed accommodation within the building. It also states that there will be an impact on the road network as a result of vehicle movements but that the existing road network is under capacity and additional vehicle movements could be safely accommodated on the roads. The report summaries that the site is located in one of the most accessible locations, in transport terms, on the island. The site is easily accessible by a range of non-car-based modes of travel i.e. walking, cycling and public transport. A wide range of measures are proposed to encourage non-car-based modes of travel by guests and staff but that any vehicle movements would not have a detrimental impact on road safety.

In the adopted Local Development Plan (LDP) the application site is located within the settlement of Brodick. As the site contains an existing hotel the principle of the development in this location is established. The provision of tourism facilities within settlements complies with Policy TOU1. As the proposal would result in a significant increase in the scale of the establishment Policy PI1 is relevant given the potential for trip generation.

The General Policy of the LDP is relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision. Furthermore the Brodick Design Framework audits the key characteristics of the seafront and provides a series of guidelines for any new development on the frontage.

The Council's approved Coastal Design Guidance is also relevant, which aims to guide the design of new development to ensure that it will enhance and build upon existing good quality local character and contribute to the area's regeneration rather than detract from it.

The Brodick Design Framework provides an overview of key characteristics of the townscape and general guidance on how new development could complement the existing urban pattern. The framework confirms that: Brodick has a series of bigger structures to the seafront, several of these are hotels or former hotels, replacement of these buildings should be with structures of similar bulk and frontage; the width of the building frontages are critical in maintaining the permeability of this front layer of buildings, the gaps between the larger buildings should be maintained. The framework notes that tree planting has been a significant part of the Brodick townscape and that where appropriate new planting of native trees should be considered as part of new developments. The remainder of the framework refers to the development potential of land behind the frontage in the west of the town which is not relevant in this case.

The Council's Tourism Action Plan 2018-2022 focusses on capitalising on the North Ayrshire coastline and states that tourism has potential to make a massive difference to local economic revival. The coastline is unique and plays a key part in attracting visitors but the plan does outline 4 key actions, one of which is 'Driving Growth' which encourages the formation of new businesses to meet the needs of visitors and offer new prospects for employment locally. Therefore there is a balance to be struck between protecting the coastline and encouraging growth that supports tourism businesses.

The application has been subject to revisions following objections and concerns raised by Planning Officers with respect to the scale of the building, parking provision and lack of staff accommodation. The resulting building has been reduced in scale from 97 rooms with 50 parking spaces and a 2 storey front projection to 88 rooms, 5 staff rooms for accommodation, 80 parking spaces and a 1 ½ storey front projection. Minor changes to the design of the building's exterior have also been made.

Relevant Planning History

07/01003/PP for Erection of 24 dwelling flats, associated car parking and attached bistro restaurant Application Withdrawn on 11.04.2012.

06/01023/PP for Demolition of hotel and erection of 42 dwelling flats with associated car parking Application Withdrawn on 15.02.2007.

Relevant Development Plan Policies

TOU1

POLICY TOU 1: TOURIST ACCOMMODATION AND FACILITIES

Proposals to create or extend tourist facilities, hotels, boarding houses, bed and breakfast facilities and guesthouses, within Class 7, and managed units (see glossary) shall generally accord with the LDP where the proposed site is within a settlement boundary. Proposals for such development in the Countryside shall accord with the LDP provided:

- (a) the development is an existing building suitable for conversion; OR
- (b) development can demonstrate a site specific locational need; AND
- (c) there is a social and/or economic benefit to the area; AND
- (d) it is of a scale and character which is not detrimental to the amenity and landscape of the area.

Where the proposal is for an individual tourism accommodation unit and the unit is not clearly allied to a tourist facility, the proposal is unlikely to be supported. The proposal must be compatible with the underlying land use and appropriate in design and scale to surrounding uses.

Restrictions to retain tourism use are likely to be required where this has formed the justification for development in the countryside - this may be secured via legal agreement if appropriate. Proposals for staff accommodation will only be acceptable where an operational need for staff to be located on site has been demonstrated (and is not merely for convenience) and this will be secured via legal agreement (see Policy ENV 2 for further details).

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.

(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.

2. Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press on 18 May 2018. Twenty four letters of representation were received, 23 objecting and 1 letter of support. The main points of objection were:

1. Design - The scale of the building would impact on the setting of Brodick when viewed from the ferry or further afield. It will dominate the frontage. The proposed siting, width, height and scale of the proposal is contrary to the Brodick design framework. The use of stone is not characteristic of modern buildings on the island and will not complement the appearance of the Douglas Hotel, render would be more suited. The building is too high. The quality of the design is poor and the front extension is out of character/dominated the building. It is not of Arran design and would be more suited to an urban area. The proposal would result in overdevelopment of the site. A smaller hotel of some 25-30 rooms would be more appropriate. The proposal will overshadow neighbouring land.

Response: The applicant was requested to consider these comments and respond as appropriate with respect to the re-design.

2. Parking - There is insufficient parking proposed which would result in overspill onto the main road.

Response: Agreed, the applicant was requested to increase the level of parking proposed.

3. Staffing - There are insufficient levels of workers to staff the development. Staff would have to come from the mainland. There is a lack of staff accommodation associated with the proposals. There is no staff parking proposed.

Response: Whilst not a Planning issue the applicant was advised to consider these comments and respond as appropriate with respect to the re-design.

4. Other issues - The site is prone to flooding from the sewage system and there is insufficient capacity in the local water system for the development. There is insufficient emergency services on the island to cope with the demand that this proposal may create. There has been no consultation with the community on the proposals. The proposal would result in mass tourism which is not welcome. Previous proposals for flats on the site were refused.

