

Cunninghame House,
Irvine.

14 January 2016

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 20 JANUARY 2016** 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 (Page 5)

The accuracy of the Minutes of meeting of the Committee held on 2 December 2015 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Ardrossan and Arran

Submit report on the following application:

15/00639/PPM: Harbour Industrial Estate, Montgomerie Street, Ardrossan (Page 13)

Erection of residential development comprising of 70 units, associated parking and landscaping (copy enclosed).

4. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: land at former Johnston Castings site, Drakemyre, Dalry KA24 5JL (Page 25)

Submit report by the Executive Director (Economy & Communities) seeking approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area (copy enclosed).

5. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
2 December 2015

Irvine, 2 December 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bruce.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of meeting of the Committee held on 11 November 2015 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Kilbirnie and Beith: 15/00264/DCMS: Loanhead Quarry, Beith

W H Malcolm Ltd, Loanhead Quarry, Beith have applied for a periodic review of the mining site at Loanhead Quarry, Beith. No objections or representations were received.

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

Duration

1. The extraction of mineral shall cease on 4th May 2058 or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.

General/Phasing

2. The developer shall operate the development in accordance with the working plans hereby approved. If, due to unforeseen circumstances, it becomes necessary or expedient to materially amend the provisions contained within the approved documents, developer shall submit for the consideration of North Ayrshire Council, as Planning Authority, proposals, plans and a statement of intent. The developer shall adhere to the approved plans until such time as an amended application may be approved by the Council, as Planning Authority.
3. From the commencement of development until its completion, a copy of the permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection on the site during the prescribed working hours.

Access/Transportation

4. All vehicular access to the site shall be via the existing access with the A737/Boydstone Road.
5. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council as Planning and Roads Authority.
6. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious materials on public roads.
7. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
8. The diverted Right of Way footpath shall be maintained to the satisfaction of North Ayrshire Council, as Planning Authority.

Hours of Working

9. The hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays,.

Noise

10. That noise from the quarry shall not exceed 55dBL_{aeq}, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property except during periods of overburden removal where prior written approval shall be obtained from North Ayrshire Council, as Planning Authority, to exceed this limit.

11. Noise from the development caused by soil/drift stripping and/or landscaping operations shall not exceed 70dB LAeq, 1 hour (free field) at any noise sensitive premises. This noise limit shall only be permitted for a maximum of eight weeks in any calendar year. Otherwise the noise limit in Condition 10 above shall be complied with.
12. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. All new plant introduced to the site shall be fitted with broadband type reversing alarms.
13. That within 3 months of the date of this decision the developer shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme for the monitoring of noise from the site to reflect the locations identified in Table 6.10 of 6 of the Environmental Statement dated May 2015. Thereafter the developer shall monitor noise from the site and to record the findings in reports all in accordance with the submitted and approved monitoring scheme.

Blasting

14. That blasting shall be restricted to weekdays between 1000 and 1600 hours.
15. That there shall be no more than 3 blasts in any day.
16. That each blast shall be designed and controlled so that the air overpressure is minimised and the acceptable magnitude of ground vibration of 8.5mm per second is not exceeded on more than 10% of the blasting occasions at the nearest existing vibration sensitive property.
17. That surface detonating cord and plaster boarding shall not be used at the site unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
18. That the developer shall monitor blasts on the site and record the findings in reports all in accordance with the previously submitted and approved monitoring scheme dated March 2003.

Dust

19. At all times during the carrying out of operations authorised or required under this permission water bowsers and sprayers, mobile or fixed, shall be used at times as it is necessary to minimise the emission of dust from the site.
20. That the developer shall continue to monitor dust from the site and to record the findings in reports all in accordance with the previously submitted and approved monitoring scheme dated March 2003.

21. The developer shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed within Section 7.6 of the Environmental Statement dated May 2015 shall be implemented on site and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.

Water Management

22. Perimeter ditches shall be maintained in order to prevent the ingress of surface water.
23. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction activities and ongoing operational activities.
24. All soil storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture.

Ecology

25. All vegetation clearance shall be carried out out-with the bird nesting season (March to July inclusive.) Where this is not possible, surveys for nesting birds shall be carried out and suitable mitigation measures put in place, as approved by the Council, as Planning Authority.
26. Before vegetation clearance/soil stripping of previously unquarried land, the area affected plus the surrounding 30metres shall be subject to protected species walkover surveys undertaken by a suitably qualified ecologist who shall, in consultation with the Planning Authority, advise the operator of any necessary mitigation measures.
27. That during the life of the quarry operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
28. The developer shall continue to adopt appropriate measures to ensure that no employee from the site visits the nest of either the Peregrines or the Ravens or the Barn Owls at any time.
29. Prior to the removal of the building structures at Gateside of Fullwoodhead and any associated broadleaved trees, with potential to support roosting bats, the developer shall undertake a survey in order to confirm the presence, or absence of roosting bats.

