



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, 02 December 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. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

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

3 **Irvine**

Submit reports on the following applications:

3.1 **20/00725/PPM: Site to NE of Littlestane Cottage, Lochlibo Road, Girdle Toll, Irvine**

Residential development comprising the erection of 92 detached and semi-detached dwelling houses with associated infrastructure including the formation of vehicular access from Sourlie Roundabout, the realignment of existing roads, the formation of footpaths, provision of open space, SuDS and landscaping works (copy enclosed).

4 Kilwinning

Submit reports on the following applications:

4.1 20/00805/PP: Hullerhill Sand Quarry Kilwinning Ayrshire KA13 7QN

Section 42 planning application to vary condition 1 of planning permission N/19/00542/PP to extend duration of consent (copy enclosed).

5 North Coast and Cumbraes

Submit reports on the following applications:

5.1 20/00388/PPPM: Site To East Of Hillcrest Chapelton Road Seamill West Kilbride Ayrshire

Planning Permission in Principle for residential development with associated landscaping, access, engineering and other associated works (copy enclosed).

6 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

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
4 November 2020**

Agenda Item 2

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

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

In Attendance

J. Miller, Chief Planning Officer (Planning), J. Law; Solicitor (Legal Services); and D. McCaw, E. Gray 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).

Apologies

Shaun Macaulay

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 30 September 2020 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 20/00819/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG

Doveyard Limited have submitted a Section 42 application to amend condition 1 of planning permission N/19/00539/PPM to facilitate changes to the layout and elevations of the buildings. No representations were received.

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

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.
3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. In addition, the tree species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds.

Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

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

4.1 20/00805/PP: Hullerhill Sand Quarry Kilwinning Ayrshire KA13 7QN

Hugh King & Co have submitted a Section 42 application to vary condition 1 of planning permission N/19/00542/PP to extend duration of consent. 2 objections were received and summarised in the report.

Councillor Marshall seconded by Councillor Foster, moved that consideration of the planning application be continued to the 2 December 2020 meeting of the committee to obtain more information on a complaint received.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved that the application be approved.

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

Accordingly, the Committee agreed to continue consideration of the planning application to the 2 December 2020 meeting of the committee.

5.1 20/00171/PP: Site To North Of Standingstone Hill Kilbirnie Ayrshire

Ashrona Power Systems Limited have submitted a retrospective planning application for the formation of access tracks and associated ancillary works for Pundeavon Hydro Electric Scheme. 1 objection was received and summarised in the report.

Councillor Marshall seconded by Councillor Clarkson, moved to approve planning permission for the formation of access tracks and associated ancillary works for Pundeavon Hydro Electric Scheme subject to conditions.

As an amendment, Councillor Foster seconded by Councillor Billings, moved to refuse planning permission on the grounds that the Committee should continue with enforcement action to have the track restored as it would set an unacceptable precedent of environmental vandalism in a protected area. There is no need for the track as there is evidence of existing walkers taking access to the site. The original condition should be restored.

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

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

1. That, within 3 months of the date of approval, a detailed restoration plan shall be submitted for the written approval of North Ayrshire Council as Planning Authority in consultation with NatureScot and SEPA. The key objective of the plan shall be to substantially reduce the impacts on the nationally important Waterhead Moor - Muirshiel Wild Land Area to 'not significant.' The plan shall contain the details as set out in Annex 2 of NatureScot's consultation response to North Ayrshire Council dated 18th September 2020. Thereafter, the restoration works as may be approved shall be implemented in full to the satisfaction of North Ayrshire Council as Planning Authority within a period not exceeding 2 years from the date of the approval of the restoration plan, unless otherwise agreed in writing.
2. That the restoration plan as referred to in condition 1 shall be accompanied by a management and aftercare plan for the track which shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The plan shall take into account the Scottish Outdoor Access Code. Thereafter, the management and aftercare plan as may be approved shall be brought into operation upon completion of the implementation phase of the restoration plan to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

6. Proposed changes to pre-application consultation (PAC) requirements: consultation by Scottish Government

Submitted report by Executive Director (Place) on the Council's response to the consultation on changes to pre-application consultation with the response set out at Appendix 1 to the report.

Members asked questions and were provided with clarification in relation to the consultation process and public event's being held remotely.

