



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

## **Planning Committee**

A Special Meeting of the **Planning Committee** of North Ayrshire Council will be held via Microsoft Teams on **Wednesday, 24 June 2020** at **10:00** to consider the undernoted business.

### **Arrangements in Terms of COVID-19**

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. A recording of the meeting will be uploaded onto the Council website following the meeting.

#### **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 meeting of the Committee held on 22 January 2020 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### **3 Irvine**

Submit reports on the following applications:

##### **3.1 19/00908/PPM:Site To South And West Of 10 Crompton Way, North Newmoor, Irvine**

Residential development comprising the erection of 197 dwelling houses together with associated roads, paths, open space, SuDS infrastructure and landscaping (copy enclosed).

#### **4 Kilwinning**

Submit reports on the following applications:

- 4.1 20/00106/PPM: West Byrehill Industrial Estate, Byrehill Place, Kilwinning**  
Residential development comprising 76 no terraced and semi-detached dwelling houses with associated infrastructure and landscaping (copy enclosed).
- 4.2 20/00323/PPM: West Byrehill Industrial Estate, Byrehill Place, Kilwinning**  
Section 42 planning application to remove/vary conditions 1 (j) and 2 of planning permission 13/00038/PPPM (for residential development and a neighbourhood centre) (copy enclosed).
- 5 Three Towns**  
Submit reports on the following applications:
- 5.1 20/00296/MDPO:Ardrossan Harbour, Montgomerie Street, Ardrossan KA22 8LY**  
Discharge of section 75 agreement relating to planning permission 01/00753/OPP (copy enclosed).
- 6 North Coast and Cumbraes**  
Submit reports on the following applications:
- 6.1 20/00222/PP:Site To South East Of 41 Tarbert Avenue, West Kilbride**  
Application to vary planning permission in principle 18/00393/PPPM to remove condition 7 (copy enclosed).
- 7 Development Plan Scheme**  
Submit report by Executive Director (Place) on the indicative timetable and participation strategy for preparing the next Local Development Plan (LDP3) (copy enclosed).
- 8 Update on Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former Seafeld School, Eglinton Road, Ardrossan**  
Submit report by Executive Director (Place) on the progress with compliance with a Notice issued under Section 179 of the Town and Country Planning Act 1997 (copy enclosed).
- 9 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:



**Planning Committee  
22 January 2020**

Agenda Item 2

**Irvine, 22 January 2020** - 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, Shaun Macauley, Ellen McMaster, Ronnie McNicol and Donald Reid.

**Also Present**

John Easdale, Jean McClung and Todd Ferguson.

**In Attendance**

J. Miller, Senior Manager (Planning), A. Craig, Senior Manager (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**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.

Members of the Planning Committee advised that they were in receipt of both correspondence and telephone calls from the applicant for Agenda Items 4 and 5, but had not engaged in any way which would necessitate a declaration of interest in the matter.

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 4 December 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Introductory Remarks**

The Legal Adviser to the Planning Committee set out the call in process for agenda items 4 and 5 and advised the pre meeting requirements had been met and the matters were now before the Planning Committee.

**4. Call In Request: Crompton Way, North Newmoor, Irvine**

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers. The stated reason for the call in request was detailed in the call in request dated 24 October 2019 circulated to Members prior to the meeting and summarised as follows:-

- Creation of up to 40 local employment opportunities;
- No other suitable or available sites to accommodate this development;
- Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
- Strong community support;
- Reuse of vacant and derelict site; and
- Demand for retail foodstore.

Councillor Easdale was in attendance and addressed the committee in support of the call in request. Councillor Easdale referred to the strong community support for this proposal, Lidl's informative consultation pack and the process for notifying Elected Members about planning applications which had been submitted.

Councillor Foster seconded by Councillor McNicol, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

There being no amendment the motion was declared carried.

## **5. Call In Request: Sorbie Farm, Ardrossan**

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors McClung, Gurney and Montgomerie that a section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m, should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated November 2019 circulated to Members prior to the meeting and summarised as follows: -

- The application will contribute to 12MW capacity of clean renewable electricity which will go towards achieving the Scottish Government's aim for generation of renewable energy;
- North Ayrshire Council has declared a climate emergency;
- Mitigation of the landscape and visual impacts of the proposal has been undertaken by the applicant;
- The carbon balance of the proposal has been improved by the applicant;

- The applicant is unable to procure a wind turbine that would fit within the consented 104.3m envelope;
- Economic Benefits to North Ayrshire; and
- The terms of policy 29 of the Local Development Plan.

Councillor McClung was in attendance and addressed the committee in support of the call in request. Councillor McClung referred to a recent press release by North Ayrshire Council that aims to achieve net-zero carbon emissions within a decade. Councillor McClung also referred to the applicant's steps to further mitigate the landscape and visual impacts of the proposal and the significant economic benefit to the people of North Ayrshire. Councillor McClung also advised the money generated by Sorbie Dairy Farm will also allow the applicant to invest in local jobs and grow their business.

Councillor Foster seconded by Councillor Billings, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

As an amendment, Councillor Barr, seconded by Councillor Macaulay, moved that the application be called in and determined by the Planning Committee.

On a division, there voted for the amendment five and for the motion five, and on the casting vote of the Chair, the motion was declared carried.

#### **6.1 19/00539/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG**

Doveyard Ltd have applied for Planning Permission for the development of an Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of an energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing. No representations were received.

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

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.

Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. For the avoidance of doubt, the area for tree planting shall be limited to the southeast corner of the site only. In addition, the species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.



7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, following the removal of all recyclable materials within the Materials Recovery Facility hereby approved, the feedstock for the Energy Recovery Facility hereby approved shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.
9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

#### **7.1 19/00864/PPM: Loanhead Quarry Beith Ayrshire KA15 2JN**

W H Malcolm Ltd have applied for planning permission for the operation of a materials recycling and wash plant at Loanhead Quarry, Beith. 7 objections were received and summarised in the report.

Councillor Barr seconded by Councillor McNicol, moved that a site visit should be undertaken before the planning application is determined.

As an amendment, Councillor Macaulay, seconded by Councillor Foster, moved that a site visit should not be undertaken, and the application be determined.

On a division there voted for the amendment five and for the motion four, the amendment was declared carried.

Councillor Reid seconded by Councillor Macaulay, moved to approve planning permission subject to conditions.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved to refuse planning permission on the grounds that the committee did not have sufficient information.

On a division there voted for the amendment three and for the motion seven, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That the use hereby permitted shall cease on 4th May 2058, or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.
2. That, within 3 months of the date of the permission, a scheme of restoration for the area of the permitted use shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.
3. The types of material to be processed will be restricted to those permitted by SEPA in any permit for the site, or any future regulatory permit by the authorised environmental protection body. Any changes to the types of material permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.
4. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council, as Planning and Roads Authority.
5. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious material on public roads
6. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
7. That the hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday, except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays.
8. That the noise from the use shall not exceed 55dBL<sub>aeq</sub>, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property.
9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
10. That the development shall monitor noise from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS
11. At all times during the carrying out of operations authorised or required under this permission, water bowsers and sprayers, mobile or fixed, shall be used at all times as it is necessary to minimise the emission of dust from the site.

12. That the development shall monitor dust from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission
  13. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction and ongoing activities.
  14. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them.
  15. That during the life of the operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
  16. The appropriate measures shall be adopted to ensure that no employee from the site visits the nests of either Peregrines, or Ravens or Barn Owls at any time.
- 8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX**

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

The Senior Manager (Planning) provided the Committee with information on the site and advised the total height of the fence was 1.9m, the works were undertaken in 2018 and Planning permission had not been granted for the works, which were therefore unauthorised. The owner of the land has been advised that the works are unauthorised and has been requested to reduce the height of the fence. A response has not been received from the owner.

The Committee unanimously agreed to grant authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Councillor Foster left the meeting.

## **9. The Planning (Scotland) Act 2019 Commencement Regulations**

Submitted report by the Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019.

Noted.

## **10. Scottish Government Consultation on Planning Performance and Fees**

Submitted report by the Executive Director (Place) on the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

The Committee unanimously agreed to approve the content of the report which will form the basis of the response to the Consultation.

The Meeting ended at 3.40 p.m.

---

**NORTH AYRSHIRE COUNCIL**

24 June 2020

**Planning Committee**

Locality	Irvine
Reference	19/00908/PPM
Application Registered	5th December 2019
Decision Due	5th April 2020
Ward	Irvine South

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	Site To South And West Of 10 Crompton Way North Newmoor Irvine Ayrshire
-----------------	---

<b>Applicant</b>	Persimmon Homes Fao Mr Rory Doherty
------------------	-------------------------------------

<b>Proposal</b>	Residential development comprising the erection of 197 dwelling houses together with associated roads, paths, open space, SuDS infrastructure and landscaping
-----------------	---

---

**1. Description**

Planning permission is sought for a major residential development on 7.67 hectares of undeveloped open ground at North Newmoor in Irvine. The site is irregular in shape and lies to the north of the remaining industrial/storage building of the industrial estate, with the exception of a distribution warehouse (operated by Tennents) which is to the northeast of the site. To the west of the site is the A78 Irvine Bypass and to the east is the B7080 (Long Drive). The site has a flat topography and is comprised of grassland and shrub. There are no buildings on site.

It is proposed to erect 197 dwellings on site comprising a mixture of detached, semi-detached and terraced house types. A total of 14 different house types have been included in the development ranging from two-bedroom terraces to four-bedroom detached houses. The houses would be finished in a combination red and buff brick, cream render, grey concrete roof tiles and uPVC windows, fascias, soffits downpipes and gutters. Some of houses would be full brick, others would be half brick half render. Brickwork would be predominantly be alternating stretcher bonds with soldier courses used as decoration on the horizontal band between the ground and first storeys and on the window sills and lintels. All

of the houses would be two storeys in height and would feature gabled roof designs. Solar panels would be located on either the front or rear elevation depending on plot orientation.

The proposed development includes all associated access roads, footpaths, open spaces, public utilities and infrastructure and a sustainable drainage system (SuDS) in the form of a large detention basin in the southwest corner of the site. A triangular amenity space would be provided in the centre of the site.

The proposed street layout utilises an interconnected grid of small blocks with two vehicular/pedestrian accesses onto Crompton Way (one to the north and one to the west) and a pedestrian footpath connection to the east. Houses would be orientated to face onto their associated street and mostly provide front in-curtilage parking. The major exception to this is the houses facing north onto Crompton way which have parking courts to the rear. Visitor parking is spread throughout the site. Total parking provision would be 392 which equates to 200% provision. Some houses include integral garages however these are not wide enough to be considered parking spaces in terms of NAC Active Travel and Transport's requirements.

The final development layout has been improved from the original submission as a result of comments by NAC Active Travel and Transportation, NAC Environmental Health and by the case officer. Changes include:

- The addition of a second vehicular access onto the northern part of Crompton Way,
- The inclusion of a pedestrian footpath link to the east of the site,
- The rationalisation of the road layout around the central amenity space,
- Additional visitor parking and traffic calming measures,
- Footway improvements along Crompton Way in the northeast corner of the site to allow roadside servicing,
- Further acoustic barriers added along the boundaries with Amer Sports and the Tennents warehouse.

The case officer also sought to remove the set back distance to the north along Crompton Way in order to produce a more traditional enclosed street environment. This approach was not agreed by the applicant due to the existence of underground services in this location which would be costly and impractical to relocate.

In the adopted Local Development Plan (LDP), adopted November 2019, the site lies within a General Urban Area allocation. The relevant policies of the LDP are as follows:

- Strategic Policy 1: Spatial Strategy - the Towns and Villages Objective;
- Strategic Policy 2: Placemaking;
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply;
- Policy 22: Water Environment Quality;
- Policy 23: Flood Risk Management;
- Policy 27: Sustainable Transport and Active Travel; and
- Policy 31: Future Proofing for Heat Networks.

The site is identified in the Local Development Plan as a housing site. The proposed development is phase two of the development of the North Newmoor site, with phase one comprising of 94 units having been granted Planning Permission in 2016 (ref.

17/00581/PPM). The first phase has been named 'Annick Grange' and is nearing site completion.

The proposal is classed as a major development in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received on the 15th of August 2019 (ref. 19/00614/PREAPM). The application is subject to a processing agreement. The proposal was screened for EIA and was found not to need one (20/00100/EIA).

In support of the application the following documents have been submitted.

**PAC Report:**

The PAC report notes the publicity measures undertaken and a public event was held on 9th of October 2019 at the Persimmon marketing office at phase one, Annick Grange. The report notes there were 23 attendees at the event. Comments raised include: concerns about the capacity of Stanecastle roundabout, lack of open space within the site and lack of footpath links to the surrounding area. The PAC report outlines the applicant's response to the matters which were raised.

**Design and Access Statement:**

The document appraises the site in terms of landscape, linkages, and the wider settlement character, and outlines the principles behind the proposed design of the site, drawing on the above characteristics. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place, taking account of national planning policies on Designing Places and Designing Streets.

**Coal Mining Risk Assessment:**

This document concludes that there is a very low probability of subsidence due to the historical shallow depth mineworking affecting the development site, and as such, mining instability is not considered to be a constraint. Despite this it is recommended that drilling be carried out to confirm that there are no coal seams on the southern edge of the site.

**Transport Assessment:**

The report concludes that the site has access to sustainable transport networks with a bus stop being located 550m from the site access and footpaths links offering connections across the bypass to the town centre, approximately 2.8km or 30 minutes' walk away. The impact of the proposed development on the nearby junctions (in particular Stanecastle roundabout and Towerlands roundabout) has been assessed and these junctions would continue to operate within their acceptable flow capacity and would not significantly impact the local road networks operation.

**Phase 1 Habitat Survey:**

The site contains a number of different habitats. No evidence of badger, water vole, reptiles or amphibians was discovered, and there are no suitable habitats for these species. Given the mobile nature of badgers the report recommends a pre-construction survey to be carried out immediately prior to commencement of works. A range of bird species were observed on-site, and the site is suitable for ground nesting birds. Similarly, the report recommends a pre-construction survey to be carried out for ground nesting birds immediately prior to commencement of works. There are no trees within the site which are suitable nests for bats although four trees with low potential for roosting bats were identified

surrounding the site. A 30m buffer around each tree is recommended, and if this cannot be achieved a further tree climbing survey is recommended.

### **Flood Risk Assessment and Drainage Statement:**

The report concludes that the site is not at risk from coastal or fluvial flooding. Localised undulations currently contribute to some rainfall gathering in parts of the site, which would be resolved by the construction of a formal system of drainage and SuDS features. A SuDS detention pond has been proposed to attenuate surface water flows in excess of site discharge limits. The report concludes that, by implementing the recommendations it contains, the proposed development would not be at risk of flooding, would not increase the risk of flooding elsewhere, and that the development can be drained in a sustainable manner.