Restoration/Aftercare

30. That the site shall be progressively worked and restored in accordance with the phasing and restoration details shown in Drawing Numbers 3s to 11s of the Environmental Statement and in accordance with Section 3.14 of the Environmental Statement dated May 2015.
31. Unless retained for agricultural purposes, on the cessation of the workings, all buildings plant or machinery and areas of hardstanding within the ROMP site boundary shall be removed from the site with reinstatement being undertaken in accordance with Section 3.14 of the Environmental Statement.
32. The aftercare scheme as detailed in Section 3.14 of the Environmental Statement shall be implemented progressively following the reinstatement of appropriate areas of the ROMP site.

Planning Audit

33. That every five years from the approval of conditions, the operator shall submit a statement and drawings to the planning authority illustrating the extent of quarry working and projected operations during the forthcoming five year period as an audit of operations. This shall include an audit of compliance with conditions.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997:23 Fullarton Street, Irvine

Submitted report from Executive Director (Economy and Communities) on the proposed serving of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the cessation of unauthorised use as a hot-food takeaway with sit in facilities, at 23 Fullarton Street, Irvine.

The use of the property as a hot food takeaway with sit in facilities has commenced without the requisite planning permission and is therefore unauthorised. An application to retain the use was made and has been determined to be unacceptable due to its impact on residential amenity by way of inadequate odour control. Complaints about odour from cooking on the premises have been received, and the fact that, due to a lack of information, Environmental Health is not satisfied that the propose extraction system would prevent complaints relating to noise, smoke or odours in the future.

The Committee was advised that the application to retain the use as a hot food takeaway with sit in facilities was refused on 30 November 2015.

The Committee agreed to approve the serving of a Notice Under Section 127 of the Town and Country Planning (Scotland) Act 1997 to cease the unauthorised use as a hot food takeaway with sit in facilities at 23 Fullarton Street, Irvine.

5. Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997: Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn

Submitted report from Executive Director (Economy and Communities) on the proposed serving of Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permissions, in relation to Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn.

Complaints have been received since 2013 regarding deliveries not being carried out in accordance with the approved details. In particular, transporters have been parking on Corsehill Mount Road and cars have been loaded and unloaded on the public road. The owner of the property has been advised in writing, on several occasions, to fully comply with the requirements of the conditions. There has not been any response to the most recent correspondence and complaints continue to be received regarding the loading and unloading of transporters on the public road. Condition 2 of planning permission dated 8 April 2011 (11/00033/PP) and Condition 1 of planning permission dated 6 December 2013 (13/00660/PP) are found to be in breach.

The Committee agreed to approve the serving of Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permissions (ref: 11/00033/PP and 13/00660/PP) in respect of Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn.

6. Cancellation of Article 4 Direction Orders

Submitted report from Executive Director (Economy and Communities) on the proposed cancellation of Article 4 Direction Orders, which restrict permitted development rights in six of North Ayrshire's conservation areas.

Article 4 Directions were made by North Ayrshire Council and its predecessors to restrict permitted development rights for specific works in selected conservation areas, the effect of which meant that planning permission for the specific works was required. In particular the Directions served to control minor householder development to buildings in a conservation area, which could detract from the historic character and appearance of the Conservation Area. Appendix 1 to the report detailed the Classes of the Permitted Development which are restricted by the Article 4 Directions in six Conservation Areas at Dreghorn, Corrie, Lamblash, High Corrie, West Kilbride and Skelmorlie.

The Committee agreed to (a) cancel the current Article 4 Direction Orders listed within Appendix 1 to the report, with immediate effect; and (b) thereafter, publicise the cancellations in statutory press notices as required.

7. Energy Targets and Scottish Planning Policy

Submitted report from Executive Director (Economy and Communities) on the Scottish Government's current position on on-shore wind farms, in light of the UK Government's announcement in June 2015 to the earlier end of subsidies for new onshore wind farms. The Chief Planner's letter to Scotland's planning authorities outlining the Scottish Government's current position on on-shore windfarms was attached as Appendix 1 to the report.

On 22 June 2015, the UK Secretary of State for Energy and Climate Change made a statement that there is enough planned and existing on-shore wind to meet the 11-13GW of electricity from on-shore wind by 2020. This statement was made in the context of the UK Government's decision to bring early close to the Renewable Obligation subsidy scheme. Any proposed new on-shore wind farms would be excluded from this scheme from 1 April 2016, which is one year earlier than originally planned. In this context, the Chief Planner seeks to remind Planning Authorities that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013), which contain the government's current position on on-shore wind farms, remains valid.