The Committee agreed, Cllr Reid dissenting, to approve the consultation response set out at Appendix 1 to the report.

Councillor Foster left the meeting at this point.

7. The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland–Consultation on Phase 1 Proposals

Submitted report by Executive Director (Place) on the on the proposed changes to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and the Council's response to the consultation. The proposed Consultation response was set out at Appendix 1 to the report.

The Committee agreed to (a) note the detail of the consultation on proposed policy amendments to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended; and (b) approve the response to the consultation set out at Appendix 1.

The meeting ended at 3.25 p.m.

NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Irvine
Reference	20/00725/PPM
Application Registered	3 rd September 2020
Decision Due	3 rd January 2021
Ward	Irvine East

Recommendation	Approved subject to Conditions
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Location	Site to NE of Littlestane Cottage, Lochlibo Road, Girdle Toll, Irvine
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Applicant	Dawn Homes Limited
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Proposal	Residential development comprising the erection of 92 detached and semi-detached dwelling houses with associated infrastructure including the formation of vehicular access from Sourlie Roundabout, the realignment of existing roads, the formation of footpaths, provision of open space, SuDS and landscaping works
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1. Description

Planning permission is sought for a major residential development on greenfield agricultural land to the north east of Girdle Toll and west of Lawthorn in Irvine. The 6.2ha site is roughly rectangular in shape and lies to the east of the Sourlie Roundabout, which forms the junction of Lochlibo Road and Cairnmount Road (A736).

The site is bisected by a single track rural road which follows a north easterly alignment from its junction with the Old Toll House on Lochlibo Road towards the open countryside beyond the town boundary.

Between Sourlie Roundabout and the single track road, the site consists of a gently sloping field which now appears to be disused, although was known to be used for silage production in previous years. The field is bounded by well-defined broadleaved hedgerows and there is a narrow woodland belt along its western boundary with the A736.

To the east of the single track road is a well-maintained grass field on sloping ground that is currently used for sheep grazing. It is enclosed by well-defined hedgerows to the west and north and is bounded to the east and south by a mature woodland known as Lawthorn Wood, which is a Scottish Wildlife Trust Wildlife Reserve. The highest parts of the slope are to the east of the site beside the woodland.

The southern part of the site would adjoin Lochlibo Road, on the opposite side of which is Littlestane Cottage, a single storey dwellinghouse. To the northwest of the site, on the opposite side of the A736, is the Sourlie Wood Wildlife Reserve.

It is proposed to erect 92 dwellings comprising a mix of detached and semi-detached house types. There would be a total of 9 house types, all of which have previously been used at the applicant's current development adjacent to the Old Stewarton Road in Perceton.

90 of the houses in the development would have two storeys, although 2 bungalows have been included, both of which would be sited near to each other at the south west corner of the site. All houses would have front and rear garden ground and off-street parking, many with integral garages. Although the majority of houses would be detached, 24 would be semi-detached.

The site layout would consist of a series of residential streets leading from a main access road connected directly to Sourlie Roundabout. The road and path surfaces would be varied to indicate a hierarchy of routes within the site, and speed reduction features would be integrated into the road design. A through road would be provided to enable traffic to enter and leave the town via the single track rural road, albeit with a diverted alignment in places.

Whilst the main access road for traffic to/from Irvine would be served via the A736 at Cairnmount Road, local access would also be provided south into Girdle Toll via a realigned and traffic-calmed section of Lochlibo Road. The existing rural road which passes through the site into the countryside would be retained, although the section of the road from Old Toll Cottage would be stopped-up to form a cul-de-sac. The cul-de-sac would provide continued road access to the two existing houses, Old Toll Cottage and Balgray, as well as being the access road for three of the houses within the proposed development. At the end of this cul-de-sac, the existing roadway would be converted to a cycle/footpath link leading to the rest of the site as well as providing a link onto the minor road and countryside beyond.

Within the centre of the development, an area of public open space would be formed to create a large square with the surrounding houses facing onto it. An area designed for children to play in would also be provided within the central square.

To the north and south of the square would be series of residential streets terminating in cul-de-sacs. Two footpath links would be formed at the south end of the site to connect onto Lochlibo Road. The connection to Lochlibo Road would provide a convenient walking route to nearby Lawthorn Primary School (which takes around 5 minutes on foot). The existing footway on the east side of Lochlibo Road would be upgraded in order to cater for the additional pedestrian numbers using the pavement. The other path connection from the south of the site would link into the existing network of footpaths serving the Lawthorn area.

