



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

28 May 2015

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 3 JUNE 2015** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

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 18 March 2015 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. Isle of Arran

Submit report on the following applications:

3.1 14/00631/DCMS: Bogary Quarry

Periodic review of mining site at Bogary Quarry, Sliddery, Isle of Arran (copy enclosed).

3.2 15/00233/PP: Site to East of Grianan

Erection of dwellinghouse to the east of Kildonan Road, Kildonan, Isle of Arran (copy enclosed).

4. Garnock Valley

Submit report on the following application:

15/00103/PPPM: Blairland Farm, Dalry

Planning permission in principle for residential development (copy enclosed).

5. Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Beith: 83 Eglinton Street

Submit report by Executive Director (Economy & Communities) on a Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring removal of unauthorised advertisements (copy enclosed).

Planning Committee

Sederunt: Matthew Brown
John Ferguson
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

(Chair)
(Vice-Chair)

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
18 March 2015

IRVINE, 18 March 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Ian Clarkson, Joe Cullinane, Tom Marshall, Ronnie McNicol and Robert Steel

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Economy and Communities); and A. Craig, Team Manager (Litigation) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell.

1. Chair's Remarks

The Chair welcomed a delegation of Elected Members and officials from Lisburn and Castlereagh Council in Northern Ireland, who were in attendance to observe the work of the Committee.

Thereafter, the Chair agreed, in terms of Standing Order 9.4, to accept an item of urgent business relating the unauthorised removal of trees in Perceton Conservation Area. Reference was also made to the withdrawal of Agenda Item 8 (Commencement of the Next North Ayrshire Local Development Plan).

2. Declarations of Interest

Councillor McNicol made a statement advising the Committee that he had been contacted by an objector in respect of Agenda Item 3 (14/00626/PPPM : Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats). Councillor McNicol advised the objector that, as a Member of the Planning Committee, it would not be appropriate for him to comment on the application, but was able to facilitate a meeting with the Planning Service to allow the objector to raise his concerns regarding the pre-application consultation arrangements.

The Committee noted that (a) the purpose of Councillor McNicol's statement was to update the Committee and did not constitute a declaration of interest; and (b) there were no other declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

3. Minutes

The accuracy of the Minutes of the Committee held on 4 February 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Suspension of Standing Orders

The Committee resolved, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the recommendation within Agenda Item 4 (14/00626/PPPM: Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats).

5. Ardrossan, Saltcoats and Stevenston

14/00626/PPPM: Site to North of Arran View Nursing Home and West of Dalry Road, Saltcoats

Robert Ryan/Land Partners, c/o McNally Associated Limited, 6 Newton Place, Glasgow have applied for planning permission in principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities and construction of new roundabouts with associated roads and landscaping, on a site to the north of Arran View Nursing Home and west of Dalry Road, Saltcoats. Three letters of objection have been received, as detailed in the report.

At its meeting on 4 February 2014, the Planning Committee agreed to grant this application, subject to (a) the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) the conditions contained in Appendix 1 to the report.

Following discussion with the applicants, a letter dated 4 March 2015 was received from Nellany & Co., the solicitors for the applicants, with a letter dated 24 February 2015 (set out in the Annex to Appendix 1) signed by the joint applicants, confirming that pre-conditions would address matters set out in Section 1 of the report in the subsequent application(s) for Matters Specified in Conditions (MSC). In the circumstances, the report recommended that the proposed Section 75 Agreement was no longer required as these matters were fully addressed in the aforementioned correspondence and could be implemented within the subsequent application(s) for MSC.

The Committee agreed to grant the application, subject to (a) the terms outlined in the letter dated 24 February 2015 set out in the Annex to Appendix 1 to the report and (b) to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development, affordable housing contribution, and a business plan to demonstrate employment provision or improvements to existing employment space, shall be obtained before the development is commenced.
2. That, prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved 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 the proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) A Transportation Assessment; (ii) detailed proposals for the provision of structure planting along the northern boundary of the RES(17) residential part of the site; and (iii) a Noise Impact Assessment and Air Quality Assessment to assess the potential impact of the proposed manufacturing/production/warehousing facilities and road traffic on existing and proposed residential properties.
6. That no development shall take place within the application site 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 the West of Scotland Archaeology Service, and approved 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 North Ayrshire Council as Planning Authority.

6. Irvine/Kilwinning

15/00040/PP : Site to the North West of 1 McLuckie Drive, Kilwinning

Edward McLaughlin, 8A McLuckie Drive, Kilwinning, has applied for planning permission for the erection of single-storey detached dwellinghouse with attached double garage to the north west of 1 McLuckie Drive, Kilwinning. One representation has been received, as detailed in the report.

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

1. That, notwithstanding the permission granted by Classes 1A, 1B and 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development in association with the erection of the dwellinghouse with attached garage, hereby approved.
2. That the side window on the north east elevation of the dwellinghouse hereby approved shall be fitted with obscure glass and permanently retained thereafter, to the satisfaction of North Ayrshire Council as Planning Authority.
3. 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.
4. 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.

7. Enforcement Charter: Town and Country Planning (Scotland) Act 1997, as Amended by the Planning Etc. (Scotland) Act 2006

Submitted report by the Executive Director (Economy and Communities) on the amendments to the Planning Enforcement Charter, which requires to be reviewed and re-published by the Council under the terms of Section 27 of the Planning Etc. (Scotland) Act 2006.

The Council approved and adopted the existing Planning Enforcement Charter in 2007. The revised Charter, set out at Appendix 1 to the report, incorporates a number of updates and additions in respect of advertisement and treework controls and takes account of Scottish Government guidance on the form and content of Enforcement Charters.

The Committee agreed to adopt the revised Planning Enforcement Charter set out at Appendix 1 to the report, subject to the approval of Scottish Ministers.

8. Land at Willowyard, Beith, Tree Preservation Order

Submitted report by the Chief Executive in respect of the Tree Preservation Order at Willowyard, Beith.

A Tree Preservation Order was served on the owner of the affected property at Willowyard, Beith, effective from 5 November 2014 and expiring after a period of 6 months unless confirmed. A Public Notice was made concurrently through a newspaper advertisement and the statutory period for receipt of objections lapsed on 4 December 2014. There have been no objections to the Order and six letters of support have been received, as summarised in Section 2 of the report.

The Committee agreed to confirm the Tree Preservation Order approved by the Planning Committee on 22 October 2014, in to order to protect the existing trees and woodland at Willowyard, Beith in the interest of amenity and their cultural and historic significance.

9. Commencement of the Next North Ayrshire Local Development Plan

The Acting Committee and Member Services Manager advised that this report had been withdrawn and would instead be subject to consideration at a meeting of the Local Development Plan Committee.

Noted.

10. Urgent item

10.1 Section 172 of the Town and Country Planning (Scotland) Act 1997: Unauthorised Removal of Trees within Perceton Conservation Area

Submitted report by the Executive Director (Economy and Communities) of the unauthorised removal of trees in Perceton Conservation Area which are protected under Section 172 of the Town and Country Planning (Scotland) Act 1997, as amended.

The Planning department received a telephone enquiry from a member of the public on 16 March 2015, expressing concern that mature trees had been felled at 35 The Paddock, Perceton. An initial site inspection noted that approximately 12-16 mature trees within the rear garden had been recently felled. Several mature trees remain standing around the boundary, but the overall number of trees within the tree belt in the garden have been reduced significantly.

The mature trees within the curtilage of the various properties in The Paddock make a significant contribution to the character and appearance of the Conservation Area, and it is considered that significant re-planting will be required to reduce the adverse impact on the Conservation Area. To date, there has been no indication of any replacement planting proposals by the owner.

The Committee agreed to (a) note the breach of planning legislation in respect of the unauthorised removal of the trees at 35 The Paddock, Perceton; (b) support action to secure replacement re-planting; and (c) approve formal legal enforcement action in terms of Section 171 of the Town and Country Planning (Scotland) Act 1997 in the event of replacement re-planting not being secured.

The Meeting ended at 2.35 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

Planning Area

3 June 2015**Isle of Arran**

Reference

14/00631/DCMS

Application

29th October 2014

Registered

Decision Due

29th January 2015

Ward

Ardrossan and Arran

Recommendation**Grant with Conditions contained in
Appendix 1**

LocationBogary Quarry
Sliddery
Isle of Arran**Applicant**John Thomson Construction Ltd
Lamlash
Isle of Arran
KA27 8NB**Proposal**Periodic review of mining site

1. Description

This application seeks to update the planning conditions for the quarry operations at Bogary Quarry, Sliddery, Isle of Arran in accordance with the periodic Review of Old Mineral Permissions (ROMP) procedure. Bogary Quarry is situated in a rural location, on the Ross Road, Sliddery, approximately 1.8km to the north of the C147 road at Sliddery. Bogary Farm, which is approximately 270 metres to the south-west of the site is the nearest residential property to the site. The applicant has confirmed that Bogary Quarry covers an area of approximately 1.3 ha.

The present conditions are 16 years old and relate to planning permission granted in 1999 (reference 01/97/0664).

The application was submitted in October 2014 following contact by Planning Officers. The proposed conditions were drafted by the applicant and have been amended following consultation responses and further discussions, including two site visits. It is now considered that the recommended conditions represent an improvement, in accordance with current best practice (reference PAN 50 and Circular 34/1996) on the previous planning consent, when permission was granted for an extension to the existing consent to excavate rock for twenty years, subject to 13 conditions.

The main effect of the proposed conditions would be to extend the period of the quarry operations until June 2024, by which time the site shall be left in a condition satisfactory to North Ayrshire Council as Planning Authority. Other conditions relate to hours of operation, noise levels, timing and frequency of blastings, wheel washing facilities, drainage arrangements, landscaping, no additional plant/buildings to be located on site and extractive waste.

There is an existing restoration bond between the applicant and the landowner, Arran Estates. A subsequent report (instructed by the applicant) prepared by DM Hall, priced the current cost of the restoration works.