The Scottish Government retains the target for Scotland to generate at least the equivalent of 100% gross electricity consumption from renewables by 2020. The Scottish Government's 500 MW target for community and locally owned renewables has been reached but will be reviewed to maintain momentum, and that the Scottish Ministers support for community and local ownership remains undiminished. The North Ayrshire Local Development Plan is under review, providing an opportunity to refresh current local planning policy and guidance for renewable energy development in light of SPP, which was published after the plan's adoption in May 2014.

Members asked questions and were provided with further information in relation to the Scottish Planning Policy which makes it clear that net economic impact, including community socio-economic benefits such as employment, associated business and supply chain opportunities, are relevant material considerations, which should be addressed in determining planning applications for renewable energy technologies, such as on-shore wind.

Noted.

8. Trees and Development Guidance

Submitted report from Executive Director (Economy and Communities) on the proposed Trees and Development Guidance prepared to address common tree issues within new development schemes, as outlined in Appendix 1 to the report.

Section 159 of the Town and Country Planning (Scotland) Act 1997 imposes a duty on the Council as Planning Authority "to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees."

The new guidance offers prospective developers a set of standards which would inform new developments, where trees are a planning consideration. It also encourages developers to consider trees and hedgerows at an initial site assessment and provides applicants with a checklist of information to accompany planning applications, where trees are a planning consideration. The guidance also outlines the latest British Standard for trees in relation to design, demolition and construction, which is the standard, used by Councils to consider the potential impacts on trees.

The Committee agreed to approve the adoption of the Tree and Development Guidance.

The meeting ended at 2.25 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

20 January 2016

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

15/00639/PPM

Application

6th November 2015

Registered

Decision Due

6th March 2016

Ward

Ardrossan And Arran

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

LocationHarbour Industrial Estate, Montgomerie Street,
Ardrossan**Applicant**

Cunninghame Housing Association

ProposalErection of residential development comprising of
70 units, associated parking and landscaping

1. Description

Planning Permission in Principle (PPP) was granted on 24th April 2013, for the erection of a mixed use development comprising residential units, nursing home, commercial units, distributor road and coastal defence works at Ardrossan Harbour, Ardrossan (Ref 11/00685/PPPM). The current application seeks detailed planning permission for the development of Phase 4 of the approved area.

The site is located within the eastern section of the PPP area and is bounded to the south-east by Montgomerie Street. The north-eastern boundary is formed by a steeply sloping embankment which rises to meet North Crescent Road/Montgomerie Street. To the south, there are existing residential properties at Montgomerie Street and to the west is vacant land which forms Phases 5 a,b & c of the PPP. The development of phases 5a and 5b is the subject of an application for planning permission by Persimmon Homes (ref.14/00485/MSCM).

The application site is predominantly flat and the former railway platforms would be removed. The most significant level change exists along the north-eastern boundary with Montgomerie Street and North Crescent Road with the site lying approximately one storey lower than the main road.

It is proposed to erect 70 affordable housing residential units comprising of 28 terraced three apartment houses, 4 semi-detached four apartment houses, 24 common close three apartment flats and 14 cottage three apartment flats. The terraced, semi-detached and cottage flat blocks would be 2 storeys in height and the remaining common close flats contained within 3 storey blocks.

The location of the blocks is informed by a 12m wide 'no build zone', which dissects the site along the route of an existing 1125mm sewer. The blocks would be spread throughout the site with four 2 storey terraced blocks fronting Montgomerie Street, 2 storey terraced and semi-detached blocks located centrally and the three storey flatted blocks predominantly located centrally, with the exception of one block, which would be located against the embankment in the north-east of the site.

A simple palette of materials is proposed with block paving in all hardstanding areas. The dwellings would be finished predominantly with facing brick, of two types, grey buff and red with particular architectural features finished in zinc or precast concrete. Roofs would be finished with concrete tiles with dark grey aluminium clad windows and doors. All boundary treatments would be a mixture of facing brick and timber. Soft landscaping would be in the form of trees and hedging within public areas and grass in private garden ground.

Parking would be spread throughout the site either incorporated into the streetscape or to the side of individual dwellings, with an overall provision of 77 spaces.

Primary access to the site would be from Montgomerie Street, with the creation of an avenue, which would link through the site with a future access made available to connect the site to Phase 5c of the PPP area. Two pedestrian links in the north of the site would be provided from Montgomerie Street and Phase 5a, creating the potential for permeability throughout and beyond to the wider area. The latter link would align with the link indicated within the development of phases 5a and 5b which is currently being considered as part of planning application (ref.14/00485/MSCM).

