



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

20 February 2014

### **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 26 FEBRUARY 2014** 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 the meeting of the Committee held on 5 February 2014 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. North Coast and Cumbraes**

Submit report on the following application:-

**12/00159/PPM : Site to North of Fairlie Primary School**

Agree to (a) vary the terms of Condition 1 to permit the development to commence prior to the upgrading of the culvert between the application site and the Firth of Clyde; and (b) amend Conditions 2, 3 and 4 and delete Condition 6, to reflect (i) additional information submitted by the applicants with regard to drainage and (ii) the comments of SEPA (copy enclosed).

**4. Urgent Items**

Any other items which the Chair considers to be urgent.

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## Planning Committee

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

(Chair)  
(Vice-Chair)

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
5 February 2014

**IRVINE, 5 February 2014** - 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, Tom Marshall, Ronnie McNicol and Robert Steel.

**In Attendance**

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Development and Environment); and J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Joe Cullinane and Jim Montgomerie.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 15 January 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Irvine/Kilwinning**

**13/00705/PP : Gailes Farm, Gailes, Irvine**

Dawn Developments, 220 West George Street, Glasgow have applied for planning permission for the demolition of the existing farm outbuildings, the refurbishment and extension of the existing farmhouse and the erection of seven executive houses with associated green space at Gailes Farm, Gailes, Irvine. One objection and one letter of representation have been received, as detailed in the report.

The Senior Manager (Planning, Transportation and Regeneration) circulated a revised Appendix 1 to the report, which contained an amendment to Condition 6 and the inclusion of a further condition.

The Committee, having considered the terms of the objection and representation, agreed to grant the application subject to the following conditions:-

1. That, prior to the commencement of the development, a detailed schedule and samples of the proposed external finishes to be used, including any additional materials not illustrated on the plans hereby approved, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. In addition, in the event of additional external finishes being proposed, amended elevation drawings shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That, notwithstanding the plans hereby approved, the new build houses shall not include skews on the roofs. Prior to the commencement of the development, amended elevation drawings, omitting the skews, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
3. That, notwithstanding the plans hereby approved, finalised details of the access and parking arrangements, taking into account the principles of Designing Streets, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of the development, a revised scheme of landscaping, taking into account the advice of the Scottish Wildlife Trust's consultation response dated 19 December 2013, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
5. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

6. That, prior to the commencement of the development, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of the Environmental Health Service of North Ayrshire Council. 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 acceptable to the Environmental Health Service of North Ayrshire Council. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the Environmental Health Service of North Ayrshire Council.

7. That the precise siting, design and type of the sewerage treatment plant and associated soakaway serving the development shall be agreed in writing with North Ayrshire Council as Planning Authority prior to its installation. For the avoidance of doubt, the plant shall provide for the biological treatment of waste water prior to its discharge to the soakaway.

8. That no development shall take place until a soil porosity test for has been carried out on the site to the satisfaction of North Ayrshire Council as Planning Authority.

9. That, prior to the commencement of the development, the recommendations contained in the noise report with respect to noise mitigation shall be implemented, and a follow-up report detailing the precise measures to be carried out to mitigate the development against the effects of intrusive noise from the railway and pumping station shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the detailed measures identified in the follow-up report shall be undertaken as part of the development in accordance with such details as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the following external noise targets shall be achieved at the curtilage of the proposed residential properties:

- a. During daytime hours between 0700 and 2300hrs, the combined noise level (LAeq 16 hour) from transportation (rail and road traffic) shall not exceed 50 dB. As a minimum, if this external target cannot be achieved, the dwellinghouses shall be designed and constructed in such a way that an internal level of 35 dB can be achieved (inclusive of window open for ventilation);

- b. During night time hours between 2300 and 0700hrs, the combined noise level (LAeq 8 hour) from transportation (rail and road traffic) shall not exceed 40dB. As a minimum, if this external target cannot be achieved, the dwellnghouses shall be designed and constructed in such a way that an internal level of 30 dB can be achieved (inclusive of window open for ventilation); and
- c. The rated noise level (as defined in BS 4142) from plant associated with the operation of the existing pumping station to the south of the site and from the proposed sewerage treatment plant within the site shall not exceed the background noise level by 5dB or more.