### **Noise Assessment:**

Noise levels across the site are dominated by road traffic on the A78 and B7080 with contributions from the industrial unit occupied by the Central Woodchip Company. The likelihood of significant noise impacts affecting the proposed development from these emitters was considered to be low. Mitigation has nonetheless been recommended in the form of acoustic barriers along the eastern boundary of the site and the installation of thermal double glazing and acoustic ventilation on properties on the eastern side of the site.

### **Technical Memorandum - Noise:**

Further assessments were undertaken to address NAC Environmental Health concerns with the initial Noise Assessment. These took into account the commercial premises of Amer Sports and the Tennents warehouse and used updated modelling. Further mitigation was required including the extension of the acoustic barriers around the boundary between the site and Amer Sports and the Tennents warehouse and thermal double glazing and acoustic ventilation to be installed on houses on the eastern side of the site.

## **Relevant Development Plan Policies**

### **SP1 - Towns and Villages Objective Towns and Villages Objective**

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.



- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

#### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

#### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private

and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 1 -New Homes/Land Supply

##### Policy 1:

##### New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial

strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

## Detailed Policy 22 - Water Envir Quality

### Policy 22:

#### Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
  - o No other practical option exists that would allow the watercourse to remain open; and
  - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

## Detailed Policy 23-Flood Risk Management

### Policy 23:

#### Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

## Detailed Policy 27

### Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development

or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.

- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
  - o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
  - o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
  - o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
  - o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
  - o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
  - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
  - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
  - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's

network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 31 - Future Proofing for  
Policy 31:

#### Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

Neighbour notification was undertaken and the application was advertised in a local newspaper in accordance with statutory requirements. No letters of representation were received.

**NAC Active Travel and Transportation:** No objections.

*Response: Noted.*

**NAC Environmental Health:** Initially Environmental Health had concerns as a result of omissions from the original Noise Assessment which did not take into account noise generated from the adjacent commercial premises, specifically, the Tennents distribution warehouse and Amer Sports. The methodology of the original report was also questioned, and the applicant was asked to update the predictive daytime and night-time modelling. An updated Noise Assessment was submitted which recommended further mitigation in the form of acoustic barriers along the boundaries with the Tennents warehouse and Amer Sports and thermal double glazing and acoustic ventilation for houses on the eastern side of the development. Environmental Health recommends a number of conditions covering: rated noise levels, acoustic barriers, contamination and air quality.

*Response: Noted. Suitably worded conditions could address the matters raised by Environmental Health.*

**NAC Flooding:** No objections, however, additional information is required in respect of overland flow paths, attenuation measures, overflow devices, land drainage strategy and drainage asset maintenance.

*Response: Some of the additional information requested could be addressed via condition. Other parts are not relevant to Planning and are covered by other legislation.*

**NAC Education:** No comments.

**Scottish Water:** No objections.

*Response: Noted.*

**Scottish Environmental Protection Agency:** Initially objected and stated that a Drainage Impact Assessment (DIA) was required in order to demonstrate that the development would not lead to further CSO/EO overflows by the network. The applicant was able to provide an assessment by Scottish Water which stated even with the additional foul water flows associated with the proposed development, there would be no spills from the overflow which could contaminate nearby water courses. On this basis SEPA was satisfied and removed the objection and no DIA was required.

*Response: Noted.*

**Glasgow Prestwick Airport:** No objections.

*Response: Noted.*

**The Coal Authority:** Agree with the assessment of the Coal Mining Risk Assessment that there is a low probability of mining instability affecting the proposed development. It is recommended by the Coal Authority that the site investigations are undertaken and that a report is drafted detailing any remedial measures required.

*Response: Conditions could be attached to address the matters raised by the Coal Authority.*

**Irvine Community Council:** No response.

**West of Scotland Archaeological Service:** Suggest that a condition be placed on any Planning Permission requiring the production and implementation of an archaeological scheme of investigation.

*Response: A condition could be attached to address the matters raised by the Archaeology Service.*

### **3. Analysis**

In accordance with statute, planning applications require to be determined in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. As noted above, the site is allocated as a housing site in the North Ayrshire Local Development Plan (LDP), adopted November 2019. In the foreword of the LDP, it is stated that:

'We recognise that building new homes will be important to growing our population and we have planned for more than 4000 new homes being built in the next 10 years. Our focus is on the deliverability of these sites.'

Strategic Policy 1 (Towns and villages objective) of the LDP states that the Council wants to provide the right new homes in the right places. Policy 1 states that residential development will be supported in principle on housing sites. The entire North Newmoor site had an indicative capacity of 260 in LDP2 (though 300 in LDP1). Phase one saw the development on 93 houses, combined with the proposed development (197 dwellings) this would result in a total of 290 units. This is 30 units above the indicative capacity, however, it is not considered that this would lead to overdevelopment of the site and the density would be approximately 25 units per hectare. This is considered an appropriate density for a suburban housing site. The site is a combination of brownfield and greenfield and represents a significant gap in the townscape of Irvine. The development of this site would help to tie together the communities of Bourtreehill and Girdle Toll with Irvine proper. The proposal is considered to be in accordance with the Towns and Villages Objective of Strategic Policy 1 and with Policy 1: New Homes and Maintaining an Effective Housing Land Supply and the residential development of the site is acceptable in principle.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place as follows:

- distinctive,
- safe and pleasant,
- resource efficient,
- welcoming,
- adaptable,
- easy to move around and beyond.

The proposed development incorporates 14 standard house types, including terraces, semi-detached and detached houses. All of the houses are two storeys with gabled roof designs. The only adjacent residential development is phase one, which consists of many of the same house types and uses the same palette of finishing materials, and so the design of the proposed development is consistent with the immediate context. Within the wider



context of Irvine new town, it is not considered that the design of the proposed houses diverges too significantly from the character of the local area. Notwithstanding, it is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

The development layout consists of a network of small interconnected blocks which will promote a pedestrian friendly environment and provide attractive enclosed streetscapes. In general houses face onto streets, and the instances where rear boundary fences face onto streets has been kept to a minimum. As the houses face the street there would be a high degree of passive surveillance which would create a safe and pleasant environment. The short block size and narrow width of the streets will reduce vehicle speeds and the parking and vehicle infrastructure has been designed in a manner intended to limit its effect on pedestrians and the appearance of the streets. Following the input of NAC Active Travel and Transportation, the internal road layout has been reorganised to have a clear hierarchy of streets marked out by transition areas where the road surface material and/or colour changes. The development centres around a small triangular open space, which, subject to appropriate landscaping, would provide an attractive amenity space for the development. It is also considered that the SuDS detention basin and the setback strip along the northern section of Crompton Way could provide additional green assets if landscaped appropriately. Details of landscaping can be ensured via a planning condition.

The layout of the site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. Each house is provided with a private back garden enclosed by 1.8m high fencing. Front gardens are small and open in character and for the majority of the houses would contain a paved parking area. No details on front boundary treatments have been provided. It is considered that the use of front boundary treatments could enhance the appearance of the area. No details have been provided to suggest there would be any protective or decorative fencing around the SuDs basin. Full details of all the boundary treatments could be ensured via condition. Acoustic barriers are proposed along a large section of the site boundary; no details of their appearance or maintenance have been provided. These can be secured via condition. No details have been provided with regards to which houses would have thermal double glazing and acoustic ventilation installed. Again, this could be ensured via condition.

In light of the above consideration, it is considered that the proposed development meets the six qualities of a successful place, and therefore is in accordance with Strategic Policy 2.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management.

Taking both of these policies together, there are no watercourses which run through or adjacent to the site, however, the site is within the catchment of the Annick Water which runs approximately 850m to the east of the site. The site is at little or no risk of coastal or fluvial flooding. There is a limited risk of pluvial flooding. Surface water drainage will discharge into the existing Scottish Water surface water sewer to the west of the site. Excess surface water would be routed to a large detention basin in the southwest corner of the site. The foul drainage arrangements would utilise existing Scottish Water infrastructure

and it has been confirmed that the infrastructure has the capacity to deal with the increase which would result from the proposed development. NAC Flooding requires additional information with regards to overland flow paths, attenuation measures, overflow devices, land drainage strategy and drainage asset maintenance. These details can be ensured via condition. The proposal accords with Policies 22 and 23 of the LDP.

Policy 27 relates to sustainable transport and active travel. The site is located in between two busy roads (the A78 and B7080). There are footbridges over these roads on either side of the site and the internal layout of the site has been designed to take advantage of these existing east/west pedestrian connections. The western footpath provides a link to Irvine town centre which is approximately 1km, or 15 minutes' walk, away. This is also the direction of the nearest rail station, Irvine, some 2km away. The nearest bus stop is on Manson Road adjacent to Stanecastle Roundabout about 200m to the north of the site. Overall, the site is reasonably well served by public and active travel links, and the internal design of the site has been reconfigured to take advantage of these linkages.

The internal road layout has been designed in accordance with Designing Streets, and road infrastructure will naturally reduce vehicle speeds to 20mph and prioritise the pedestrian. A clear road hierarchy has been produced within the site based on traffic flow predictions, and the different levels of road will be clearly distinguishable by surface composition and colour and by footpath provision. Parking provision is 200% which is considered acceptable given the suburban locale, and visitor bays are distributed evenly throughout the site. Originally the site had a single vehicular point of access onto Crompton Way, however, following officer comments an additional northern access was created which would encourage both vehicular and pedestrian travel through the development and help it to integrate better with the existing townscape. In summary, the proposal is considered to be in accordance with Policy 27.

Policy 31 relates to future proofing for heat networks. The proposed development would utilise building designs which would minimise the energy requirements for heating through modern insulation. The houses have been oriented to take advantage of solar gain where possible. The site was not considered by the developer to be a suitable candidate for a district heating system because the site is remote from major energy loads and it is generally considered that successful schemes need a mix of uses, anchor developments and a high heat demand. This justification is accepted, and the proposal accords with Policy 31.

In conclusion, the proposal is in accordance with all of the relevant policies of the LDP, and the development would secure the delivery of a major housing site which has been identified and allocated as part of the development plan process. Accordingly, the application is recommended for approval subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed

schedule of the proposed external finishes. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the external finishes are appropriate.

**Condition**

2. That prior to the commencement of the development hereby approved, the applicant shall submit:

- Full details of the proposed acoustic barriers, and
- A scheme of maintenance for the acoustic barriers

for the written approval of North Ayrshire as Planning Authority. For the avoidance of doubt the barrier requires to be effective acoustically, such as a close boarded timber fence with a mass per unit of area in excess of 12kg/m<sup>2</sup> and with no gaps at the joints, or alternatively, a continuous masonry wall. The acoustic barriers shall thereafter be erected in accordance with such details as may be approved and maintained in accordance with such as scheme as may be approved, all to the satisfaction of north Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the acoustic barriers are of a suitable design and are maintained.

**Condition**

3. That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 30dB<sub>Rw</sub> for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the houses close to the adjacent industrial uses are suitably soundproofed, in the interest of amenity.

**Condition**

4. That the rated noise level, as defined in BS4142, from the commercial activities must not exceed the background noise level at the curtilage of any proposed residential property by 5dB(A) or more.

**Reason**

In order to ensure that the noise level at the hereby approved properties does not exceed a reasonable level; in the interest of amenity.

**Condition**

5. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings.

All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the site is not contaminated; in the interest of amenity.

**Condition**

6. That prior to the commencement of the development the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council.

**Reason**

In order to ensure that the air quality is acceptable; in the interest of amenity.

**Condition**

7. That prior to the commencement of the development hereby approved, full details of the drainage arrangements including:

- post development overland flow paths, attenuation measures and overflow devices,
- porous paving or linear filter trenches adjacent to car areas/driveways,
- a maintenance schedule for the proposed drainage assets,
- a land drainage strategy

shall be provided for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.

**Reason**

To prevent flooding.

**Condition**

8. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations for the approval of North Ayrshire Council as Planning Authority. Any remediation works which are approved shall then be carried out prior to the commencement of the development.

**Reason**

To ensure the safety and stability of the proposed development.

**Condition**

9. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

**Reason**

To make appropriate provision for investigating and recording any buried archaeological remains.

**Condition**

10. That immediately prior to the commencement of the development hereby approved, a pre-construction badger survey shall be undertaken in order to determine whether any new setts have been established on the site and submitted for the approval of North Ayrshire Council as Planning Authority. If any setts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that no badgers are harmed by the development.

**Condition**

11. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the proposed boundary treatments for the written approval of North Ayrshire as Planning Authority. The development shall then progress in accordance with such details as may be approved to the satisfaction of north Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the boundary treatments are appropriate.

**Condition**

12. 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 order to ensure that the site is appropriately landscaped.

**Condition**

13. 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 order to ensure that the approved landscaping is carried out and maintained.