Pre- application discussion with Officers focussed on the general layout of the site. Subsequent discussion has involved the design and finishes of the proposed house types and some minor layout issues, which has resulted in amendments to the application.

In support of the application, the applicants have submitted:

- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Pre-Application Consultation Report
- Supplementary Site Investigation
- 3 dimensional montages

As indicated above, PPP has been granted for the proposed redevelopment of the wider Ardrossan Harbour and was considered to accord with the relevant Local Plan policies.

In the Adopted Local Development Plan (LDP) the application site is allocated for residential purposes where Policies RES2 (13) and RES9 apply.

Policy RES2 (Additional Housing Sites) identifies sites for housing including Ardrossan Harbour whereby the overall indicative capacity for the site is 440 units.

Policy RES9 (Large Scale Regeneration Opportunities) identifies the need for comprehensive masterplans to be prepared for sites at Ardrossan Harbour. In April 2014, the Planning Committee approved the 'Ardrossan North Shore: Draft Design Principles to guide the development of the larger area, in addition to the Policies of the LDP. The Principles primarily refer to the design of the coastal frontage but also provide guidance on elevations, such as design, materials, fenestration details etc as well as encouraging a Designing Streets approach to pedestrian and vehicular access.

In addition to the above site specific policies, the following general policies are also relevant to the determination of the application.

- PI 8 (Drainage, SUDS and Flooding), requiring appropriate assessment to be submitted together with any required mitigation measures;
- PI 1 (Walking, Cycling and Public Transport), requiring all developments with significant trip generation to take account of and provide for all forms of travel, and
- RES 8 (Open Space and Play Provision in New Housing Developments), which sets out requirements for open space and play provision for residential development.

The proposed development also requires to be assessed against the Coastal Design Guidance and the General Policy of the LDP, the relevant criteria in this case being (a) siting, design and external appearance; (b) amenity; and (d) access, road layout and parking provision.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on 18th November 2015 for neighbour notification purposes. No letters of representation were received

SEPA – No objections.

Response – Noted.

NAC Transportation – No objections.

Response – Noted.

Environmental Health – No objections subject to conditions regarding contamination/ site investigation, air quality measures and the requirement of a noise impact assessment to measure potential noise from a neighbouring transport business. The applicant has been informed directly of environmental protection matters, eg operating hours for construction works.

Response - An appropriate condition could be applied in relation to contaminated land. With regard to air quality, Environmental Health was previously satisfied that in considering the overall PPP (ref. 11/00685/PPPM) the anticipated increase in traffic volumes in the town centre, while increasing pollution levels, would still be significantly within the acceptable limits. There is no material change in this application as such the condition would not be required. A condition would address the need for a noise assessment.

NAC Flooding - no objections. The potential flood risk at the development site comes from the sea. A comprehensive Flood Risk Assessment has been carried out and the building, roads and walkways have been set back from the proposed coastal revetments by at least the minimum distance required in the 200 year joint probability event. Flood risk to the south and western sides of the site from overtopping of existing revetments has also been considered.

The foul and surface water systems will be separated on site, foul water will discharge directly into Scottish Water combined sewer, while the surface water discharge would be to the Firth of Clyde.

Response – Noted.

NAC Cleansing – No objections. Bin requirements would require consultation with Waste Services to determine the property type needs. Access roads should be sufficient and unobstructed to accommodate the weight and size of a 26 ton triple axle refuse vehicle with the minimum of reversing. The plans provided appear suitable in this respect.

Response – Noted. A condition could be applied in this regard to ensure the plans are implemented.

Education – No objections.

Response – Noted.

Scottish Water – No response received.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions taken by Planning Authorities shall be in accordance with the Development Plan unless material considerations indicate otherwise. As noted above PPP has been granted for the proposed redevelopment of Ardrossan Harbour providing a mixed use development, comprising of residential units nursing home, commercial units, distributor road and coastal defence works, which was found to be in accordance with the relevant Local Plan Policies. The current application seeks detailed planning permission for the development of Phase 4 of the PPP area, and would provide the affordable contribution for the entire PPP area.

In the Adopted Local Development Plan (LDP) the application site is allocated for residential purposes where Policies RES2 (13) and RES9 apply. In addition the application requires to be determined against Policies PI 8 (Drainage, SUDS and Flooding), PI 1 (Walking, Cycling and Public Transport) and RES 8 (Open Space and Play Provision in New Housing Developments). The proposed development also requires to be assessed against the General Policy of the LDP, the relevant criteria in this case being (a) siting, design and external appearance; (b) amenity; and (d) access, road layout and parking provision.

With regard to policies Policy RES 2 and RES 9, the principle of the development has been established through the LDP, and the previous planning consent (ref. 11/00685/PPPM). The application proposes the development of 70 residential social housing units; therefore the development would comply with both the approved PPP and these policies.