AECOM was appointed by North Ayrshire Council to support the review of the proposed restoration plan and landscape specification for Bogary Quarry and provide advice on suitable restoration bond figures for this site. A site visit was carried out on 19 March 2015 by AECOM (accompanied by Planning Services and the Applicant), which confirmed that rock and stone graded to various sizes has been retained on site and set aside for reuse. The quarry face appeared stable with evidence of some water pooling formed in stockpiles of rubble. Surrounding grass land is scrubby in nature and the quarry setting is well screened from the road by adjacent indigenous trees.

The landscape restoration proposals were discussed at the meeting, and all present agreed that the proposals submitted will achieve the primary aim of the planning consent, which is to return the site to a naturalistic state using retained material on site along with importation of topsoil as required to form a cultivation layer.

Landscape reinstatement measures include infill of the quarry using stone recovered from site, creation of a battered face to a suitably shallow gradient and ultimately grass seeding of the entire area to return the land to rough pasture. Topsoil which has been stripped as part of earlier working operations has been set aside in topsoil storage bunds at the head of the quarry. It is intended that this material shall be utilised to form a uniform depth of minimum 150mm across the site prior to grass seeding. Advance tree planting has been undertaken around the perimeter of the quarry and are well established.

Total estimated restoration costs are contained within AECOM's report. AECOM considers that the landscape restoration plan is fit for purpose.

In terms of the adopted Local Development Plan (LDP), the application site is within an area of countryside. Policy ENV10 relates to proposals for mineral extraction. Whilst the underlying land use allocation is countryside, the proposal requires to be considered in terms of Policy ENV10 and the General Policy of the LDP. Scottish Government advice should also be taken into account.

2. Consultations and Representations

An advertisement was published in the local press on the 7th November 2014. No representations have been received.

Consultations:

Arran Community Council - no objections.

SEPA (Scottish Environment Protection Agency) - no objections.

Scottish Natural Heritage - the site has not expanded significantly and has only been active sporadically over the past 10 years. As a result there has been little disturbance to the interests of the Arran Moors SPA, part of which is within 300 metres of the Quarry boundary. This low level of use cannot be guaranteed into the future and consideration should be given to mitigation that could be put in place to minimise the potential for disturbance.

Response: noted. The applicant has amended the planning condition to ensure that no blasting takes place between the months of April and July, in order to avoid the bird breeding season.

Scottish Water - no response.

North Ayrshire Council Transportation - no objections. A previous problem had been encountered with water flowing from the entrance across the public road. This issue has been resolved, however express concern that it should not be allowed to reoccur in the future.

Response: noted. An appropriate condition would address this matter.

Environmental Health - no objections. Should planning permission be granted to extend the hours on a Saturday from 1300 hours to 1600 hours it should be noted that this would be contrary to the guidance issued in Planning Advice Note PAN 50 Controlling the Environmental Effects of Surface Mineral Workings. However the existing operations have not resulted in any complaints. Therefore, there are no objections to the revised working hours from Environmental Health. However, should a justified noise complaint be received it may be necessary that the hours be restricted in accordance with PAN 50.

Environmental Health is not opposed to the use of the quarry in emergency circumstances. However such emergency circumstances should be justifiable to the planning authority should complaints be received.

Response: noted.

Health and Safety Executive - no response.

3. Analysis

As noted above, the application requires to be considered in terms of the relevant provisions of the adopted LDP, in particular Policy ENV10 (Mineral Extraction) and the General Policy. Consideration of the application requires to take into account Scottish Government advice on ROMP, in particular Circular 34/1996.

Bogary Quarry is an operational site, therefore the provisions of Policy ENV10 are only relevant in relation to the proposed conditions. In particular, criterion (c) and (d) are of relevance to this proposal.

Criterion (c) of Policy ENV10 states that proposals require to demonstrate that "there are likely to be no unacceptable impacts on the amenity of nearby dwellings or communities or on groundwater, watercourses and water supplies, either during operations or in the longer term." As noted above, both SEPA and Environmental Health were consulted on the application, and neither objected to the proposed conditions, which would include controls relating to the amenity of the surrounding area, including households, and the water environment. It is considered that the proposed conditions would be acceptable and enable the requirements of criterion (c) to be satisfied.

Criterion (d) of Policy ENV10 states that proposals require to demonstrate that "there are restoration and aftercare plans in place which shall identify a positive end use such as habitat creation or recreation at the earliest opportunity, and which include progressive restoration over the life of the operation. Plans should also include long term proposals for preventing water pollution once operations cease."

Site restoration proposals have been prepared and submitted by the applicant, which include a landscape specification, topographical survey, long section, landscaping plan and reinstatement plan. As discussed above, the landscape reinstatement measures include infill of the quarry using stone recovered from site, creation of a battered face to a suitably shallow gradient and ultimately grass seeding of the entire area to return the land to rough pasture. Topsoil which has been stripped as part of earlier working operations has been set aside in topsoil storage bunds at the head of the quarry. It is intended that this material shall be utilised to form a uniform depth of minimum 150mm across the site prior to grass seeding. Advance tree planting has been undertaken around the perimeter of the quarry and species including Ash (*Fraxinus excelsior*); Rowan (*Sorbus aucuparia*); Hawthorn (*Crateagus monogyna*); Birch (*Betula pendula*); Scots Pine (*Pinus sylvestris*) and Willow (*Salix spp*) are now well established. The site inspection found the trees on site to be well established and thriving.

Aecom advises that there is sufficient material of appropriate quality on site to backfill the quarry to contours as shown on the Long Section drawing. There are stores of soil retained from site at the head of the quarry which will be used to top dress the finished graded profile. In addition, an allowance of an additional 400 tonnes of topsoil has been made to ensure sufficient depth for grass seeding area.

An allowance has been made to undertake the works over a period of 3 weeks in one phased operation. Based on this assumption and information provided by the applicant and DM Hall, budget cost estimates have been prepared by AECOM's Quantity Surveyor for the placing of backfill material and restoration.

Under the Scottish Mining Act there is a requirement of new applications of quarries to provide a detailed landscape maintenance and management plan of 5 years duration, to allow for successful establishment of landscape to maturity. As Bogary Quarry has approved planning consent and is subject to planning conditions, and given the nature of the return of the lease upon cessation of operations to the owner, it has been agreed that a 5 year maintenance and management plan is not required in this instance.

AECOM has advised that Bogary Quarry restoration plan and the associated costs provide a unique and relatively straightforward situation. The site has no outstanding ecological features nor is it located in area of landscape designation. There is no requirement to consider phasing of works, adequate backfill has been retained on site, topsoil stripping has been undertaken at an early stage and advance tree planting has been carried out. The site is securely fenced.

No significant objections or issues have been raised by the statutory consultees which cannot be addressed by planning conditions.

The landscaping and restoration details have been submitted and are considered to be acceptable, therefore planning conditions 10 and 12 of reference 01/97/0664 no longer require to be imposed. The applicant has also proposed a new planning condition regarding the management of extractive waste.

AECOM consider the Landscape Restoration Plan prepared by the applicant to be fit for purpose. A planting schedule detailing species name, density, plant size and numbers would normally form part of the information package. However on this occasion, earlier tree planting carried out on the site is deemed to be satisfactory and negates the need for a planting schedule. Similarly, due to lease arrangements of the Quarry site, that there is no requirement for a Maintenance and 5 year Management Plan.

Policy ENV 10 also states that the Council would require a bond to secure restoration and aftercare. In this particular case, the previous planning consents did not require a restoration/after care bond at Bogary Quarry. In a ROMP application, it is not possible to compel an mineral operator to introduce such a safeguard, if in the opinion of the operator, it would "prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site" as stated in Circular 34/1996. To impose a bond unilaterally could result in a claim against the Council for compensation. However, as discussed above, there is an existing bond in place between the applicant and the landowner and the applicant has been advised to pass the report by AECOM onto the landowner.

With respect to the General Policy, the relevant considerations are (a) siting, design and external appearance, (b) amenity, (c) landscape character and (d) access, roads layout, parking provision.

In terms of (a), there would be no new plant or buildings. The quarry is well screened from the surrounding area by established planting.

In terms of (b), the proposed conditions provide various safeguards to the amenity of the area in terms of improved environmental standards in relation to hours of operation, noise levels, timing and frequency of blastings, wheel washing facilities, drainage arrangements, landscaping, no additional plant/buildings to be located on site and extractive waste.

In terms of (c), the future workings would not adversely affect the landscape character of the area. AECOM has advised that the Landscape Restoration Plan is fit for purpose.

In terms of (d), North Ayrshire Council Transportation has raised no objections.

There are no other material considerations. The proposed conditions are in compliance with LDP policy and Scottish Government guidance, and would provide adequate safeguards to the local environment and the amenity of the area both during and beyond the lifespan of Bogary Quarry. It is recommended that the proposed conditions be approved.

4. Full Recommendation
See Appendix 1.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
14 May 2015

For further information please contact Julie Hanna, Planning Officer , on
telephone number 01294 324330

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00631/DCMS

Grant subject to the following conditions:-

1. That the development hereby permitted shall be in complete accordance with the approved plans and specification.
2. That the development hereby permitted shall be discontinued on or before 30 June 2024.
3. That, on expiry of the planning permission hereby granted or on such earlier date as the operator may have discontinued quarrying operations, the site and the terraced quarry face shall be left in a condition satisfactory to North Ayrshire Council as Planning Authority.
4. That the use hereby permitted except in an emergency shall operate between the hours of 0700 and 1900 hours Monday to Friday, 0700 and 1600 hours on a Saturday and shall not operate on a Sunday or public holidays.
5. That noise levels measured at least 3.5 metres in front of the facade of any dwellinghouse facing the quarry shall not exceed 55dB LAeq, 1h during the working hours specified above and 42dB LAeq, 1h at all other times, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That adequate wheel washing facilities shall be provided and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious material on public roads.
7. That blasting shall take place only on weekdays between 1000 and 1600 hours, excluding April to July inclusive, unless agreed otherwise in writing with North Ayrshire Council as Planning Authority. That there shall be a maximum of three blasts on any day and that each blast shall be designed so that no more than 10% of blasts exceeds ground vibration of 8.5mm per second and no blast exceeds 12.7mm per second, all to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the drainage arrangements shall comply with the method statement agreed by the Scottish Environment Protection Agency, including cut off drains in the land surrounding the quarry, to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the renewed drainage pipe across the quarry entrance shall be maintained to its current standard, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That no fixed plant or buildings shall be located on site without the benefit of a separate planning permission.
11. That, prior to the first blasting operation after the date of this permission, the applicant shall give 7 days notice to North Ayrshire Council as Planning Authority.