Response: Scottish Water, SEPA and NAC Flooding did not object to the proposals. It would be the applicant's responsibility to ensure the proposal can be serviced appropriately. No formal public consultation is required for a development of this scale but it is understood the applicant did discuss the proposals with the local community. The existing site accommodates a hotel, the development of tourism facilities within North Ayrshire is encouraged by the Councils tourism strategy and LDP.

5. Support - One letter was received which supported the removal of the currently vacant McLaren Hotel which would improve the appearance of the town. The proposal would bring investment and jobs to the island.

Following the publicity of the application, the key issues raised by objectors were provided to the applicant. The applicant took this opportunity to redesign parts of their proposal and provide staff accommodation.

Following changes the application was subject to further notification which was undertaken between 27th September and 18th October 2018. 13 further letters of objection were received which raised the following concerns:

1. Design - The building is too high and too far forward of the building line. Concerns regarding the scale, design and amenity impacts remain. The square frontage and front projection is out of character with Brodick. The proposal still does not comply with the Brodick design framework. Due to its scale and positioning the building will impact on daylight and views from adjacent properties. The building should be restricted to 2.5 storeys. If granted planning permission the stone cladding should be replaced with render to tie in with the character of modern buildings in the town.

Response: These matters are considered in the Analysis below. The use of stone cladding would be considered appropriate, given the sites exposed location.

2. Parking - The increase in parking is positive and will help alleviate parking issues. There still remains a lack of parking associated with the development. There are limited blue badge parking spaces and no electric chargers proposed.

Response: The level of parking proposed complies with North Ayrshire Councils parking standards. There has been no objection from Active Travel and Transport.

3. Staffing - The staff accommodation is still insufficient. The staff numbers within the applicant's document are understated.

Response: The staffing numbers and accommodation are not a material planning consideration but the applicant has sought to amend the proposals to take account of advice provided through the public consultation.

4. Other issues - The removal of the café/restaurant will impact on the amenity of guests, they will have nowhere to eat. A larger café would have been a positive addition. No community consultation has been undertaken. The resulting building will be used to accommodate people from the mainland who are homeless or have physical/mental problems. If consent is granted the existing building and site should be cleared within 6 months. The site is prone to flooding. There is insufficient emergency services on the island to cope with the demand that this proposal may create. The proposal would result in mass tourism which is not welcome. The rooms are too small with little amenity for guests.

Response: The removal of the restaurant assists in reducing the scale of the operations and will encourage guests to dine in local establishments, therefore benefitting the local business community. Scottish Water, SEPA and NAC Flooding did not object to the proposals. It would be the applicant's responsibility to ensure the proposal can be serviced appropriately. No formal public consultation is required for a development of this scale but it is understood the applicant did discuss proposals with the local community. The application is for a hotel not a residential institution. The applicant has provided an indicative room comparison which confirms that the rooms would be double the size of a standard Travelodge room.

Consultations

SEPA - previously objected to this proposal in May 2018 due to a lack of information. SEPA requested further information regarding the A841 culvert blockage, comment/assessment on flood risk from the Strathwhillan Burn and clarification on whether all aspects of the hotel redevelopment can be set at an appropriate finished floor level. In June 2018 this information was provided within the applicants Flood Risk Assessment and the objection was removed. No objections.

Response: Noted.

Scottish Water - No objections. The development would be fed from Balmichael Water Treatments Works. There is sufficient capacity at Brodick SEP Waste Water Treatment works for foul water. There is an existing combined sewer running through the site which may be affected by the development. The applicant should contact Scottish Water to discuss any conflicts.

Response: Noted. The applicant has been made aware of the Scottish Water asset and advised to contact Scottish Water prior to any construction.

NAC Active Travel and Transport - In May 2018 objected on the grounds that inadequate parking was proposed on site. Following revisions to the proposal there are no objections to the development. The Roads development Guide States that for a hotel 1 parking space per 2.5 bed spaces is required, where 2 bed spaces is a double bed, therefore, 88 rooms require a minimum of 71 parking spaces. In addition there is a requirement for 1 space per 3 staff members. 25 staff will require 9 spaces. The site proposes 80 off street parking. Therefore the site offers sufficient parking and turning within the confines of the site to accommodate the proposed development such that it will not impact on the adjacent public road network. Conditions regarding hard surfacing the first 5 metres, visibility splays and design of surface drainage should be attached.

Response: Noted. The proposal would utilise existing accesses which served the previous hotel. As such a restriction on visibility splays could not be applied but conditions regarding surfacing and water collection could.

NAC Environmental Health - No objections. Conditions regarding demolition works, construction timing, noise and disposal of waste from demolition should be applied.

Response: Noted. Matters regarding the construction/demolition process are not material Planning considerations. These issues would be controlled through Environmental Health legislation or through any Building Warrant.

NAC Cleansing - No objections. The anticipated waste provision for the premises would consist of 240ltr or 1100ltr Grey Bin - Residual Waste - weekly collection, 240ltr or 1280ltr Blue Bin - Mixed Dry Recyclate - weekly collection. Sufficient storage space should be provided to accommodate potential additional bins as the service may change in the future. Collections are made kerbside but provision can be made for collection on site through agreement.

Response: Noted. A condition could be applied requiring full details of the proposed bin storage. It would be the applicant's responsibility to negotiate on site collection with Cleansing.

Arran Community Council - Object. The application requires to be carefully considered against the current LDP and in particular Policy TOU 1 (d) which states 'any development should be of a scale and character which is not detrimental to the amenity and landscape of the area'. The community council are aware that other local groups have submitted representations to which the community council broadly agree and support.

Response: Noted. In this case Policy TOU1 supports the principle of tourist facilities within settlement boundaries. Part (d) is not relevant to this particular site as it is within a settlement however matters regarding scale and character are considered within the General Policy. Assessment against the General Policy is considered in the Analysis below. The Community Council did not submit further comments.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise.