In respect of Policy PI 8 (Drainage, SUDS and Flooding), the applicant has provided a Flood Risk Assessment (FRA) and proposed drainage plans. Potential flood risk of the wider PPP area is coastal. A comprehensive FRA has been carried out and the building, roads and walkways within the wider PPP area have been set back from the proposed coastal revetments by at least the minimum distance required in the 200 year joint probability event. Flood risk to the south and western sides of the site from overtopping of existing revetments has also been considered. NAC Flooding advises that the development would not be at risk from coastal or still water flooding, even if the proposed revetment wall in the adjacent development (ref. 13/00509/MSCM) is not implemented.

The Ardrossan North Shore Design Principles state that given the coastal location of the PPP area, a SUDS scheme would not likely be required as surface water from development would discharge straight to coastal waters. Foul and surface water systems would be separated on site, foul water would discharge to the combined sewer, while the surface water would discharge into the Firth of Clyde. SEPA has not objected to the proposal. The proposal would comply with the requirements of the PPP and Policy PI8.

In considering Policy PI 1 (Walking, Cycling and Public Transport) the applicant has submitted a Transport Statement which provides information on existing walking and public transport links and an assessment of expected traffic generation and impacts of this proposed phase. This proposal would form part of a much larger masterplanned area. The statement assesses the potential isolated impact of this proposed development on the local road network. NAC Transportation has raised no objection to the proposal or the validity of the Transport Statement.

With respect to permeability the proposal includes a number of links through the site to adjoining sites which are yet to be developed, and to the wider network, which demonstrates that account has been taken of the needs of walkers and cyclists. The applicant has raised some concern regarding the inclusion of a link to the undeveloped Phase 5a currently being considered as part of a separate application (ref. 14/00485/MSCM), the main concerns being the potential for anti-social behaviour and security of the site. The Principles encourages permeability throughout the site for both pedestrians and vehicles, which is supported by Scottish Government Policy, 'Designing Places'. Although it is noted that a link to an undeveloped Phase would be unsuitable at this point in time the inclusion of a future pedestrian link would be considered desirable. Subject to a suitable condition, the proposals would comply with PI 1.

With regard to Policy RES 8 (Open Space and Play Provision in New Housing Developments) the approved Ardrossan North Shore Design Principles require that a large area of open space be provided along the coastal frontage rather than within individual phases of development. The Principles also indicate that equipped play should be provided within those areas and there would be no requirement for equipped play elsewhere in the site. Therefore the general provision of open space and play provision within this phase of the development would not be required. As such the general terms of this policy would not apply to this development although they will be achieved over the whole North Shore PPP area.

The proposals require to be assessed against the General Policy criteria:

a) Siting, design and external appearance

The proposed site layout is broadly similar to existing residential streets in the immediate area with the addition of 'Designing Streets' elements incorporated, such as shared spaces, reducing the visual impact of parking and use of features to reduce traffic speeds. The proposal also includes the provision of vehicular and pedestrian links into the site with the potential for links to future phases. The permeability of the site would comply with both 'Designing Streets' and the approved Design Principles for the wider North Shore area.

The contemporary design takes reference from the mixed character of the area and proposes the use of complementary materials such as brick and concrete. The majority of the dwellings would not include front gardens with amenity space placed at the rear of properties, which results in terraces of buildings fronting directly onto the public spaces.

The frontage to Montgomerie Street would be different in that the terrace would be set back from the pavement to reflect the character of the street. The use of brick for visible boundaries further compliments the appearance of the development and streets.

Three blocks of 3 storey flats are proposed through the site. To reduce their dominance the applicant has dispersed them through the centre of the site. The most visible block in the north of the site has been sited to take advantage of the significant change in level between the site and North Crescent Road. As a result the block would be approximately one storey lower than the main road.

The visual effects of varying building scale, design and appearance would be compatible with the development typologies in the surrounding areas, being of similar size, scale, form, massing, height and density resulting in a positive addition in an otherwise vacant site.

The design and appearance of the development is considered to be of high quality and would ensure that residents would enjoy an acceptable standard of outlook, area of garden ground and amenity space, offering an acceptable standard of residential amenity. Accordingly the siting, design and external appearance of the development are considered to be acceptable and would comply with the aspirations of the Design Principles.

b) Amenity

The applicant has revised two blocks located along the site boundary with Phases 5a and 5b. The previous proposals resulted in two semi-detached properties being in close proximity to a mutual boundary which had the potential to compromise privacy of future residents.