The meeting ended at 2.20 p.m.



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

**26 February 2014**

Planning Area

**North Coast and Cumbraes**

Reference

**12/00159/PPM**

Application

**28th March 2012**

Registered

Decision Due

**28th July 2012**

Ward

**North Coast & Cumbraes**

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<b>Recommendation</b>	<b>Agree to (a) vary the terms of Condition 1 to permit the development to commence prior to the upgrading of the culvert between the application site and the Firth of Clyde; and (b) amend Conditions 2, 3 and 4 and delete Condition 6, to reflect (i) additional information submitted by the applicants with regard to drainage and (ii) the comments of SEPA.</b>
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<b>Location</b>	Site to north of Fairlie Primary School Castlepark Gardens FAIRLIE
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<b>Applicant</b>	Dawn Homes Limited 220 West George Street GLASGOW G2 2PG
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<b>Proposal</b>	Formation of new access road and erection of 36 flats and 26 detached dwellinghouses.
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## **1. Introduction**

Members may recall that the above application was considered by the Planning Committee on 23 January 2013. The Committee agreed to grant conditional planning permission subject to the applicants entering into a Section 75 Agreement to ensure that the agreed financial business plan and open book accounting statement are implemented and to ensure that all proceeds, other than a reasonable developer's profit of 10.79%, are channelled into the Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre.

The Section 75 Agreement has yet to be concluded though Legal Services advise that terms of the agreement are likely to be settled in the forthcoming weeks; planning permission has not therefore been issued to date.

## **2. Description**

Condition 1 states "that no development, excavation or tree felling works shall commence until sufficient flow capacity has been provided to carry the 200 year plus climate change flow in the Keppen Burn to the sea from the application site, which capacity shall include compensation for the loss of flood water storage and surface water discharge; the design and location of the culvert works required to provide the required flow capacity shall be submitted for and shall have received the prior written approval of North Ayrshire Council as Planning Authority, prior to any works commencing on site."

Therefore, the development cannot commence until the culvert downstream of the site is upgraded to cope with a 1 in 200 year flow event. The Keppen Burn has overflowed on to the A78 on a number of occasions in recent years due to blockage and silting up of the culvert, and as recently as 26 January 2014.

The applicants state that their engineer, along with other consultants, have been attempting, with only partial success, to achieve a coordinated approach from all parties concerned to secure the upgrading of the culvert. The applicants' original drainage proposals were based on an unrestricted discharge to the Keppen Burn assuming that North Ayrshire Council would be taking forward a solution to upgrade the burn downstream of the site.

A point has been reached, the applicants state, where it is accepted that a coordinated solution cannot be reached at the present time. In order to enable the development to proceed, the applicants propose an alternative strategy involving temporary attenuation via a detention basin until such times as the culvert upgrade has been completed. Accordingly, revised drainage proposals have been submitted by the applicants' consulting and flooding engineers. These would include the provision of on-site storage of surface water discharges and installation of a sediment trap. Once the culvert upgrading work is complete, there would be no requirement for on site storage for this part of the site.

A report accompanying the revised drainage proposals notes that Keppen Burn is almost entirely culverted downstream of the site, i.e. from below the A78 trunk road to the Firth of Clyde, except along two short sections on either side of the railway. The original flood risk assessment indicated that surface water run-off from the development could be discharged directly to the burn, assuming that the culverted downstream section of the burn was increased in capacity. The capacity of the present culvert is about 1 in 5 years assuming it is clear of debris and blockages. This would indicate that on average flooding would occur at least once in every 5 years or so taken over a long period of time. With sediment deposited in the culvert, this would reduce the capacity of the culvert and increase the risk of flooding. Flood waters unable to enter the culvert due to the lack of flow capacity and/or blockage spill on to the A78, flood the low part of the road and spill west towards the railway. The report states that there is sign of damage to the railway track from recent flooding.

The provision of on-site storage would attenuate surface water discharges to a green field run off rate. Excess flows would be stored on site and released into the Keppen Burn at rates not exceeding the green field run-off rate.