The houses would be finished primarily in light-coloured renders. Buff coloured facing blockwork would be used provide features (e.g. around doors, front gables and window cills). Roofs would be finished with grey concrete roof tiles and windows would be in uPVC.

The proposed development includes all associated access roads, footpaths, parking, traffic calming, open space, landscaping, public utilities and other ancillary infrastructure including a sustainable drainage system (SuDS) in the form of a large detention basin in the northwest corner of the site.

In the adopted Local Development Plan (LDP), adopted November 2019, the site lies within an additional housing allocation under Schedule 2. The indicative capacity identified in Schedule 2 is 85 units and that potential site mitigation measures for any development of the land would include flood risk assessment, water and drainage assessment and ecological assessment.

For the purposes of this application, the relevant policies of the LDP are therefore as follows:

- Strategic Policy 1: Spatial Strategy - the Towns and Villages Objective;
- Strategic Policy 2: Placemaking;
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply;
- Policy 14: Green and Blue Infrastructure;
- Policy 23: Flood Risk Management;
- Policy 27: Sustainable Transport and Active Travel;
- Policy 29: Energy Infrastructure Development (Buildings) and
- Policy 31: Future Proofing for Heat Networks.

The proposal is classed as a major development in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received on 30th July 2019.

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

PAC Report

The PAC report notes the publicity measures undertaken and that a public event was held on 22nd August 2019 at the Littlestone Hall in Lawthorn. The report notes there were 14 attendees at the event. In addition to oral and written feedback provided during the event, three feedback forms were received by email/post by the deadline of 6th September 2019. Comments raised included concerns in relation to traffic generated by the proposed development especially due to the proximity of the site to Lawthorn Primary School and the use of Lochlibo Road (near to the school) for access and parking during school drop-off and pick-up times by parents. Further concerns related to the established woodland areas near to the site, the potential for additional flooding during heavy rainfall, and the potential for loss of daylight/sunlight to nearby houses.

Design and Access Statement

The document appraises the site in terms of landscape, history, transport linkages, and the wider settlement character. It then goes on to outline the principles behind the proposed design of the site, drawing on the above characteristics and reviewing the various design iterations considered. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place,

taking account of national planning policies on Designing Places and Designing Streets. The Statement also considers access issues and confirms that the proposal engenders the principles of accessibility to promote a sustainable and stable community which caters for differing circumstances and physical abilities and disabilities.

Site Investigation Report/Coal Mining Risk Assessment

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

Transport Statement

The statement, in three parts, studies the accessibility of the site in relation to the surrounding road and footpath network. It considers measures which could be incorporated into the development to promote active travel as well as the use of public transport.

Health Impact Assessment

The report primarily considers access to the site by active means such as walking and cycling. Together with the findings of the Transport Statement, it highlights that due to its location, the proposed development, together with measures proposed in relation to improving local footpath connections, would be capable of supporting active and healthy lifestyles, including walking to nearby facilities such as Lawthorn Primary School, local shops and ease of access to the countryside for leisure purposes.

Drainage Strategy Report Flood Risk Assessment

A SuDS detention pond has been proposed to attenuate surface water flows. The risk of flooding has been assessed in a flood risk assessment by a specialist consultant, Terrenus, which concludes that the site is not at risk from watercourse flooding and lies outside of the 200-year floodplain for the Draught Burn. The risk from rainfall flooding has also been assessed, concluding that no significant risk exists to the proposed access route.

Ecology Report

The report considers the relevant legislation and follows a field survey of the site undertaken during 2020 for European Protected Species and other habitats. Two locally designated sites were noted within 1km of the Site: Sourlie Wood (SWT wildlife reserve), Lawthorn Wood (SWT wildlife reserve). The Lawthorn Wood site is adjacent to the site boundary and the report confirms that the proposed development would not compromise the integrity of the wildlife site. In addition, it notes that buildings would be set back enough from the boundary to ensure protection of the root zones of the woodland trees. The Phase I Habitat Survey revealed very restricted habitat diversity. The site is almost entirely improved grassland consisting of two fields with species-poor hedges on the boundaries. One of the fields is farmed and the second has been abandoned for some time.

