



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 30 September 2020** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. A recording of the meeting will be available to view at <https://north-ayrshire.public-i.tv/core/portal/home>

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 2 September 2020 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

Irvine

Submit reports on the following applications:

3 20/00676/PP: Site To South And West Of 10 Crompton Way, Irvine

Section 42 application to amend condition 3 of planning application 19/00908/PPM in respect of the specification for thermal double glazing and acoustic ventilation (copy enclosed).

4 The Scottish Planning Policy and Housing – Technical Consultation on Proposed Policy Amendments

Submit a report by the Executive Director (Place) on a consultation response around the proposed interim changes to Scottish Planning Policy regarding housing (copy enclosed).

5 Short-term Lets – Consultation a Licensing Scheme and Planning Control Areas in Scotland

Submit a report by the Executive Director (Place) on proposals for the regulation of short-term lets in Scotland, including through the introduction of control areas (copy enclosed).

6 Conservation Area Assessments

Submit a report by the Executive Director (Place) on the production of 10 Conservation Area Assessments and recommend appropriate actions (copy enclosed).

7 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

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Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Planning Committee
02 September 2020**

Agenda Item 2

02 September 2020 - At a Virtual Meeting of the Planning Committee of North Ayrshire Council at 10.00 a.m.

Present

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

Also Present

Donald L Reid

In Attendance

J. Miller, Chief Planning Officer (Planning), A. Craig, Senior Manager, J. Law; Solicitor (Legal Services); M. Lindsay, Customer Solutions Supervisor (ICT); M. Anderson, Senior Manager (Committee & Member Services), and D. McCaw and H. Clancy, Committee Services Officers (Chief Executive's Service).

Also In Attendance

A. Hume, Senior Development Management Officer, I. Davies, Senior Development Management Officer, K. Gee, Technician and L. Dempster, Technician (Planning).

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 24 June 2020 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 19/00930/PPM: Phase 2 Site to North Of Tarryholme Pond Irvine Ayrshire

Irvine Housing Association have applied for Planning Permission for the erection of 77 dwellinghouses to include associated roads, footpaths, open space, landscaping and associated SuDS infrastructure. No representations were received.

Members expressed concern about the lack of a footpath connection from the north of the site to the connecting footpath network and the new pedestrian crossing. A condition was required seeking details of such provision.

Members noted the response from Education regarding school capacity.

Councillor Foster seconded by Councillor Larsen, moved to approve planning permission subject to conditions.

There being no amendment, the motion was declared carried.

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

1. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the localised regrading for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, these details shall contain section drawings of the slope at appropriate intervals throughout its length, details of its construction and details of its finish. The development shall then progress in accordance with such details as may be approved.
5. That the ecological mitigation measures set forth on pages 22-23 of the "Tarryholme (Phase 2), Irvine Preliminary Ecological Appraisal" (document no. 8882) prepared by McTaggart Construction and issued on the 24th of October 2019, shall be fully implemented prior to and maintained during the construction of the development hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That prior to the first occupation of the development hereby approved, a V-notch shall be cut into the detention basin to channel the flow into the large pond to the south of the basin in the event of the basin capacity exceeding the 1 in 200 years design flow, to the satisfaction of North Ayrshire Council as Planning Authority.

7. That prior to the commencement of the development hereby approved, the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council prior to the commencement of the development.
8. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That notwithstanding the plans hereby approved, details of an all abilities pedestrian/cycle link leading from the northwest of the site to the adjacent public footpath network shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Thereafter, such details as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation or completion of the houses within the development, whichever is the sooner.

3.2 20/00572/PP: Dundonald Links Ayr Road Irvine Ayrshire KA11 5AB

Darwin Leisure Development Properties (Guernsey) Ltd have applied for Planning Permission to vary condition 14 attached to planning application N/19/00748/PPM. No representations were received.

Condition 14 states:

“That no holiday lodges shall be occupied until the replacement clubhouse, hereby approved, is completed and operational to the satisfaction of North Ayrshire Council as Planning Authority.”

Councillor Barr seconded by Councillor McMaster, moved to approve planning permission subject to conditions.

There being no amendment, the motion was declared carried.

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

1. That no holiday lodges shall be occupied until the replacement clubhouse structure, hereby approved, is completed to the satisfaction of North Ayrshire Council as Planning Authority and thereafter the clubhouse must be operational within 6 months of the overnight accommodation being first brought into use.

2. That, upon the completion of the first phase of holiday lodges, a timescale for the closure and removal of the existing clubhouse shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

4.1 19/00903/PPM: Site To South East Of Moorpark Primary School Milton Road Kilbirnie Ayrshire

North Ayrshire Council have applied for Planning Permission for the erection of a primary school to include associated access, parking, playground and sports pitch. No representations were received.

The Chief Planning Officer (Planning) undertook to contact Education to seek clarification on the proposed allocation for 231 pupils.

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

There being no amendment, the motion was declared carried, Councillor Barr dissenting.

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

1. That the development hereby approved shall be implemented in accordance with the recommendations contained in the supporting documentation submitted with the planning application unless otherwise agreed in terms of the conditions to the consent, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the school, which shall include low or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of site clearance works, a further bat survey shall be undertaken. The findings of the survey together with details of measures to protect any bats and any bat habitats that are found within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved.
4. That, prior to the commencement of site clearance works, all trees to be retained (including T25 and T26) shall be enclosed with protective fencing in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction. Recommendations). The tree protection measures shall require to be inspected by the Planning Authority before the commencement of site clearance works. Thereafter, unless otherwise agreed, the tree protection measures as approved

shall be retained in a satisfactory condition throughout the duration of the land engineering and building works required to implement the development to the satisfaction of North Ayrshire Council as Planning Authority.

5. That, notwithstanding the scheme of landscaping hereby approved, a revised scheme shall be prepared following the implementation of tree protection works on site to ensure the inclusion of trees T25 and T26 within the development. The revised scheme shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the implementation of any landscaping works on the site. Thereafter, the revised scheme of landscaping as may be approved shall be implemented to the satisfaction of North Ayrshire Council not later than the first planting and seeding season following the opening of the school for education purposes. Unless otherwise agreed, any trees, plants or areas of seeding which subsequently fails shall be replaced with others of a similar size and species until successfully established.
6. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used on the school building. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
7. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the school becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
9. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of all external lighting and signposting within the site. Thereafter, the external lighting and signposting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
10. That prior to the development becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Site Waste Management Plan (SWMP). Thereafter, the SWMP as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 5

yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA.

The Chief Planning Officer (Planning) advised the Committee that eight complaints from members of the public about a large outbuilding having been erected at 27 Lomond Crescent, Beith had been received and added that since the Report was completed a further 2 representations have been received. A Planning Contravention Notice (PCN) was served on the owner of the site on 17th July 2020. Although a formal response has not been received, the owner has made contact with Planning Services by telephone. Following investigation, it has been established that the outbuilding does not constitute permitted development and does not benefit from planning permission. The outbuilding is therefore unauthorised. It is considered that due to the industrial design, scale and position of the structure, the development is harmful to the residential and visual amenity of the area.

Councillor Barr seconded by Councillor Billings, moved to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA.

6. Planning Performance Framework

Submitted report by Executive Director (Place) on the 2019/20 Planning Performance Framework set out at Appendix 1 to the report.

Councillor Barr seconded by Councillor McMaster, moved to note the report.

There being no amendment, the motion was declared carried.

The meeting ended at 11.10 a.m.