**Condition**

14. That during construction, a 30m buffer shall be established around the four trees identified in the Phase One Habitat Survey (EDI\_1952) as being within 30m of the site and having potential for bat roosts. If this cannot be achieved a further tree climbing assessment shall be carried out and If any roosts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

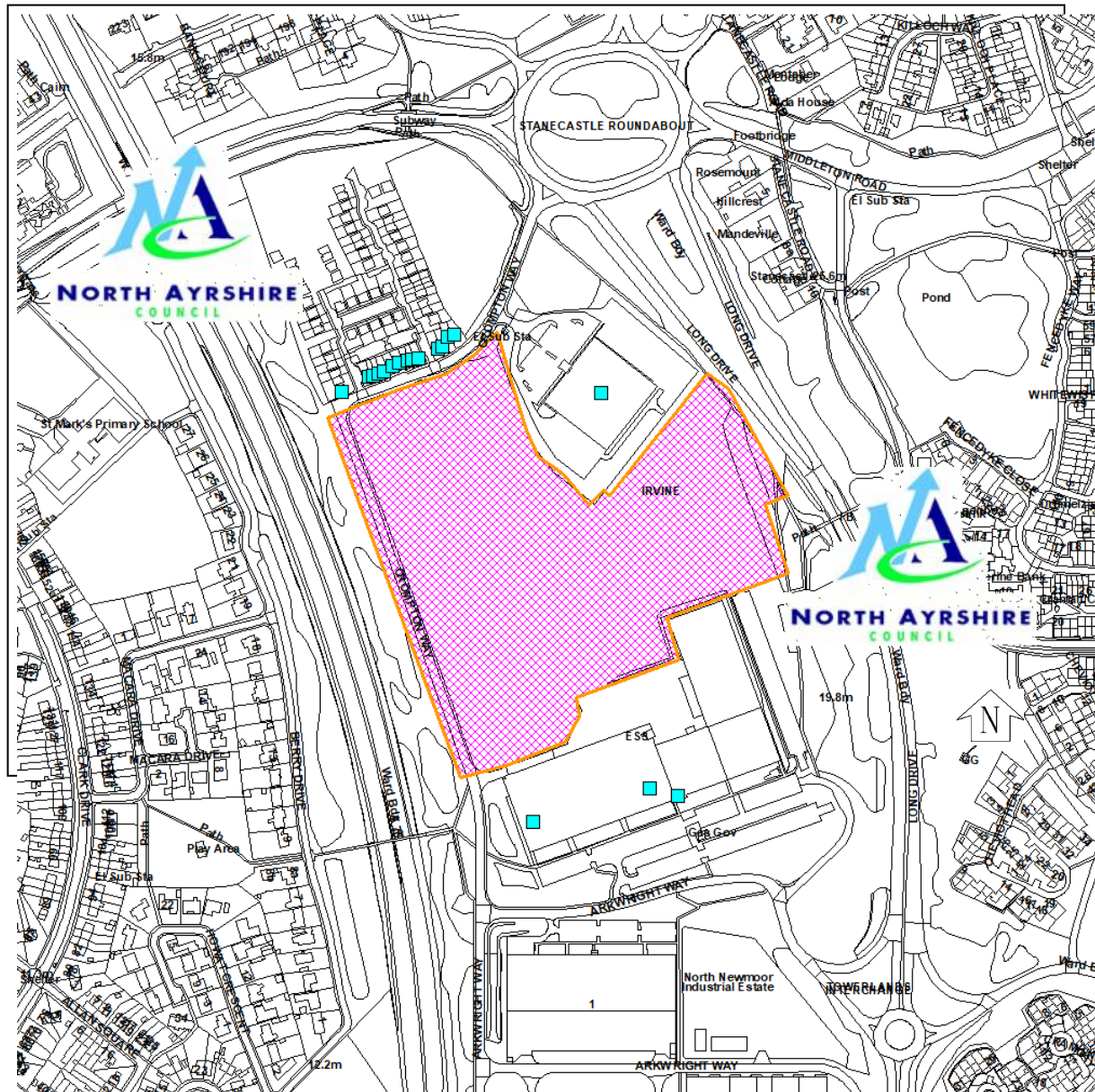
In order to ensure that no bats are disturbed by the proposed development.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr John Mack on 01294 324794.

## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.







## NORTH AYRSHIRE COUNCIL

24 June 2020

### Planning Committee

Locality	Kilwinning
Reference	20/00106/PPM
Application Registered	13th February 2020
Decision Due	13th June 2020
Ward	Kilwinning

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	West Byrehill Industrial Estate Byrehill Place Kilwinning Ayrshire
-----------------	---

<b>Applicant</b>	Dawn Homes Limited
------------------	--------------------

<b>Proposal</b>	Residential development comprising 76 no terraced and semi-detached dwelling houses with associated infrastructure and landscaping
-----------------	--

---

### 1. Description

Planning permission is sought for a major residential development on vacant land at West Byrehill in Kilwinning. A site inspection was undertaken by planning officers during early March 2020.

The 3ha site is roughly rectangular in shape and lies to the east of the remaining industrial/storage building of West Byrehill Industrial Estate and west of the Council's transport depot, beyond which is the office block known as Montgomerie House. To the south is a large expanse of former industrial land that is entirely cleared of all buildings and overgrown with grasses and wild plants. Beyond is the A78 Kilwinning Bypass which follows an east-west alignment. Nearby is the Kilwinning Ambulance Station. To the north is a public footpath which follows the edge of an established belt of plantation woodland, beyond which is Pennyburn Road. The site has a flat topography and is comprised of rough grassland and scrub. A double row of hawthorn trees crosses the site, indicating what remains of a former farm track that once connected Stevenston Road to the railway line before the area was developed for industry in the 1970s. There are no buildings on site and historic map evidence indicates that it has not previously been developed. Whilst being within an industrial estate, it is evident that no development has taken place on the land in the past, other than the provision of underground sewers.

It is proposed to erect 76 dwellings on site comprising a mix of semi-detached and terraced house types. The development would be a combination of houses for sale, by Dawn Homes, and social rent, by Cunninghame Housing Association. There would be 40 houses built for sale, mostly 3 bedroom terraced homes as well as some 2 bedroom units. The remaining 36 houses would be mostly 2 bedroom units. In total, there would be nine variations in terms of house types, most of which would have 2 storeys with a small number of single storey houses included for elderly residents or wheelchair users (6 no.). All of the houses within the development, irrespective of tenure, have been designed to complement each other. The houses would be finished primarily in a light-coloured render with facing blockwork or brickwork to provide features around doors and ground floor windows. Roofs would be finished with grey concrete roof tiles and windows would be in uPVC (colour to be specified). All houses would have front and rear garden areas. In curtilage parking would be provided for plots with larger front gardens. For the houses on the western and southwestern edges of the site, which would face onto Byrehill Place, smaller front gardens facing onto footpaths would be provided, with parking provided to the rear.

The proposed development includes all associated access roads, footpaths, open spaces, public utilities and infrastructure and a sustainable drainage system (SuDS) in the form of a large detention basin in the southwest corner of the site. A play area would be provided in the northwest corner of the site.

A processing agreement was entered into following collaborative pre-application discussions between the applicant's agents and Council officers in relation to the site layout. This resulted in a number of modifications to ensure the principles of Designing Streets and Placemaking were fully embedded in the submitted application.

The proposed street layout utilises an interconnected grid of small blocks with one vehicular access onto Byrehill Drive and pedestrian footpath connections to the west, north and south of the site. The proposed terraced houses adjacent to Byrehill Place would face onto a wide footpath bounded by a hedgerow with grass verge beyond (all parking would be to the rear, as noted above). The houses adjacent to Byrehill Drive would be sited with their gables facing the road. The houses on the eastern boundary would all back onto the transport depot, bounded with a screen fence. The houses along the north boundary would either back on or be gable on to the existing pedestrian footpath, which would be retained and connected into the development with three separate link points. The road and path surfaces would be varied to indicate a hierarchy of routes within the site, and speed reduction features would be integrated into the road design. Visitor parking would be spread throughout the site.

In the adopted Local Development Plan (LDP), adopted November 2019, the site lies within a General Urban Area allocation. The relevant policies of the LDP are as follows:

- Strategic Policy 1: Spatial Strategy - the Towns and Villages Objective;
- Strategic Policy 2: Placemaking;
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply;
- Policy 22: Water Environment Quality;
- Policy 23: Flood Risk Management;
- Policy 27: Sustainable Transport and Active Travel; and
- Policy 31: Future Proofing for Heat Networks.

The site is identified as a general urban area in the adopted Local Development Plan. The proposed development would be the first phase of the development of the West Byrehill site, with planning permission in principle having been granted in 2015 for residential development and a neighbourhood centre (ref. 13/00038/PPPM).

The proposal is classed as a major development in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received on 24th September 2019 (ref. 19/00724/PREAPM). The application is subject to a processing agreement.

In support of the application the following documents have been submitted:

#### PAC Report

The PAC report notes the publicity measures undertaken and a public event was held on 29th October 2019 at the Cranberry Moss Community Centre in Pennyburn. The report notes there were 11 attendees at the event. In addition to oral feedback provided during the event, one feedback form was received by email. Comments raised included concerns about the busy roads near the site especially near St Luke's Primary School at school opening/closing times as well as the impacts of construction traffic. Feedback also indicated support for the retention of the trees between the site and Pennyburn Road.

#### Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character. It then goes on to outline the principles behind the proposed design of the site, drawing on the above characteristics. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place, taking account of national planning policies on Designing Places and Designing Streets.

#### Site Investigation Report/Coal Mining Risk Assessment

A comprehensive range of site investigation, combining both desktop studies and intrusive investigation has been undertaken, concluding that the site is not at risk from any historic coal workings in the area. The findings will inform land engineering operations and foundation design, including ground gas protection measures.

#### Transport Assessment

The report studies the accessibility of the site in relation to the surrounding road and footpath network. It considers measures which could be incorporated into the development to promote active travel as well as the use of public transport. This concludes that information relating to local walking, cycling and public transport facilities should be left in each house by the developer for the first owners/tenants.

#### Health Impact Assessment

The report primarily considers access to the site by active means such as walking and cycling. Together with the findings of the Transport Statement, it highlights that due to its location, the proposed development, together with measures proposed in relation to improving local footpath connections, would be capable of supporting active and healthy lifestyles.

#### Flood Risk Assessment and Drainage Strategy Report

The study considers all potential sources of flooding and considers site drainage. It concludes that the site is not at risk from coastal or fluvial flooding. Localised undulations currently contribute to some rainfall gathering in parts of the site, which would be resolved by the construction of a formal system of drainage and SuDS features. A SuDS detention pond has been proposed to attenuate surface water flows in excess of site discharge limits. The report concludes that, by implementing the recommendations it contains, the proposed development would not be at risk of flooding, would not increase the risk of flooding elsewhere, and that the development can be drained in a sustainable manner.

#### Ecology Report

The report follows a survey of the site for European Protected Species and other habitats. The report takes into account the relevant legislation and makes a series of recommendations in relation to the need for further surveys prior to development to protect birds and mammals, and to prepare a biodiversity action plan for implementation by the developer.

#### Noise Assessment

The consultant's report identifies the sources of noise around the site. These include the adjacent council transport depot, industrial units and the ambulance station/workshop. Various tests were undertaken to analyse the noise generated by specific activities e.g. ambulance sirens, forklift and refuse vehicle movements and others. The report indicates that plots 1 - 16 (to the west of the site) would be the most exposed to daytime ambulance alarms tests. Mitigation measures have been recommended, which would be provided in the form of specially designed wall vents, high performance double glazing units and, for the eastern boundary, acoustic fencing.

### Relevant Development Plan Policies

#### SP1 - Towns and Villages Objective

##### Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North

Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.

d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:

o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).

o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.

f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

#### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

#### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 1 -New Homes/Land Supply Policy 1:

##### New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall, we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

## Detailed Policy 22 - Water Envir Quality

### Policy 22:

#### Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
  - o No other practical option exists that would allow the watercourse to remain open; and
  - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

## Detailed Policy 23-Flood Risk Management

### Policy 23:

## Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

## Detailed Policy 27

### Sustainable Transport and Active Travel

#### **We will support development that:**

contributes to an integrated transport network that supports long term sustainability

- reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.



- enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gales.
- Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

**We will take account of:**

- the implications of development proposals on traffic, patterns of travel and road safety.
- Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- NCN Route 753 between Skelmorlie and Ardrossan
- While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 31 - Future Proofing for Policy 31:

### Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

The application was subject to the statutory neighbour notification process, which included an advertisement in a local newspaper. No representations were received.

**NAC Active Travel and Transportation** - No objection. An assessment of the strategic road network in the vicinity of the site was carried out during 2015, which concluded that up to approximately 180 houses could be completed within West Byrehill without having a detrimental impact on the current operation of the adjacent strategic road network. As such, no strategic infrastructure improvements are required in the immediate timescale to accommodate the proposed development. In addition, pre-application discussions have taken place with the development to establish an internal street design that is acceptable and meets with 'Designing Streets' principles.

*Response: Noted. The planning permission in principle for West Byrehill, dating from 2015, also reflects the above findings. Final specifications for street surfaces would be addressed at the road construction consent stage.*

**NAC Environmental Health** - no objection, with a range of comments provided in relation to noise impacts from nearby industrial/commercial uses and air quality.

*Response: This consultation response was issued to the applicant's consulting engineers. Their feedback on the matters raised has been delayed due to the relevant specialists being furloughed as a result of Covid-19. However, given that planning permission in principle for residential development on the site has previously been granted, the matters raised by Environmental Health, which are of a technical nature, can be addressed by condition. This would enable the remaining technical work to be undertaken in relation to noise mitigation and air quality prior to the commencement of the development.*

**NAC Flooding Officer** - no objection, with a range of comments provided in relation to flood risk for consideration by the applicants.

*Response: The consultation response was issued to the applicant's consulting engineers who provided a detailed response to the points raised. Accordingly, all of the technical matters relating to surface water drainage and flood risk have been addressed in the supporting information.*

**SEPA** - no objection on flooding grounds, with advice provided in relation to surface water and foul water drainage systems. The drainage serving the development must take into account the risk of flooding from rainfall sources and the overland flow implications in the event of large volumes of rain water.

*Response: Noted. Adequate technical information in relation to drainage has been submitted with the application.*

**Scottish Water** - no objections. The site is served by public sewers and the public water supply and there is currently capacity within the systems. The developer should contact Scottish Water for further advice regarding network connections once planning permission has been granted.

*Response: Noted. An informative can be attached to address the points raised by Scottish Water.*

### 3. Analysis

In accordance with statute, planning applications require to be determined in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. As noted above, the site is allocated as a housing site in the North Ayrshire Local Development Plan (LDP), adopted November 2019. In the foreword of the LDP, it is stated that:

'We recognise that building new homes will be important to growing our population and we have planned for more than 4000 new homes being built in the next 10 years. Our focus is on the deliverability of these sites.'

Strategic Policy 1 (Towns and villages objective) of the LDP states that the Council wants to provide the right new homes in the right places. Policy 1 states that residential development will be supported in principle on housing sites. Furthermore, Schedule 4 of the LDP sets out a list of Regeneration Opportunity sites across North Ayrshire and indicates that the entire West Byrehill site has an indicative capacity of 400 housing units. The approval of residential development in 2015 also established the principle of housing on the site. The proposed development of the first phase at West Byrehill would deliver 76 new houses on a site which was previously released through the 2014 Local Development Plan. Accordingly, the proposal is in accordance with Strategic Policy 1 and Policy 1 of the LDP.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place as follows:

- distinctive,
- safe and pleasant,
- resource efficient,
- welcoming,
- adaptable,
- easy to move around and beyond.

The proposed development incorporates a range of complementary house designs, mostly in two storeys. Within the wider context of Pennyburn, which consists of early 1970s housing by the Irvine Development Corporation, the housing layout and design would contrast significantly. However, the proposed development would be separated by Pennyburn Road and an established tree belt. The effect of these physical 'edges' to the existing housing at Pennyburn would provide separation and ensure that the new development appears as a separate estate in its own right, with its own identity and character. It is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

The development layout consists of a network of small interconnected blocks which will promote a permeable, pedestrian friendly environment and provide attractive enclosed streetscapes. In general, the houses would face onto streets, with instances where rear fences require to face onto the site boundaries kept to a minimum. A drawing showing how the street elevations would look has been submitted, which illustrates the gentle topography of the site and the variation in designs through each of the proposed streets. Since the houses would face onto their streets, there would be a high degree of passive surveillance from windows. It is considered that this arrangement would create a safe and pleasant residential environment. The short block size and narrow width of the streets would

reduce vehicle speeds, with the parking provision and vehicle infrastructure designed to limit their effects on pedestrians and the appearance of the streets. Following the input of NAC Active Travel and Transportation during the pre-application stage, the internal road layout has been reorganised to have a clear hierarchy of streets marked out by transition areas where the road surface material and/or colour changes.