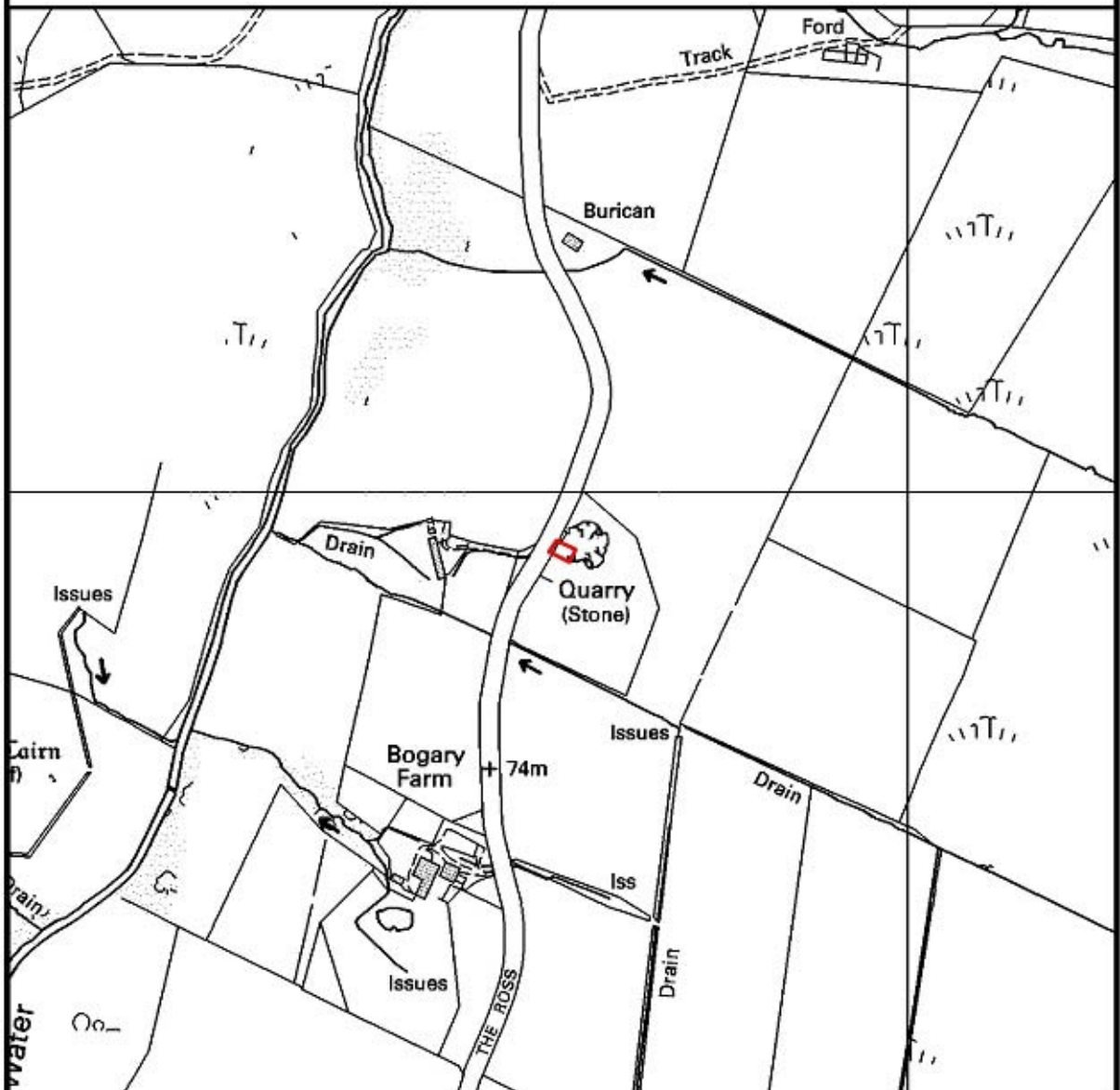
12. That extractive waste at this quarry will be managed in accordance with the extractive waste management plan. This plan will be reviewed by the operator no later than 30 April 2017 and every 5 years thereafter or in the event of substantial changes to the extractive waste, area, or waste facility, or waste deposited. Any amendments to the extractive waste management plan, whether as a result of a review or otherwise, shall be notified to North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

1. To maintain control over the development in the interest of amenity.
2. To secure the proper completion of the development in the interest of amenity.
3. To avoid the development site falling into an unsatisfactory condition in the interest of amenity.
4. To meet the requirements of Environmental Health.
5. To meet the requirements of Environmental Health.
6. To meet the requirements of Environmental Health.
7. To meet the requirements of Environmental Health.
8. To meet the requirements of the Scottish Environment Protection Agency.
9. To avoid surface water issuing onto the public road.
10. To maintain control over the development in the interest of amenity.
11. To meet the requirements of Environmental Health.
12. To reflect the current extractive waste legislation.

Committee Plans

14/00631/DCMS



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

Planning Area

3 June 2015**Isle of Arran**

Reference

15/00233/PP

Application

27 April 2015

Registered

Decision Due

27 June 2015

Ward

Ardrossan and Arran

Recommendation**Agree to grant subject to (a) no significant objections being received before 5 June 2015, and (b) the conditions contained in Appendix 1**

LocationSite to East of Grianan
Kildonan Road
Kildonan
Isle of Arran**Applicant**Mr and Mrs Mann T/A Grianan Holidays
3 Chemin Des Voirons
1296
Switzerland**Proposal**Erection of dwellinghouse

1. Description

This is a planning application for the erection of a one and a half storey detached dwellinghouse (to be used as a holiday letting house) at a site to the east of Grianan, Kildonan Road, Kildonan. The application site consists of an area of open ground situated to the northern side of the unclassified public road, located between the dwellinghouses at Grianan and Miodor House .

The application site is adjoined by residential properties to the east and to the west, the public road is to the south with the shore beyond and the area to the north of the site is allocated as countryside. The site is in the ownership of the applicant.

It is proposed to erect a one and a half storey detached dwellinghouse that would be accessed from a 3 metre wide driveway. A parking and turning area would be provided adjacent to the dwellinghouse. The dwellinghouse would be set back from the road by approximately 35 metres, would have a footprint of approximately 105 square metres, and would be approximately 6.1 metres high at its highest point. It is proposed that the dwellinghouse would be finished in rendered walls and grey roof tiles on the pitched roof, and the windows/doors would be of white upvc. The dwellinghouse would have a porch, hallway, lounge/kitchen, two bedrooms and a bathroom on the ground floor and two bedrooms and a bathroom on the first floor level. It is proposed to install 3 no. rooflights on the front elevation and 1 no. rooflight on the rear elevation. An area of decking would be formed to the front of the dwellinghouse and a patio door would give access from the lounge onto the decking area. An access ramp with a gradient of 1:12 would give access to the front porch.

The applicant has advised that the existing septic tank is of sufficient capacity to accommodate the proposed development.

The applicant has confirmed that the development would include part of an area previously designated as protected open space. The applicant considers the proposals to be acceptable under the terms of Policies TOU1, TOU2 and TOU3 of the adopted Local Development Plan (LDP) for the following reasons:

- i. the development is proposed as an extension to the existing holiday letting business of Grianan Holidays in order to meet the high demand for self-catering accommodation in this locality;
- ii. the development lies within an existing group of houses;
- iii. the scale and character of the proposal is compatible with existing buildings and is sympathetic to local amenity;
- iv. all the properties in the grouping are generously spaced and set back from the public road. This proposal would have minimal detrimental influence on the perceived open space of the locality;
- v. the proprietors of Grianan Holidays employ a local couple to service and maintain their holiday properties and this development would afford the opportunity to enhance local employment prospects and security.

Planning application (ref. 08/00278/PP) was refused on 17 June 2008 for the erection of a one and a half storey holiday letting cottage with associated parking at this site for the following reason:

"That, the proposed development would be contrary to Policy TOU 9 and Criteria (a), (b) and (c) of the Development Control Statement of the Isle of Arran Local Plan, in that it would result in a loss of protected open space and the proposed development would set an undesirable precedent for incremental loss of open space, which would have a detrimental impact on the character and visual appearance of the surrounding area."

The application site is situated within the settlement of Kildonan as identified within the adopted Local Development Plan (LDP).

Policy RES1 (Housing Allocation) states that proposals for residential development in areas allocated for housing on the LDP Maps shall accord with the LDP.

Policy TOU1 (Tourist Accommodation and Facilities) states that proposals to create or extend tourist facilities, hotels, boarding houses, bed and breakfast facilities and guesthouses, within Class 7, and managed units shall generally accord with the LDP where the proposed site is within a settlement boundary. Where the proposal is for an individual tourism accommodation and the unit is not clearly allied to a tourist facility, the facility is unlikely to be supported. The proposal shall be compatible with the underlying land use and appropriate in design and scale to surrounding uses.

Policy ENV12 (Development of Open Space) states that development of land identified on the LDP Maps as protected open space, including school playing fields, and small areas of recreational and amenity open space, not individually identified on the LDP Maps, shall not accord with the LDP unless the following criteria can be satisfied:

1. Where the proposed development is for an outdoor recreation or physical activity use, it will:

(a) improve the quality and range of outdoor recreation or physical activity facilities within the LDP area; AND

(b) not lead to an unacceptable net loss of open space (including playing fields); OR

2. Where the proposed development is for a use other than outdoor recreational or physical activity purposes, it will not set an undesirable precedent for further incremental loss of open space.

The following criteria apply to all proposals for development of open space:

3. The proposed development will not unacceptably impact upon the recreational and/or amenity value of any area of active or passive open space when considered in relation to the overall level of provision in the local area; AND

4. Where the loss of open space has a material effect on the quality, function or playing capacity of a facility, alternative provision of similar or improved community benefit and accessibility will be made available in a location which is convenient for its users.