NORTH AYRSHIRE COUNCIL

30th September 2020

Planning Committee

Locality	Irvine
Reference	20/00676/PP
Application Registered	19th August 2020
Decision Due	19th October 2020
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Site To South And West Of 10 Crompton Way North Newmoor Irvine Ayrshire
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Applicant	Persimmon Homes F.a.o Mr Rory Doherty
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Proposal	Section 42 application to amend condition 3 of planning application 19/00908/PPM in respect of the specification for thermal double glazing and acoustic ventilation
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1. Description

This application seeks planning permission to vary a condition under Section 42 of the Town and Country Planning (Scotland) Act 1997. It is proposed to vary the wording of condition 3 of planning permission ref. 19/00908/PPM which currently reads:

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

This condition sought to ensure the mitigation measures proposed by the applicants' 'Noise Report - Technical Memorandum' which supported the application. Due to Building Standards regulations requiring a different type of ventilation from what was originally

envisaged, the minimum noise reduction which can be achieved is minus 29dB. It is therefore requested that the wording of the condition be changed to read as follows:

'That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 29dBRw for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.'

This condition arose from the planning consultation with North Ayrshire Council (NAC) Environmental Health. The main policy consideration for amending this position with regards to the North Ayrshire Local Development Plan (LDP) is Strategic Policy 2: Placemaking. Strategic Policy covers a range of Planning matters including residential amenity.

Relevant Development Plan Policies

Strategic Policy 2 Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures. There was no requirement to advertise the application. No letters of representation were received.

Consultations:

NAC Environmental Health: No objections.

Response: Noted.

3. Analysis

Planning Circular 4/1998 states that conditions should only be imposed on planning permissions where they are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise, and
- Reasonable in all other aspects.

Condition 3 relates to ensuring that the permitted dwellinghouses receive suitable noise reduction measures in relation to the nearby noise emitters, such as the A78 Irvine Bypass, thus protecting the amenity of the approved houses. Residential amenity is a factor covered by Strategic Policy 2 of the LDP, and therefore it was considered necessary to add a condition relating to noise reduction within the context of the LDP. It is considered that the condition as detailed meets the six tests highlighted above.

The minimum sound reduction required to be achieved for the proposed houses which are to be provided with thermal double glazing and acoustic ventilation is to reduce from 30dB to 29dB. It is considered that this 1dB reduction would be marginal and would not result in a significant adverse impact on the residents of the houses which are to be built on the site. As such, the proposed change would therefore not affect their amenity, nor result in harmful effects in terms of noise impacts. It is noted that NAC Environmental Health has no objections to the proposed amendment. The proposal to amend the condition is therefore considered to be in accordance with Strategic Policy 2 of the adopted LDP.

There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

Reason

In order to ensure that the external finishes are appropriate.

Condition

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

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

for the written approval of North Ayrshire as Planning Authority. For the avoidance of doubt the barrier requires to be effective acoustically, such as a close boarded timber fence with a mass per unit of area in excess of 12kg/m² and with no gaps at the joints, or alternatively, a continuous masonry wall. The acoustic barriers shall thereafter be erected in accordance

with such details as may be approved and maintained in accordance with such as scheme as may be approved, all to the satisfaction of north Ayrshire Council as Planning Authority.

Reason

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

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 29dBRw for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

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

Condition

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

Reason

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

Condition

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

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

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

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

Reason

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

Condition

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

Reason

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

Condition

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

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

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

Reason

To prevent flooding.

Condition

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

Reason

To ensure the safety and stability of the proposed development.

Condition

9. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully

implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

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

Condition

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

Reason

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

Condition

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

Reason

In order to ensure that the boundary treatments are appropriate.

Condition

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

Reason

In order to ensure that the site is appropriately landscaped.

Condition

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

Reason

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

Condition

14. That during construction, a 30m buffer shall be established around the four trees identified in the Phase One Habitat Survey (EDI_1952) as being within 30m of the site and having potential for bat roosts. If this cannot be achieved a further tree climbing assessment shall be carried out and If any roosts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

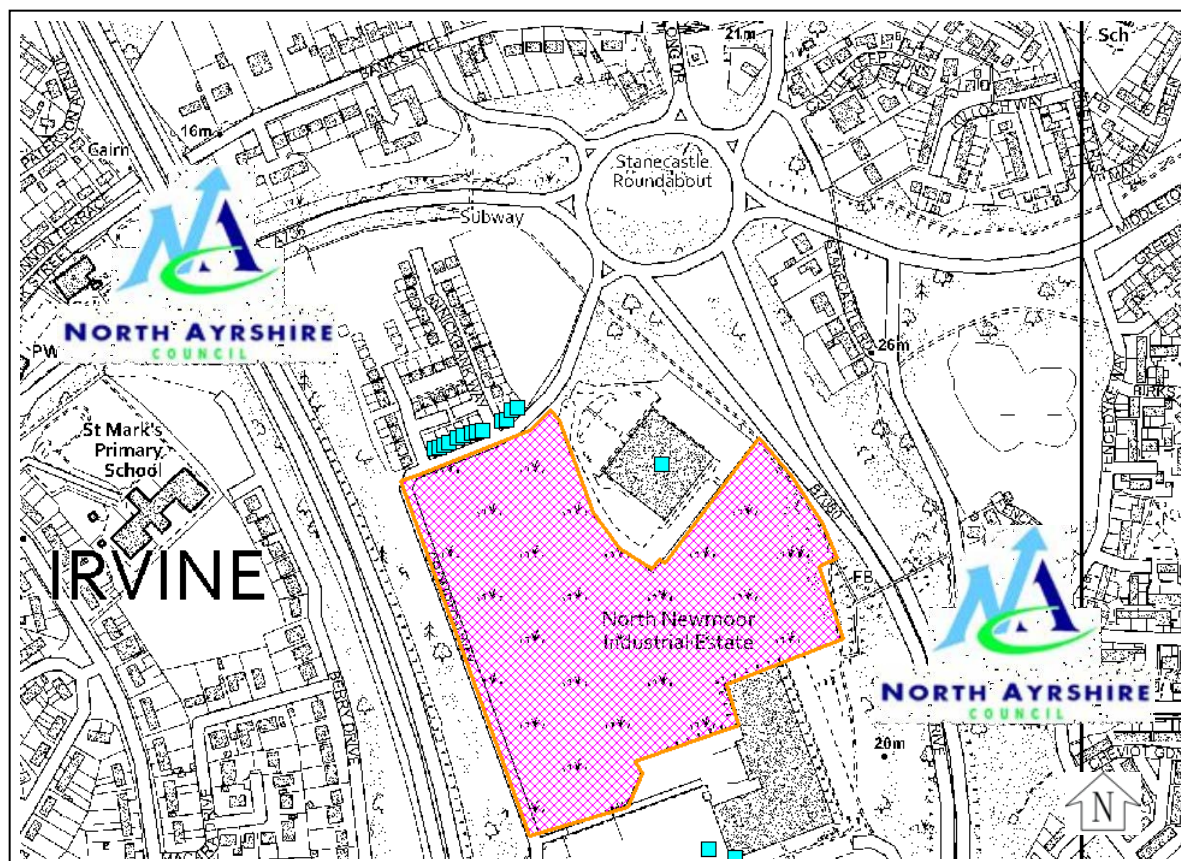
In order to ensure that no bats are disturbed by the proposed development.

Russell McCutcheon
Executive Director (Place)

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

30 September 2020

Planning Committee

Title: **The Scottish Planning Policy and Housing – Technical Consultation on Proposed Policy Amendments**

Purpose: To (1) advise of proposed interim changes to Scottish Planning Policy regarding housing, and (2) seek approval of the response to the consultation on the changes.

Recommendation: It is recommended that Planning Committee:

- 1) notes the detail of the consultation on proposed policy amendments to Scottish Planning Policy.
- 2) approves the submission of the response to the consultation, as set out at Appendix 1.