Air Quality Screening Assessment

The assessment of dust and particulate matter (PM10) impacts relevant to the construction phase of the development was subject to a qualitative assessment in accordance with Institute of Air Quality Management (IAQM) guidance. Effective mitigation measures for fugitive dusts would be implemented under site management controls by the development company including the production of a Dust Management Plan (DMP). With such mitigation in place, the assessment carried out has shown that any off-site impacts from dust emissions during the construction phase would not be significant.

In line with EPUK/IAQM guidance, due to the low level of additional traffic predicted to be associated with the proposed development, a detailed assessment in terms of operational impacts would not be required. The quality impacts associated with the development's operation are considered to be negligible, therefore are concluded not be significant.

Relevant Development Plan Policies

Strategic Policy 1 - Towns and Villages Objective

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

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

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

Strategic Policy 2 - Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 1 - New Homes/Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply. In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

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

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

Detailed Policy 14 - Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of

habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

Detailed Policy 23 - Flood Risk Management

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

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

Development proposals should:

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

Detailed Policy 27- Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

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

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

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

We will take account of:

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

National Development:

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

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

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

Detailed Policy 29 - Energy Infrastructure Development (Buildings)

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Heat Networks

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

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

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

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or

- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

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

2. Consultations and Representations

The application was subject to the statutory neighbour notification process, which included an advertisement in a local newspaper on 16th September 2020. Two representations were received, the points raised in which are summarised below:

1. The site history section in the Site Investigation Report (2019) does not take into account the history of the site before 1857, the date of the first edition Ordnance Survey map. The 'unnamed road' on the Ordnance Survey map is marked on General Roy's Military Survey of Scotland (1747-55) as the 'Cart Road from Irvine to Glasgow' and may be a medieval road. Prior to the Ordnance Survey map Lawthorn Wood covered the entirety of the field extending to the road - the larger of the two proposed development sites. This is depicted on several maps including John Ainslie's Plan of the Eglinton Estate (1789) and Robert Aitken's Atlas of Ayrshire (1829).

Response: Noted. The purpose of the site investigation report is to establish what, if any, potential contaminants are present on or below the ground arising from historic development or use of the land using reliable sources of mapping, other information (such as mine records) as well as intrusive investigation. As such, the site history section contained within the Site Investigation Report is not intended to be a definitive historical account of all artefacts or the cultural background associated with the site. See response from West of Scotland Archaeology Service, below.

2. The old hedgerows along the western and northern edges of the field mark the original boundary of Lawthorn Wood and could be remnants of ancient woodland. The proposed development means much of this hedgerow and some trees would be removed, especially along the northern part of the site.

Response: Noted. The submitted site plan indicates that substantial sections of this existing hedgerow would be retained, including at its northern section. A group of trees planted in the early 1990s to form an edge to the Sourlie Roundabout would be removed. Otherwise there are no notable areas of the site where significant trees would be lost. The ecology report notes that the hedgerow is 'species poor' in terms of its ecological value.

3. Walking in this area is enjoyable and it is felt strongly that this is an area of natural beauty and historical interest which should not be built upon. As a society, we are

increasingly building on and covering over areas that should be conserve for ourselves and all life.

Response: Noted. The allocation of the site for housing development was established through the development plan process which was subject to extensive public consultation and an examination by Reporters appointed by the Scottish Government, wholly independent of the Council. As such, whilst two fields totalling 6 hectares would be developed, this loss must be balanced against the need for the Council to allocate sufficient land for housing to meet anticipated needs and demands, as is required under the planning legislation. Whilst the principle of the development is therefore acceptable in terms of Policy 1 of the adopted Local Development Plan, it is not considered that the development would harm the woodland nature reserve area that fringes the eastern edge of the site nor result in any significant loss of countryside. Since there are already modern housing estates to the west and east of the site, separated by woodland, the proposed development would, in effect, occupy a wedge shaped site between existing housing on the fringes of Irvine, rather than representing a significant encroachment into the wider countryside to the north of the town.

Consultations

NAC Active Travel and Transportation - no objection. Extensive discussions have taken place with the developer to establish an access strategy and street design that is acceptable, meets with 'Designing Streets' principles and ensures that off-site footway and traffic calming upgrading works have also been considered.