The proposal also requires to be assessed against the General Policy of the LDP.

2. Consultations and Representations

Neighbour notification has been carried out and the application was advertised in the local press on 15 May 2015. Two objections have been received and the grounds of objection can be summarised as follows:

1. This application has previously been rejected and there is no reason why this situation has changed. Assurance was provided 18 months ago that this land in question would remain protected open space. The area of land is one of the last surviving wildlife corridors and is used by otters, hares and other small mammals as well as herons and invertebrates. This sense of wildness should be maintained as this is what attracts many visitors. There is no need for further developments of holiday lets in Kildonan when other properties remain unused. Other similar planning consents are not being implemented, demonstrating this lack of need.

Response: noted. Circumstances have changed since the previous planning application, with the adoption of the Local Development Plan in May 2014, adopting a more supportive approach to development. The open space allocation is not intended to preclude appropriate development and proposals for the loss of open space should be considered on their own merits. In this case, the site is an enclosed gap, providing limited or no recreational or passive open space function. There is no public access to the site and it is evident that it has been used as private ground for a period of time. Furthermore, there is adequate overall provision of open space in the area.

The development relates to the expansion of an existing holiday letting business within the settlement boundary of Kildonan. The demand for holiday lets in Kildonan is a private matter for the applicant to consider.

North Ayrshire Council Transportation - no objections, subject to a planning condition to be imposed to ensure that no surface water shall issue from the access/driveway onto the public road.

Arran Community Council - no response.

Scottish Water - no response.

3. Analysis

The application site is situated within the settlement of Kildonan as identified within the adopted LDP, therefore the principle of the development would accord with Policies RES1 (Housing Allocation) and TOU1 (Tourist Accommodation and Facilities) of the LDP. The proposed development would constitute the expansion of an existing holiday letting business within the settlement boundary of Kildonan, which is supported by Policy TOU1.

The application site is allocated as an area of protected open space and therefore requires to be assessed against Policy ENV12 (Development of Open Space). As discussed above, the applicant has submitted a statement in support of the application.

The settlement of Kildonan is characterised by a series of areas of open space along the settlement, which contribute to its rural setting. However, as discussed above, circumstances have changed since the refusal of the previous planning application (reference 08/00278/PP), with the adoption of the Local Development Plan adopting a more supportive approach to development. The open space allocation is not intended to preclude appropriate development and proposals for the loss of open space should be considered on their own merits. In this case, the site is an enclosed gap, with limited or no recreational or passive open space function as there is no public access to the site. Furthermore, there is adequate overall provision of open space in the area. It is considered that the loss of open space would not be significant and would not set an undesirable precedent and therefore would not be contrary to Policy ENV12.

The relevant criteria of the General Policy are siting, design and external appearance, amenity and access, road layout, and parking provision.

The dwellinghouse would be set back from the road by approximately 35 metres and would respect the stepped building line of the adjacent properties at Grianan and Miodor Mor House, as it would be positioned behind these dwellinghouses. There is a mixture of house designs in Kildonan. The proposed dwellinghouse would be relatively traditional in design. The dwellinghouse would be finished in render and grey roof tiles, which would complement existing finishes and are considered to be acceptable. It is, therefore, considered that the siting, design and external appearance of the dwellinghouse would be acceptable and would comply with the approved Rural Design Guidance.

With regard to amenity, it is considered that the dwellinghouse would not have a significant adverse impact on the amenity of the residential area and would have an acceptable level of residential amenity. There would be sufficient garden ground in association with the dwellinghouse, which would be to the front of the dwellinghouse, which is considered to be acceptable given its location adjacent to the shore.

Due to the position of the windows in relation to the neighbouring properties, it is considered that there would be no significant adverse impact with regard to overlooking, loss of privacy and overshadowing. Furthermore, the decking would be raised above ground level by approximately 300mm, and, as such, there would be no significant adverse impacts with overlooking and loss of privacy in this regard. With regard to access, road layout and parking provision, North Ayrshire Council Transportation has no objections.

The proposal is acceptable in relation to the relevant LDP policies, namely, RES1, TOU1, ENV12 and the General Policy.

In view of the foregoing, planning permission can be approved subject to conditions.

4. Full Recommendation
See Appendix 1.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
25 May 2015

For further information please contact Julie Hanna, Planning Officer , on
telephone number 01294 324330

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00233/PP

Agree to grant planning permission subject to: (a) no significant objections being received before 5 June 2015, and (b) to the following conditions:

1. That, prior to the commencement of the development, details of the boundary enclosures shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any such details which may be agreed shall be implemented prior to the occupation of the dwellinghouse and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the occupation of the dwellinghouse, hereby approved, the access/driveway shall be designed in such a way that no surface water shall issue onto the public road, to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, prior to occupation, the dwellinghouse hereby approved shall be provided with an adequate and wholesome water supply, details of which shall be submitted to and have received the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

The reason(s) for the above condition(s) are:-

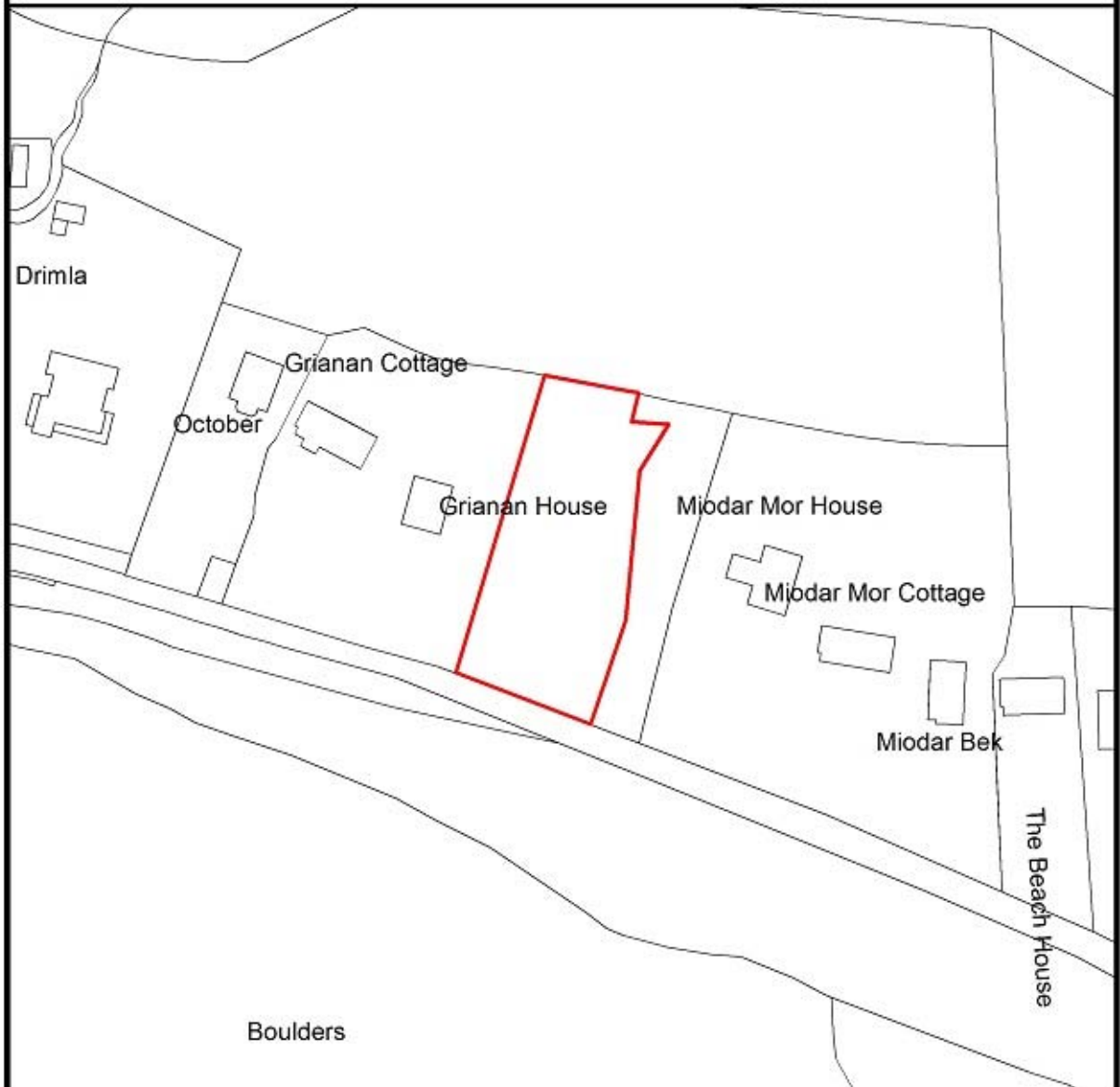
1. In the interest of the amenity of the area.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. To ensure that the occupants of the dwellinghouse are provided with an adequate and wholesome water supply.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Committee Plans

15/00233/PP



NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

Planning Area

3 June 2015**Garnock Valley**

Reference

15/00103/PPPM

Application

4th March 2015

Registered

Decision Due

4th July 2015

Ward

Dalry and West Kilbride

Recommendation**Grant with Conditions contained in
Appendix 1**

Location

Blairland Farm, Dalry

ApplicantThe Blair Trust Company Ltd
c/o Edinburgh Quay
133 Fountainbridge
Edinburgh**Proposal**Planning permission in principle for residential
development

1. Description

This application relates to a site of some 23.5 hectares in area, located to the south east of Dalry (see attached location plan). The site is roughly triangular in shape and is predominantly used for grazing and silage production, although the northern part of the site contains several coal and ironstone bings where the land is unmaintained and overgrown. The site also contains the Blairland Farm steading. Within the farm steading, is a dwellinghouse, byres, sheds, a slurry tank, silage pit and a telecoms mast, all of which are still in use.

The application site is adjoined by residential properties on Blair Road, Finlay Avenue, Douglas Avenue and Baidland Avenue to the north; by the Glasgow–Ayr railway to the west; and by the route of the proposed Dalry bypass to the east, beyond which is open countryside and the Blair Estate Designed Landscape.