Planning permission is sought for the demolition of an existing vacant 2 ½ storey hotel and erection of a 3 ½ storey hotel. The existing hotel contains 27 rooms. The proposed building would contain 88 rooms plus 5 rooms for staff accommodation. In the adopted Local Development Plan (LDP) the application site is located within the settlement of Brodick. As the site contains an existing hotel the principle of the development in this location is established. The provision of tourism facilities within settlements complies with Policy TOU1. As the proposal would result in a significant increase in the scale of the establishment Policy PI1 is relevant given the potential for trip generation.

The General Policy of the LDP is relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision. The approved Brodick Design Framework audits the key characteristics of the seafront and provides a series of guidelines for any new development on the frontage.

The Council's Coastal Design Guidance is also relevant, which aims to guide the design of new development to ensure that it will enhance and build upon existing good quality local character and contribute to the area's regeneration rather than detract from it.

The Council's Tourism Action Plan 2018-2022 focusses on capitalising on the North Ayrshire coastline and states that tourism has potential to make a massive difference to local economic revival. The coastline is unique and plays a key part in attracting visitors but the plan does outline 4 key actions, one of which is 'Driving Growth' which encourages the formation of new businesses to meet the needs of visitors and offer new prospects for employment locally. Therefore there is a balance to be struck between protecting the coastline and encouraging growth that supports tourism businesses. In this case the applicant proposes to form an offering of accommodation that does not exist on the island at a scale that can assist in delivering on the Council's aims.

With respect to Policy PI1 the applicant has provided a transport report which provides a summary of existing transport links around the site that would provide access for guests and staff. It refers to the site's location close to Brodick Harbour, the existing path network, public transport links, existing roads for vehicles and cyclists as well as the connection to the mainland. The statement provides a summary of parking standards and confirms that a total of 79 spaces are required, with 80 being delivered, and 10 cycle spaces being required, with 14 being proposed. The statement assesses the expected traffic impacts as a result of the development and confirms that staff vehicles are reduced by the proposed accommodation within the building. It confirms that there would be an impact on the road network as a result of vehicle movements but that the existing road network is under capacity and additional vehicle movements could be safely accommodated on the roads. A wide range of measures are proposed to encourage non-car-based modes of travel by guests and staff but that any vehicle movements would not have a detrimental impact on road safety. Active Travel and Transport has not objected to the revised proposals and based on the information provided it is considered that the applicant has considered the needs of walkers, cyclists and public transport users as well as private vehicles. The proposal would comply with Policy PI1.

With regard to criteria a) of the General Policy, the approved Brodick Design Framework provides an overview of key characteristics of the townscape and general guidance on how new development could complement the existing urban pattern. The framework confirms that: Brodick has a series of bigger structures to the seafront, several of these are hotels or former hotels, replacement of these buildings should be with structures of similar bulk and frontage; the width of the building frontages are critical in maintaining the permeability of this front layer of buildings, the gaps between the larger buildings should be maintained. The framework notes that tree planting has been a significant part of the Brodick townscape and that where appropriate new planting of native trees should be considered as part of new developments. The remainder of the framework refers to the development potential of land behind the frontage in the west of the town which is not relevant in this case.

The proposed 3 ½ storey building would be located centrally within the site, some 14 metres from both the eastern and western boundaries, the rear projection would be 14 metres from the eastern boundary and 17 metres from the western boundary. To the front the 1 ½ storey projection would be approximately 10 metres from the main road and the main building approximately 21 metres. The overall footprint of the building would be 1262 square metres.

The existing site contains a 2 ½ storey hotel with a series of 1 storey structures attached to the front, side and rear of the building. The existing buildings on site have a footprint of some 1048 square metres.

In terms of siting, the proposed building would maintain the existing gaps between buildings as required within the Framework. The proposed building would be set some 20 metres forward of the existing hotel and further forward than buildings immediately adjacent. However the existing hotel and adjacent buildings do not reflect the character of the original village which has a frontage directly on the road. The building line varies across the promenade. As such there is no defined building line.

The main consideration is whether the siting of the building is appropriate in its context.

The existing buildings directly to the east and west do not provide any form of containment or relationship with the main road with the frontage dominated by hardstanding. The type of building proposed in this application requires a significant level of parking, as such bringing

the building forward provides a balance between developing a more appropriate building line and locating the bulk of car parking to the side and rear of the site. Setting the building further back would result in a frontage overdominated by vehicles, as evidenced by the adjacent co-op building, which would not provide an attractive promenade. The building would provide more of a relationship with buildings further west, in particular those known as Craiglea Court, Dunvegan and the health centre which are located further forward than the existing hotel.

In terms of scale it is accepted that the proposed building would be higher than the existing buildings on the frontage, however there are examples of larger buildings in the vicinity including the Douglas Hotel which due to its siting on a hill gives the impression of a higher building as well as Craiglea Court. The overall building height in comparison with its surroundings is provided within drawing 268-04A and the visuals provided by the applicant.

Furthermore given the buildings use as a hotel, where traditionally a sense of scale may be expected and which may act as a landmark, the buildings mass is commensurate with similar hotels on the island including the Auchrannie and Kinloch Hotels, albeit both examples have a much larger footprint than the building proposed in this application.

The Framework does not preclude the development of larger buildings on the frontage but it is expected that any development respects the wider townscape whilst offering a quality of design that complements the promenade. It is considered that through the design, siting and materials proposed the development would provide an attractive and suitable development on the frontage, which respects the varied character of Brodick's frontage.

Landscaping of the site would ensure there is a successful relationship between the building and the promenade, as such it would be considered appropriate to attach a condition requiring a full landscaping plan and retention of existing mature trees located on the outer edges of the site.

It is considered that the proposal accords with the key aspirations of the Framework and would provide an attractive solution to a development on the site.