Due to the revised siting and layout of the dwellings, as well as the distance to neighbouring residential properties, there would not be any significant adverse impacts on residential amenity by reason of loss of privacy, sunlight or daylight, and there would not be any significant impact on visual amenity.

d) Road layout and Parking Provision

The design of the proposed roads would reflect the aspirations of 'Designing Streets' ensuring that an attractive and integrated layout would be achieved. The proposals are supported by NAC Transportation and reflect the approved Design Principles for the North Shore.

It is considered that the proposal accords with the relevant LDP policies, General Policy, the provisions within the Coastal Design Guidance and the Council's design principles for the overall PPP area. Planning permission can therefore be granted subject to the conditions contained in Appendix 1.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
8 December 2015

For further information please contact Ross Middleton , on 01294324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00639/PPM

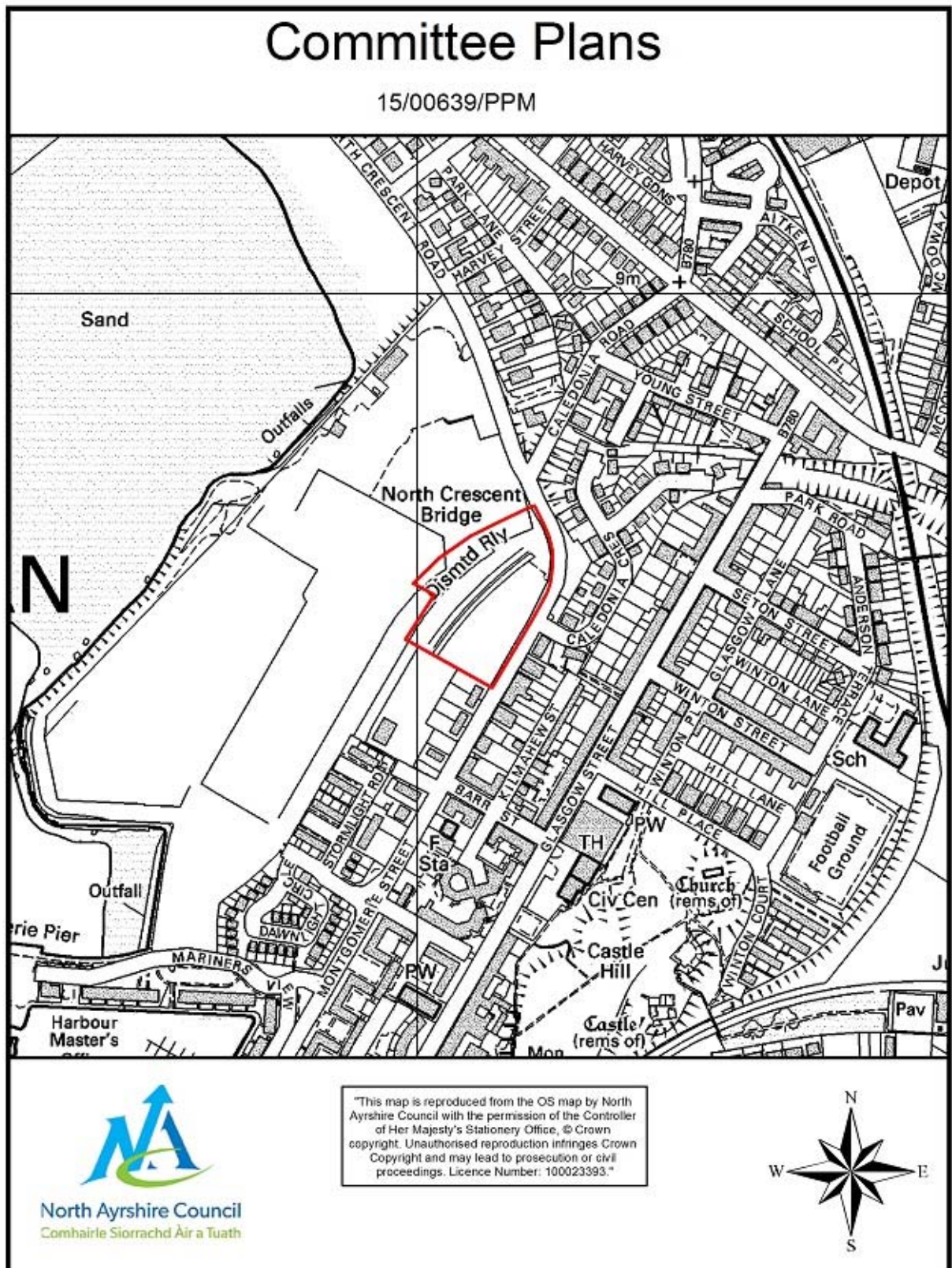
Grant subject to the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and samples of the proposed external finishes of the dwellinghouses, brick boundaries and the proposed surface treatment of roads and other areas of hardstanding within the site. Thereafter any such details, which may be agreed, shall be implemented in full prior to the occupation of the last property and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That unless otherwise agreed in writing all boundary treatments shall be implemented in full and in accordance with approved drawings, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of development a noise impact assessment must be undertaken in accordance with BS:4142:2014. The noise impact assessment should measure existing noise levels from any activities within the adjacent transport business and outline potential remediation to ensure that the rated noise level, as defined in BS:4142:2014, from any activities within the adjacent transport business does not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. Any recommendations outlined within the assessment should be implemented prior to occupation of the development and be maintained in perpetuity.
4. That unless otherwise agreed in writing the proposed drainage layout shall be implemented in full and in accordance with approved drawing J3120-SK041, all to the satisfaction of North Ayrshire Council as Planning Authority.
5. All recommendations contained within the report titled Report on Supplementary Site Investigation at Montgomerie Street, Ardrossan for Cunninghame Housing Association by Scott Bennett Associates (Group 2) Ltd Project ID: J3120.19 and dated September 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
6. 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. On completion of the proposed works written verification, detailing what was done by way of any remediation shall be submitted. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.