The Blairland Farm steading occupies the highest part of the site. From this location, the ground slopes in a downhill direction to the north, south and east. Within the eastern part of the site, there is minor watercourse and a farm access track which links Blairland Farm to Blair Road. There is also a track leading from the farm steading to the railway line where an underbridge connects to another local track used for walking and cycling.

The line of the proposed Dalry bypass runs generally to the east of the site. Much of the bypass would be situated in a cutting, and where it would cross the railway line, an embankment would be formed. The bypass design has anticipated the proposed housing development and would incorporate earth mounds where the bypass would be elevated. The earth mounds have been designed to mitigate the visual and noise impacts of the bypass from the proposed housing development.

A concept masterplan has been submitted with the proposal. This illustrates a relatively low density development, with an interlinking street layout based on the Designing Streets concept and generous areas of open space, including play areas. Two new access routes from Blair Road, as well as pedestrian connections to the existing network of streets within the adjacent housing estate and to Dalry Railway Station have also been indicated.

The applicant is agreeable to a planning condition which would ensure that the concept masterplan, which is indicative at this stage in the planning process, would form the basis of a formal masterplan to be prepared along with a development brief in advance of the submission of applications for matters specified in condition (MSC). This would enable the masterplan for the site to build on the conceptual design work undertaken to date, which has been the subject of pre-application public consultation.

In the Adopted Local Development Plan (LDP) the application site is within a housing allocation which is subject to Policy RES2 (site 20). This policy identifies the site as one of a number of additional housing sites within the Plan, with an indicative capacity of 200 residential units. The policy also requires that these sites mitigate against unacceptable adverse impacts on infrastructure which may arise as a result of the development, as indicated in the Action Programme. The current edition of the Action Programme (dated July 2014) lists the indicative requirements for Blairland Farm as follows:-

- (a) Secure planting to south and west to offset visual impact considerations. Landscape buffer may be required given proximity to safeguarded route for Dalry bypass.
- (b) Agree site access points and off-site road improvements.
- (c) Footpath linkage to Dalry Railway Station to be explored.
- (d) Investigate capacity issues at Dalry Primary School. Secure contributions for education, if needed.
- (e) Investigate potential for flooding in consultation with the Council's Flooding & Structural Design Section.

Other relevant LDP policies are as follows:

- STRAT1: Population – the Council is committed to stimulating population growth within North Ayrshire
- STRAT6: Transport – the LDP safeguards the corridor for the Dalry bypass
- Policy PI 1 – Walking, cycling and public transport
- General Policy

In terms of planning history, there have been no previous planning applications for the site of relevance to the proposal. As the planning application falls into the major developments category, pre-application consultation was required, and a notice (ref. 14/00095/PREAPP) was submitted on 14 February 2014. This initiated the statutory pre-application procedures. A public event was held at Dalry Library on 29 April 2014 and a pre-application consultation report has been prepared and submitted with the proposal.

A series of documents have been submitted in support of the application, and a summary of each is provided below:

Pre-application Consultation (PAC) Report

The PAC report details the steps taken to publicise the proposed development in advance of the planning application being submitted. This included a public event held at Dalry Library on 29th April 2014. The event was staffed by members of the project team over a period of ten hours and a series of 10 exhibition panels were displayed for members of the public to view and make comment on. The event was attended by 83 people.

In addition to oral comments made on the day, 18 completed feedback forms and 3 emails were received by the project team. A variety of comments were made, including the need for housing; access, traffic and road safety issues; educational capacity in the area; environmental protection during construction; loss of views, wildlife and property values; the need to increase local amenities and services.

The PAC report considered the various responses made by making reference to the Local Development Plan and the various other studies undertaken in support of the application.

Air Quality Assessment

The assessment considered the effects of dust during construction phase, and made recommendations with respect to management practices to control on-site dust emissions. The overall effects are predicted to be negligible to minor adverse. The assessment also considered the effects of additional traffic generation on air quality, and predicts the overall effect of the development on local air quality to be negligible at all existing receptors.

Bat Survey Report

The report concluded that bats are not a significant ecological constraint. A small number of roosts were identified within the site, although mitigation would be relatively simple to achieve. An appropriate condition would address these matters. A licence from Scottish Natural Heritage would be required in order to relocate or disturb any bat roosts.

Preliminary Geo-environmental Assessment including Coal Mining Risk Assessment

Desk based assessment of potential sources of contamination, together with consideration of the proposed use for housing has resulted in an over risk rating as medium. By applying appropriate design and mitigation measures, this risk can be reduced to low. Potential mineral stability issues requiring further investigation have been identified.

Flood Risk Assessment and Drainage Assessment

The site is outwith the floodplain for the River Garnock, although there is a minor watercourse to the east of the site. The effects of this watercourse would be mitigated through implementation of SuDS and careful level design.

Heritage Assessment

The assessment provided a baseline summary of known and potential heritage assets for the area, and concludes that no designated heritage assets would be directly affected by the proposals. Indirect effects at category C listed Hillside Cottages have been identified in relation to noise and disturbance during construction, but not in relation to the completed development. Building recording for the unlisted Blairland Farm is suggested. A programme of archaeological trenching has been recommended prior to any development taking place.

Noise and Vibration Reports

The assessment considers the adjacent sources of noise and vibration from existing sources such as the railway line and factory units, as well as future sources, such as the proposed Dalry bypass, and concludes that noise standards for the development could all be met subject to the adoption of suitable mitigation measures in the layout, design and construction of the housing.

Preliminary Ecological Appraisal

The site is considered to be of ecological value with regards to protected and/or notable species, particularly bats and birds. The habitats on Site are considered to have potential to support roosting, foraging and commuting bats, and therefore, further ecological surveys are necessary to investigate the potential for bats and provide information for any potential mitigation to inform the risk of causing an offence under the Habitats Regulations 2010 (as amended). An appropriate condition would address these matters.

Services Report

This report details various services and utilities such as electricity, mains gas, mains water, public sewers and telecommunications infrastructure either on or below the site, or close to the site. The purpose of the report is to indicate that a variety of service connections exist close to the site and that some may require to be diverted or upgraded as necessary.

Transport Assessment

The assessment considers the connectivity of the site to the existing settlement of Dalry and the surrounding transport network. Consideration is given to walking, cycling, public transport as well as road traffic. The assessment considers traffic generation from the development. Consideration has also been given to the operation of the study network following the introduction of the proposed Dalry Bypass. The assessment concludes that the network could accommodate additional traffic, and provision would be made for traffic-calming on Blair Road as well as off-site enhancements for walking and cycling.

Preliminary Slag Analysis

The analysis follows intrusive investigation at the bings on the site as well as consideration of desk-based information sources. There are approximately 48,000 cubic metres of spoil from historic mining operations in the area. Analysis of the sampled material has confirmed that it would be unsuitable for use below roads or any other load bearing structures. It is suggested that the material could be re-used on the site for as the basis of earth mounds for landscaping purposes.

2. Consultations and Representations

The application was subject to the statutory neighbour notification process, with letters sent to 96 neighbouring landowners within 20m of the site boundary on 4 March 2015. A total of 8 letters of representation expressing objections and points of concern about the proposal were received. These are summarised below:

1. When considered in addition to the proposal for the site to the north east of 1 Blair Road (ref. 15/00100/PP), this proposal would result in the over-development of the area and a complete disregard for farm land, green areas, established wildlife, incompatibility with the surroundings and the people who live in the area. With this in mind, new housing should be sited sufficiently far enough away from the back of existing houses to maintain their semi-rural character/setting. In addition, children's play areas should not be sited close to the boundaries of existing housing.

Response: The release of the site for housing development has been progressed through the Local Development Plan, which included an external examination by independent Reporters. Whilst indicative, a capacity of 200 units has been identified within the LDP, the development of the site would be at a much lower density than the existing housing estate, and substantial areas of open and green space are envisaged. To this end, the development would be of different character to the existing housing, rather than incompatible. The wildlife surveys submitted with the application did not indicate any rare or protected species, and the proposed landscaping envisaged for the development has the potential to increase biodiversity in comparison with the existing farmland and bings. Whilst a detailed masterplan for the site would be prepared at a later stage, the concept masterplan would be used as the basis for this exercise. Notably, the concept masterplan indicates generous separation distances between existing and new housing, with play areas in overlooked locations within the development.

2. There are social considerations to be taken into account eg. pressure on local facilities: increased class sizes, the health centre and local dentist.

Response: The rate of development would be controlled through a planning condition, which would limit the number of houses built per year, on average, to 20. This would enable local services to adapt and increase capacity over a period of time. The additional households within the development would also help to safeguard the future of local services and facilities, which is a strategic aim of the Council.

3. There are former mine working under the site and there may be buried archaeological remains.

Response: Detailed reports have been prepared on both of these matters and consultation responses have been provided by the relevant agencies. Planning conditions could be attached to address the issues raised.

4. The development would have a detrimental impact upon residential amenity and there would be visual impact on the area. In addition, the development would result in over shadowing and a loss of light.

Response: The proposed development would address areas of long term vacant and derelict land adjacent to the existing housing estate. Whilst the proposed development would alter the rural agricultural character of the site, the ratio of green and open space to developed land would be such that many of the visual impacts would be mitigated. At this stage, there is no evidence to suggest that the proposed development would result in overshadowing or loss of light. These issues would require to be considered at a later date when detailed plans have been prepared, which would include information such as ground levels and house types.

5. Concerns have been raised about traffic generation, road safety, road capacity, access to development and visibility.

Response: A detailed Transport Assessment has been prepared which takes account of existing traffic flows, including peak flows and the effects of the proposed bypass. The Assessment concludes that there is adequate capacity within the local road network to accommodate the additional traffic which the proposed development is forecast to generate. Further traffic calming and footway improvements on Blair Road would be provided, and site access junctions would be designed to have adequate visibility splays for the current 30mph speed limit. In addition, the site is located adjacent to the railway station and a local bus route, and measures would be taken as part of the development to improve pedestrian routes between the site and public transport facilities. Finally, the Council has secured Sustrans funding for the upgrading of the Lover's Walk as a traffic-free cycling/walking route, whilst taking agricultural traffic into account. See below the consultation responses from the Council's Access Officer and Transportation Section,.