The layout of the site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. Each house would be provided with a private back garden enclosed by 1.8m high fencing. It is considered that the use of front boundary treatments, especially on the parts of the site which face outwards, would enhance the appearance of the area. The 'industrial estate' road width of Byrehill Place which leads into the site from Pennyburn Road would be reduced in width by traffic calming and landscaping works in order to create a more welcoming residential character, and to facilitate safer pedestrian crossing, whilst taking account of the traffic generated by the nearby ambulance station, factory units and NAC transport depot. Full details of all the boundary treatments at the development could be ensured via condition. Due to the noise concerns raised by Environmental Health in relation to the transport depot, acoustic fencing and glazing designed to reduce noise is likely to be required for parts of the site.

In light of the above consideration, it is considered that the proposed development meets the six qualities of a successful place, and therefore is in accordance with Strategic Policy 2.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management.

Taking both of these policies together, there are no watercourses which run through or adjacent to the site, nor are there any nearby which could pose any risk of flooding to the proposed development. As such, the site is at little or no risk of fluvial flooding. There is a limited risk of pluvial (surface water) flooding since the site levels currently lie below the levels of Byrehill Drive and Byrehill Place. Both these roads were constructed at a slightly higher level than the natural ground level of the application site, thus causing surface run off from the road drainage to collect on the lower ground of the site, occasionally causing ponding when rainfall levels are very high. Additional drainage studies have been undertaken in this regard to ensure that appropriate measures will be taken during the course of development to prevent any surface water causing adverse impacts within the development and on the surrounding area. The drainage studies indicate that site levels would be adjusted to prevent surface water flooding. Proposed road levels would have flow paths to direct any overland surface water towards the detention basin. It has also been confirmed by the consulting engineer that no houses would be affected in the event of the detention basin overtopping, as overflow measures have been included in the design. Each of the driveways would have porous paving and there would be filter trenches provided alongside the roads. The consulting engineer has confirmed that all aspects of surface water management would accord with the current edition of the SuDS Manual. The foul drainage arrangements would then utilise existing public waste water system and it has been confirmed by Scottish Water that the infrastructure has sufficient capacity to deal with the increase which would result from the proposed development. In terms of the public water supply network, Scottish Water has confirmed that there is adequate capacity

available to serve the development. In summary, the proposal accords with Policies 22 and 23 of the LDP.

Policy 27 relates to sustainable transport and active travel. The site is located at the western end of Kilwinning. Whilst the site is easily accessible by car from the trunk road network (A78 and A738), it is noted that Pennyburn Road (a short walk to the north of the site), is a bus route which provides regular local services between Ardrossan and Kilmarnock. The bus service also links Pennyburn Road to Kilwinning railway station and the town centre. In addition, the site is within 15 minute walk of Kilwinning Station and 20 minutes of the town centre. There is also a footpath to Stevenston Road to the northwest, and several primary schools within walking or cycling distance. Overall, the site is well located for public transport and active travel links.

The internal layout of the site has been drawn up to ensure that the walking and cycling is supported and encouraged. The street layout has been designed in accordance with Designing Streets, and road alignment/design should assist in reducing vehicle speeds to 20mph and prioritise the pedestrian. A clear road hierarchy has been produced within the site based on traffic flow predictions, and the different levels of road will be clearly distinguishable by surface composition and colour and by footpath provision. In summary, the proposal is considered to be in accordance with Policy 27.

Policy 31 relates to future proofing for heat networks. Through a 'fabric first' approach, the proposed development would utilise building designs which would reduce the energy requirements for heating through high standards of insulation. In addition, the houses have been oriented to take advantage of solar gain and natural light where possible. The site is not considered to be a suitable candidate for a district heating system. The proposal accords with Policy 31.

In conclusion, the proposal is considered to be in accordance with all of the relevant policies of the LDP. The development would secure the delivery of a major housing site which has been identified and allocated as part of the development plan process. Accordingly, the application is recommended for approval subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

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

- Full details of the wall vent and glazing systems for houses where noise reduction measures are recommended in the submitted noise impact assessment by Bureau Veritas (March 2020);
- Full details of the proposed acoustic fencing for the boundary of the site with the transport depot, and
- A scheme of maintenance for the acoustic fencing,

For the avoidance of doubt, the materials used for constructing the acoustic fencing shall require a mass per unit of area in excess of 12kg/m<sup>2</sup>, with no gaps at the joints between timber boards. The acoustic fencing shall be erected in accordance with such details before any of the associated houses are occupied and thereafter retained permanently in accordance with the scheme of maintenance as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of residential amenity.

**Condition**

2. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised schedule of the proposed external finishes to be used, including driveway and path surfaces. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the external finishes are of an appropriate standard in the interests of amenity.

**Condition**

3. That prior to the commencement of the development the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council.

**Reason**

In the interests of environmental protection and human health.

**Condition**

4. That prior to the commencement of the development hereby approved, the recommendations contained in the submitted Ecological Assessment (January 2020), including further survey work and the preparation of a biodiversity action plan shall be undertaken for implementation by the applicant during the course of the development under the supervision of the ecological consultant, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection.

**Condition**

5. That the plot boundary treatments as illustrated on the approved plans shall be erected prior to the occupation of each house within the development to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure that the boundary treatments for each of the houses are erected in the interests of amenity.

### **Condition**

6. 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, taking account of the required biodiversity action plan. Thereafter, all planting, seeding or turfing comprised in the details as may be approved 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. Any trees or plants which, within a period of five years from their planting 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 order to ensure that the site is appropriately landscaped in the interests of amenity.

### **Condition**

7. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

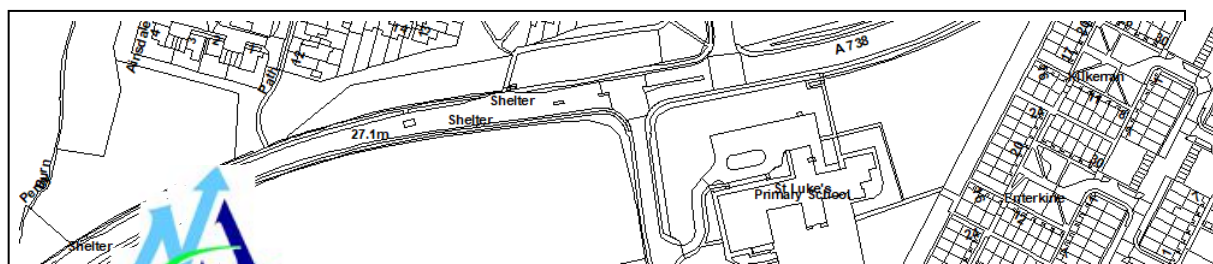
In the interests of environmental protection and human health.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr A Hume Planning Officer on 01294 324318.

## **Appendix 1 – Location Plan**

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.





## NORTH AYRSHIRE COUNCIL

24 June 2020

### Planning Committee

Locality	Kilwinning
Reference	20/00323/PPM
Application Registered	29th April 2020
Decision Due	29th August 2020
Ward	Kilwinning

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	West Byrehill Industrial Estate Byrehill Place Kilwinning Ayrshire
<b>Applicant</b>	Ashtenne Industrial Fund LLP
<b>Proposal</b>	Section 42 planning application to remove/vary conditions 1 (j) and 2 of planning permission 13/00038/PPPM (for residential development and a neighbourhood centre)

---

### 1. Description

Planning permission is sought to remove/vary condition 1 (j) and condition 2 of a planning permission in principle (ref. 13/00038/PPPM) for a residential development and neighbourhood centre at West Byrehill Industrial Estate, Kilwinning that was granted, subject to conditions, on 11th November 2015.

The permission is subject to a suite of conditions which set out the requirements that any subsequent applications for the matters specified in the conditions should meet. Should this application be granted, a new permission would be issued along with the other conditions previously attached.

Condition 1 of 13/00038/PPPM currently reads as follows:

Prior to the commencement of any development on site, a further application(s) for the approval of the matters specified in this condition shall be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- a) a design and access statement taking into account the relevant North Ayrshire supplementary design guidance;
- b) details of the layout of the development, including roads, footways, shared paths, cycle routes, open spaces, parking and infrastructure;
- c) the siting, design and external appearance of all buildings and any other structures, including dimensioned plans and elevations together with the details of external materials;
- d) a suitably detailed flood risk assessment inclusive of measures to reduce the risk of flooding within the site and the surrounding area;
- e) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SuDS), all set out in a comprehensive Drainage Assessment, including maintenance. SuDS shall be self-certified by a suitably qualified person;
- f) the means of access to the site, including appropriate provision for walking, cycling and public transport;
- g) the design and location of all boundary treatments including walls and fences;
- h) details of landscaping and associated maintenance proposals, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with detailed proposals for all new planting and its aftercare;
- i) a phasing plan for the development, the details of which may subsequently be varied through written agreement with North Ayrshire Council as Planning Authority; and
- j) detailed specification of the nature and extent of any off-site employment space improvements at Nethermains and South Newmoor Industrial Estates taking into account the Economic Viability Assessment for West Byrehill produced by GVA James Barr (December 2014).

It is proposed to delete part (j) of the above condition, since it is no longer necessary to support the development following the re-designation of the site in the recently adopted LDP to a General Urban Area of Kilwinning. Previously, the site had been allocated as 'mixed employment/residential area', with revenues from any new housing development expected to contribute to improvements to the other industrial estate owned by the applicants in the Kilwinning/Irvine area.

Condition 2 set the time limit for the submission of applications for matters specified in conditions as 5 years from the date of the planning permission, this being up until 11th November 2020. It is now proposed to extend this period for a further 5 years. This would extend the lifespan of the planning permission in principle in order to attract further development onto the site in the years ahead. Thus far, only one detailed planning application has come forward for West Byrehill (erection of 76 houses, ref. 20/00106/PPM) in the four and a half years since the permission in principle was granted, and six years after the previous LDP was adopted.

The application site is identified by the LDP as part of the General Urban Area of Kilwinning. It is also identified in the LDP as being a housing development site with an indicative capacity of 400 dwellings. It is considered that the relevant policies of the LDP are Strategic Policy 1: The Towns and Villages Objective Strategic and Policy 1: New Homes and Maintaining an Effective Housing Land Supply.

The Scottish Government's Planning Circular 4/1998 sets out guidance on the use of planning conditions.

## **Relevant Development Plan Policies**

## SP1 - Towns and Villages Objective

### Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

### Detailed Policy 1 -New Homes/Land Supply

#### Policy 1:

#### New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

## **2. Consultations and Representations**

The application was subject to statutory neighbour notification procedures and advertised in the local press. No representations were received. No consultations required to be undertaken.

## **3. Analysis**

The planning permission in principle (ref.13/00038/PPPM) established that residential development of the site was acceptable subject to a number of conditions. The determination for this application is whether the development would be acceptable without part (j) of Condition 1 and to enable an extension of time for the submission of the applications for the approval of matters specified in conditions for a further 5 years.

Strategic Policy 1 of the LDP states that proposals for the right new homes in the right places will be supported. Policy 1 of the LDP states that the Council will support and promote the principle of residential development in the effective housing supply sites identified in the LDP.

Planning Circular 4/1998 states that planning conditions should only be imposed where they are; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Condition 1 (j) related to a specific policy of the 2014 Local Development Plan which required provision of improvements to employment space arising from housing development at West Byrehill. Therefore, Condition 1(j) was considered to be necessary, relevant to the development and reasonable in the context of the 2014 LDP.

The site now forms part of the General Urban Area of Kilwinning and, as such, is suitable in principle for uses appropriate in such an area without the previous restriction for improvements to employment sites at Nethermain and South Newmoor. The LDP also lists the site as a potential housing development site. The principle of the site for housing is confirmed by the LDP. Also, of note is that there is a detailed, major application currently under consideration as a first phase of housing development at West Byrehill (ref.

20/00120/PPM). If the proposed extension of time to the permission in principle is granted, this could assist with the marketing of the site for further development in the years ahead.

The LDP no longer has any specific requirement for improvements to employment land in the Irvine/Kilwinning area. This policy change was endorsed by the Scottish Government through its examination of the current LDP in 2019.

The proposed changes to Condition 2, which would provide another 5 years in which applications for matters specified in conditions could be submitted for the development of the site, is considered appropriate given the prevailing economic circumstances, especially given the large area of the site covers. This amendment would accord with LDP Policy 1: New Homes and Maintaining an Effective Housing Land Supply.

In summary, the proposal accords with the relevant policies of the LDP and as there are no material considerations to the contrary, it is recommended that planning permission in principle be granted subject to the amended conditions as set out below.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. Prior to the commencement of any development on site, a further application(s) for the approval of the matters specified in this condition shall be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- a) a design and access statement taking into account the relevant North Ayrshire supplementary design guidance;
- b) details of the layout of the development, including roads, footways, shared paths, cycle routes, open spaces, parking and infrastructure;
- c) the siting, design and external appearance of all buildings and any other structures, including dimensioned plans and elevations together with the details of external materials;
- d) a suitably detailed flood risk assessment inclusive of measures to reduce the risk of flooding within the site and the surrounding area;
- e) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SuDS), all set out in a comprehensive Drainage Assessment, including maintenance. SuDS shall be self-certified by a suitably qualified person;
- f) the means of access to the site, including appropriate provision for walking, cycling and public transport;
- g) the design and location of all boundary treatments including walls and fences;
- h) details of landscaping and associated maintenance proposals, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with detailed proposals for all new planting and its aftercare; and
- i) a phasing plan for the development, the details of which may subsequently be varied through written agreement with North Ayrshire Council as Planning Authority.

##### **Reason**

In order that these matters can be considered in detail.

**Condition**

2. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 5 years from when this permission in principle was granted
- (b) expiry of 6 months from date when an earlier application for approval was refused, and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 5 years from the grant of this planning permission in principle.

**Reason**

In recognition of the large scale of the development.

**Condition**

3. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and any replacements thereof and North Ayrshire Council's Neighbourhood Design Guidance to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order to ensure compliance with current national and local design guidance.

**Condition**

4. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a Strategy for Open Space which shall include proposals for (i) the provision of open space and play provision, in accordance with the North Ayrshire Council policy "Provision and Maintenance of Landscaping, Open Space and Play Areas in New Housing Developments" and any replacements thereof, together with proposals for the management and maintenance of open space.