1. Executive Summary

- 1.1 Scottish Ministers are consulting on proposed interim changes to the Scottish Planning Policy (SPP) (2014) to clarify specific parts of the SPP that relate to planning for housing. The changes would remove all references to the presumption in favour of development that contributes to sustainable development from the SPP and set out a clear definition of ‘five-year effective housing land supply’ and how this should be calculated.
- 1.2 The proposed policy amendments address the impact of the COVID-19 pandemic on the preparation of development plans and housing delivery; move planning away from lengthy technical debates over housing numbers, allowing greater focus on enabling good quality development on the ground; and support a plan-led approach to decision-making that maintains the legal status of the development plan as a basis for decisions in all cases.

2. Background

- 2.1 Scottish Ministers are consulting on proposed interim changes to the Scottish Planning Policy (SPP) (2014) to clarify specific parts of the SPP that relate to planning for housing. The changes, once finalised, will apply over the interim period ahead of the adoption of National Planning Framework 4 (NPF4).
- 2.2 The implications of the COVID-19 pandemic on the ability of planning authorities to maintain the five-year review cycle of local development plans; on delivery programmes and the rate of housing completions; and a recent decision by the Court of Session

provide the context for the proposed changes. These issues could potentially undermine the commitment to a plan-led planning system, whereby development plans form the basis of planning decision-making to enable the right developments in the right locations.

2.3 Two key changes are proposed:

a) Removing the presumption in favour of development that contributes to sustainable development from the SPP.

- 2.4 SPP introduced a “presumption in favour of development that contributes to sustainable development”. SPP states that this presumption will be a material consideration for proposals that do not accord with up-to-date development plans. Where relevant policies in a development plan are out-of-date, the presumption will be a significant material consideration. In this regard, where a development plan is more than five years old or where an authority does not have a five-year effective housing land supply, the development is considered ‘out-of-date’, according to SPP.
- 2.5 The application of the presumption – including by the Courts, in particular in the consideration of large-scale housing releases – according to Scottish Government, has caused considerable confusion, undermines the primacy of the statutory development plan in decision-making and has not been consistent with the Scottish Government’s original intentions.
- 2.6 With more development plans likely to exceed five years in age in the coming months, the Scottish Government proposes to remove all references to the presumption in favour of development that contributes to sustainable development from the SPP.

b) Clarifying what is meant by a five-year effective housing land supply

- 2.7 Planning authorities are expected to maintain a five-year effective land supply. In practice, however, there is widespread inconsistency in how effective housing land supply is calculated and defined.
- 2.8 The proposed amendment to SPP would define effective housing land supply as: “the part of the established housing land supply comprising sites that are, or it can be demonstrated that they are capable of being, free of technical constraints including: ownership (i.e. a willing seller), physical constraints, contamination, deficit funding, infrastructure or land use within the period under consideration in normal economic circumstances” and clarify that housing sites should not be excluded from the effective housing land supply solely due to programming assumptions included in the Housing Land Audit.
- 2.9 Furthermore, it is proposed that the extent of the five year effective land supply should be calculated by dividing the housing supply target set out in the adopted local development plan by the plan period (to identify an annual figure), multiplying that figure by five and comparing this to the five year effective land supply, derived from the annual Housing Land Audit, to indicate either a surplus or shortfall. This approach, notably, does not take into account previous completions.
- 2.10 Where a shortfall in the forward five-year effective housing land supply is identified, the proposed SPP wording states this will be a relevant material consideration to be taken

into account alongside other considerations as part of a balanced planning judgement. The weight to be afforded to the shortfall is a matter for decisionmakers to determine, recognising the facts and circumstances of each case, including the contribution of the proposal to addressing the shortfall (in both scale and kind).

- 2.11 In providing a clear definition of the effective housing land supply and standard calculation for the five-year effective land supply, the Scottish Government hope to move planning away from lengthy technical debates over the number of homes we will need in the future to allow greater focus on how we can strengthen delivery and enable good quality development on the ground.
- 2.12 The proposed policy amendments would also address exceptional market circumstances arising from COVID-19 that are likely to affect housing delivery, avoiding the conflation of the availability of land with the relevant, but separate, matter of site programming and build-out rates.
- 2.13 The proposed changes do not dismiss any shortfall in the supply of effective housing land but instead of being determinative, any shortfalls become relevant as part of a wider planning judgement; a shortfall in the supply of effective housing land may be addressed by exceptional releases of unallocated land but only if such proposals are appropriate and will meaningfully address any identified shortfall.

Implications for North Ayrshire

- 2.14 Arguments around housing numbers and the application of the presumption in favour of development that contributes to sustainable development have been most keenly contested in areas in Scotland with high demand for private housing development and/or a limited supply of housing land. The application of the 'presumption' has not been an issue in North Ayrshire. Our Local Development Plan, adopted in November 2019, is up-to-date and we have a five-year effective housing land supply. We will continue to work with the house building industry to ensure the five-year supply is maintained, as evidenced in our approach to LDP2 and monitored via the annual Housing Land Audit.
- 2.15 Nevertheless, the deletion of the presumption and the clarity provided by the proposed definition of 'effective housing land supply' and how it should be calculated is supported. The proposed policy amendments will protect the status of LDP2 in decision making moving forward, including in the event that the consequences of COVID-19 impact on housing delivery in North Ayrshire and the effectiveness of our housing land supply. A full response to the consultation is provided at Appendix 1.

3. Proposals

- 3.1 It is recommended that Planning Committee notes the detail of the consultation on proposed policy amendments to Scottish Planning Policy and approves the response to the consultation, set out at Appendix 1.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

4.2 None.

Legal

4.3 Scottish Planning Policy is a material consideration in the determination of planning applications.

Equality/Socio-economic

4.4 Scottish Government has considered the requirements for statutory impact assessments, including by screening the proposals in relation to the criteria for Strategic Environmental Assessment, Equalities Impact Assessment, and Children's Rights and Wellbeing Impact Assessment and consider, at this stage, that a fuller assessment is not required given the procedural and technical nature of the proposals.

Environmental and Sustainability

4.5 As above.

Key Priorities

4.6 Affordable, modern and well-designed homes that meets residents' needs is a key priority of the Council, as set out in the Council Plan, along with the action that we will actively promote a mix of homes by facilitating private housing development. This will be supported by a plan-led approach to housing delivery.

Community Wealth Building

4.7 Planned new housing projects which are in accordance with the Local Development Plan can build and retain local wealth in support of community wealth building principles.

5. Consultation

5.1 This committee item reports on and outlines a response to a current Scottish Government consultation on proposed policy amendments to the Scottish Planning Policy concerning housing. Following the consultation, Scottish Government will take all responses into account, finalise the policy, and adopt and publish it as an updated version of the Scottish Planning Policy.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

None

The Scottish Planning Policy and Housing – Technical Consultation on Proposed Policy Amendments

Proposed Response from North Ayrshire Council

Question 1: What is your view on our proposal to remove ‘the presumption’ from the SPP, through the changes set out?

Scottish Ministers proposal to remove all references to “the presumption in favour of development that contributes to sustainable development” from the SPP is supported. This is considered particularly welcome due to the likelihood that development plans will not be replaced within the five-year review period, both in the coming months due to the restrictions imposed by the coronavirus pandemic but also in the longer-term as the development plan system transitions to the new provisions introduced by the Planning (Scotland) Act 2019. As you are aware, COVID-19 has had an impact on the timetable for these provisions coming into force and the publication of the associated regulations and guidance. This in turn will have a knock-on effect on the programme for preparing LDPs at planning authorities, like North Ayrshire, who have a recently adopted LDP and intend not to prepare their next plan under the existing (old) regulations.

Recent planning reform has reinforced the importance of a plan-led system and the primacy of the development plan at the heart of the planning system. This was being undermined by the presumption, especially in areas of high housing demand and/or limited supply. Removing the ‘presumption’ will help support a plan-led approach to decision-making and maintaining the legal status of the development plan as a basis for decisions in all cases.