The Council's approved Coastal Design Guidance is also relevant, which aims to guide the design of new development to ensure that it would enhance and build upon existing good quality local character and contribute to the area's regeneration rather than detract from it. The guidance focusses on developing a unique character in new buildings which complement its waterfront location and makes the most of its coastal setting, excelling in terms of quality rather than adapting or reusing standard solutions from elsewhere. The guidance advises that new development provides an opportunity for development to knit together and repair what are often fragmented places.

In this case the scale, siting and design of buildings along the frontage varies considerably. The original settlement to the west of the site is characterised with 2 storey stone buildings, located directly on the road. The land between the original settlement and the Douglas Hotel contains a mix of building types, scales, materials and design.

The building has been designed to take advantage of views out from the site, whilst balancing the needs of a large hotel to maintain viability. The applicant has sought to address the comments made through representations by revising the design of the front projection and reducing the number of rooms proposed. By setting the proposal slightly

back from the road but using stone cladding on the larger main frontage the scale and appearance of the proposed building would not appear out of context. Similarly the replacement of the existing vacant building would result in a significant benefit to the overall appearance of the promenade.

As such it is considered that the proposed development represents a context driven response and that the development would not conflict with the Council's approved Coastal Design Guidance.

The proposed siting, design and appearance of the building would be considered acceptable. Subject to condition the proposals would comply with criteria a).

With regard to criteria b) the proposal includes windows on the front and side elevations of the building. Those windows to the front would overlook the public road and those to the side would overlook existing commercial developments. The windows would be over 9 metres from the mutual side boundaries ensuring that any future development on those sites is not significantly compromised. The three windows on the rear elevation would relate to a stairwell and would not impact on the privacy of existing neighbours.

Concern has been raised that the development would impact on daylight and overshadow existing residential properties to the rear of the site. Due to the aspect, siting and scale of the proposal, any impact would be to the north, east or west of the site, falling primarily within the applicant's site or hardstanding associated with the commercial buildings. There would be no notable impact on daylight within neighbouring residential properties to the rear.

As outlined above the buildings siting, design and scale would not have a detrimental impact on the visual amenity of the area.

In view of the foregoing therefore the proposed development would not have an adverse impact on amenity and would comply with criteria b).

With regard to d), NAC Active Travel has not objected to the proposals as an acceptable level of car parking and access to the site would be achieved. The proposals therefore comply with criteria d).

The proposed development would improve the setting of the site in respect to the currently vacant hotel building whilst resulting in a building that would complement its surroundings. Subject to conditions the proposal would comply with the LDP and it is recommended that planning permission be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority:

i) Details and samples of the proposed external finishes;

- ii) Details of all external lighting;
- iii) Details of the proposed bin storage; and
- iv) Details of the proposed cycle parking spaces and storage (including number, location and design).

The details, which may be approved, shall be implemented in full to the satisfaction of North Ayrshire Council as Planning Authority. The approved cycle parking and storage shall be installed prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained.

Reason

To ensure these matters can be considered in full to the benefit of visual amenity

Condition

2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated July 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:

(i) Site levels which ensure the site is raised above the 200 year sea level (i.e. 3.62 m AOD) and designed to shed water away from any buildings and direct any potential surface water entering the site from the south away from the buildings without increasing the risk of flooding to others;

(ii) Details of an overland flow path along the western boundary of the site which is at least 1 metre wide and directs flows north towards the A841;

(iii) Confirmation that the finished floor levels of the main building shall be no less than 4.52m AOD; and,

(iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.

The details which may be agreed shall be implemented in compliance with the programme in part (iv) and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of the Scottish Environment Protection Agency.

Condition

3. That prior to the completion of the development the parking, as outlined in approved drawing 268-03C, shall be completed in full and operational prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained. For the avoidance of doubt the hotel shall be limited to 88 rooms for rental and at least 5 staff accommodation rooms.

Reason

To meet the requirements of North Ayrshire Council as Roads Authority.

Condition

4. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

To ensure the visual amenity of the area is protected.

Condition

5. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

To ensure the agreed landscaping scheme is implemented to the benefit of visual amenity.

Condition

6. That the first 5 metres of the access, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

Reason

In the interest of road safety.