**Reason**

In the interests of adequate open space and play provision.

**Condition**

5. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To secure a sustainable development in the interests of environmental protection.

**Condition**

6. That the recommendations within the Ecology Assessment Survey submitted in support of the application, shall be reviewed and implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations. In addition, details of a scheme for the removal of non-native species from the site, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter any such scheme, which may be approved, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority

**Reason**

In the interests of environmental protection.

**Condition**

7. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection and human health.

**Condition**

8. The development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. For the avoidance of doubt, not more than 180 houses constructed on the site shall be occupied until either:

- (i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR
- (ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR
- (iii) The modifications to the A78(T)/A738(T) Pennyburn Roundabout, generally as indicated in SIAS drawing number 75064-1 titled 'Pennyburn Roundabout Signalisation - Revision 1', and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T)

Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR  
(iv) North Ayrshire Council as Planning Authority Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.

**Reason**

To restrict the scale of the development prior to the implementation of mitigation in the interests of protecting the safety and free flow of traffic on the trunk road network near the site.

**Condition**

9. That there shall be no means of direct access onto the A78 trunk road either pedestrian or vehicular.

**Reason**

In the interest of road safety.

**Condition**

10. That prior to the commencement of the development, details of a barrier along the boundary of the site with the A738 trunk road and with the A78 trunk road, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter the details, as may be approved, shall be provided and maintained by the developer or subsequent owner of the land to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interest of road safety.

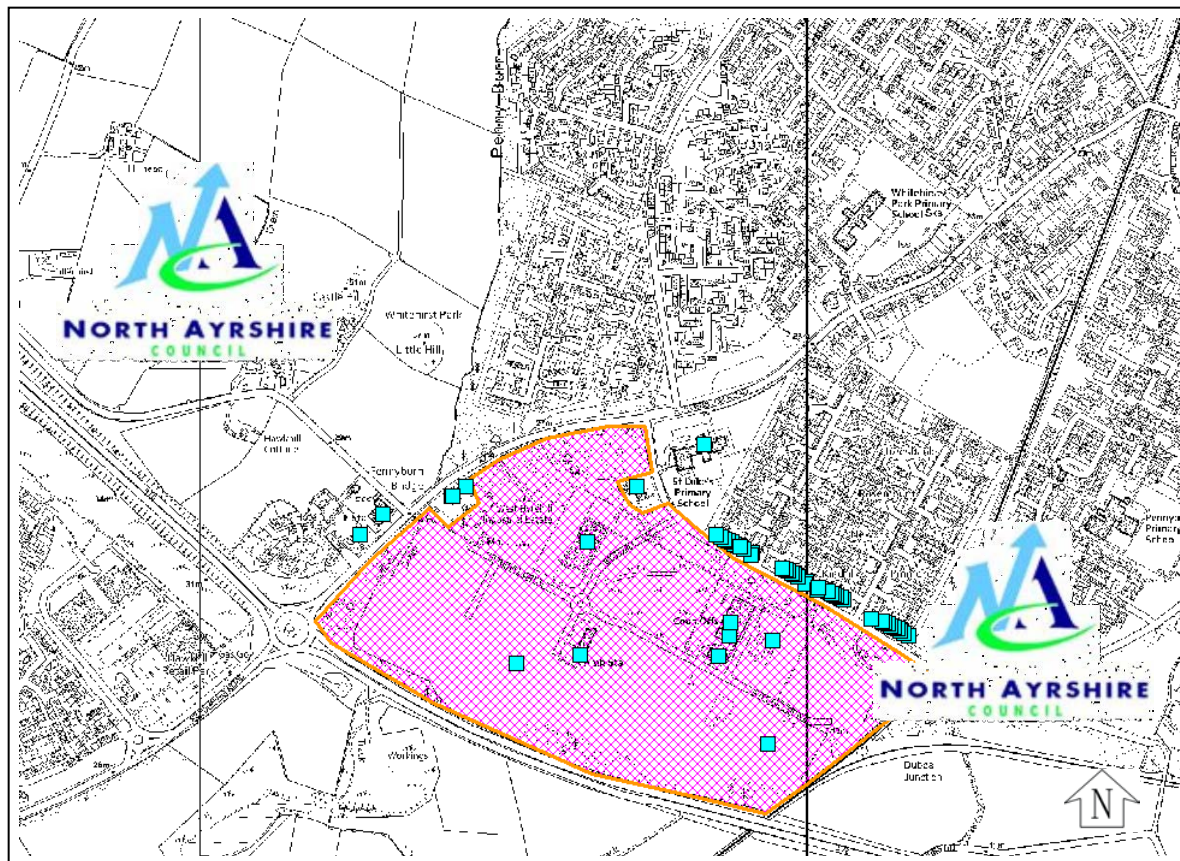
Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr A Hume Planning Officer on 01294 324318.



## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.





## NORTH AYRSHIRE COUNCIL

24 June 2020

### Planning Committee

Locality	Three Towns
Reference	20/00296/MDPO
Application Registered	16th April 2020
Decision Due	16th June 2020
Ward	Ardrossan And Arran

---

<b>Recommendation</b>	Approved with no Conditions
-----------------------	-----------------------------

---

<b>Location</b>	Ardrossan Harbour Montgomerie Street Ardrossan Ayrshire KA22 8LY
-----------------	---

<b>Applicant</b>	Clydeport Properties Limited
------------------	------------------------------

<b>Proposal</b>	Discharge of section 75 agreement relating to planning permission 01/00753/OPP
-----------------	---

---

#### 1. Description

An application has been made in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to discharge an agreement that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997.

On the 7th April 2003 the Planning Committee agreed to grant planning permission in principle for a mixed-use development including retail, housing, marina, restaurant, port and related uses, extension to industrial estates, relocation of car showroom and public open space (ref: 01/00753/OPP). This permission was subsequently issued on the 17th December 2004 following the signing of a Section 75 legal agreement. The S.75 agreement required certain potential works to be undertaken in respect of road upgrades, potential financial contribution towards level crossing upgrades and access to be given to the Council in respect of certain land. Some subsequent detailed planning permissions were granted, which led to the development of Asda and some housing.

The applicant has submitted a statement that the original planning application has lapsed in so far as it is not possible to submit any more applications relating to matters specified in its conditions. The applicant also states that all the relevant clauses of the S.75 have been met. Some of the road upgrades, such as traffic signals at the junction of Dalry Road and

Eglinton Road, Ardrossan, have taken place whilst others have not been required due to the proposed development not being fully completed. The overall development of the site as originally envisaged (ref: 01/00753/OPP) has not come to fruition. Any further development of the site, requiring planning permission, would be controlled through new permissions.

The application site is located within the settlement of Ardrossan, as identified in the adopted North Ayrshire Local Development Plan ("the LDP"). Most of the site comprises the Ardrossan Harbour and North Shore Strategic Development Area. The south-western end, around the harbour and to the west of Asda, is identified as a business and industry location. The portion of site around the marina and west of Montgomerie Street is identified as a residential/mixed use area and potential housing development site. The very northernmost portion of the site on the western side of North Crescent Road is identified as open space. A small part of the site, to the north of Asda, is identified as part of the town centre.

The relevant policies of the LDP are considered to be; Strategic Policy 3: Strategic Development Areas which sets out the type of development which will be supported in the area; and as the S.75 mainly related to access issues and road upgrades, Policy 27: Sustainable Transport and Active Travel. The Scottish Government's Planning Circular 3/2012 on Planning Obligations is also relevant.

## **2. Consultations and Representations**

Consultations were not required, the statutory neighbour notification procedures were followed and the application did not require to be advertised. No objections were received.

## **3. Analysis**

The proposal requires to be considered in terms of the adopted Local Development Plan Strategic Policy 3: Ardrossan Harbour and North Shore Strategic Development Area, Policy 27 Sustainable Transport and Active Travel and any other material planning considerations.

The Scottish Government's Planning Circular 3/2012 on Planning Obligations set out the tests which should be met when setting an obligation. S.75 Agreements should be, amongst other things, relevant to the development and reasonable.

The main requirements of the S.75 agreement relate to upgrading of roads. This included improved traffic signals at the junction of Dalry Road and Eglinton Road and improved traffic signals at Princes Street and Glasgow Street. Widening of North Crescent Road was also required subject to 51 houses being built and occupied. The S.75 also required potential financial contribution to an upgrading of the level crossings. Finally, the S.75 agreement required access to be given to the Council for certain road upgrades.

The applicant has confirmed compliance with all the relevant requirements. The traffic signals have been installed and North Crescent Road upgraded. The level crossings have been upgraded with the installation of safety barriers. The applicant has confirmed that Network Rail did not require a financial contribution from them.

As the requirements of the S.75 have largely been met and the original permission lapsed, the S.75 can be seen to be neither longer relevant to any development nor reasonable.

Future development of the site could be controlled by planning conditions or subsequent S.75 agreements, if considered necessary, and could include access to any part of the site for the Council, if required. However, future conditions or obligations would be relevant to any future development.

Strategic Policy 3 states that the Council will support proposals for the area that improves accessibility of ferry services by excellent multi-modal transport interchanges. Specific infrastructure including town centre connections will be supported. The works secured through the S.75 supported those aims and discharging the obligation would not be incompatible with Strategic Policy 3 of the LDP

Policy 27 states that the Council will support proposals which contribute to an integrated transport network, provides safe transport options and considers the impact on, and seeks to reduce risk to level crossings. The works secured through the S.75 supported those aims. As the S.75 is no longer relevant, discharging the obligation would again be compatible with Policy 27 of the LDP. Such issues, if relevant, would be considered in any subsequent planning applications for the site.

Taking all of these factors into consideration, it is considered that the requirements of the S.75 have been met or are no longer required given the development carried out. Any future development of the site would be considered in these terms and any further road/access requirements deemed necessary could be controlled through future planning permissions. It is therefore recommended that the occupancy restriction be removed, and the associated Section 75 agreement be discharged.

#### **4. Full Recommendation**

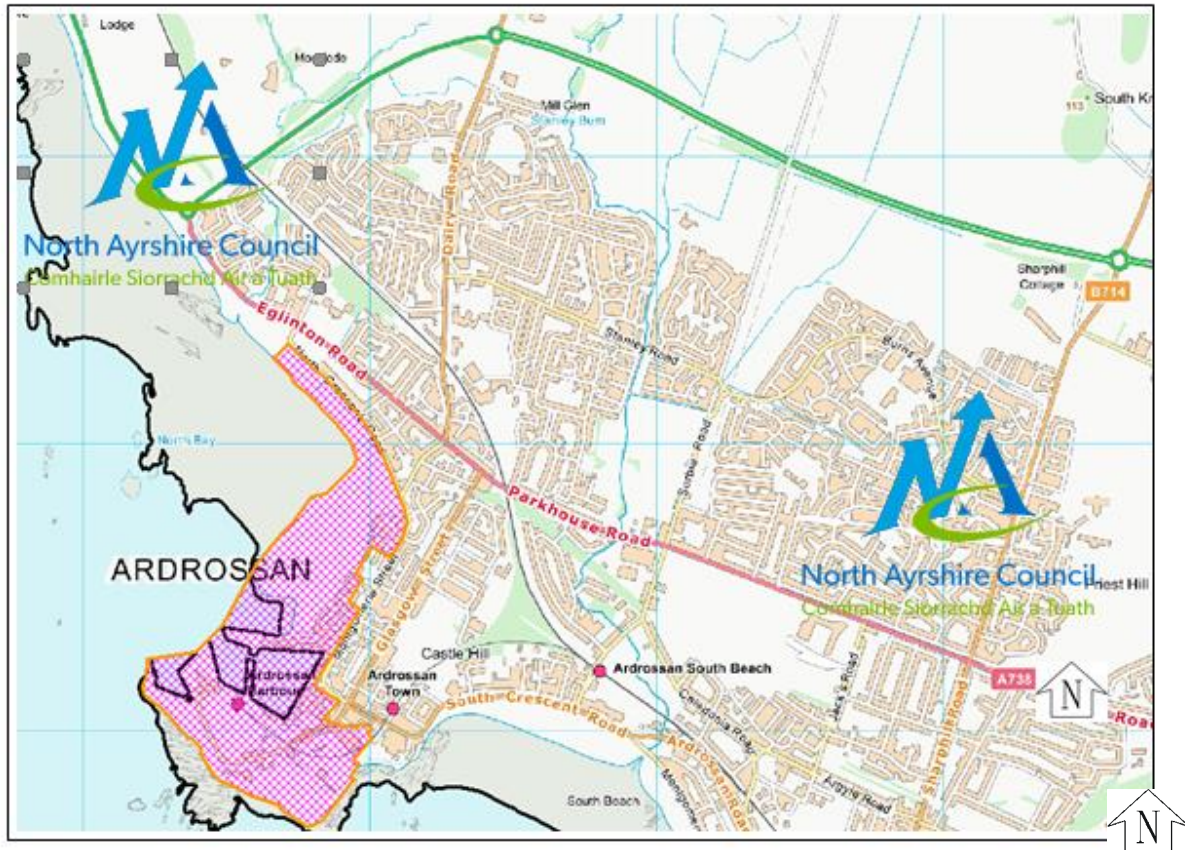
Approved with no Conditions

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.



## NORTH AYRSHIRE COUNCIL

24 June 2020

### Planning Committee

Locality	North Coast and Cumbraes
Reference	20/00222/PP
Application Registered	12th March 2020
Decision Due	12th May 2020
Ward	Dalry And West Kilbride

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	Site To South East Of 41 Tarbert Avenue West Kilbride Ayrshire
<b>Applicant</b>	Mr Robert MacMillan
<b>Proposal</b>	Application to vary planning permission in principle 18/00393/PPPM to remove condition 7

---

### 1. Description

Planning permission is sought to delete Condition No. 7 of a planning permission in principle (Ref. 18/00393/PPPM) for a residential development on a site to the Southeast of 41 Tarbert Avenue, Largs.

The permission is subject to six other conditions which set out the requirements that any subsequent applications for the matters specified in the conditions should meet. Should this application be granted, a new permission would be issued with the remaining six conditions.

Condition 7 of 18/00393/PPPM currently reads as follows:

7. That for the avoidance of doubt, the proposal shall be limited to the development of affordable housing as well as associated infrastructure. In this instance affordable housing is defined by North Ayrshire Council, as Planning Authority, as being for social rent by a Registered Social Landlord.

The reason for Condition 7 was to ensure affordable housing was delivered on the site and that the proposal complies with Policy RES4 of the 2014 adopted Local Development Plan ("the 2014 LDP").