Question 2: What is your view on the proposed changes set out and our aim of clarifying the definition of the 5-year effective housing land supply to reflect the currently exceptional market circumstances?

The proposal to clarify SPP definitions of effective and established housing land supply is also supported.

The availability – or otherwise – of effective land for housing should not be wrapped up in the programming and build-out rates of such sites: there is a clear distinction between available housing land and the rate at which it is delivered. The clarity brought on this point, including the definition of effective land supply, is helpful.

Whilst the term ‘effective housing land supply’ is clearly defined, the term ‘5-year effective land supply’ may require further explicit clarification. Within the land audit, the 5-year component of the effective supply will be that element of the effective land supply programmed over five years: the five-year delivery programme. This will be different to programming based on delivery rates expected in “normal economic circumstances” as referenced in proposed amended paragraph 123. It will be critical to the calculation of the years of effective supply, to define which of these two is to be used, the 5-year programme or programming based on delivery rates expected in “normal economic circumstances”.

As noted in HoPS response to this consultation, the clarification in the glossary that ownership includes the availability of a willing seller, is particularly supported. A common source of disputes within land audits has been the lack of a Homes for Scotland member or housebuilder interest attached to a site, irrespective of the evident effectiveness of some such sites.

*Question 3: What is your view on the proposed changes to paragraph 125, including:
(a) the proposed calculation to establish the scale of the 5-year effective land supply in relation to alternatives*

A unified approach to calculating the five-year land supply is long overdue. The different methodologies employed by various stakeholders including at Development Plan Examinations, Planning Appeals and in court has consumed significant resources within planning services and has caused significant delay, debate and confusion. The proposed approach is straightforward and a robust method of calculating a five-year effective land supply, which is welcomed. It is recommended that the revised SPP is accompanied by a detailed technical note that comprehensively defines all elements of the calculation methodology to ensure it is clear, unequivocal and not open to misinterpretation.

(b) the proposed approach to assessing proposals where a shortfall emerges?

It is appropriate that any shortfall in the effective housing land supply is addressed as a material consideration in the assessment of specific proposals to remedy such a shortfall, rather than being fed into calculations for housing land calculations of effective supply. The proposed approach to assessing proposals where a shortfall in the five-year effective land supply emerges is broadly welcomed and supported.

Question 4: Do you agree that the proposed amendments will not directly impact on other (non-housing) types of development? If not, please provide evidence to support your view.

It is agreed that the proposed amendments will not directly impact on other types of development.

Question 5: Do you agree that fuller impact assessments are not required? If not, please provide evidence to support your view.

Agreed.

NORTH AYRSHIRE COUNCIL

30 September 2020

Planning Committee

Title:	Short-term Lets – Consultation a licensing scheme and planning control areas in Scotland
Purpose:	To inform Planning Committee of proposals for the regulation of short-term lets, including through the introduction of control areas.
Recommendation:	It is recommended that Planning Committee agrees that the observations set out in paragraphs 2.15 to 2.17 of this report form the basis of a response to the Scottish Government on the proposed regulations introducing control areas for short-term lets.

1. Executive Summary

- 1.1 Scottish Ministers have published a consultation seeking views on detailed proposals for the regulation of short-term lets, which will form the basis for secondary legislation to be laid in Parliament in December 2020.
- 1.2 Regulation of short-term lets is proposed through a new licencing regime and, under the provisions of the Planning (Scotland) Act 2019, the ability to create 'Control Areas' in which the use of a dwellinghouse for secondary letting will constitute a material change of use and require planning permission.
- 1.3 Should a planning authority wish to establish a 'Control Area' it is proposed that a similar process to that of designating a Conservation Area is followed, involving some form of consultation and notification to Ministers for approval.

2. Background

- 2.1 The Scottish Government is committed to ensuring that local authorities have appropriate regulatory powers to control short-term lets in a manner that balances the needs and concerns of the communities with wider economic and tourism interests.
- 2.2 In 2018, the Scottish Government undertook research and consultation to assess the evidence base and the impact, positive and negative, of short-term lets; identify the existing powers councils have; and explore whether further measures are required. It is now inviting views on detailed proposals for regulation.

2.3 Three interventions are proposed in relation to short-term lets:

- **Licensing** – to ensure short-term lets are safe and address issues faced by neighbours; and to facilitate local authorities in knowing and understanding what is happening in their area and handling complaints effectively.
- **Control areas** – to help manage high concentrations of secondary letting (where it affects the availability of residential housing and the character of a neighbourhood); to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas.
- **Taxation** – to make sure short-term lets make an appropriate contribution to local communities and support local services.

This short and focused consultation, which runs from 14 September to 16 October 2020, covers the definition of short-term lets; the establishment of a licensing scheme under the Civic Government (Scotland) Act 1982; and the establishment of control areas under the Planning (Scotland) Act 2019, with this paper focussing on the latter.

Definition of 'short-term let'

- 2.4 A clear definition of short-term lets that can be sensibly determined is needed so that the Licensing Order and Control Area Regulations are consistent; people know what is and is not covered; to avoid the potential for dispute; and to aid enforcement.
- 2.5 The consultation proposes to define a 'short-term let' as such when all of the following criteria are met:
- a) **residential** - the let is made to one or more guests for them to reside at the accommodation, for work or leisure purposes;
 - b) **accommodation** – the accommodation is all or part of a house or flat or serviced apartment (but it is not on the premises of a hotel or other class 7 premises in the Use Classes Order). This includes a bed in a bedroom shared with other guests or a sofa bed in a living room but excludes unconventional dwellings such as caravans, pods and mobile dwellings such as canal boats;
 - c) **temporary** - the accommodation is not the guests' only or principal home;
 - d) **commercial** - the let is for commercial consideration (i.e. for money or benefit in kind to the host, such as provision of a service or reciprocal use of a property); and
 - e) **excludes immediate family** – none of the guests are members of the same immediate family as the host or host's household (i.e. father, mother, brother, sister, son or daughter).

Licensing

- 2.6 All short-term lets will require a licence under the proposals, regardless of how many or few nights per year the accommodation is advertised for short-term let, or actually let. This approach is proposed to help protect the safety of guests in all circumstances and because it is easy to understand and enforce: all hosts will require a licence. The licensing system is to be delivered by local authorities.

- 2.7 The consultation proposes mandatory conditions, the majority of which relate to safety, including a requirement to meet the 'Repairing Standard' and a maximum occupancy; outlines that local authorities would also have discretionary powers to add licence conditions to address local needs and concerns; states that local authorities will be able to charge fees to cover the establishment and running costs associated with the licensing scheme, including monitoring and enforcement; and sets out key elements of the process for applying for a licence.
- 2.8 Subject to the Scottish Parliament approving the Licensing Order, local authorities will be able to implement a licencing scheme from 1 April 2021, initially on a discretionary basis, with all local authorities required have a live licencing scheme open to receive licensing applications by 1 April 2022.

Control Area Regulations

- 2.9 The Planning (Scotland) Act 2019 introduced the provision to enable local authorities to designate control areas, where change of use planning permission would always be required to operate a short-term let. All short-term lets involving the letting of a room or rooms or the entire property – where the host does not normally live (also referred to as 'secondary letting') – will be in the scope of the proposed Control Area Regulations.
- 2.10 Currently, planning authorities consider on a case-by-case basis whether use of a dwellinghouse for secondary letting constitutes a material change of use requiring planning consent. The Control Area Regulations will allow planning authorities to designate all or part(s) of their area as a Control Area. Within such a designated area, the use of a dwellinghouse for secondary letting is always deemed to involve a material change of use and requires planning permission.
- 2.11 Also proposed is the removal of permitted development rights within Control Areas that would otherwise allow a dwellinghouse to be used for secondary letting for up to 28 days in any calendar year without a requirement for planning permission. It is considered this would undermine the purpose of establishing a control area, adds to the complexities of enforcement and is confusing for neighbours.
- 2.12 As a primary purpose of control areas is to help manage high concentrations of secondary letting, it is proposed that any planning permission which is granted would be valid for a default period of ten years (unless a longer or shorter period is set by the authority) but that local authorities should have the power to revoke planning permission after that time. This would prevent the exponential, unchecked increase in the number of properties which can be used for this purpose. Dwellinghouses used for secondary letting would be able to revert to residential use without planning permission.
- 2.13 In order to establish a Control Area, it is proposed that a similar process should be followed to that used to establish – or amend – a Conservation Area. This process requires some form of consultation, albeit not specified in legislation, and notification to Ministers for approval. Scottish Government consider that this approach strikes the right balance between, on the one hand, proper consultation and evidence gathering, and, on the other, avoiding unproductive bureaucracy and is appropriate as Control Areas would have a similar effect to Conservation Areas in making planning permission mandatory within them.