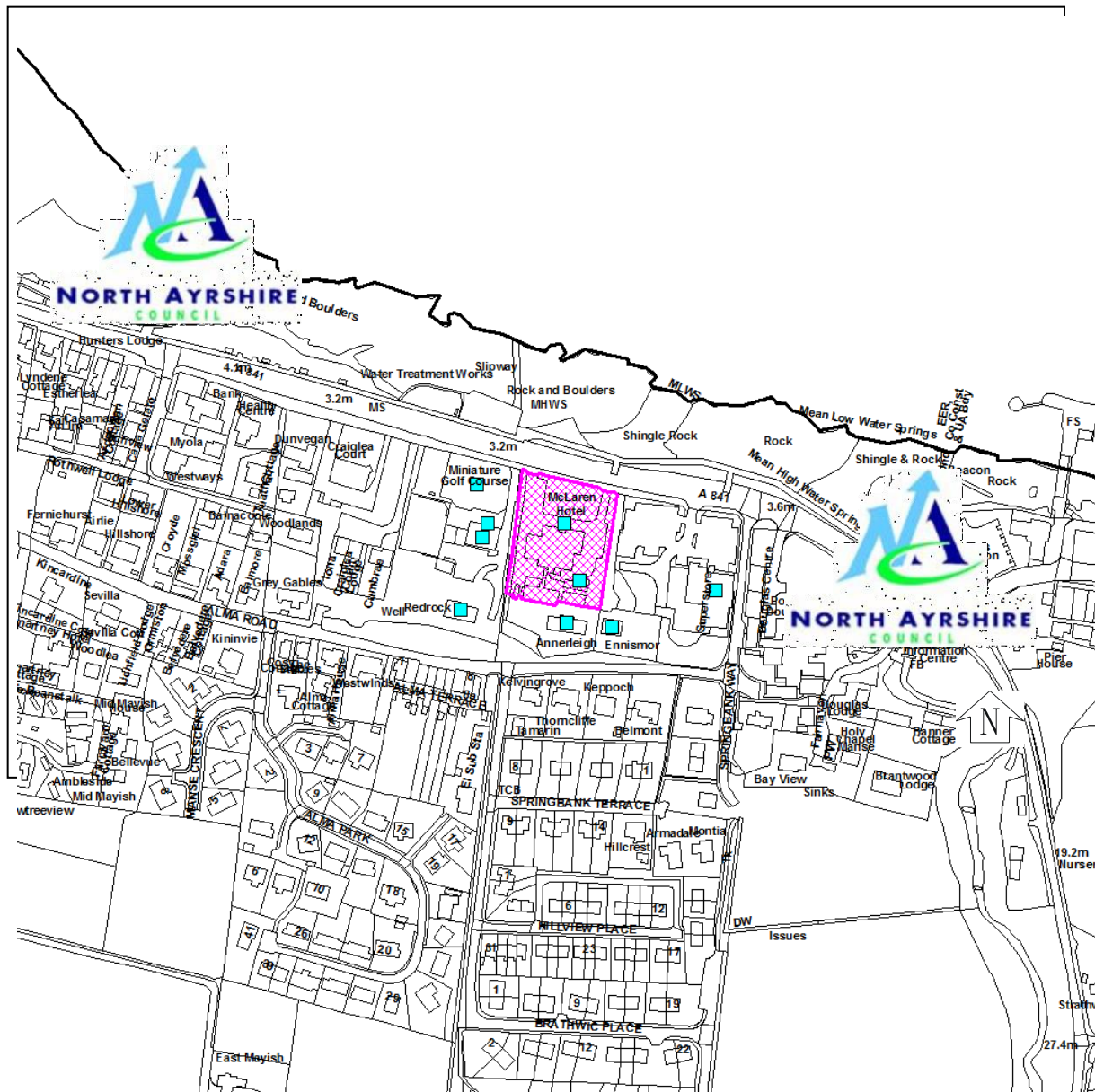


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast & Cumbraes
Reference	18/00917/PP
Application Registered	23rd October 2018
Decision Due	23rd December 2018
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Site To North West Of Chapelton Mains Seamill West Kilbride Ayrshire
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Applicant	Hope Homes (Scotland) Ltd Fao Mr Ian Hope
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Proposal	Residential development (phase 5) comprising of 25 detached dwelling houses
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1. Description

This application seeks planning permission for the erection of 25 dwellings at a site to the North West of Chapelton Mains, Seamill, West Kilbride. On 31 August 2016, Planning Permission in Principle (PPP) was granted for a residential development of the larger site (Ref. 16/00561/PPPM).

This application relates to part of the area identified as 'Phase 2' in the original masterplan. The proposal is for the erection of 25 detached houses, comprising of ten 2 storey 4 bedroom properties; six 2 storey 3 bedroom properties; five 1 storey 3 bedroom properties; two 1 storey 2 bedroom properties; and two 1 ½ storey 2 bedroom properties.

To reflect the character of those buildings of previous phases the houses would be finished in a mix of stone or wet dash rendered walls, grey slates, upvc windows and doors. Chimneys, pitched roofs and painted bands would be formed around windows, doors and at base course level in order to provide a traditional appearance. The two 1 ½ storey dwellings would introduce red facing brick finishes onto the site.

Private amenity space would be associated with each dwelling with parking located in curtilage either at the rear or to the side. Access to the site would be provided through the new junction created in Phase 1.

In support of the application a statement has been provided which summarises the design approach taken in this particular phase. The statement outlines that this phase includes 25 dwellings with the inclusion of two gatehouses at the site entrance as well as the central village green. The statement notes that the gatehouse design evolved throughout the design of the project with the aim to create an entrance feature which is in keeping with the development style whilst subtly maintaining the gatehouse narrative, which is demonstrated with the use of contrasting materials, curved dormer windows large central chimney breast and feature cill and lintel details, as expected of a gatehouse. The statement outlines that it is proposed that the southern section of houses (plots 59-66) would be 2 storey with a mix of massing achieved by 'book-ending' the Admiral house types at the middle and end of this row. The Admiral house types in the section would be given the same ashlar stone finish to the front elevation as the show home on Ardrossan Road. This layout would provide a balanced mix of materials and would punctuate the white wet dash render homes between in an intentionally planned manner. Plots 69-74 would be detached single storey. The introduction of a linked wall between each house provides a cohesive streetscape to this section and enhances the curved building line. The applicant has sought to deliver a mixture of sizes and styles of detached homes to meet demand for detached homes over terraced housing, which remain unsold on the previous phase 1.

In the adopted Local Development Plan (LDP) the application site is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the site has an indicative capacity of 124 units. Policies PI 1 and PI 8 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

Relevant Planning History

16/00561/PPPM for Residential development with associated access roads, open space, landscaping and other required infrastructure Approved subject to Conditions on 31.08.2016.

17/00100/MS for Application seeking approval of matters specified in conditions / provision of information in relation to conditions (conditions 1-9 of Planning Consent N/16/00561/PPPM) and submission of detailed housing proposals for Phase 1 of development Approved subject to Conditions on 14.06.2017.

18/00171/MS for Erection of 31 dwellings comprising of terraced and flatted properties Approved subject to Conditions on 23.05.2018.

18/00412/MS for Application seeking approval of detailed design for the erection of 13 Dwellings associated with planning permission in principle 16/00561/PPPM Approved subject to Conditions on 13.07.2018.