This application seeks to delete this condition. The 2014 Local Development Plan has been replaced by the current Local Development Plan adopted in November 2019 ("the LDP"). Policy RES4 no longer applies and the LDP has no specific policy requiring the provision of affordable housing.

The application site is identified by the LDP as part of the General Urban Area of West Kilbride. It is also identified in the LDP as being a housing development site with an indicative capacity of 64 dwellings. It is considered that the relevant policies of the LDP are Strategic Policy 1: The Towns and Villages Objective Strategic and Policy 1: New Homes and Maintaining an Effective Housing Land Supply.

The Scottish Government's Planning Circular 4/1998 sets out their policy on the use of planning conditions.

## **2. Consultations and Representations**

The application was subject to statutory neighbour notification procedures and advertised in the local press. There have been two objections received which can be summarised as follows;

1. The permission should never have been granted in the first place.

Response: The principle of residential development on this site has been established by the current permission. It is noted that the site is within the settlement of West Kilbride, as defined by the current LDP, where the principle of residential development is acceptable. The principle of residential development is not for determination as part of this application. The determining factor is whether the current condition accords with Scottish Government advice and whether an amended permission would accord with that advice and the Council's Local Development Plan.

2. The proposal to access the houses via Highthorne Crescent is impractical and dangerous. There are parking problems and vulnerable users of that road.

Response: The details of any access to the site are not for consideration as part of this application. The access would have to be determined through future planning applications.

## **3. Analysis**

The planning permission in principle (ref.18/00393/PPPM) established that residential development of the site was acceptable subject to 7 conditions. The determination for this application is whether the development would be acceptable without Condition 7.

Strategic Policy 1 of the LDP states that proposals for the right new homes in the right places will be supported. Policy 1 of the LDP states that the Council will support and promote the principle of residential development in the effective housing supply sites identified in the LDP.



Planning Circular 4/1998 states that planning conditions should only be imposed where they are; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Condition 7 effectively restricts the type of residential development which could take place on the site i.e. it can only be for social rent by a Registered Social Landlord, which was appropriate at the time the permission was granted, because the site had been allocated in the 2014 LDP as a site for affordable housing development. A specific policy of the 2014 LDP (RES4) required provision of affordable housing. Therefore Condition 7 was considered to be necessary, relevant to the development and reasonable in the context of the 2014 LDP.

The site now forms part of the General Urban Area of West Kilbride and as such suitable in principle for uses appropriate in such an area, without the previous restriction for housing for social rent by a Registered Social Landlord. The LDP also lists the site as a potential housing development site. The principle of the site for housing is confirmed by the LDP.

The LDP no longer has any specific requirement for affordable housing. The current LDP was prepared in the context of the affordable housing which had been built in the last 5 years and is scheduled to be built, which includes the Council's own house building program. This approach to housing was endorsed by the Scottish Government through its examination of the current LDP in 2019.

Planning permission in principle for this site, without an affordable housing restriction, is considered to accord with Strategic Policy 1 and Policy 1 of the LDP. The development of any tenure of housing on the site would support housing in the right locations and promote the principle of development on an effective housing supply site. It should be noted that removing the restriction would not mean affordable houses would not be built. It would open the site to potential development of a range of tenures. The details of any development could be controlled through the same other six conditions attached to the previous permission (ref. 18/00393/PPPM).

Condition 7 as it currently stands in the context of the LDP is considered to be unreasonable. Given the current LDP policies it is no longer considered to be necessary or relevant. Removing Condition 7, therefore, would also accord with the Scottish Government's advice set out in Circular 4/1998.

The proposal accords with the relevant policies of the LDP and as there are no material considerations to the contrary, it is recommended that planning permission in principle be granted subject to the six conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed

masterplan required by Condition 3, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

In recognition of the potential archaeological interest of the site and to meet the requirements of the West of Scotland Archaeology Service

### **Condition**

2. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a water and drainage assessment shall be submitted for the approval of North Ayrshire Council as Planning Authority which actions all relevant recommendations of the Flood Risk Assessment. The water and drainage assessment shall demonstrate that:

- (i) the development will not be at high medium or low likelihood of flooding or will increase the likelihood of flooding elsewhere;
- (ii) run-off to the site from adjacent steeply sloping ground shall be intercepted and appropriately attenuated and treated before discharging to the water environment or to a suitable piped system;
- (iii) in the event that surface water will discharge to the existing culvert at the site's Western edge, there would be no notable negative impact in terms of flood risk and water quality; and,
- (iv) full details of the parties responsible for the maintenance of all drainage assets are provided in a suitably detailed plan and that all associated maintenance operations are identified on an accompanying schedule;

The water and drainage assessment shall detail a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

To ensure the submission of an appropriate water and drainage assessment and to meet the requirements of SEPA and NAC Flooding.

### **Condition**

3. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition (MSC) must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;

- (c) a detailed flood risk assessment, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed.
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site including an updated Transport Strategy;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;
- (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

The layout of the site shall take into account archaeological investigations, the detailed SuDS scheme, water and drainage assessments required by conditions 1 and 2 respectively, and shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order that these matters can be considered in detail.

**Condition**

4. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To ensure that any contamination is appropriately remediated.

**Condition**

5. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

**Reason**

In the interests of amenity, traffic and pedestrian safety.

**Condition**

6. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

**Reason**

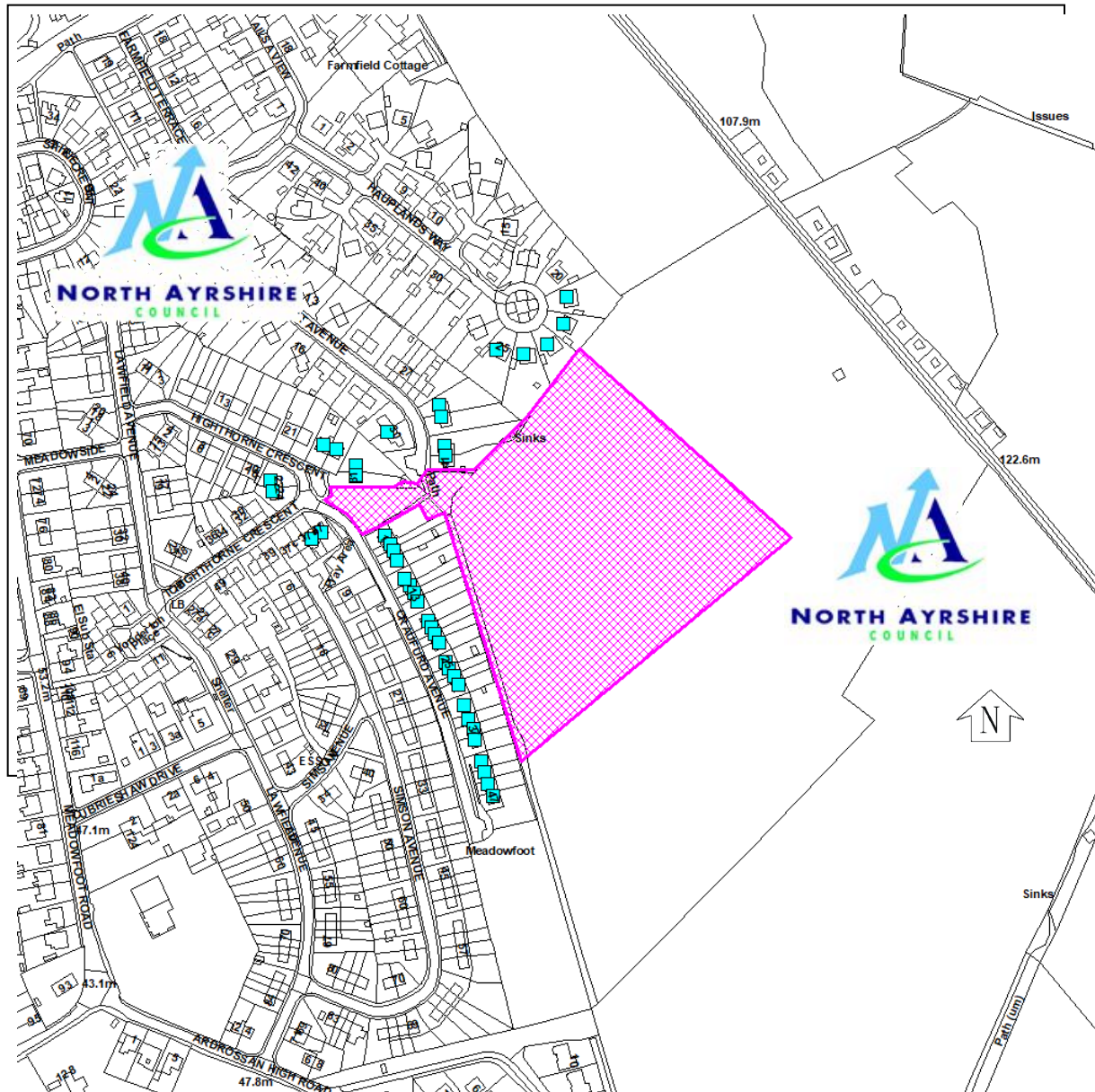
In the interests of ensuring that air quality standards are achieved.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.





## NORTH AYRSHIRE COUNCIL

24 June 2020

### Planning Committee

<b>Title:</b>	<b>Development Plan Scheme</b>
<b>Purpose:</b>	To update Members on an indicative timetable and participation strategy for preparing the next Local Development Plan (LDP3) and seek formal approval of the 2020 Development Plan Scheme.
<b>Recommendation:</b>	It is recommended that the Planning Committee adopts the Development Plan Scheme.

#### 1. Executive Summary

- 1.1 An updated Development Plan Scheme has been prepared which sets out a programme for preparing and reviewing the local development plan and a statement on when, how and with whom consultation on the plan will take place. It is intended to formally commence work on preparing LDP3 after the Scottish Government publish new regulations for development planning, expected to be in December 2021, with the aim of adopting a new LDP in November 2024.

#### 2. Background

- 2.1 North Ayrshire Council adopted the current Local Development Plan (LDP2) on 28 November 2019. The Plan has a vision – aligned with the North Ayrshire Community Planning Partnership – that looks forward 20 years, plans for a 10-year period to 2029 and, under current planning legislation, must be replaced within five years, i.e. by November 2024.
- 2.2 As planning authority, we are required to prepare a Development Plan Scheme, at least annually. A Development Plan Scheme sets out an authority's programme for preparing and reviewing their local development plan, what is likely to be involved at each stage and when, how and with whom consultation on the plan will take place (a Participation Statement). Our last Development Plan Scheme was published in March 2019.
- 2.3 An updated Development Plan Scheme has been prepared that looks forward to the preparation of Local Development Plan 3. The indicative programme reflects the position of the planning system in Scotland within a period of substantial transformation. The Planning (Scotland) Act 2019 makes significant changes to the format and approach to preparing local development plans; the Scottish Government are currently working collaboratively to develop the regulations and guidance that will implement the new Act and guide the development planning system.

- 2.4 Transitional arrangements allow planning authorities to commence a local development under the 'old' legislation and regulations, however, as North Ayrshire's Local Development Plan has only recently been adopted it is intended to prepare our next LDP under the new arrangements once they are laid in Parliament and published, expected to be at the end of next year.
- 2.5 The proposed timetable for producing LDP3 set out in the Development Plan Scheme (page 5) is subject to change as the full details of the system under which it will be prepared - and now the implications of the coronavirus outbreak – are not yet known and understood. It is also ambitious but would seek to see LDP3 adopted within five years of LDP2, in November 2024.
- 2.6 The Development Plan Scheme also includes a Participation Statement setting out when, how and with whom consultation on the plan will take place. The statement reiterates our approach, followed throughout the preparation of LDP2, to encourage everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. The new Act places a specific focus on promoting and facilitating participation by children and young people and we will develop in more detail how this can be achieved.

### **Next Steps**

- 2.7 The first proposed landmark in preparing the next local development plan is the preparation of a Draft Evidence Report for publication in February 2021. This anticipates the first step of the new system for preparing a local development plan and will prepare us for submitting an Evidence Report to Scottish Government and, thereafter, the preparation of a draft Local Development Plan once the regulations and guidance is published.
- 2.8 Once adopted, the Development Plan Scheme will be sent to Scottish Ministers and published online in accordance with the Act. A copy will also be placed in all libraries as soon as it is practicable to do so and we will distribute to all Members, Community Councils and other relevant stakeholders in the meantime.

### **3. Proposals**

- 3.1 It is recommended that the Planning Committee approves the adoption of the 2020 Development Plan Scheme.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 None.

#### **Human Resources**

- 4.2 None.

#### **Legal**



- 4.3 The preparation of a Development Plan Scheme at least every year is a requirement of planning legislation. The Planning (Scotland) Act 2019 introduces a new legislative framework for preparing a local development plan. The Act will be implemented through the preparation of new regulations and guidance, to be published next year.

### **Equality/Socio-economic**

- 4.4 Once commencement, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a full equalities impact assessment and assessment on the impact of the plan on children.

### **Environmental and Sustainability**

- 4.5 Once commencement, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a Strategic Environmental Assessment.

### **Key Priorities**

- 4.6 LDP3 will align with wider national priorities, programmes and strategies, including on infrastructure and economic investment, and with many the Council's key priorities, including a sustainable environment; affordable, modern and well-designed homes; and effective infrastructure.

### **Community Wealth Building**

- 4.7 There is scope within the planning making process to explore how the Local Development Plan can support Community Wealth Building, for example around its approach to land owned by 'anchor' organisations within the local economy.

## **5. Consultation**

- 5.1 There is no requirement to consult on the content of development plan schemes, however, it is good practice and once new planning legislation comes into force we will be required to seek the views of the public on the content of the participation statement. We published a draft Development Plan Scheme and Participation Statement on 9 March 2020 and sought comments from Key Agencies, Locality Planning Partnership, Community Councils and those on our mailing list.
- 5.2 The Participation Statement outlines how when and how will undertake consultation throughout the process of preparing the next Local Development Plan.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Alistair Gemmell, Strategic Planning Manager**, on **01294 324021**.

### **Background Papers**

0

April 2020

## Development Plan Scheme



North Ayrshire Council  
Comhairle Siorrachd Air a Tuath

# Development Plan Scheme

## Overview

A Development Plan Scheme sets out a planning authority's programme for preparing and reviewing its development plan. As the local planning authority, we are required to prepare a Development Plan Scheme every year. Our last Development Plan Scheme was published in March 2019.