Response: Noted. Final specifications for street surfaces and any outstanding details would be addressed at the road construction consent stage.

NAC Education – no objection. The proposed development falls into the catchment areas for Lawthorn and St John Ogilvie Primary Schools, as well as Greenwood and St Matthew's Academies. Education was previously consulted on the addition of this site during the preparation of LDP2. Roll projections, taking into account other planned housing in Irvine East, show that there is sufficient school capacity for the additional children likely to come from the proposed development.

Response: Noted.

NAC Environmental Health - no objection, with a range of comments provided in relation to non-planning matters (which have been sent to the applicants for their information/action). The submitted Air Quality Screening Assessment would appear suitable for its intended purpose at this time.

Response: Noted.

SEPA - no objection on flooding grounds, with advice provided in relation to surface water and foul water drainage systems. SEPA also advise that, in order for the Scottish Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources.

Response: Noted. Adequate technical information in relation to drainage has been submitted with the application. With regard to the potential for low and zero carbon energy

sources for the housing, a condition could be attached to secure the provision of appropriate systems in the development e.g. solar PV panels. Although such systems do not generate a heat source, the houses would be insulated to meet all relevant building standards, thus ensuring energy efficient homes which minimise heat loss. It is not considered technically nor financially viable for the development to be served by a district heating system since there is no suitable heat source available near to the site for this purpose at the present time.

The Coal Authority – no objection. There are mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has submitted a Report on Site Investigations (Mason Evans, June 2019) to support the planning application. This report presents the findings of nine boreholes sunk within the application site to depths of 40m below ground level. These investigations were in respect of recorded shallow mine workings. The report author notes that these boreholes recorded no evidence of shallow mine workings. It appears that these investigations have been informed by mine abandonment plans which the report author states corroborates the findings of intrusive site investigations. The report author states in their professional opinion that the site is minerally stable and that no further investigations are required. On the basis of the information submitted and the professional opinion of the author, the Coal Authority has no objection to this planning application.

Response: Noted.

Scottish Wildlife Trust – Lawthorn Wood is a wildlife reserve, and this gives the designation a higher status. The actual distance between the trees in the wood and the houses needs to be stated and taken seriously since any branches which fall will potentially be the subject of complaints to the owners of the wood (Scottish Wildlife Trust). The development would result in the wood being surrounded by houses and mown grass which would fragment or isolate a habitat and sever its green link with the Sourlie Wood reserve. Hedgerows and open fields currently enable the passage of large mammals and other creatures between the two wildlife ‘hotspots.’ The creation of a wildlife corridor through the estates, perhaps picking up on the SuDS pond and open space would therefore be encouraged. This would help meet the Council’s LDP Policy on Green and Blue Infrastructure. Further comments have been made regarding potential fly-tipping, the pond and marsh in Lawthorn Wood and in relation to badgers.

Response: Noted. No part of the development would disturb the Lawthorn Wood nature reserve. The site itself consists of improved grassland, which is of no ecological value, as noted in the submitted ecologists report, who also notes that the provision of new landscaping and garden ground would enhance the biodiversity of the land. Whilst the route for mammals between the two woodland areas would be slightly diverted, this extent of the diversion would be slight and would be achieved via the open agricultural ground to the north. The distance between the trees at Lawthorn Wood would vary from 20m – 30m in distance, which would exceed the root spread for these already mature trees. The other matters raised are not relevant to the consideration of the application.

West of Scotland Archaeological Service – no objection, subject to condition. The site lies in a landscape populated with recorded archaeological sites of prehistoric, medieval and later periods. The proposals will affect a large area of previously undisturbed ground and stands a good chance of unearthing buried unrecorded remains which could be of any period and which may survive below ground level. As such, a potential archaeological issue

is raised by the proposals. It is recommended that a programme of archaeological works be undertaken before any development of the site commences.

Response: Noted. This matter was raised with the applicant's agents who are agreeable to a planning condition in order to address the matters raised.

Scottish Water and NAC Flooding Officer - no comments.

3. Analysis

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

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

Strategic Policy 1 (Towns and villages objective) of the LDP states that the Council wants to provide the right new homes in the right places. Policy 1 states that residential development will be supported in principle on housing sites.