Relevant Development Plan Policies

RES2

POLICY RES 2: ADDITIONAL HOUSING SITES

The sites identified in Table 1 and on the LDP Maps are allocated for market housing to meet the identified housing requirement to 2025.

Sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development. Indicative requirements are set out within the Action Programme.

POLICY PI 1

WALKING, CYCLING & PUBLIC TRANSPORT

All development proposals which will result in significant trip generation shall require to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users by demonstrating that:

- (a) the proposals reflect the principles of "Designing Streets" where applicable;
- (b) at an early design stage, consideration has been given to likely desire routes (public transport nodes, schools, town centres etc.) which shall inform the design of the development;
- (c) connectivity is maximised within and to the development site by providing direct routes to wider path networks where possible;
- (d) any paths through the site are clearly signposted, well lit and where possible overlooked;
- (e) secure cycle parking of a proportionate scale, in a visible and accessible location, is provided where the development will be used by a significant volume of visitors (including employees). Changing and shower facilities should also be provided where appropriate;
- (f) discussion with Strathclyde Partnership for Transport (SPT) has been undertaken to consider the provision of new or diverted bus route(s) to serve the development where the proposal is not within 400m of a public transport node. New/diverted routes may require to be subsidised by the developer where such schemes are not commercially viable; and
- (g) proposals for national or major development (as defined by the Planning Etc. (Scotland) Act 2006) which will involve significant trip generation will require the preparation of a Travel Plan for the development.

A Transport Assessment may be required where development will involve significant trip generation.

POLICY PI 8

DRAINAGE, SUDS & FLOODING

Water/Waste Water Treatment Infrastructure

1. Proposals for the expansion or development of new facilities for water supply or the treatment of waste water shall accord with the LDP, subject to satisfying the following criteria:

- (a) it can be demonstrated that a range of alternative sites have been examined and that the proposed development offers the solution with least environmental impact

whilst at the same time being technically feasible and financially viable;
(b) the proposal incorporates appropriate landscape buffering, screening and design, particularly in sensitive environments.

Drainage

Development shall normally require a comprehensive Drainage Assessment (see Supplementary Guidance: Drainage, SUDS & Flooding) to be submitted to the satisfaction of the Council's Flooding Risk Management section unless it can be otherwise demonstrated that the site can be satisfactorily drained.

2. Proposals where public sewage infrastructure is available should connect to the public network, instead of providing a private drainage solution.

3. Where a private drainage solution is proposed, this will only be acceptable subject to the criteria set out within Supporting Information Paper 9.

4. Any proposals for the culverting of a watercourse will be considered with reference to SEPA's position statement on culverting.

SUDS

5. All development, with the exception of single house developments and development discharging surface water run-off to coastal waters, shall require to incorporate SUDS techniques.

Flooding

6. Development on areas identified as at or greater than 0.5% risk of flooding annually (0.1% for essential civil infrastructure) on flood risk plans, or on areas of known or suspected incidences of flooding, shall not accord with the LDP, unless the following criteria can be satisfied:

(a) a Flood Risk Assessment, completed to the satisfaction of the Council's Flood Risk Management Section, has been submitted;

(b) the ability of any functional floodplain to store and convey water will not be impaired;

(c) the development will not increase the risk of flooding elsewhere or materially increase the number of buildings at risk of being damaged by flooding; AND

(d) the risk of flooding to the development itself can be mitigated satisfactorily (i.e. through an existing or planned flood protection scheme); OR

(e) where flood risk cannot be satisfactorily mitigated, the development has an operating requirement that makes the location essential (e.g. for emergency services coverage, agriculture related use, water based activity) and will be capable of remaining operational and accessible during extreme flooding events.

The above criteria shall generally not apply to alterations and small scale extensions, provided that such development will not have a significant material effect on the functional floodplain; will not affect local flooding issues; and will not significantly increase the number of people occupying/visiting the area.

7. Development on areas identified as having flood risk of less than 0.5% will normally be acceptable for development in respect of flood risk. A Flood Risk Assessment may be required if the nature of the development or local circumstances indicate heightened risk.

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.

(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.

2. Consultations and Representations

The application was subject to the standard neighbour notification procedure and was advertised in the local press on 31 October 2018. There were no representations received.

Transport Scotland - No objections.

Response: Noted.

NAC Transportation - No objections.

Response: Noted.

NAC Flooding - No objection. Details should be submitted regarding drainage, treatment and management of surface water prior to commencement of the development. The applicant must provide confirmation that the drainage scheme is in line with an approved Flood Risk Assessment.

Response: Noted. A condition could be applied in this regard. The Flood Risk Assessment was approved in August 2016 as such drainage measures must comply with this document.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise.

This application seeks planning permission for the erection of 25 dwellings within part of the area identified as 'Phase 2' in the original masterplan, approved in Planning Permission 16/00561/PPPM. In the adopted Local Development Plan (LDP) the application site is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the masterplan site has an indicative capacity of 124 units. To date 83 units have been approved and this application proposes a further 25.

Policies PI 1, PI 8 and RES 4 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria. The relevant criteria being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

With regard to Policy PI 1 the applicant had previously provided a transport assessment which considers issues and methods to promote active travel and the use of public transport. The site is well located for pedestrians and cyclists, being connected to the existing network of local footpaths, national cycle route and is within walking distance of West Kilbride town centre. The site is also well located for public transport, with the A78 being on the main bus route between Greenock and Ayr. In summary, the proposal is satisfactory in relation to Policy PI 1.

Policy PI 8 relates to drainage, SuDS and flooding. The PPP application was subject to a drainage assessment. The applicant subsequently provided a Flood Risk Assessment which concludes that SEPA's Indicative Flood Map 1:200 year flood plain does not impinge

on the site although some localised surface water flooding may occur from the east which would be intercepted at the site boundary.