- 2.14 In terms of transitional arrangements where a Control Area is established, it is proposed that that local authorities have the power to set a grace period during which a host may submit a planning application for an existing secondary let and during which no enforcement action would be taken against them.

Observations

- 2.15 Short-term let accommodation is an integral element of the visitor economy, and therefore important to the economy of North Ayrshire. It can also, however, cause issues, including the availability of affordable housing within local communities. It is not proposed to set out the conditions for establishing a Control Area, however, it would be helpful if Scottish Government had at least produced guidance – based on the research carried out to inform the proposed regulations – on the circumstances in which a Control Area may be usefully established. This would help inform the decision-making process; the type of evidence local authorities would need to collect; and help avoid any unrealistic expectations, including with local communities.
- 2.16 The Scottish Government suspects that there are a number of instances across Scotland of dwelling-houses operating as short-term lets without planning permission having been sought and that these cases will come to light as the licensing scheme is rolled out across Scotland, whether or not the property is within an established control area. That may be the case, however, as acknowledged by the paper, whether the use of a dwellinghouse for secondary letting constitutes a material change of use requiring planning consent is considered on a case-by-case basis. It could be a significant undertaking for a planning authority to review all licence applications and determine whether planning permission is required.
- 2.17 Where a Control Area is established, three main issues present themselves:
- i) **Policy Framework:** As stated in the consultation paper, the requirement to seek planning permission in a control area would not, of itself, imply any predisposition to refuse consent. Planning applications are required to be determined in accordance with the Development Plan. This raises the question as to whether it is appropriate to establish a Control Area ahead of the inclusion of policies relating to short-term lets within the relevant development plan. Not having clear and applicable policies to assess applications for short-term lets could lead to inconsistent decision-making. In a wider sense, it may be more appropriate to progress proposals to establish Control Areas alongside relevant policy wording as part of the preparation of a new Local Development Plan.
 - ii) **Retrospectively applying the requirement for planning permission:** The transitional arrangements set out in the consultation indicate that – unlike in new Conservation Areas, for example – where a Control Area is established *existing* secondary lets would be required to seek consent. This could have a significant impact on established businesses and resource implications for local authorities. It is not common practice to retrospectively apply new planning policy or requirements on existing uses/development and it is questioned whether it is fair in this instance.
 - iii) **Switching between a dwellinghouse and short-term let:** In many instances a property may be used both as a dwellinghouse and a short-term let, while not at the same time, within any given period (i.e. a house could be used as the ‘hosts’

principal home for six months of the year and as a short-term let for the other half of the year). It is proposed that dwellinghouses used for secondary letting can revert to residential use without planning permission but it is not clear whether a host would be required to reapply for change of use back to a short-term let every time; this would be a significant burden on the use of a property.

3. Proposals

- 3.1 It is recommended that Planning Committee agrees that the observations set out in paragraphs 2.15 to 2.17, form the basis of a response to the Scottish Government on the proposed regulations introducing control areas for short-term lets.

4. Implications/Socio-economic Duty

Financial

- 4.1 There are no financial implications arising from the introduction of short-term let control areas. Establishing a Control Area would be at the discretion of the Council, taking account of evidence and the views of local people. Should a Control Area be established, this is likely to lead to an increase in planning applications and, potentially, enforcement activity.

Human Resources

- 4.2 A potential increase in planning applications and enforcement complaints arising from the establishment of a Control Area could have human resources implications.

Legal

- 4.3 The consultation introduces the detail of a new regulatory system relating to the operation of short-term lets.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 None.

Key Priorities

- 4.6 Short-term let accommodation is an integral element of the visitor economy and is relevant to a number of the Council's key priorities, including an "inclusive, growing and enterprising economy" and "vibrant welcoming and attractive places". The Council Plan states we will develop North Ayrshire as a coastal and island destination attracting tourism investment and visitors. At the same time, affordable, modern and well-designed homes that meets residents' needs is also a key priority.

Community Wealth Building

4.7 None

5. Consultation

- 5.1 This committee item reports on and outlines a response to a current Scottish Government consultation on proposals for the definition and the establishment a licensing scheme and control areas for short-term lets. The purpose of the consultation is to help the Scottish Government ensure that legislation to be laid at the Scottish Parliament in December is as efficient and effective as possible. The Scottish Government is seeking comments which will assist in getting the details right, not the wider issues of whether to implement a licensing scheme or control areas, nor the broad framework of the approach.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

None

NORTH AYRSHIRE COUNCIL

30 September 2020

Planning Committee

Title:	Conservation Area Assessments
Purpose:	To inform Committee of the production of 10 Conservation Area Assessments and recommend appropriate actions.
Recommendation:	<ol style="list-style-type: none"> 1. That the Committee note the Assessments and their findings. 2. To approve the recommended alteration of the Conservation Area boundaries at Dalry, Lamlash and Dreghorn. 3. That the Council proceeds with the legal process to designate the revised Conservation Areas. 4. That the Conservation Areas Appraisals are adopted as non-statutory Supplementary Guidance.

1. Executive Summary

- 1.1 In 2019, Austin-Smith: Lord (on behalf of the Council), carried out Conservation Area Assessments in 10 of North Ayrshire's Conservation Areas. The aim of the assessments is to appraise the special historical interest of the designated areas. Within the reports are management plans which contain recommendations to the Council designed to protect and enhance our Conservation Areas.
- 1.2 The purpose of the assessments is to further understand what is important about the Conservation Areas, including their characteristics and highlighting why these places are worthy of protection and enhancements. The assessments include the historical context, an appraisal of the townscape and a character assessment. These documents are considered vital in the delivery of the recently adopted Local Development Plan and the aims of the Council Plan of facilitating inspiring places.
- 1.3 Within the assessments, perhaps the most significant recommendations include whether to alter the legal boundary of each Conservation Area. The table below shows a summary of these recommendations for each of the 10 assessments including an officer recommendation to either accept the changes or not.

2. Background

- 2.1 Conservation Areas were first introduced by the Civic Amenities Act 1967. The Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997 provides the current legislative framework for the designation of conservation areas.