7. That prior to the completion of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the proposed pedestrian links and future links to phases 5a, 5b, & 5c of the wider North Shore PPP Area. The details shall include plans and sections as well as temporary site security for those links leading out of the north-west boundary. Thereafter any such details, which may be agreed, shall be implemented in full prior to the occupation of the first property and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt in the event of phases 5a, 5b, & 5c of the wider North Shore PPP Area being implemented any temporary site security shall be removed and all links maintained in perpetuity.
8. That all planting, seeding or turfing indicated in the plan (ref. C1542.001), 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.
9. 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.

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

1. In the interest of the visual amenity and ensure that external finishes are compatible with the wider area
2. In the interest of the visual amenity and ensure that all boundary treatments are compatible with the wider area.
3. In the interest of the amenity of future occupants and to protect the ongoing operations of existing industrial uses.
4. To ensure the site is suitably serviced and to protect existing and future residents from localised flooding.
5. To meet the requirements of Environmental Health and protect the health of future residents.
6. To meet the requirements of Environmental Health and protect the health of future residents.
7. In the interests of proper planning and ensure that the development complies with the aspirations of the wider North Shore Masterplan Area
8. In the interests of visual amenity and ensure that a suitable landscaping scheme is implemented and maintained.
9. To comply with the requirements of Roads.



NORTH AYRSHIRE COUNCIL

Agenda Item 4

20 January 2016

Planning Committee

Title: Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: land at former Johnston Castings site, Drakemyre, Dalry KA24 5JL

Purpose: To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area

Recommendation: That the Committee grants authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact of the land on the local area

1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land at the former Johnston Castings site, Drakemyre, Dalry KA24 5JL. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The land comprises the site of the former premises known as Johnston Castings, Drakemyre, situated on the western side of that street. The eastern boundary of the site is the main road (B780) between Dalry and Kilbirnie and residential properties. To the north and west is the access road to properties at Ryefield House and Ryefield Stables. To the south are open fields. The buildings on the site are vacant. The site comprises the vacant buildings with hard standing surround. Access to the site is from gates at the eastern end and north-western corners of the site.

- 1.3 The land has been used for dumping of what appears to be household items, building, garden and general waste. There has also been an accumulation of litter on the land. The land is visible from the adjoining residential properties to the east and any users of the access road to the residential properties at Ryefield House and Ryefield Stables. The site is also visible from the B780. The condition of the land due to the accumulation of refuse and litter has a significant adverse impact on the amenity of the local area.

2. Background

- 2.1 The site is a former industrial site which has been vacant for over 5 years. The land is allocated in the Local Development Plan as a potential housing site. However, permission for redevelopment of the site has neither been sought nor granted.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land on the 10th September 2015, revealed that refuse had been dumped on site and that there had been an accumulation of litter. The gate at the north-west corner of the site was not secure and appears to have allowed vehicles to access the site and dump refuse. The owner of the land, Auchans Ltd, was requested in writing to clear the site and confirm their intentions for the site. Following further correspondence the owner stated that they would clear and secure the site by the middle of December 2015. An inspection of the property on the 6th January 2015 revealed that the land had not been cleared.
- 2.3 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. No works have been undertaken and the condition of the land continues to cause harm to local amenity.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The areas where the majority of refuse is located is visible from residential properties to the east and when accessing the residential properties to the west.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
 - (i) Removal of the refuse and litter from the land;
 - (ii) Secure the gates at the north-western corner of the site to prevent vehicular access.

- 3.3. It is proposed that the owner would be given 28 days from the date of any Notice taking effect in which to carry out the requirements.