6. Concerns have been raised about the position of the proposed access road opposite 69 Blair Road.

Response: This is a matter of detail which would require to be considered when detailed plans for site access routes are prepared. which would include consideration of visibility splays, traffic calming measures and so on.

7. Concerns have been raised about the effects of the proposed development on Stoopshill Farm.

Response: It is understood that the fields at Blairland Farm are leased through an agricultural tenancy to Stoopshill Farm. The land has been allocated for housing development through the adopted Local Development Plan, which has already established the principle of housing development on this site. Adoption of the LDP by the Council followed an examination during which this issue was considered by the Reporters. The Reporters' recommendations to the Council regarding the housing allocations in the LDP, which included Blairland Farm, are binding.

8. Concerns have been raised about the effects of the development on Blairland farm steading.

Response: The concept masterplan indicates the retention of the stone house and the removal of the other structures. None of the buildings at Blairland Farm are listed, meaning that there are no statutory controls to prevent their demolition, subject to the appropriate warrant being obtained. At this stage, it is unclear whether or not the development would retain any of the buildings at Blairland Farm. This issue would become clearer as matters progress to the next stage of the planning process.

9. Concerns have been raised about the access implications in relation to existing dwellinghouses during and after construction, as well as noise, disturbance and pollution during construction

Response: The applicant's agent has confirmed that it is the applicant's "preference for the phasing of the development to be organised in a manner which required all construction traffic to utilise the existing Blairland Farm access road in order to avoid disruption to the adjoining housing. Furthermore, the intention is to avoid, where possible, heavy construction traffic going through Dalry, thereby reducing potential adverse impacts on road safety and minimising potential disruption and congestion for road users." The applicant has also confirmed that they would have no issue in principle with the access road to the west of the site (leading from Blair Road) forming part of the first phase of the development and being restricted to non-construction traffic use. A condition could be attached requiring the submission and approval of a Construction Management Strategy Plan prior to the commencement of development. Where possible, this would enable appropriate measures to be taken, in liaison with Transport Scotland, to organise construction work on the housing site with that associated with the proposed Dalry bypass in order to reduce disruption and inconvenience on the local road network.

Finally, various other matters have been raised which are not material planning considerations:

- property values
- the effects of any development on existing rural views from houses
- loss of the agricultural tenancy
- claims for compensation

The above matters do not require a response.

Consultations

Coal Authority – no objection subject to conditions. The CA confirms that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that in addition to coal workings within 5 seams at 40m to 237m depth, the site also contains two recorded mine entries (shaft - CA refs. 229648-001 and 229649-004) which are located close to the western boundary of the site. Appropriate and up-to-date mining and geological information, including a Coal Authority Mining Report, a Landmark Technical Report and BGS mapping, has been obtained on behalf of the applicant and has been used to inform a Coal Mining Risk Assessment which has been included within a Preliminary Geo-Environmental Risk Assessment (March 2014, prepared by Waterman), which accompanies this planning application.

The Coal Authority recommends that the LPA impose a planning condition requiring investigations into the location and condition of the recorded mine entries prior to the submission of the final detailed layout for the site, and any other site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the recorded mine entries or other mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works are undertaken prior to commencement of the development.

Response: Suitable conditions and an informative to meet the requirements of the Coal Authority could be attached to the grant of planning permission.

Network Rail - no objection subject to condition(s). Due to its close proximity to the operational railway, Network Rail would request that the following matters are considered and addressed at the detailed stage either by condition or informative notes:

- site drainage details,
- suitable barriers to prevent unauthorised and unsafe access to the railway.
- Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Issues often arise where sensitive development types are sited in close proximity to the rail line. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.

The possible footpath link to the southbound platform of Dalry Station would require further discussion.

Response: Conditions would address the design and provision of boundary treatment, landscaping and drainage for the site. A noise report has been prepared to enable suitable noise mitigation measures to be designed and provided as part of the development, which would also be the subject of a planning condition. Discussions between the applicant and Network Rail are ongoing with regard to the proposed path connection into the station. An informative would address the other issues raised by Network Rail.

North Ayrshire Council Access Officer - no objection subject to conditions providing for multi-user access through the site to link with Core Path GV 13 (Blair Road) and to the railway station. Following on from the proposal, funding from Sustrans has been secured for the design of an improved route from Dalry Railway Station to Garnock Street (known as the Lover's Walk). This upgrade, subject to securing the necessary external funding, would be delivered independently of the proposed development. The upgrading of Lover's Walk would result in enhanced connectivity between the Blair area of Dalry and local services via a traffic free route, whilst taking the seasonal farm traffic into account. Further discussion would be undertaken with the landowner(s) to ensure that the works are complementary to multi-user access provision proposed within the application site and to improve the overall connectivity of the proposed development with the wider area.

Response: Noted. The above condition could be incorporated into a condition for the site masterplan.

North Ayrshire Council Environmental Health - no objection subject to conditions:

(a) Potential Contaminated land

Conditions have been recommended with regard to the recommendations contained in the geo-environmental risk assessment to assess the likelihood of any contamination. Findings and a remediation strategy shall then be submitted to the Council. Verification of the works undertaken shall also be submitted.

(b) Noise

There is a railway line and a small industrial site nearby (Bridgend Industrial Estate).

The design, construction and orientation of houses must be such that the noise from traffic sources (road and rail) meet the following noise targets:

- a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
- b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
- c) Night time internal level, 45dB LA Max (2300-0700); and

It is preferred that the above internal targets be achieved with windows open for ventilation.

(c) Air quality

The submitted Air Quality Assessment (December 2014) is suitable for its intended purpose at this time.

(d) Other environmental considerations

Given the proximity of the site to existing housing, advice on a range of issues relating to pollution prevention and control from site development and construction works has been provided.

Response: Suitably worded conditions and an informative could be attached to meet the above requirements.

North Ayrshire Council Estates - no objection. There are two areas of the application site owned by the Council under the Housing account namely (i) a rectangular corridor of land that currently consists of grass, shrubs and a 2m wide footpath linking Finlay Avenue to Blair Road, (ii) a small triangular area of land to the west of Finlay Avenue which is currently unmaintained and used as a dumping ground. There is no objection to either of these areas being incorporated into the development. It is recommended that both areas are sold to the applicant or developer as a single transaction.

Response: Noted. The applicant is agreeable to this approach.

North Ayrshire Council Education & Youth Employment - no objection subject to a condition regarding the rate of development. Dalry Primary School is currently operating at around 90% occupancy and the roll projection shows that this is likely to increase as a direct result of the proposed housing development. The draft condition which has been proposed, limiting house completions to 20 per year with reviews at two yearly intervals, would be acceptable to North Ayrshire Council Education and Youth Employment.

Response: The implications of the proposed development in relation to one of the local primary schools have been discussed with the applicant's agent, who would be agreeable to a condition limiting the number of house completions to 20 per year, with a review at two yearly intervals. This would result in a more gradual rate of development - at the rate of 20 per year, 200 houses would take 10 years to complete. A suitably worded condition could be attached to meet the above requirements. See also Analysis, below.

North Ayrshire Council Transportation - no objection subject to conditions. With the introduction of 'Designing Streets' it is recommended that new housing developments should avoid the use of cul-de-sacs and avoid using a single point of vehicular access. 'Designing Streets' recommends a road pattern with multiple points of vehicular access connecting to the surrounding road network, including links to existing developments. This has been consistently expressed during pre-application design team meetings and the concept masterplan is indicative of these aims. This approach should be maintained within the development itself. The final layout would need to satisfy the Roads Authority and agreed through the Road Construction Consent (RCC) process.

The design of new developments should be permeable for pedestrians and cyclists. Developments should provide direct access to public transport facilities, the existing footpath network and the wider network of cycle routes. This may require the provision of links beyond the development site by agreement.

The existing traffic calming on Blair Road in the vicinity of the two proposed junction points shall require to be altered as necessary to the satisfaction of the Roads Authority during the RCC Process.

The preferred route for construction traffic would be from the A737 via the C99 Highfield Road and the C57 Blair Road.

Response: As noted within the Analysis section, below, the site would have several access points, is well located in relation to established public transport networks (bus and rail) and would be well connected to existing footpath networks in the area. A permeable site layout would be achieved through further design work on the concept masterplan, which would be addressed by condition.

The development of the site would result in additional traffic generation (both motorised and non-motorised). Further traffic calming works on Blair Road as well as measures to enhance pedestrian connectivity with the nearby railway station and path networks in the area would be considered as part of the subsequent detailed masterplan and RCC stages prior to the commencement of the development. North Ayrshire Council Transportation has also confirmed that funding from SPT would be sought to widen the pedestrian footway on Bridgend between Dalry Railway Station towards the town centre in order to accommodate additional pedestrian traffic and encourage modal shift.

Construction traffic routing can be the subject of a planning condition.

Scottish Water - no objection. Any planning approval granted by the Local Authority does not guarantee a connection to Scottish Water infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received. Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand would have on our existing infrastructure.

Response: Noted. An informative can be attached with respect to the above.

SEPA – no objection subject to a condition regarding the submission of further information at the detailed planning stage to fully verify the potential flood risk from the minor watercourse running through the site. This should take the form of a more detailed flood risk assessment to identify areas of the site at risk of flooding, and to inform the development layout and safe development levels. No built development or infrastructure should be located within the 1 in 200 year functional floodplain.

Response: Noted. There is no history of flooding at the site, although the proposed development would need to take into account the minor watercourse referred to by SEPA which is located towards the eastern part of the site in order to address any potential flood risk. A condition can be attached with respect to the above.

Transport Scotland - no objection subject to conditions relating to: the submission of details of lighting within the site, landscaping and barrier details along the boundary of the site with the Dalry bypass, and on the condition that there shall be no drainage connections to the trunk road drainage system.

Response: Noted. Conditions can be imposed to meet the above requirements.