- 2.2 A Conservation Area is defined in the Act as “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.
- 2.3 All planning authorities are required by this Act to determine which parts of their area merits Conservation Area status. North Ayrshire Council has 13 Conservation Areas varying in character from rural to seaside towns and urban areas and village centres.
- 2.4 In 2019, to aid the delivery of the Local Development Plan (LDP), Austin-Smith: Lord were appointed to carry out Conservation Area Assessments for 10 of the 13 Conservation Areas. These included: Beith, Corrie, Dalry, Dreghorn, High Corrie, Irvine Harbour, Lamlash, Perceton, Skelmorlie and West Kilbride. These complement similar assessments recently carried out for Irvine Town Centre, Kilbirnie and Millport.
- 2.5 The Assessments have the following structure;
1. Introduction
 2. Historic Development
 3. Townscape Appraisal
 4. Character Assessment
 5. Conservation Area Boundary
 6. Preservation and Enhancement
 7. Conservation Area Management Plan
- 2.6 It is intended that the documents are used to facilitate development that will preserve and enhance the special historic character by increasing the information available to both applicants and decision makers on what contributes to that character. The Management Plans contain within them a series of recommendations for the Council to consider pursuing. Some examples of the recommendations include publishing leaflets containing information on making enhancements to historic buildings that make positive impacts on their character. Another example of recommendations is highlighting key potential development sites which have the potential to significantly improve the townscape of the Conservation Area.
- 2.7 These documents are considered vital to the delivery of the Local Development Plan. In particular, policy 9 of the Plan which is entitled; *Preserving and Enhancing our Conservation Areas*. As non-statutory supplementary guidance, the Conservation Area Appraisals will be material in the assessment and consideration of change within Conservation Areas that require consent, for example by highlighting buildings and features of special historic character that must be preserved or enhanced by new development.
- 2.8 The Assessments have been subject to targeted stakeholder consultation, including Historic Environment Scotland, Community Councils, Development Trusts, Civic Trusts and the Community Planning Partnership. It is hoped that the consultation will help increase awareness and support for development which enhances our Conservation Areas.
- 2.9 The consultation exercise took place from 10th July 2020 until 21st August 2020, with extended time period agreed with some stakeholders. A summary of issues raised from the consultation is below.

Beith Cultural and Heritage Society

The above stakeholder's comments relate to the Beith Conservation Area Assessment. The assessment is a valuable source of photographs, historical information and suggested improvements but is weaker on suggestions for early and longer-term improvements, potential funding and the wider context of Scottish Government Climate Change Strategy and relationships with other aims for a stronger inclusive and sustainable economy.

The response details some wider proposals that could aid the sustainable regeneration of Beith.

Officer Response: The comments of support are welcome. The comments relating to the wider aims of the Scottish Government relating to Climate Change and sustainable development/regeneration are noted. It is recognised that the Conservation Area Assessments are just one aspect of the wider context of delivering enhancements for North Ayrshire's towns. It is considered that the points raised by Beith Cultural and Historical Society can be taken forward by the Conservation Area Assessment in its current form. Wider Council programmes such as the progressing regeneration strategy and Climate Change strategy will be informed by assessments such as the Conservation Area Assessments and the organisation's comments will be shared to help those strategies reflect the views of the stakeholder.

In terms of funding streams available, it is considered that the more information that is available through assessments such as this, the better chance both the Council and other bodies have in securing funding. The assessments can also act a catalyst for development, raising awareness of how sustainable development and regeneration can be achieved.

It is recommended that when the Council looks to deliver the actions proposed in the Conservation Area Management Plans, that Officers engage with stakeholders such as the Cultural and Heritage Society to prioritise actions for best value and to develop working relationships which can be mutually beneficial for regeneration of the town.

West Kilbride Community Council

The Community Council's comments relate to the West Kilbride Conservation Area Assessment. The Community Council questions some of the information contained within the documents such as the population of the village. The response also highlights other statements that it considers inaccurate.

The response also highlights that the Conservation Area should be extended to take in the War Memorial at Yerton Brae and the Railway Station.

In principle there is support for the recommendations contained with the Conservation Area Management Plan for West Kilbride. One of the recommendations is for the Council to open up discussions with Historic Environment Scotland to review listings of a number of buildings within the Conservation Area. The Community Council highlighted that they feel that only the aforementioned war memorial and the Village Hall are reviewed for listing.

The response also details that the Community Council believes that new materials should be accepted for environmentally sound reasons should the design be in keeping. The Community Council highlight that the Council should consider making grant funding available where costs are beyond normal.

Officer Response: the comments received from the Community Council are noted and welcomed. Changes have been made to the Assessments where appropriate regarding the inaccuracies found in the report.

With regards to the extension of the Conservation Area, it is recommended that the Council agree and support the consultant's assessment of the boundary. The consultants believed the boundaries of the Conservation Area are strong boundaries and should not be altered at this time. With regards to the war memorial and the railway station, these are currently offered protection through other designations and including them within the Conservation is not considered necessary at this time.

With regards to the listings review, it is considered that the Council should proceed as per the consultant's recommendations. Should discussions with Historic Environment Scotland conclude that a formal review should take place, then this will be subject to further consultation, providing further opportunity for stakeholder input. The Community Council's support for further investigation into the listing of the Village Hall is noted and welcomed.

Skelmorlie Community Council

The Community Council's response relates to the Skelmorlie Conservation Area Assessment. The response highlighted the Community Council agree that the Conservation Area is unique and should be protected. The response also highlights that trees make a valuable contribution to the area and that no more houses should be built that compromise these assets.

Officer Response: The comments from the Community Council are welcomed. It is considered that the Conservation Area Assessment as presented satisfies the concerns raised as far as their remit allows. Council Officers will continue to work with the Community Council to deliver the recommendations contained within the document as appropriate.

Arran Civic Trust

The Arran Civic Trust showed support in principle for the Assessments and considered them to be interesting and well observed. The Trust did highlight, however, that it had concerns that the alteration of the boundary of Lamlash Conservation Area may lead to inappropriate development on what is a key approach to the village. Also highlighted was the importance of the trees covered by the Tree Preservation Order, the old Gate Lodge of Whitehouse and the Victorian Perimeter wall. All of which could be in danger of being lost due to inappropriate development.

The trust also showed concern over the lack of 'people' orientated narrative in the reports, stating that people also contribute to Conservation Areas.

Additionally, the creation of another Conservation Area at Lochranza is discussed in their response. Highlighting that there are some outstanding historical assets, including the castle that may merit designation.

The response also raised issues such as the abundance of holiday and second homes in the Conservation Areas, stating that they were having an impact on local society. While in support of tourism and the Road Equivalent Tariff, there should be concern over the balance of resident and tourism in the islands villages to not over rely on tourism.

Officers Response: The Civic Trust's comments are welcomed and noted. The concerns raised are also noted and should any change take place, further consultation will be required to formally change the boundary. The change in boundary in question is considered a reasonable one. The site in question is allocated for development in the Local Development Plan. The removal of the site (referred to as Whitehouse Hotel, Lamlash in LDP2) from the Conservation Area does not mean that development should not be of an appropriate standard to safeguard the new boundary of the Conservation Area. Any new development (whether within or adjacent to the Conservation Area) will have to demonstrate that the special historic character of the area is not unacceptably impacted upon. The Assessments will help the Council make a more informed decision on how development could be accommodated on the site.

With regards to the narrative and including a more people orientated assessment, it is considered that the assessments can act as a catalyst to involve residents, businesses and visitors in the delivery of the assessments. The Conservation Area Management Plans for the Arran Conservation Areas include actions which involve these groups to become more involved in the development of their areas.

The comments relating to the balance between tourism and residents are noted, however, it is considered that these issues are outwith the scope of the assessments.

With regards to a new Conservation Area being designated at Lochranza, the creation of new designations did not fall into the remit of this project. There will be a chance to investigate new Conservation Areas in the future as part of the Local Development Planning process.

Arran Community Council

The Community Council highlighted that the assessments were shared with their members and that no specific comments were raised.

Summary of Conservation Area Assessment Findings

- 2.10 The assessments concluded that each of the Conservation Areas contained special historic qualities which merit their designated status. As part of the assessment, analysis of each of the legal boundaries was undertaken with a view to making recommendations for alterations, including enlargements and reductions.
- 2.11 Table 1 below shows the recommendations made by the consultants and Officer recommendations for delivering those.