It has previously been agreed that there is no requirement to provide SUDS to treat surface water discharge in line with SEPA's advice on treating low risk activities such as the development proposed. No objections have been received from NAC Flooding, subject to condition. The proposal is satisfactory in relation to Policy PI 8.

With regard to the General Policy the relevant ones in this case are (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

(a) siting, design and external appearance.

The applicant has provided detailed designs including elevations, site plans and road details. The original design brief and masterplan outline the approach taken with the detail for the development and outlines the traditional aspects which have been used to inform the design solution for the masterplan area. The applicant proposes to take influence from more historic development in the area with the view of creating a 'Place'. The approved design brief notes that there are a range of building types in the area as well as more modern bungalow/ suburban type housing and that throughout the masterplan area there would be a mixture of one, one and a half two and two storey housing to provide variety and focal points within the development. The statement also refers to potential materials and detailing, which reflect a more traditional approach to design, with influence taken from North Ayrshire Council's 'Neighbourhood Design' document.

The proposed mix of buildings would ensure a balance of property types. This application site includes the large area of open space identified within the masterplan. Whilst no details of the planting and general grading of the open space have been provided a condition could require further details.

Two rows of buildings would front onto the open space, which would contain the scale of the open space whilst improving overlooking and security of the space. The setting of the wider masterplan area would be widely improved by the arrangement and scale of buildings located around the site.

The layout adheres to the original masterplan with the location of roads and pedestrian links, strategically placed village green and structured landscaping all remaining unchanged. The particular house types chosen for this phase would link into the existing phase 1, creating variety and an attractive streetscape whilst delivering a mix of houses for a range of occupants.

Frontage parking has been minimised to improve the appearance of the development and provide a consistent and attractive design throughout the masterplan area. Those houses fronting the open space would have parking located to the rear as would those fronting onto the A78.

It is considered that the proposed siting, design and layout of the development is acceptable in design terms and would continue to set a high standard of design for the remaining phases of the larger site. The proposal would comply with criteria (a).

(b) amenity.

The location of this phase would not impact on existing residents. For future residents, front and rear windows would be located out with 9 metres of adjoining boundaries, which is acceptable. The properties would be sited within varying plot sizes, which reflect the scale of the house proposed, and would offer acceptable levels of amenity for future residents. All houses would have direct access to private gardens and the large shared open space. The development has been designed to reflect the intrinsic design values of the wider area and due to siting, restricted building heights and varying plot sizes. The proposed occupants would have an acceptable level of residential amenity. The visual amenity of the area would be improved.

The proposals would comply with criterion b).

d) access, road layout, parking provision.

Officers have encouraged the applicant to take account of the Scottish Governments Guidance 'Designing Streets'. The geometry of the road has been designed to limit vehicle speeds within the development. The design reduces the need for more formal traffic attenuation such as speed bumps, helping create a more attractive place. Where possible parking has been located to the side or rear of buildings, to reduce the visual impact. It is noted that parking for plots 59 to 66 would be visible but the linking road to access these properties would form part of a rear lane once the next phase of development proceeds, further enhancing the visual amenity of the development. NAC Transportation has not objected to the proposals.

The proposed development would comply with criterion d).

The proposed development is considered to comply with the requirements of the LDP. It is considered that the matters submitted are acceptable, subject to condition.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:

(i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;

(ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;

(iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;

(iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To minimise the risk of flooding within the site and elsewhere.

Condition

2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

In the interest of the amenity of the area.

Condition

3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In the interest of the amenity of the area.