4. Implications

Financial:	<p>Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as planning authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person(s) who was the then the owner or lessee any expenses reasonably incurred during the carrying out of these works.</p> <p>Cleansing has been made aware of the condition of the land and the possibility of the Council carrying out the works itself. The estimated cost of any works is to be advised</p>
Human Resources:	N/A
Legal:	The proposed Wasteland Notice is in accordance with Statutory Regulations.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Wasteland Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	The proposed Wasteland Notice would address complaints about the condition of the site.

5. Consultation

- 5.1 Finance and Property Services has been advised of the report in terms of its budgetary provision



KAREN YEOMANS
Executive Director (Economy and Communities)

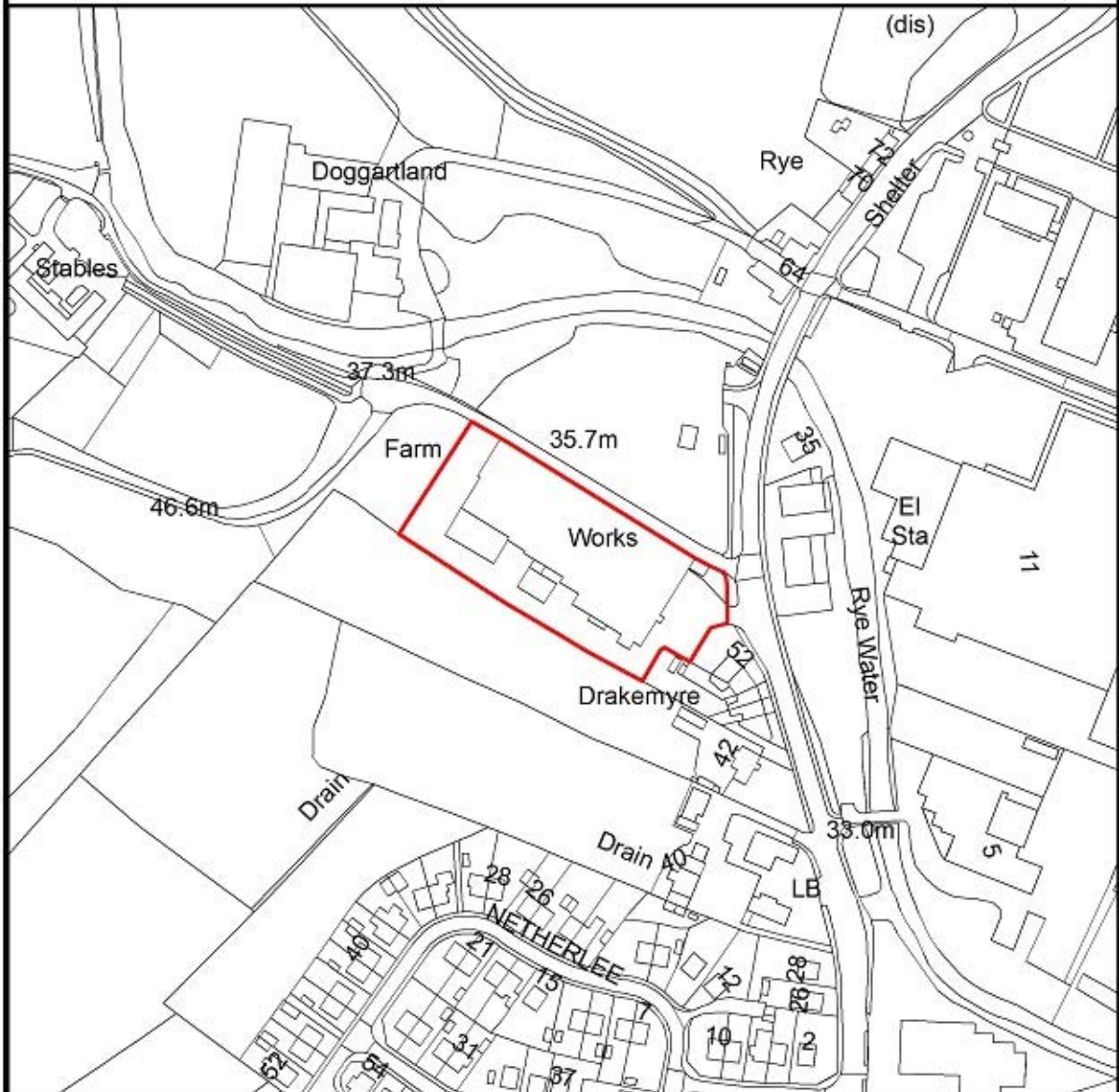
Reference : ID

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

Background Papers

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Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997
Land at former Johnston Castings site, Drakemyre, Dalry KA24 5JL



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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