West of Scotland Archaeology Service - no objection subject to a negative suspensive condition. WoSAS consider that the submitted heritage assessment is likely to represent a reasonable picture of the likely impacts of the development. Given that the majority of the prospective development area comprises open farmland, WoSAS agree that there is the potential for significant archaeological material to survive below ground level. The recommendation made in section 6.6 of the document that a programme of archaeological trial trenching should be carried out across the site in advance of any development taking place is consistent with Planning Advice Note 2/2011. WoSAS recommend that a prior archaeological evaluation of this proposed development area be carried out before the planning application is determined. However, in the event that prior evaluation is not carried out for any reason, the alternative would be to attach a condition if consent is granted. The only appropriate form of condition in these circumstances would be a negative suspensive condition to allow the potentially complex archaeological issues to be addressed in detail after the principle of development has been accepted.

Response: Archaeological pre-evaluation has been discussed with the applicant's agent. Due to the costs involved, the applicant's preference is for a negative suspensive condition to enable investigation post-consent, but in advance of site development. This would enable any remains which are uncovered to be considered as part of the formal masterplan exercise. Accordingly, a suitably worded condition could be imposed to meet the requirements of WoSAS.

Dalry Community Council – no comments.

3. Analysis

The application seeks planning permission in principle for the residential development of a large area of ground located to the south east of Dalry. The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES 2 of the LDP and identified with an indicative capacity of 200 residential units. Policy RES 2 states that development of these sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development with indicative requirements for each site being set out in the related Action Programme.

The current LDP Action Programme, which dates from July 2014, lists the following as indicative requirements:-

- (a) Secure planting to south and west to offset visual impact considerations. Landscape buffer may be required given proximity to safeguarded route for Dalry bypass.
- (b) Agree site access points and off-site road improvements.
- (c) Footpath linkage to Dalry Railway Station to be explored.
- (d) Investigate capacity issues at Dalry Primary School. Secure contributions for education, if needed.
- (e) Investigate potential for flooding in consultation with the Council's Flooding & Structural Design Section.

In relation to the above Action Programme points:

(a) the concept masterplan indicates planting to the south and west of the site. The concept masterplan would form the basis of a formal masterplan and development brief for the site which would be secured by condition in advance of the MSC application(s) - see further commentary below in relation to General Policy.

(b) and (c) two site access points from Blair Road as well as a footpath link to Douglas Avenue, Dalry Railway Station and the surrounding rural path network have all been indicated on the concept masterplan. These matters could be addressed by condition at this stage and delivered through the subsequent masterplan and MSC application(s).

(d) Capacity issues at Dalry Primary School have been investigated through consultation with North Ayrshire Council Education and Youth Employment and subsequently discussed with the applicant's agent. Agreement has been reached that a build rate of 20 units per year, with a two year review period, would be the most effective way to manage this issue. This would avoid any requirement for a developer contribution, particularly as the school is currently operating below its capacity. There are no firm plans in place for alterations to the school at the present time. In addition, there are other primary schools in the local area which are operating with spare capacity. In these circumstances, it would be unreasonable to require a developer contribution.

(e) The application has been subject to a flood risk and drainage assessment. A minor watercourse, part of which is culverted, runs close to the eastern boundary of the site near the route of the proposed Dalry bypass. The assessment concludes that there is no flood risk to the development from the watercourse, although SEPA has requested that a further flood risk assessment is undertaken prior to the preparation of the detailed site layout. This is a matter which can be addressed by condition. Foul drainage from the development would require to be pumped in order to connect to the existing public sewer network. Surface water drainage would be managed through a comprehensive SuDS system. The concept masterplan indicates a detention pond for SuDS at the lowest part of the site, which is at the south west adjacent to the railway line and the proposed bypass.

It is considered that this application for planning permission in principle for residential development, subject to the above noted legal agreement would comply with both Policy RES2 (Additional Housing Sites).

Policy STRAT1 states that the Council is committed to stimulating population growth within North Ayrshire. The proposed development would contribute to this strategic aim.

Policy STRAT6 safeguards the corridor for the Dalry bypass. The proposal has taken the Dalry bypass into account, and the application was subject to consultation with Transport Scotland, who has no objections to the proposal. There would be no direct access to the Dalry bypass from the proposed housing development at Blairland Farm.

In terms of Policy PI 1, which relates to "all development proposals which will result in significant trip generation" applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users by demonstrating that:

(a) the proposals reflect the principles of 'Designing Streets' where applicable.

Early discussion took place with Transportation officers with regard to the concept masterplan, and a workshop with Architecture & Design Scotland was held in February 2014. Whilst further work is required to refine and develop the site layout, an appropriate condition could be attached to ensure that the formal masterplan builds on the framework of the concept masterplan. This has been discussed with the applicant's agent, who is agreeable to this approach.

(b) at an early design stage, consideration has been given to likely desire routes which shall inform the design of the development;

(c) connectivity is maximised within and to the development site by providing direct routes to wider path networks where possible;

The site is located adjacent to Blair Road, which is adjacent to Dalry Railway Station and a local bus route. Blair Road is also the main connection from the site to the town centre. An alternative off-road route to the town centre via the Lover's Walk from the railway station to Garnock Street is the subject of a proposed upgrade by Sustrans in partnership with North Ayrshire Council.

(d) any paths through the site are clearly signposted, well lit and where possible overlooked.

It is envisaged that the development would incorporate street lighting to meet the Council's requirements. Remote footpaths would be avoided through the adoption of Designing Streets principles in the masterplan. It is anticipated that signposting would be limited to street nameplates.

(e) relates to development which would be used by a significant volume of visitors/employees and is not applicable to this proposal;

(f) discussion with SPT has been undertaken to consider the provision of a new or diverted bus route(s) to serve the development.

Blair Road, Baidland Avenue and Douglas Avenue form part of an existing bus route serving Dalry and provides local services on a daily basis. There are existing bus stops within 20m of the site boundary on Douglas Avenue. In addition, Dalry Railway Station is within comfortable walking distance of all parts of the site.

(g) proposals for major development which would involve significant trip generation would require the preparation of a Travel Plan for the development. A Transport Assessment may be required where development would involve significant trip generation.

Given the range of physical measures either proposed or committed to improve connectivity between the site and the adjacent area, and in recognition that housing developments have a different trip generation profile to commercial, education or industrial developments, it is not considered necessary for a Travel Plan to be prepared. As noted above, a Transport Assessment has been prepared following extensive discussion with officers. No objections have been offered by the Transportation section, who have also indicated that the Council would seek SPT funding for footway enhancements on Bridgend, near to the site.

The proximity of the site to Dalry Railway Station is also a significant benefit of the site location, given the frequency of train services to Glasgow, Renfrewshire and Ayrshire. The concept masterplan indicates a potential footpath link into the station. At this stage, Network Rail are not opposed to the formation of such a link, which would enhance the convenience of the development for rail travel and encourage the modal shift advocated by Policy PI 1. The provision of the path link into the station would require further discussion with Network Rail during the subsequent planning stages. In summary, it is considered that the proposal is satisfactory in terms of Policy PI 1.

In relation to the General Policy of the LDP criterion (a) requires the proposed development to be of acceptable siting, design and external appearance. As per Policy PI 1, criterion (a) also requires the development to incorporate the principles of the Scottish Government's Designing Streets and Designing Places guidance. As a pre-cursor to the MSC stage, the preparation of a formal masterplan and development brief would be required for the approval of the Council as Planning Authority. The applicant's agent is agreeable to this approach, which would be secured by condition.

The formal masterplan and development brief for Blairland Farm would be based on the concept masterplan which has been submitted with the current application. The applicant intends to market the site with the benefit of permission in principle, and have indicated that this approach would enable the concept masterplan to be used as a framework for the preparation of the formal masterplan by the purchaser(s) of the site. The subsequent MSC applications would then be informed, assessed and determined against the formal masterplan and the associated brief. This would produce more certainty in terms of access, layout, drainage and design concepts for the scheme. The more detailed design issues, such as house types, external finishes, landscape design and so on, would all be dealt with at MSC stage.

In relation to criterion (b) Amenity, the proposed development would require to demonstrate that it could be achieved without any significant adverse impact on the amenity of nearby properties. While some objections have been received in relation to privacy issues, contamination and disturbance from vehicular traffic, conditions would require further detailed information to be submitted in relation to these matters, and the phasing of these issues, at the detailed planning stage. These matters can be addressed by appropriate conditions.

Criterion (d) relates to access, road layout and parking provision. The Council's Transportation Section has offered no objection to the proposed development. Conditions would be required to ensure that the development be designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents, and to provide a minimum of two points of vehicular access from the existing road network and multiple points of pedestrian access. The North Ayrshire Council Access Officer has secured funding from Sustrans to upgrade the existing farm track from Dalry Railway Station to Garnock Street (Lover's Walk) as a cycle/footpath route. This would enable residents in the area, including those in the development site, to reach local services from a traffic-free route.

In addition, North Ayrshire Council Transportation and letters of representation have requested that the existing road network within the Blair housing estate is not used for construction access purposes. This issue has been discussed with the applicant's agent, who is agreeable to a condition relating to construction traffic access routes. The opportunity exists to utilise the existing farm track for site access, which is located at the eastern end of Blair Road. Construction traffic could avoid built-up areas by using the minor road which leads eastwards to the A737 at Highfield. Adopting a routing strategy would reduce heavy traffic generation in the narrow streets of the Blair housing estate.

There are no other material considerations at this stage. Accordingly, it is recommended that planning permission in principle is granted subject to conditions.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
5 May 2015

For further information please contact Mr A. Hume, Senior Development Management Officer , on telephone number ef01294 324318

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00103/PPPM

Grant subject to the following conditions:-

1. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.

2. 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 5, 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.

3. That, prior to the submission of the first application for approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (March 2007), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:

- there shall be no drainage connections to the trunk road drainage system;
- all foul water arising from the development must be collected and diverted away from operational railway land;
- all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
- the SuDS scheme shall not be sited within 10 metres of railway infrastructure.

Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.

5. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site in general accordance with the concept masterplan prepared by McCreadie Design (drawing ref. L(90)002) together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively, and shall generally accord with the concept masterplan in relation to:

- the means of access to the site, including at least two vehicular connections from the public road network into the site and multi-user links including a link to the railway station and through the site to Blair Road (Core Path GV 13);
- the street layout;
- structural landscaping;
- areas of open space; and
- areas for children's play.