The on-site attenuation would be provided within a detention basin at the north-west corner where one of the blocks of flats would be constructed. The detention basin would be oval shaped and would measure some 40m in length by 28m in width; it would have a depth of 1.2m and volumetric capacity of 750m<sup>3</sup>. A location for the sediment trap is identified near to the northern boundary of the site adjacent to an existing access road. The sediment trap would have 4 vertical barriers and sediment would be deposited upstream of the vertical barriers. There would be a maintenance requirement to remove deposited sediment from time to time.

The report concludes that the temporary attenuation would not increase the risk of flooding to others and that it would significantly reduce flooding risk downstream. The provision of a sediment trap would furthermore reduce the risk of blockage downstream and hence reduce the risk of flooding. Therefore, overall the proposed scheme provides betterment downstream with respect to flooding.

### 3. Consultations and Representations

The following were re-consulted on the revised drainage arrangements:

**Development Planning Services (Transportation)** - No objection. The Council's Flooding Officer should be consulted.

*Response - Noted. See Flooding Officer's response below.*

**Scottish Water** - The applicant should consult Scottish Water with regard to the impact that the demand from the development will have on its existing infrastructure. A totally separate drainage system will be required with surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

*Response - This response is similar to that received in relation to the original application for planning permission. A condition and informative recommended in the planning report were agreed by the Planning Committee on 23 January, 2013 although a SUDS condition is no longer required (see below).*

**Fairlie Community Council** - (Interim response) If the Council agree to the revised drainage proposals, will there be ongoing attempts to increase the culvert capacity or is it accepted that the A78 will continue to flood on occasions? There is insufficient detail provided regarding the proposed SUDS pond and sediment traps, particularly with regard to safety due to the proximity to both residential areas and Fairlie Primary School. If the SUDS pond is to be of the dry form, what would the maximum depth be and time for which water would be in the pond basin for different more common return periods, e.g. once a year, once in 2 years, etc? The basin must have a gravity discharge to the Keppen Burn during the 200 year event and therefore information is required in relation to the proposed minimum water level and the level of the basin edge relative to the adjoining ground levels e.g. will water be stored above ground or even A78 level at any time? Should safety features include fences, etc. what is the potential visual impact for residents? Would there be an agreement in place to ensure that these features are fully maintained by the developer, NAC or Scottish Water in terms of safety and flood prevention?

*Response - At present, the Council is investigating the upgrading of the Keppen Burn culvert downstream of the site in association with Transport Scotland and Network Rail. In October 2013, consultants were appointed to carry out a detailed design for the culvert improvement. A topographic survey of the culvert is likely to be completed this month and a detailed design, it is anticipated, will be prepared by May/June 2014. Thereafter, costs will be calculated and apportioned between the parties, namely, the Council, Transport Scotland and Network Rail; Transport Scotland and Network Rail have agreed in principle to contribute to the cost of the upgrading works, although this would be dependant on the cost proving reasonable. Each organisation would then have to fit the works into a spending programme.*

*Further information has been provided by the applicants advising that, as the basin arrangement is a temporary feature within a development site, the responsibility of safety and protection would lie with the principle contractor on site. This may take the form of a fenced perimeter using heras fencing or similar. As it would be a working site, there should be no unauthorised access. The design of the detention basin incorporates safe slopes (1 and 4) to allow easy egress walking from the pond should access be gained somehow. The applicants indicate that a dry basin is proposed and have submitted drawings showing predicted water depths and durations for various storm events in years. The anticipated water depths vary from 291mm in a one year peak water level to 974mm during a one in 200 year event. The applicants state that they would be making a gravity discharge to the Keppen Burn and that the lowest dry bed level would be approximately 0.5m above the existing culvert or water course level. Details of the safety arrangements relating to the sediment trap are awaited which the Community Council had requested sight of and have still to be provided by the applicants. A condition could be impose in this regard.*

**Transport Scotland** - The nature of the alterations to the original proposals are such that Transport Scotland see no reason to amend the original conditional recommendation issued on 9 August 2012. Transport Scotland advise that the screen located on the upstream end of the culvert as it passes under the trunk road is maintained by Transport Scotland's operating company Transerve. Prior to the forecast of and during periods of rain, Transerve inspect the culvert screen to make sure it is clear.