Table 1: Recommendations for Conservation Area Boundary changes

Conservation Area	Austin Smith Lord Recommendation	NAC Officer Recommendation and reason for deviation (if applicable)
Beith	No Boundary Changes	Accept
Corrie	No Boundary Changes	Accept
Dalry	Extension west on New Street	Accept – subject to consultation
Dreghorn	Consider Reducing to remove the new housing estate at Station Brae	Accept – subject to consultation
High Corrie	No changes	Accept
Irvine Harbour	Two Minor changes	Rejected- both sides Montgomerie street contribute to built environment and removing the newly built flats from designation could potentially allow permitted development which could affect the setting in a detrimental manner. The extension is also recommended to be rejected as this would bring an industrial business into the CA and would be considered as a restriction that outweighs the conservation merit.
Lamlash	Reduction – removal of sports facilities and Whitehouse area.	Agreed- subject to consultation with stakeholders.
Perceton	Reduce to take away Perceton Row and new housing.	Reject- The row contributes positively to the built environment and the modern housing is unique enough to contribute and continue to do so.
Skelmorlie	No Changes	Agreed
West Kilbride	No Changes	Agreed.

- 2.12 In addition to recommendations relating to the boundary of each Conservation Area, each Appraisal is accompanied by a Draft Conservation Area Management Plan. These Management Plans set out a range of objectives and actions to enhance each Conservation Area. Further consideration will be given to the prioritisation and implementation of these objectives.

Next Steps

- 2.13 In accordance with Section 62 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, once a planning authority has decided to amend a Conservation Area, notice of a re-designation reflecting the change must be published in the Edinburgh Gazette and at least one local newspaper and formal notification sent to Scottish Ministers and Historic Environment Scotland. This process will be undertaken and the Conservation Area Appraisals published on the Council's website.

3. Proposals

- 3.1 It is proposed that the Committee takes the following actions:

1. That the Committee note the Assessments and their findings.
2. To approve the recommended alteration of the Conservation Area boundaries at Dalry, Lamblash and Dreghorn.
3. That the Council proceeds with the legal process to designate the revised Conservation Areas.
4. That the Conservation Areas Appraisals are adopted as non-statutory Supplementary Guidance.

4. Implications/Socio-economic Duty

Financial

- 4.1 There are no financial implications arising from the report.

Human Resources

- 4.2 There are no Human Resource implications arising from the report.

Legal

- 4.3 Following the re-designation of some Conservation Areas, the legal and decision-making framework may change. Further context and implications to this is provided in the above report and within the Assessment documents.

Equality/Socio-economic

- 4.4 The information contained within the assessments will aid discussion with stakeholders including community groups and members of the public. The preservation and enhancement of our historic environments can have significant impacts on equality and socio-economic outcomes.

Environmental and Sustainability

- 4.5 The assessments refer to the impact the historic environment can have on the local environment and recommends actions which can significantly improve them. This improvement can contribute to the desirability of our environment and can contribute to their success.

Key Priorities

- 4.6 The improvement of town centres will support the Council Plan themes of:
- Growing our economy, increasing employment and regenerating towns
 - Working together to develop stronger communities
 - Helping all of our people to stay safe, healthy, and active
 - Protecting and enhancing the environment for future generations

Community Wealth Building

- 4.7 Community Wealth Building has five pillars for harnessing existing resources to enable local economies to grow and develop: Procurement; Employment; Land and Assets; Financial Power; and Democratic Ownership of the Local Economy. There are opportunities for developing more sustainable futures for our Conservation Areas across a number of these pillars that will be explored as we develop our CWB strategy and action plans. These are likely to feature most prominently within the priority on Land and Assets workstreams.

5. Consultation

- 5.1 Further consultation will be required as per the legislative framework for Conservation Areas that are proposed to be re-aligned.



RUSSELL McCUTCHEON
Executive Director (Place)

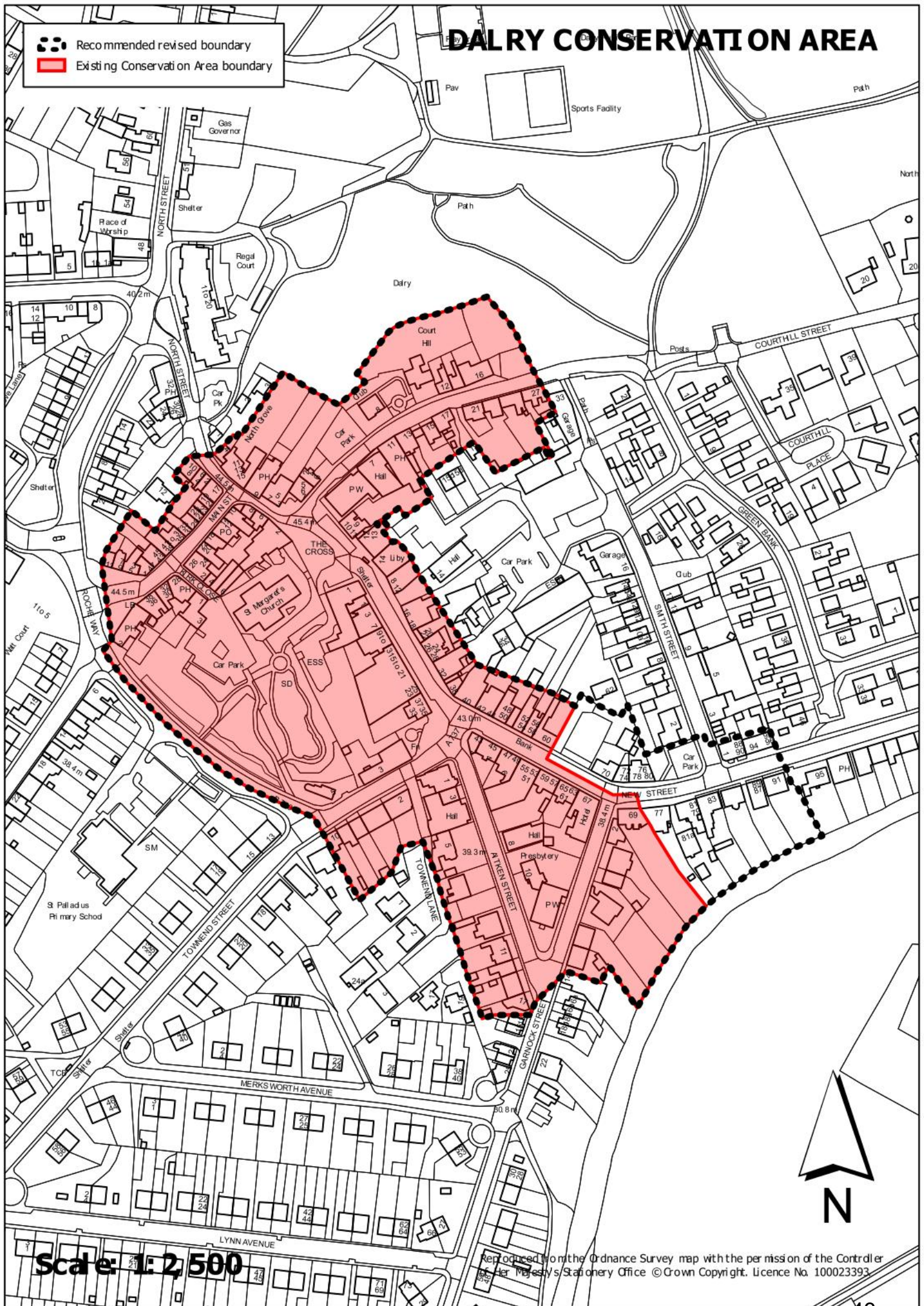
For further information please contact Thom Ledingham, **Planning Officer (Strategic Planning)**, on **01294 324623**.