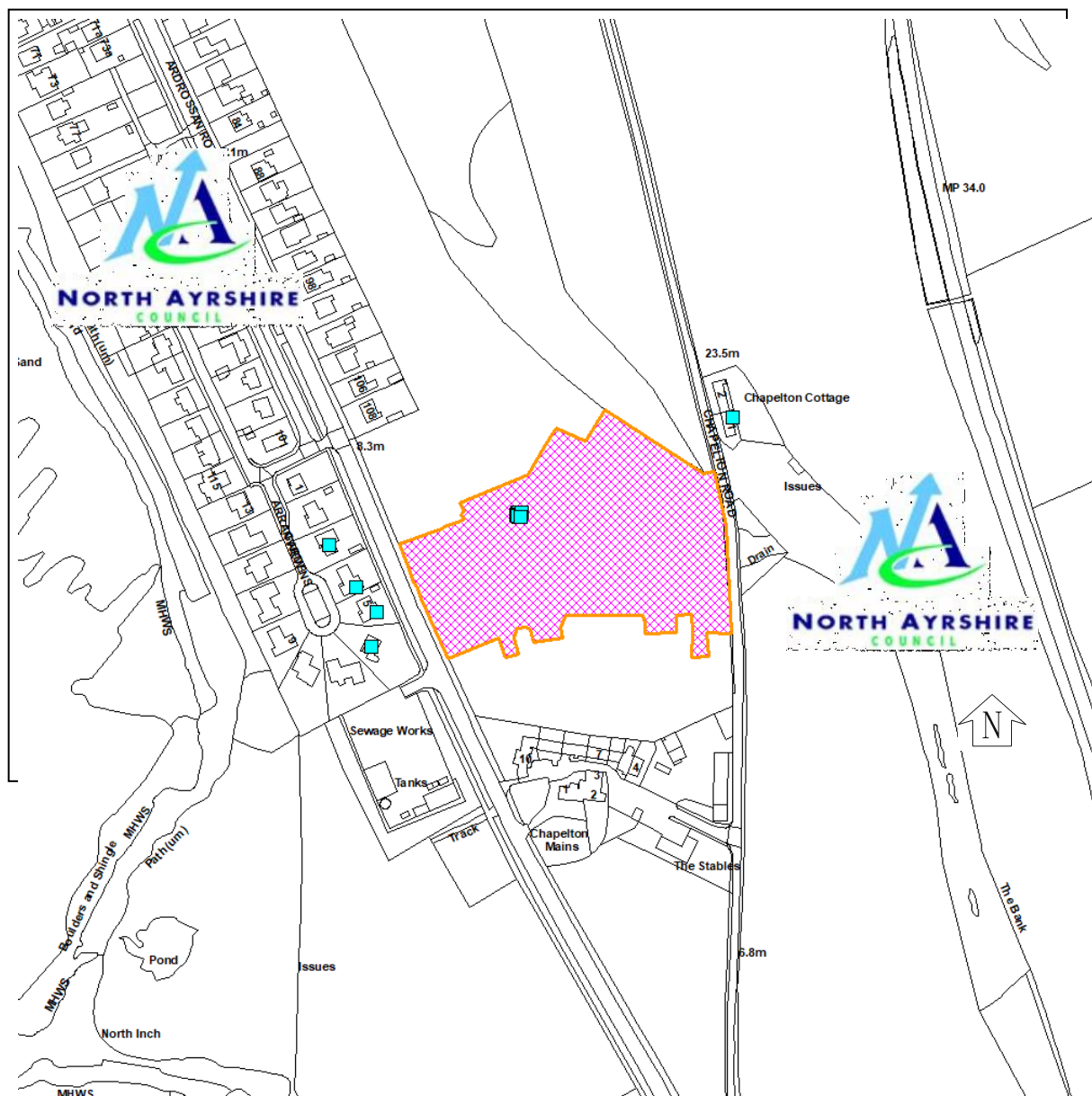


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL
5th December 2018**Planning Committee**

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 6 Kames Bay, Millport, Isle Of Cumbrae KA28 0EA
Purpose:	To seek authority to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in relation to 6 Kames Bay, Millport, Isle Of Cumbrae, KA28 0EA
Recommendation:	Agree that authority be given to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring that the fence erected without Planning Permission be removed and the original stone wall be reinstated.

1. Executive Summary

- 1.1 A section of stone boundary wall separating the gardens of numbers 6 and 6A Kames Bay, Millport has been demolished and a timber horizontal slatted fence of approximately 1.2-1.5 metres in height has been erected.
- 1.2 The site is located within the settlement boundary of Millport, as identified in the Adopted North Ayrshire Local Plan ("the LDP"). The site lies within the Millport Conservation Area. The wall was demolished and the fence erected at some point prior to the 7th of August 2018.
- 1.3 The demolition of the wall and erection of the fence would have required Planning Permission as the designation of a conservation area brings all development involving the erection or alteration of gates, fences and walls under planning control. Furthermore the fence is in excess of one metre in height in the front curtilage of a dwellinghouse and would have therefore required Planning Permission under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended regardless of the conservation area designation. The development is considered to have an adverse impact on the conservation area by way of its height, design and appearance.
- 1.4 The development is therefore held to be contrary to Policy HE 1 of the LDP and, given the above, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require removal of the fence. The Enforcement Notice would take effect not less than 35

days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be fully complied within 6 weeks of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.

2. Background

- 2.1 It is relevant that in June 2003, Planning Permission for the demolition of the front boundary wall of 6A Kames Bay to facilitate the formation of a driveway was refused on the basis that 'The character and appearance of this part of the Millport and the outstanding conservation area are characterised by the boundary walls and pedestrian gates, running along the frontage of Kames Bay...' and that 'Approval of the proposal (the demolition of the front boundary wall) would set a damaging precedent which would undermine the character of the Outstanding Conservation Area.'
- 2.2 At some point prior to the 7th of August 2018 part of the existing stone boundary wall which separates 6 Kames Bay from 6A Kames Bay was demolished and a timber fence erected. The new fence was erected to the west of the wall, closer to 6 Kames Bay.
- 2.3 On the 16th of August a letter was sent by the Council to the owner of 6 Kames Bay stating that the works would have required Planning Permission but that it was unlikely that Planning Officers would support the erection of the existing timber fence. On the 21st of August, the Case Officer received a phone call from the agent of the owner of 6 Kames Bay stating that the wall does not belong to 6 Kames Bay and was entirely within the ownership of 6A Kames Bay. A letter was then sent to 6A Kames Bay. On the 4th of September the Case Officer received a further phone call from the owner of 6 Kames Bay stating that the wall blew over in a storm and was replaced with a fence by the owner of 6A Kames Bay. According to the owner of 6 Kames Bay the new fence has been erected entirely on her land. No response has been received to the letter sent to 6A Kames Bay.
- 2.4 Being located within Millport Conservation Area the partial demolition of the wall would require Conservation Area Consent with the proposed fence requiring planning permission. It is noted that neither of the applications have been made, to date, and as noted above, such applications would not receive support from the Council. Furthermore the unauthorised demolition of a wall in a conservation area is an offence under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2.5 Given the above, it is recommended that the enforcement notice be served on both the land owner, 6 Kames Bay and the developer, 6A Kames Bay.

3. Proposals

3.1 In the interest of preserving the character of the conservation area it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-

- i) Removal of the timber fence, and
- ii) Erection of a replacement stone wall to match the remaining boundary in height, design and materials.

4. Implications

Financial:	The Council can take direct action against non-compliance with an enforcement notice and seek any costs incurred from the land owner or lessee.
Human Resources:	N/A
Legal:	The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Children and Young People:	
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Enforcement Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

5.1 None



Karen Yeomans

Executive Director

Economy & Communities

For further information please contact **John Mack, Planning Officer** on **01294 324794**

Background Papers

N/A

**Notice under Section 127 of the Town and Country Planning
(Scotland) Act 1997: 6 Kames Bay, Millport,
Isle Of Cumbrae KA28 0EA**



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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