*Response - Noted.*

**Network Rail** - no objection in principle. Network Rail's engineers have been in discussion with North Ayrshire Council and the other interested parties involved in developing a solution to alleviate the flooding issues and are happy to continue their involvement. Due to its close proximity to the operational railway, the following matters should be taken into account and if necessary and appropriate included as conditions or advisory notes, if granting the application. Any design solution will require Network Rail's full approval. Any construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

*Response - Noted. These are matters that would require to be taken into consideration when the culvert upgrade works take place and are not therefore relevant to the current application and revised drainage proposals.*

**North Ayrshire Council Flooding Engineer** - There is no objection to the revised drainage proposals. It should be noted that the detention basin is not designed to eliminate flood risk to the area, the Keppen Burn culvert having insufficient capacity to handle peak flows. The area is likely to flood regularly with or without the development proceeding. The detention basin has been designed to ensure that the proposed development of the site is not going to make the flooding situation worse.

*Response - Noted.*

**SEPA** - If the Council does not attach the following conditions with regard to flood risk, SEPA would object to the revised drainage arrangements, namely, that the flood management measures recommended by the Flood Risk Assessment are adopted, that confirmation of channel characteristics to enable verification of discharge capacities is provided and that an appropriate inspection and management regime is put in place with regard to the proposed sediment traps in the Keppen Burn. When previously consulted SEPA asked for modelled cross section data which has now been provided and is acceptable.

*Response - Condition 2 as agreed by the Planning Committee on 23 January, 2013 addresses the first 2 conditions stipulated by SEPA. A further condition could be imposed to secure an appropriate inspection and management regime for the sediment traps. As the modelled cross section data provided by the applicant is deemed to be acceptable by SEPA, this part of Condition 2 can be removed.*

## Representations

One letter of objection and one representation were received in relation to the revised drainage arrangements.

The objection was from a member of the public who objected to the original planning application. The objector states that Condition 1 should be enforced as the A78 was almost closed on 26 January 2014 due to the burn overflowing and the rail track was also threatened. This is a regular occurrence. The detention basin would not cope with the volume of water that flooded the road.

*Response - The detention basin is designed to store surface water from the development; the flooding at this location as noted above is due to the inadequate size of the downstream culvert. The applicants, however, contend that the revised scheme will reduce run-off to the Keppen Burn and that the sediment will reduce the potential for blockage of the culvert thereby minimising the overall flood risk.*

The representation, submitted by a Flooding Engineer, states that the amendments proposed by the applicants to manage surface water should result in the development not increasing the existing flood risk to property from the Keppen Burn and as such the development would be compliant with paragraph 197 of Scottish Planning Policy. The amended proposals are, therefore, an acceptable alternative to the original condition. Should the Council be minded to approve the amendments, the following should be considered as possible conditions:

1. That the Council's Flooding Officer is satisfied with the adequacy of the proposed storage volume.
2. That the Council's Flooding Officer is content that during extreme events water will be stored in the attenuation feature above adjoining ground levels.
3. That legally binding and enforceable long term agreements are in place to ensure the proper safety and maintenance of the attenuation feature and sediment trap, including inspection and cleaning. If the attenuation feature and sediment trap are not to be adopted by Scottish Water then NAC should be satisfied as to which party will be responsible for maintenance and safety.
4. That the proposed attenuation feature remains in place and in effective operation until such time as the capacity of the Keppen Burn channel between the Dawn Homes Stage 1 site and the Firth of Clyde is sufficiently increased as to allow surface water from the development during a 200 year storm to be discharged to the Keppen Burn without attenuation and without increasing the flood risk elsewhere (for the avoidance of doubt this would mean the northern of the two blocks of flats could not be constructed until the water course was upgraded).

5. That the proposed attenuation feature is fully completed and ready for effective operation to the satisfaction of North Ayrshire Council as statutory flood risk management authority and that arrangements for the inspection and maintenance of these works are agreed by North Ayrshire Council prior to any work related consented development including tree felling taking place on the site.