In addition, the detailed masterplan and development brief 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.

Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:

- (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
- (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
- (c) Night time internal level, 45dB LA Max (2300-0700).

Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.

7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. 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 a remediation scheme to be agreed in writing with 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 to North Ayrshire Council as Planning Authority.

8. 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.

9. That, prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.

10. That, prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.

11. That, prior to the commencement of the development hereby approved, the developer shall submit details of the frontage landscaping treatment along the boundary with the proposed A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.

12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland TRBO shall be erected and maintained along the proposed boundary of the site with the proposed A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.

13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100_R_1_1_2_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.

14. That the development shall initially be limited to a maximum of 20 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 20 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

1. To meet the requirements of the Coal Authority.
2. To meet the requirements of the West of Scotland Archaeology Service.
3. To ensure that an appropriate SuDS strategy is prepared and implemented.
4. To meet the requirements of SEPA.
5. To secure a masterplan for the development in the interests of the proper planning of the area.
6. In the interests of amenity of the development.
7. To ensure that any contamination is appropriately remediated.
8. In the interests of amenity, traffic and pedestrian safety.
9. In the interests of the proper planning of the development.
10. To meet the requirements of Transport Scotland in the interests of trunk road safety.
11. To meet the requirements of Transport Scotland in the interests of trunk road safety.

12. To meet the requirements of Transport Scotland and Network Rail in the interests of trunk road and railway safety.
13. In the interests of the ecology of the area and to safeguard protected species.
14. To enable the development proceed on a phased basis in order to take into account local primary school capacity.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Committee Plans

15/00103/PPPM



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

3 June 2015

Planning Committee

Subject: **Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Beith: 83 Eglinton Street.**

Purpose: To seek approval to serve a Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring removal of unauthorised advertisements.

Recommendation: That the Committee approves the serving of a Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to abate the adverse impact the advertisements are having on local amenity, as detailed in the report.

1. Introduction

- 1.1 This report recommends the service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 ("Advertisement Enforcement Notice") in relation to land at 83 Eglinton Street, Beith. An Advertisement Enforcement Notice allows the Council, as Planning Authority, to serve on the owner, lessee and occupier of land and any other person known to the Planning Authority to be displaying the unauthorised advertisement, a notice requiring the removal of an unauthorised advertisement.
- 1.2 83 Eglinton Street is adjacent to and faces onto the Beith Conservation Area. Planning permission was granted on 15 February 2012 for development including the change of use of 83 Eglinton Street, Beith from a church to a shop (ref: 11/00606/PP). The shop use commenced in December 2014 and is currently trading as 'Day-Today Beith Supermarket.' Various signs were erected without consent when the shop use commenced. An application for advertising consent to retain the signage was submitted in February 2015 (ref: 15/00063/ADC). The application was partially approved and partially refused on 9 April 2015.

- 1.3 The signage which was refused included internally illuminated fascia signs, already in situ, sited on the front (north) elevation. It is these advertisements which are the subject of this report. The advertisements are 850mm high and project 100mm from the building elevation. The two advertisement sit adjacent to one another and are read as a continuous sign. The sign sited to the east is 9500mm in length and the sign to the west 9250mm in length, giving a total length of 18750mm (18.75metres). The eastern sign has the legends 'Your Local Independent Convenience Store,' and 'Day-Today.' The western sign bears the legend 'Beith Supermarket.' Both signs are constructed from powder coated aluminium and perspex and finished in a grey, white, red and black livery.
- 1.4 The advertisements, by virtue of their size including excessive combined width, bulky return depth and internal illumination, have an adverse impact on local amenity. The advertisements face towards and are considered to be prominent when viewed from the Beith Conservation Area, and neither preserve nor enhance the Conservation Area, and have an adverse impact upon its setting. Furthermore the advertisements are contrary to Policy A3 in the Adopted North Ayrshire Local Development Plan, as they do not comply with the Council's approved Control of Advertisements Policy. The Control of Advertisements Policy states that with the exception of conservation areas, fascia signs shall be permitted in principle above shops subject to the sign being related to the design of the shop front. Whilst the site is not within the Beith Conservation Area, it is situated immediately adjacent to it. The houses on the opposite side of the street are within the Conservation Area, as are the properties to the north east.

2. Current Position

- 2.1 The advertisements were installed without consent following the commencement of the shop use in December 2014. An application to retain the advertisements, and others on the premises, was submitted February 2015. This application was refused in respect of the advertisements, which are the subject of this report. The decision followed attempted negotiation with the applicant, including a request for the fascia signage on the front (north) elevation to be reduced in width, a much reduced return depth and external illumination. However, the applicant declined to amend the proposal.
- 2.2 The refusal of the application in relation to the advertisements was issued on 9 April 2015. The applicant, who has also confirmed ownership of the property, has been advised in writing that the authority for the issue of an advertisement enforcement notice is being sought and that the unauthorised signage should be removed.

3. Proposals

- 3.1 The display of these advertisements is having an adverse impact upon the amenity of the area. In the interest of the amenity of the area it is proposed that a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 be served to secure the following:

- (i) Remove the internally illuminated fascia signs from the front (north) elevation

4. Implications

Financial Implications

- 4.1 Should any requirement of the Advertisement Enforcement Notice not be complied with, following the expiry of the compliance period, the Council, as Planning Authority, may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person who is the land owner or lessee any expenses reasonably incurred during the carrying out of those works.

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 The proposed Advertisement Enforcement Notice is in accordance with the Statutory Regulations.

Equality Implications

- 4.4 N/A

Environmental and Sustainability Implications

- 4.5 N/A

Implications for Key Priorities

- 4.6 The proposed Advertisement Enforcement Notice supports the Council's Strategic Priority - "Protecting and enhancing the environment for future generations."

5. Consultations

- 5.1 Finance and Corporate Support has been advised of the Report in terms of budgetary provision.

6. Conclusion

- 6.1 It is considered that the owner of the property who is the person responsible for the display of the advertisement has been given significant notice and opportunity to remove the unauthorised advertisements, to abate the adverse impact upon local amenity. The service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 would appear the only option open to the Council to ensure the adverse impact on local amenity is abated.



KAREN YEOMANS
Executive Director (Economy and Communities)

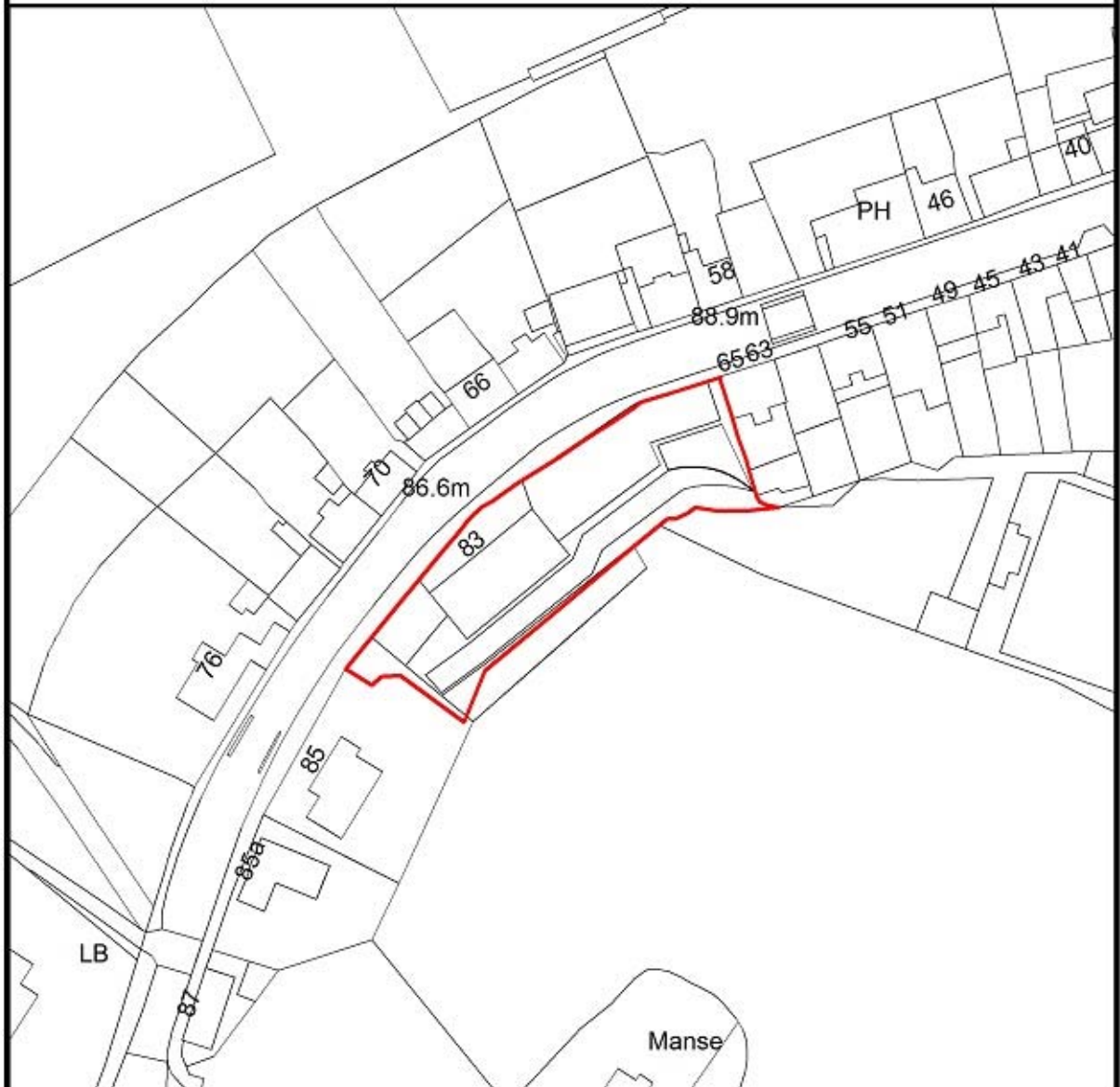
Reference : ID

For further information please contact Iain Davies, Planning Officer on telephone number 01294 324320

Background Papers

N/A

Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Beith: 83 Eglinton Street



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