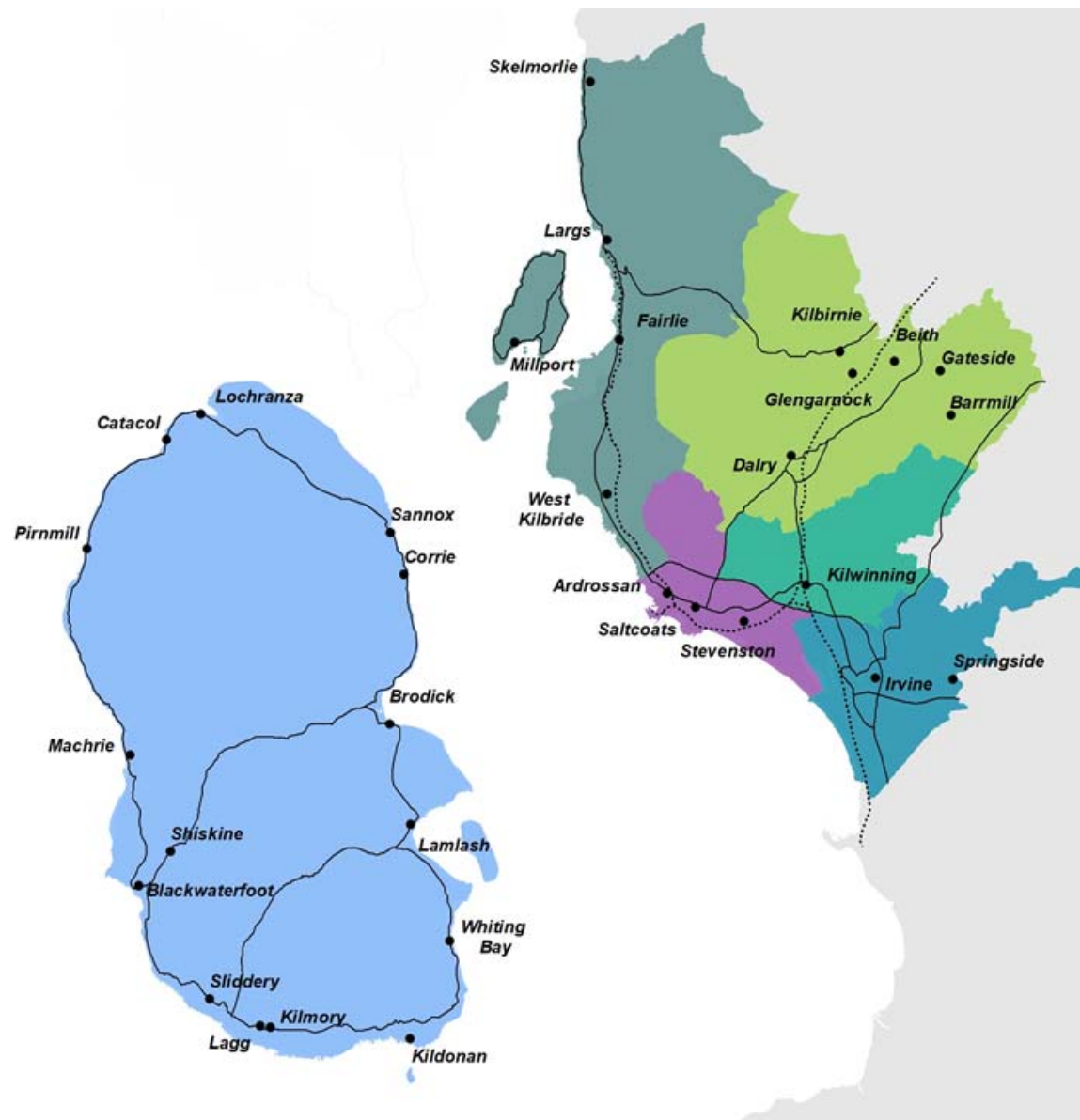
The Development Plan Scheme must also include a Participation Statement stating when, how and with whom consultation on the plan will take place.

A draft Development Plan Scheme and Participation Statement was published on 9 March 2020. There is no requirement to consult on the content of development plan schemes, however, under new planning legislation we will be required to seek the views of the public on the content of the participation statement. We sought comments on the draft Development Plan Scheme from Key Agencies, Locality Planning Partnership, Community Councils and those on our mailing list.

*Since the draft Development Plan Scheme was published, the outbreak of the coronavirus pandemic has significantly altered – for an undeterminable period – most aspects of our lives. This could have an impact on preparing LDP3; the timetable set out on page 5 is therefore subject to change and will be reviewed when we update the Development Plan Scheme next year.*

If you have any questions about our programme for preparing the next Local Development Plan or on the Participation Statement you can contact us:

 **01294 324021**  
 **[ldp@north-ayrshire.gov.uk](mailto:ldp@north-ayrshire.gov.uk)**  
 **Strategic Planning, North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE**





## Our Current Development Plan

The development plan for North Ayrshire comprises a single plan – the Adopted Local Development Plan. This is North Ayrshire’s second [Local Development Plan](#) and was adopted on **28 November 2019**.



LDP2 sets out how we aim to guide development and investment in North Ayrshire over the next 20 years. The policies and proposals – sites allocated for development – within LDP2 are the basis for decision-making on planning applications.

The Plan’s vision is shared with the North Ayrshire Community Planning Partnership: “A Better Life” where every person in North Ayrshire is valued and has the best opportunities to live their life to their full potential.

The spatial strategy of the LDP is an overarching policy for land-use and development that supports the aspirations of the Community Planning Partnership, as set out in the Local Outcomes Improvement Plan. This strategy is based on the principle that we want to direct the right development to the right place, principally our towns, villages and developed coast where we have infrastructure capacity, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

Our **Action Programme**, published in February 2020, supports LDP2 by outlining how and when we intend to deliver the policies and proposals of LDP2.

We will continue to liaise with internal and external stakeholders and developers to discuss the proposed delivery and phasing of development, provision of infrastructure and any potential issues and update the Action Programme on a regular basis to reflect major progress and changing circumstances. We will also more closely align the document with our annual [Housing Land Audit](#), given the focus of LDP2 on housing delivery.

The Action Programme is an important part of the framework for how we monitor and measure LDP2. Monitoring the performance of LDP2 will be central to the preparation of our next local development plan.

You can view the Local Development Plan, including interactive mapping, Action Programme and other supporting documents online:

[www.north-ayrshire.gov.uk/ldp](http://www.north-ayrshire.gov.uk/ldp)

## Our Next Development Plan

LDP2 has a vision that looks forward 20 years, plans for a 10-year period to 2029 and, under current planning legislation, needs to be replaced in five years' time, by November 2024.

The Planning System in Scotland, however, is undergoing a substantial transformation. Following an independent review carried out in 2015, the Scottish Government has embarked on a programme of change to simplify and strengthen the planning system, guided by the following six outcomes:

**Strong and flexible development plans**

**The delivery of more high-quality homes**

**An infrastructure first approach to planning and development**

**Efficient and transparent development management**

**Stronger leadership, smarter resourcing and sharing of skills**

**Collaboration rather than conflict – inclusion and empowerment**

Wide engagement and collaboration following the review led to the Planning (Scotland) Act 2019, passed by the Scottish Parliament in June 2019. Work is ongoing to implement the Act and wider planning reforms; with focus remaining on these six key outcomes. For more information on the changes to the planning system, visit:

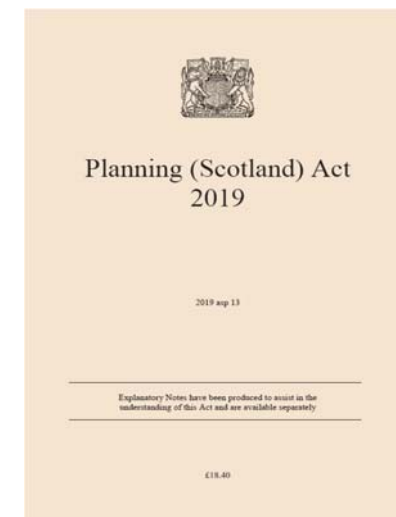
[www.transformingplanning.scot](http://www.transformingplanning.scot)

The Act makes significant changes to the approach to preparing local development plans, with the aim of making them more effective, with greater community involvement and more focus on delivery. It introduces a requirement to produce evidence reports, along with an early 'gatecheck' to ensure the evidence is sufficient; new requirements for participation and engagement of communities and particular groups; and a range of issues which must be considered in the plan. The Act also removes the provisions relating to main issues reports and statutory supplementary guidance and moves LDPs onto a 10-year cycle from the current 5-year period.

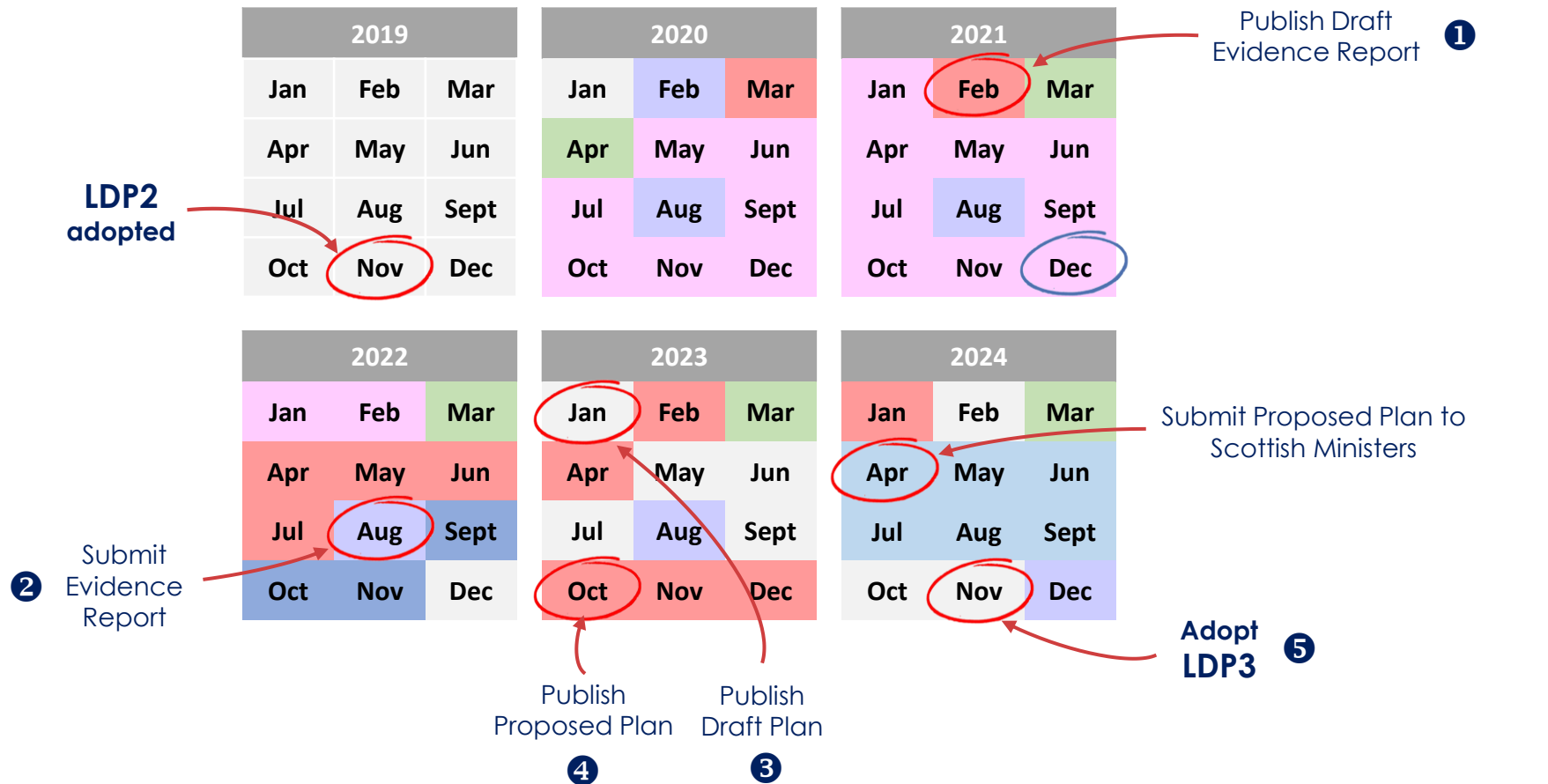
The Scottish Government are currently working collaboratively to develop the regulations and guidance that will guide this new development planning system and expect to lay regulations and publish guidance relating to LDPs in the latter part of 2021. Taking the time to get the detailed working of the new system right will also enable the new-style plans to emerge within the context of National Planning Framework 4 and its wider coverage of planning policies.

**As LDP2 has only recently been adopted, instead of commencing a new plan under the 'old' system, we will wait and prepare our next local development plan – LDP3 – under the new arrangements, once they are published.**

The following page outlines our proposed timetable for producing LDP3. At this point it is subject to change as the full details of the development planning system are not yet known. It is also ambitious but would seek to see LDP3 adopted before LDP2 reaches five years old.



Indicative Programme [subject to the details of new regulations and guidance]



The Scottish Government is progressing a detailed [work programme](#) which will implement the new Planning Act through secondary legislation and guidance. New arrangements for the preparation of development plans are expected to be published in December 2021.

5

Once the relevant regulations and guidance has been published, we can formally commence work on preparing LDP3 and confirm our timetable.

- Action/Delivery Programme update
- Development Plan Scheme update
- Gatecheck
- Examination
- Engagement
- Consultation

## Key Stages [subject to the details of new regulations and guidance]

### 1. Draft Evidence Report

In preparation for the new system for Local Development Plans coming into place we will spend this year scoping and preparing a Draft Evidence Report. This Report will build on our existing monitoring work, including the housing land audit, and updated town centres audit and employment land audit.

**Publish – February 2021**



### 2. Evidence Report

Once the guidance for preparing Local Development Plans is published and regulations have come into force, we will refine and update the Draft Evidence Report. A key part of this will be engaging with key agencies, local communities and children and young people.

The Evidence Report will be the first formal stage of preparing **LDP3**. Under the new legislation, the Evidence Report will be submitted to Scottish Ministers who will assess whether the report contains sufficient information to enable us to prepare LDP3. This stage has been called a ‘gate check’.

**Submit to Scottish Ministers – August 2022**  
**Gate check – September to November 2022**

### 3. Draft Plan

When our Evidence Report has been confirmed as sufficient, we will then prepare a Draft Local Development Plan. The new Planning Act removes the requirement for a main issues report and, in its place, a draft LDP will be published and widely consulted on. Responses to the draft plan could guide changes to the LDP, with any changes explained in feedback to those who have been involved.

**Publish – January 2023**



### 4. Proposed Plan

Our Proposed Plan will be our settled view on the policies and proposals that will make up LDP3. We will publish the Proposed Plan to allow representations which will seek changes to the plan. Following the close of the period for representations on the Proposed Plan, we may make modifications, but only to take account of representations, consultation responses or minor drafting and technical matters. When we reach the point where there are ‘unresolved representations’ we will republish the Proposed Plan and submit it to Scottish Ministers, who will examine these unresolved representations.