*Response - The Council's Flooding Officer is satisfied with the proposed revised drainage arrangements in relation to points 1 and 2. There is, therefore, no requirement to impose a condition in relation to these matters. Conditions could be imposed with regard to points 3, 4 and 5. It is acknowledged that the northern of the two blocks of flats could not be constructed until the culvert is upgraded.*

#### **4. Analysis**

The revised drainage arrangements would enable the development to proceed in advance of the upgrading of the Keppen Burn culvert downstream of the site. The Council's Flooding Officer is co-ordinating a scheme to upgrade the culvert in association with Transport Scotland and Network Rail, the anticipated timescale for the completion of which is 2 to 5 years.

In the meantime, the revised drainage arrangements have been examined by SEPA and the Council's Flooding Officer who are both satisfied that the applicants' proposal to manage surface water by means of a detention basin should not increase the existing flood risk to property from the Keppen Burn. Furthermore, the installation of a sediment trap is likely to improve the existing flooding condition. In summary, the revised arrangements would provide betterment downstream with respect to flooding.

In view of the above, it is recommended that the Planning Committee agree the revised drainage arrangements and that Condition 1 be amended to enable the development to proceed subject to the provision of the detention basin and sediment trap prior to the commencement of any works. The revised drainage arrangements also include information submitted in response to drainage matters referred to in Conditions 2 - 6 inclusive and as a result minor changes are required with regard to the content of Conditions 2, 3 and 4. Condition 2 requires to be amended to take into account the comments of SEPA, condition 3 can be amended to omit the requirement to provide details of the Sediment trap as this has been provided but to require the submission of safety and maintenance details and condition 4 (cut off drain) requires to be modified based on the information submitted; details provided by the applicant in relation to SUDS mean that condition 6 can be deleted.

A revised schedule of conditions is attached.



## **5. Full Recommendation**

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', with a horizontal line extending from the right side of the signature.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
13 February 2014

For further information please contact Mr John Michel, Senior Planner , on 01294 324379

JM/SLP



1. That no development, excavation or tree felling works shall commence until the proposed temporary attenuation feature comprising the provision of on-site storage to attenuate surface water discharges to greenfield run-off rate and the installation of a sediment trap as indicated in the revised proposals dated 27th November 2013, submitted by T Lawrie & Partners, Consulting Engineers have been fully implemented and arrangements made for the inspection and maintenance of the works, to the satisfaction of North Ayrshire Council as Planning Authority; the temporary attenuation feature hereby approved shall remain in place and in effective operation until such times as the capacity of the Keppen Burn channel between the application site and the Firth of Clyde is sufficiently increased as to allow surface water from the application site during a 1 in 200 year storm event to be discharged to the Keppen Burn without attenuation and without increasing the flood risk elsewhere, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited accompanying the documents and plans submitted by T Lawrie & Partners Consulting Engineers dated 27<sup>th</sup> November 2013 shall be fully implemented and no development shall take place until the following information has been submitted in relation to flood risk: (i) confirmation of channel characteristics to enable verification of discharge capacities; (ii) proposals for an appropriate inspection and management regime to be put in place with regard to the proposed sediment trap in the Keppen Burn; and (iii) a programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the implementation of the attenuation measures referred to in Condition 1, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority proposals to ensure the proper safety, including proposals for enclosures and fencing and maintenance of the attenuation feature and sediment trap, including inspection and cleaning; the proposals shall include details of the proposed factor or other agency that will be responsible for the maintenance and safety of the attenuation feature and sediment trap, all to the satisfaction of North Ayrshire Council as Planning Authority.
4. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority: (i) a programme for the installation of the cut-off drain shown on drawing number 1103-104 submitted by T Lawrie & Partners Consulting Engineers on 27<sup>th</sup> November, 2013; (ii) proposals for providing access to and for the regular maintenance of the cut-off drain by a factor; (iii) the proposed factoring arrangements for the maintenance of the cut-off drain and (iv) proposals for managing the additional volume of water as part of the surface design, all to the satisfaction of North Ayrshire Council as Planning Authority.
5. That prior to the occupation of any of the residential units hereby approved, foul drainage from the development shall be connected to the public sewerage system.