Background Papers

1. Conservation Area Assessments

DALRY CONSERVATION AREA

-  Recommended revised boundary
-  Existing Conservation Area boundary

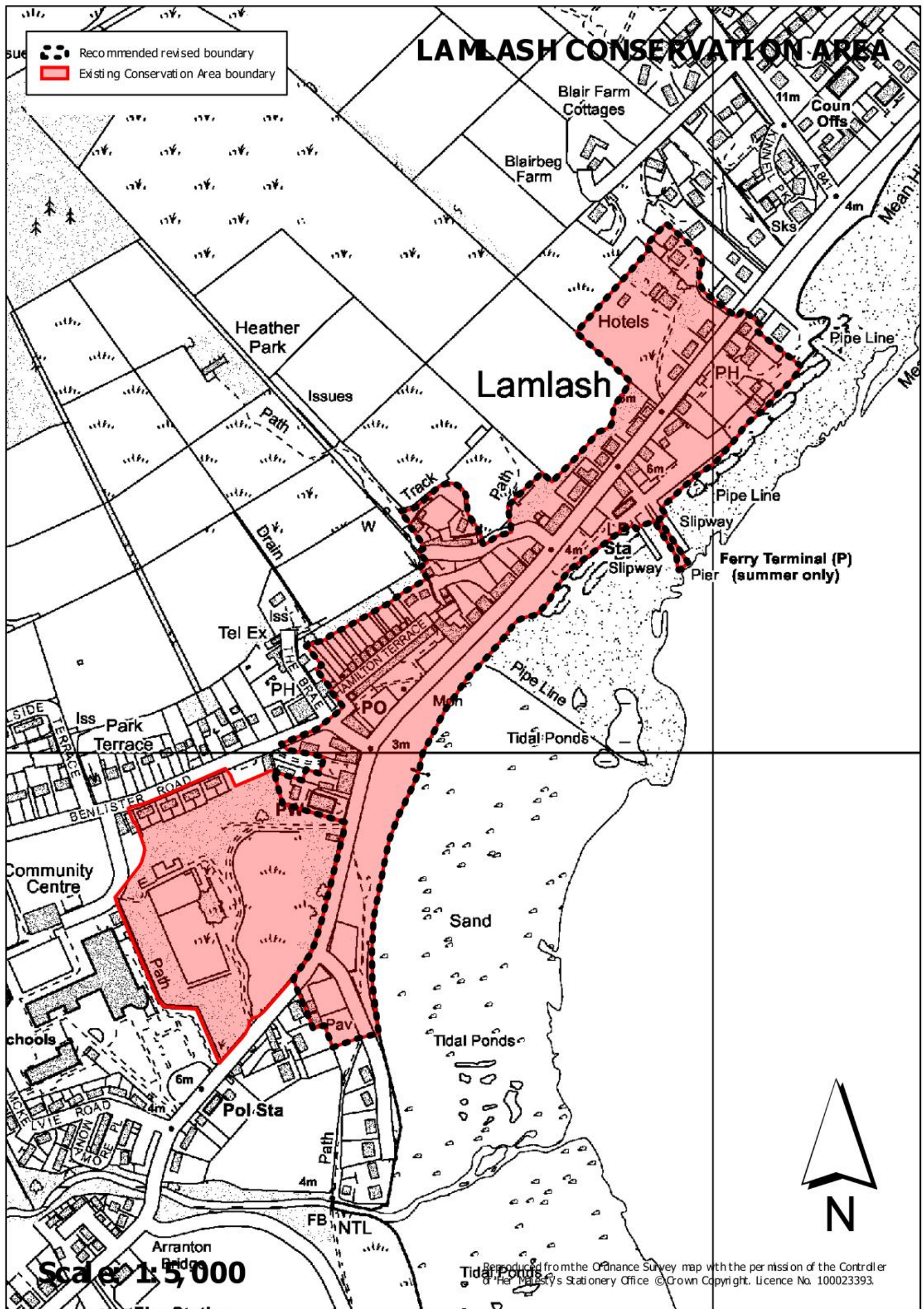


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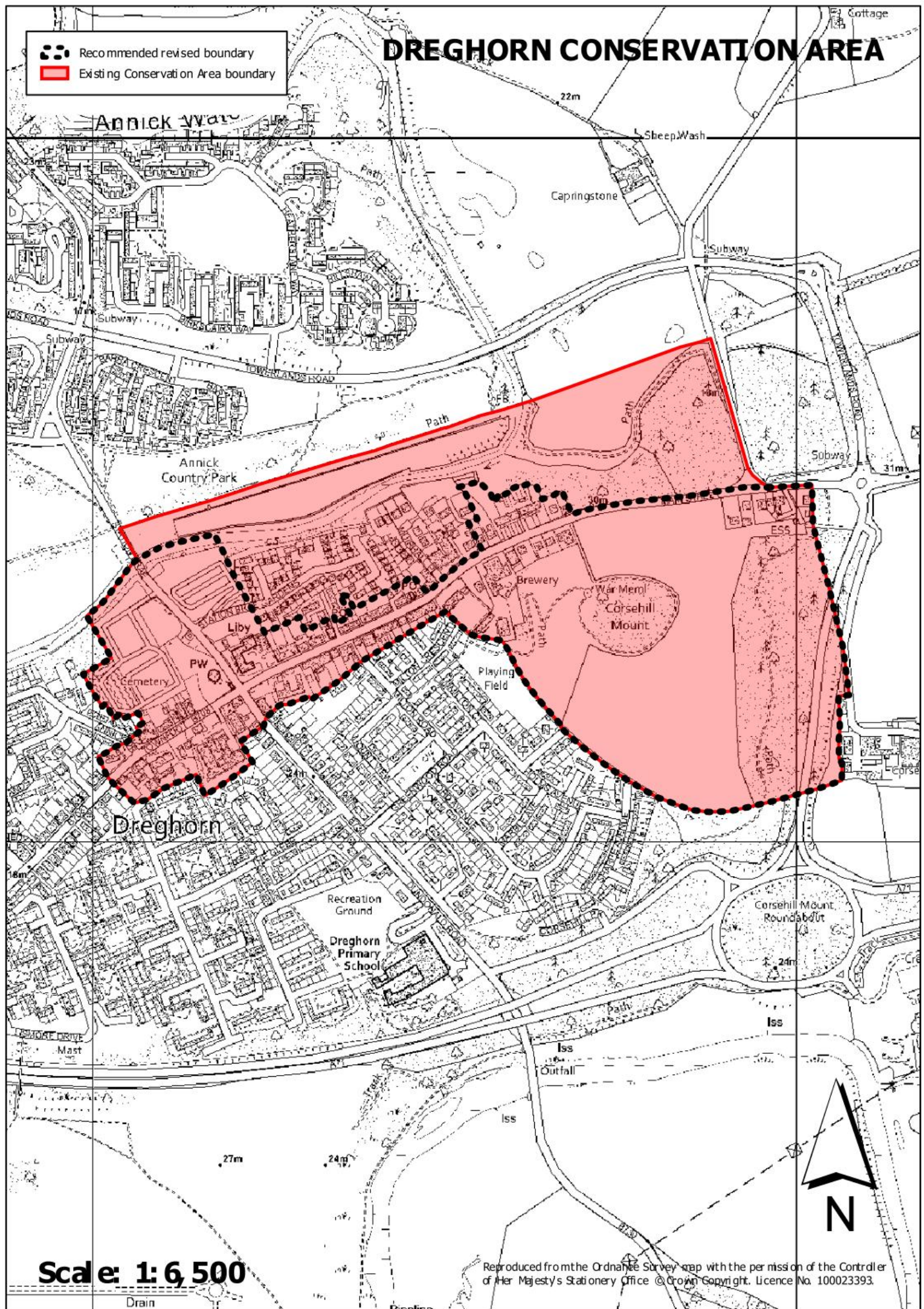
LAMLASH CONSERVATION AREA

- Recommended revised boundary
- Existing Conservation Area boundary



DREGHORN CONSERVATION AREA

-  Recommended revised boundary
-  Existing Conservation Area boundary



Scale: 1:6,500

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