**Publish – October 2023**  
**Submit to Scottish Ministers – April 2024**  
**Examination – April to September 2024**

### 5. Adoption

Following receipt of the Examination Report from Scottish Ministers – and subject to the recommendations of the Reporter on the unresolved representations – we will progress to adopt LDP3, further modified as required. We hope to achieve this before LDP2 reaches 5 years old.

**Adopt LDP3 – November 2024**

## National Planning Framework and Regional Spatial Strategy

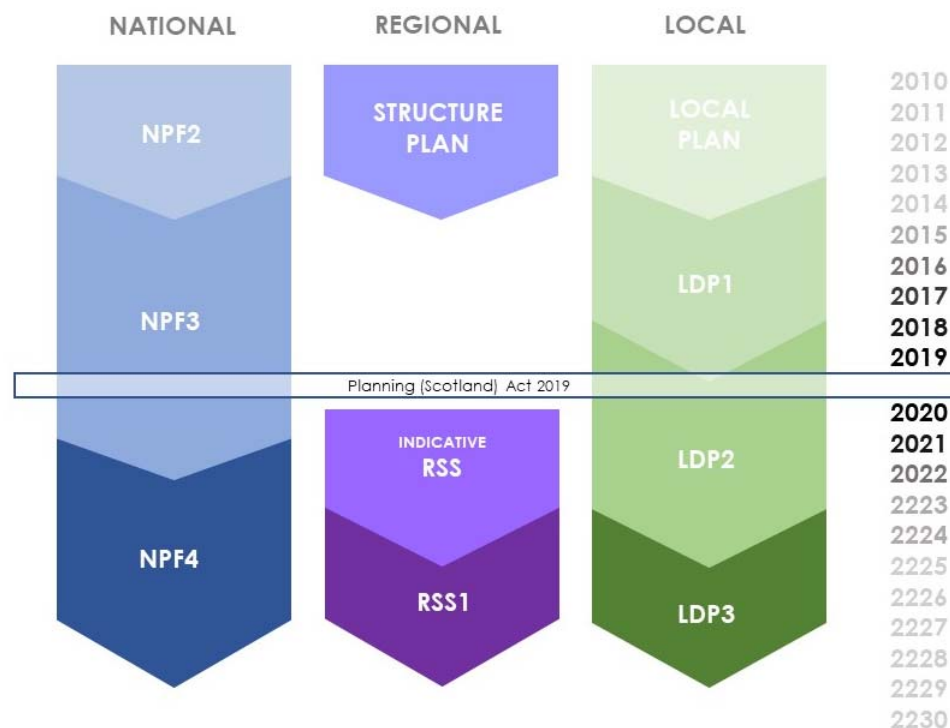
The National Planning Framework (NPF) is a long-term plan for Scotland that sets out where development and infrastructure is needed to support sustainable and inclusive growth. The current National Planning Framework (NPF3) was published in 2014 and will remain in place until a fourth NPF (NPF4) is adopted by Scottish Ministers.

The Scottish Government have begun the process of reviewing NPF3 and are aiming to lay a draft NPF4 in the Scottish Parliament in September 2020. NPF4 will incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics and, unlike NPF3, will have the status of the development plan for planning purposes. This will mean that its policies will have a stronger role in informing day to day decision-making. Scottish Government expects to adopt NPF4 at the end of next year.

The new Planning Act also introduces a requirement to prepare and adopt a regional spatial strategy: a long-term spatial strategy in respect of the strategic development of an area which identifies the need for strategic development; the outcomes to which that strategic development will contribute; priorities for delivery and the proposed locations for strategic development.

North Ayrshire Council has agreed to work with East Ayrshire Council and South Ayrshire Council on the preparation of an **Ayrshire Regional Spatial Strategy**. The three Councils have a successful track record of coming together for the purposes of strategic land use planning, preparing and approving a number of iterations of the Ayrshire Joint Structure Plan, prior to Structure Plan being phase out by previous legislative changes to the planning system in Scotland.

Like with local development plans, the regulations and guidance for preparing these new style Regional Spatial Strategies is not expected to be published until the end of next year. In the interim, we are preparing an Indicative Regional Spatial Strategy. The purpose of this 'light touch' strategy is to inform NPF4 and therefore we are required to finish the Indicative Regional Spatial Strategy by June 2020. Our third LDP will need to align with NPF4 and have regard to the Ayrshire Regional Spatial Strategy.





## Participation Statement

In preparing LDP2 we encouraged everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. Consultation and engagement are important to us; the LDP can affect where people live, work, shop, play and travel in North Ayrshire plus local people and organisations have useful knowledge which can help us understand potential issues in North Ayrshire and build a better plan.

### We will continue this approach into LDP3.

**WHO?** The new Planning act states we must promote and facilitate participation by children and young people (aged 25 or under) in the preparation of the local development plan, including by working with schools, youth councils and youth parliament representatives within our area.

### We will engage with the following groups → in the preparation of LDP3

**WHEN?** Our proposed timetable (page 5) indicates we will engage and consult with these groups throughout the preparation of LDP. We will update our proposed timetable and participation statement when the development planning regulations are published and there is more detail on the process.

**HOW?** We want to make it as easy as possible for everyone with an interest to engage in the preparation of LDP3. For LDP2, we encouraged public involvement in several different ways:

- Publicising opportunities to get involved in the process, using a wide range of media, including: adverts and press releases in local newspapers; statutory notices; the Council's website; posters; via our mailing list.

- Providing copies of consultation documents on our website, at libraries and Council offices.

- By working closely with colleagues in Community Planning including the Locality Planning Partnerships and other Council services and volunteer groups to encourage people to get involved in planning.

- Public events, at convenient times and locations.

- Keeping everyone up-to-date of progress, including the use of social media.

- Regular meetings with key agencies and by making ourselves available – where possible – to attend the meetings of community groups and interest groups.



**To be informed of key updates on the preparation of LDP3 please email [ldp@north-ayrshire.gov.uk](mailto:ldp@north-ayrshire.gov.uk) and ask to be added to our mailing list.**



## **NORTH AYRSHIRE COUNCIL**

**24th June 2020**

### **Planning Committee**

---

**Title:** **Update on Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former Seafield School, Eglinton Road, Ardrossan**

---

**Purpose:** To advise the Committee of progress with compliance with a Notice issued under Section 179 of the Town and Country Planning Act 1997

---

**Recommendation:** That the Committee notes the steps taken to ensure compliance with the requirements of the Notice.

---

### **1. Executive Summary**

- 1.1 At the meeting of 4<sup>th</sup> September 2019, the Planning Committee granted authority for the issue of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997, as amended, in relation to the former Seafield School, Eglinton Road, Ardrossan.
- 1.2 The Notice required: (i) the removal of all litter and refuse from the site; (ii) the movement of all demolition rubble to the north of the Seafield Stables building, the rubble to be stored so that it is not above the height of the boundary wall with Witches Lynn; and (iii) the boarding of all window and door openings with exterior grade plywood or similar in Seafield House and Seafield Stables, with the exception of those opening on the first floor of the eastern wing of the House (the fire damaged area.)
- 1.3 The Notice was issued on 24<sup>th</sup> September 2019. The Notice took effect on the 24<sup>th</sup> October 2019 as an appeal against the Notice was not made. The compliance period for the Notice expired on the 5<sup>th</sup> December 2019.
- 1.4 The requirements of the Notice have not been met. Litter and refuse remain on site, the rubble has not been moved and openings are not boarded. This report outlines the next step with regards the carrying out of the works by the Council.

### **2. Background**

- 2.1 The site is a vacant former school site with vacant buildings within it. The site comprises an area of approximately 3.44 hectares. The two most prominent buildings within the site are Category B Listed Buildings, in the centre Seafield House and on the western edge Seafield Stables.

- 2.2 The site was last used as a school but has been vacant since approximately June 2015. The gymnasium was granted planning permission in 2016 to be used as a health and fitness centre, separate from the wider site, and is currently in use as such. The site is within the settlement of Ardrossan in a prominent location on the western access to the town. The southern end of the site, between Seafield House and Eglinton Road is relatively flat, with the site rising to the north from behind Seafield House. There are residential properties to the east and west of the site.
- 2.3 The Council, as Planning Authority, has received several complaints regarding the site and has been monitoring the site since first receiving complaints in summer 2016. Complaints about the site have continued to be received including a petition which was considered by the Audit and Scrutiny Committee at the meeting of 26<sup>th</sup> March 2019. The Audit and Scrutiny Committee resolved that the Council undertake certain actions in relation to the site. These actions included that Amenity Notices be considered if the condition of the site continues to harm local amenity.
- 2.4 The Planning Committee met on 4<sup>th</sup> September 2019 and granted authority for the issue of a Notice (“Amenity Notice”) under Section 179 of the Town and Country Planning (Scotland) Act 1997 (“the Act”), as amended. The Notice has been issued and has taken effect. The Notice has not been complied with within the time specified.
- 2.5 S.35 of the Act allows a Planning Authority to take direct action where any steps required by an Amenity Notice, have not been met within the time specified. The Council, as Planning Authority, may enter the land, take those steps and recover from the person who is the then owner any expense reasonably incurred.
- 2.6 Planning Services is seeking quotes for the work. It is envisaged that the boarding works will be carried out first, with refuse removal and re-siting of the rubble to follow. A quote for the boarding works is being sought from NAC Building Services and quotes for refuse removal and re-siting of the rubble will also be obtained. It is thought the boarding works will be around £1900. The works will then be instructed with work to commence as soon as it is safe to do so.

### **3. Proposals**

- 3.1 To take direct action under S.35 of the Town and Country Planning (Scotland) Act 1997, as amended, to meet the requirements of the Amenity Notice issued on 24<sup>th</sup> September 2019 in respect of the property.
- 3.2 Following the taking of direct action, it is proposed to seek the costs incurred by the Council from the land owner.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 The Council will seek to recover from the person(s) who is the then the owner or lessee any expenses reasonably incurred during the carrying out of these works. The estimated cost of any works is to be advised.

#### **Human Resources**

4.2 None

### **Legal**

4.3 The Notice, and any direct action arising therefrom, is in accordance with Statutory Regulations.

### **Equality/Socio-economic**

4.4 None

### **Environmental and Sustainability**

4.5 Compliance with the Notice will abate harm to local amenity

### **Key Priorities**

4.6 The Amenity Notice and direct action supports the Council Plan priority - "Vibrant, welcoming and attractive places,

### **Community Wealth Building**

4.7 The Notice and direct action would address complaints about the condition of the site. There is potential for direct action to be carried out by local companies.

## **5. Consultation**

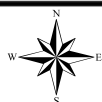
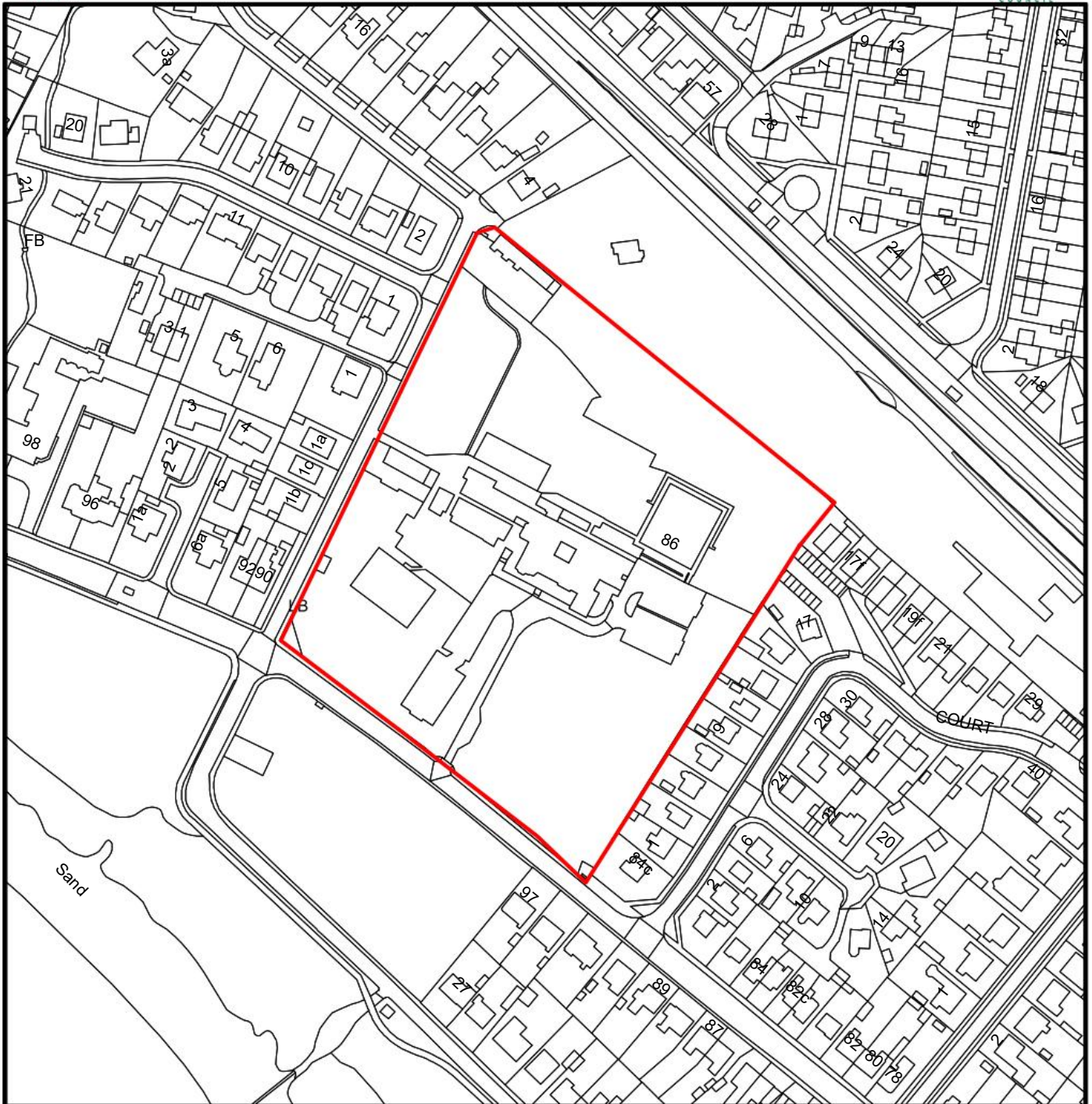
5.1 None

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

### **Background Papers**

0



1:2,500

0 30 60 120 Metres

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."