6. That the development hereby approved shall be provided with a public mains water supply prior to the occupation of any of the residential units hereby approved.
7. That the proposed access shall join the trunk road at a new junction which shall be constructed by the applicants to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5. The junction shall be constructed in accordance with details that shall be submitted to and approved by North Ayrshire Council as Planning Authority, after consultation with Transport Scotland, before any part of the development is commenced.
8. That there shall be no drainage connections to the trunk road drainage system.
9. That visibility splays shall be provided and maintained on each side of the new access to the A78, to the satisfaction of North Ayrshire Council as Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centre line of the access road (the set back dimension) and the nearside trunk road carriageway measured 70m (the Y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the Y dimension.
10. That prior to the commencement of the development hereby approved revised proposals shall be submitted for the access to the flats and two dwellings to the north of the site access road, which shall be served by a short road built to an adoptable standard, all to the satisfaction of North Ayrshire Council as Planning Authority .
11. That driveways shall have a minimum length of 6m measured from the rear of the service strip.
12. That all internal junction radii shall be designed to accommodate general service vehicles including vehicle tracking, to the satisfaction of North Ayrshire Council as planning authority.
13. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the design and alignment of the temporary footpath from the south-east edge of the site to Castlepark Gardens, which shall be of a standard to facilitate use by both pedestrians and cyclists, shall be lit and shall be provided prior to the occupation of any of the houses on plots 1-24, all to the satisfaction of North Ayrshire Council as Planning Authority.

14. That all tree planting, seeding or turfing comprised in the landscaping proposals hereby approved shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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.
15. That prior to the occupation of any of the flats or dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan which shall include retention of a green link through the site and the whorled caraway marshland north of the access road, long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.
16. That the minimum number of trees shall be felled and no trees or hedges, other than those shown to be felled or lopped on the plans hereby approved, shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.
17. That prior to any tree felling taking place, the trees shall be surveyed for the presence of bats and a report shall be submitted for the written approval of North Ayrshire Council as Planning Authority detailing the findings of the survey and any measures required to be taken prior to the felling of the trees should the presence of bats be detected, all to the satisfaction of North Ayrshire Council as Planning Authority.
18. That all tree removal, ground and vegetation clearance works shall take place outwith the main bird breeding season, i.e. outwith the period March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority.
19. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: (i) all external finishes to the buildings; (ii) all hard surfaces including parking areas and footpaths; (iii) all boundary and internal enclosures; (iv) the proposed bin store enclosures; (v) the finished floor levels for the flats and dwellinghouses relative to existing levels; and (vi) details of proposals for excavating the embankment to accommodate the access road to the upper level of the site.

20. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed equipped play area which shall include the provision of 5 different types of play equipment, seating; details shall also be submitted with regard to the means of enclosure including 2 gated points of access/exit, surface finish, litter bin provision and maintenance and management arrangements. The approved play area proposals shall be implemented on completion of more than 75% of the houses on plots 1-24 inclusive, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
21. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted by the applicants, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.
22. That prior to the commencement of the development, hereby approved, the applicants shall undertake a desk study of the application site, (including a review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS 10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of the Environmental Health Service of North Ayrshire Council. 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 acceptable to the Environmental Health Service of North Ayrshire Council. On completion of the proposed works written verification, detailing what has been done by way of remediation shall also be submitted to the Environmental Health Service of North Ayrshire Council.

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

1. To ensure that the development is not at risk from flooding and does not increase the flood risk elsewhere.
2. To meet the requirements of the Scottish Environment Protection Agency/minimise the risk of flooding within the site and elsewhere.
3. To ensure the proper maintenance and safety of the attenuation feature and sediment trap.

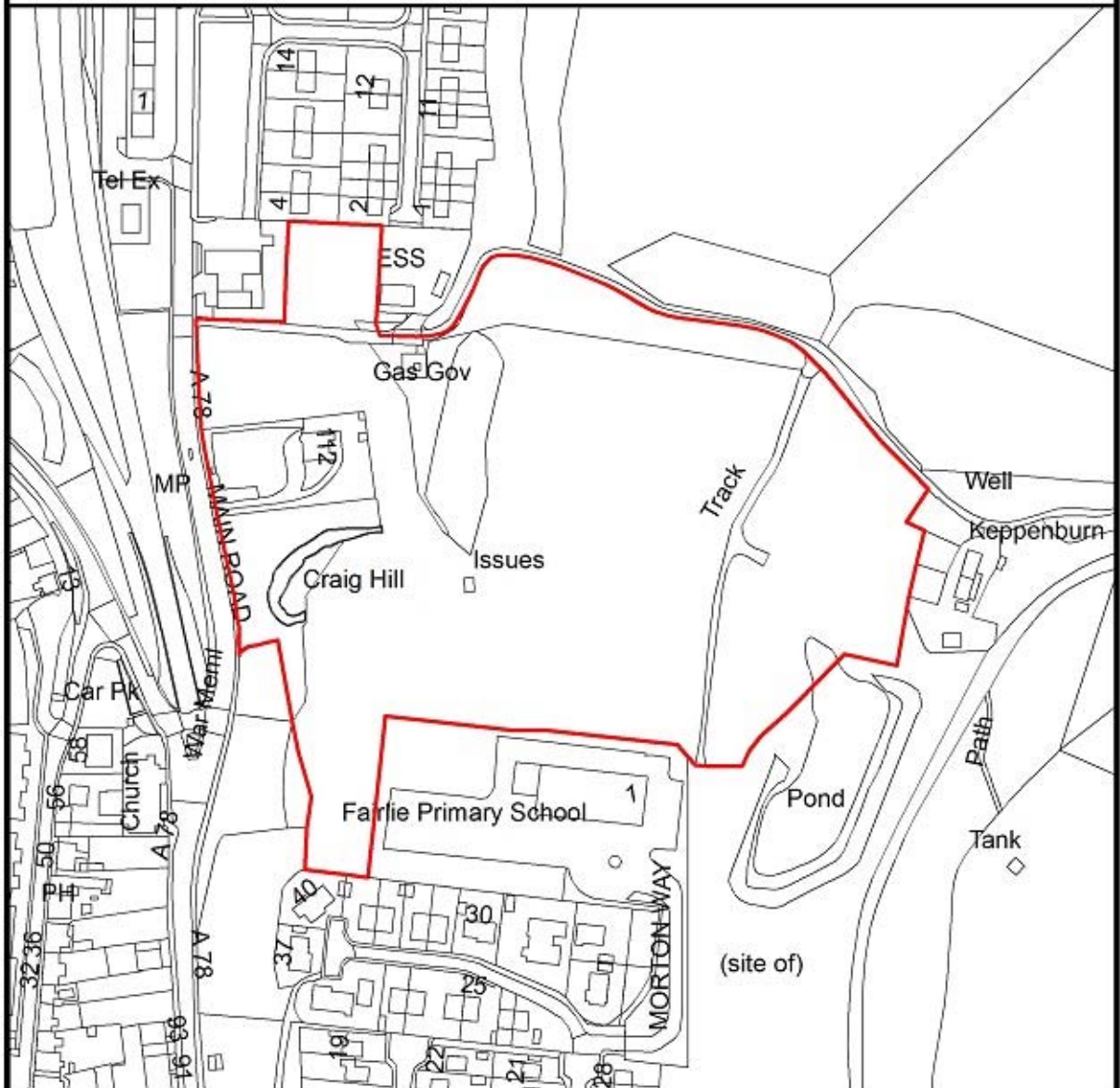
4. To minimise the risk of flooding in the application site and elsewhere.
5. To meet the requirements of the Scottish Environment Protection Agency.
6. To ensure that the occupants of the dwellinghouses are provided with an adequate and wholesome water supply.
7. To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.
8. To ensure that the efficiency of the existing trunk road drainage network is not affected.
9. To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.
10. To meet the requirements of North Ayrshire Council as Roads Authority.
11. To meet the requirements of North Ayrshire Council as Roads Authority.
12. To meet the requirements of North Ayrshire Council as Roads Authority.
13. To facilitate access to and from the site for cyclists and pedestrians.
14. To secure the proper completion of the development in the interest of amenity.
15. To ensure the proper maintenance and management of the areas of open space.
16. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
17. To avoid disturbance to bats.
18. To avoid disturbance to birds during the nesting season.
19. In the interest of the amenity of the area.
20. To ensure that occupants of the dwellinghouses are provided with adequate play facilities.
21. In recognition of the archaeological potential of the site.
22. To meet the requirements of Environmental Health.





# Committee Plans

12/00159/PPM



**NORTH AYRSHIRE**  
COUNCIL

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**Not To Scale**