Furthermore, Schedule 2 of the LDP sets out a list of additional housing allocations, of which this site is one. The indicative capacity identified in Schedule 2 is 85 units and that potential site mitigation measures for any development of the land would include flood risk assessment, water and drainage assessment and ecological assessment.

Given that the proposed development would deliver 92 houses, which is only marginally greater than the indicative capacity of 85, it is considered that the proposal is in accordance with Strategic Policy 1 and Policy 1 of the LDP.

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

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

Distinctive

The proposed development incorporates a range of complementary house designs, mostly in two storeys, except for two bungalows. The proposed development would be separated from existing housing areas of Girdle Toll and Lawthorn by established tree belts.

The effect of these physical 'edges' to the existing housing would provide separation and ensure that the new development appears as a separate estate in its own right, with its own identity and character. It is considered appropriate to attach a condition which would require

further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

Safe and Pleasant

The development layout would consist of a network of streets centred on a greenspace with links to the countryside, the main road network and local services. The site plan would promote a permeable, pedestrian friendly environment and provide attractive enclosed streetscapes. The houses would face onto streets, giving a high degree of passive surveillance from windows. It is considered that this arrangement would create a safe and pleasant residential environment. The narrow width of the streets and use of cul-de-sacs would reduce vehicle speeds, with the parking provision and vehicle infrastructure designed to limit their effects on pedestrians and the appearance of the streets. Following the input of NAC Active Travel and Transportation during the pre-application stage and during the consideration of the application, the internal road layout would have a clear hierarchy of streets marked out by transition areas where the road surface material and/or colour changes.

The layout of the site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. Each house would be provided with a private back garden enclosed by 1.8m high fencing.

Resource Efficient

The layout and orientation have considered factors such as solar gain. Houses which back onto the woodland at the eastern edge of the site would be balanced by having an open outlook gained from their height at the top of the slope towards the northwest. A condition could be attached with regard to low and zero carbon energy systems.

Welcoming

The proposed reconfiguration of the Sourlie Roundabout would provide direct access from the A736 into the site, with houses near the roundabout facing outwardly to ensure that the development relates visually to its surroundings and creates a more active and visually attractive frontage. This is particularly important given the 'gateway' position of the development when approaching Irvine on the A736 from the north. The minor rural road which passes through the site would also have houses facing onto it whilst retaining as much of the existing hedgerow as possible. The remainder of the site would largely be developed within a series of cul-de-sacs, which would provide welcoming streets for their occupants.

Adaptable

It is considered that the housing design and layout, through the incorporation of principles of accessibility to promote a sustainable and stable community which caters for differing circumstances and physical abilities and disabilities, is acceptable in this respect. The development would also provide a multi-functional open space at its heart, which would provide an area for children's play, exercise and a setting for the surrounding housing.

Easy to Move Around and Beyond

As noted above, considerable time has been spent to ensure the layout responds to the requirements of Designing Streets, and takes account of important linkages between the site and its surroundings for all modes of transportation, with the emphasis on ensuring that adequate walking and cycling links have been incorporated into the plan.

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

Policy 14 requires that all proposals seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur. The site would ensure no adverse impacts on the trees or root systems of the Lawthorn Wood Wildlife Reserve adjacent to the site. Much of the existing hedgerow system would be retained, and open space would be provided in the form of a central square as well as a SuDs pond. Whilst the SuDS pond would not be a usable area of open space, it would be planted on its edges to provide habitat opportunities and promote biodiversity. Whilst the development would, to an extent, 'sever' the direct link which currently exists between the nature reserves of Lawthorn Wood and Sourlie Wood, the opportunity for this link would continue through the fields immediately to the north of the site. It is not considered that this change would be significant nor adverse. The proposal is therefore acceptable in terms of Policy 14.

Policy 23 of the LDP deals with flood risk management. There are no watercourses which run through or adjacent to the site, nor are there any nearby which could pose any risk of flooding to the proposed development or its surroundings. SEPA has no objection to the proposed development. The applicant's consulting engineer has confirmed that all aspects of surface water management would accord with the current edition of the SuDS Manual. The foul drainage arrangements would utilise the public waste water system, which would need to be upgraded and extended to connect to the site. Scottish Water approval would be required for making the relevant network connections. In summary, the proposal accords with Policy 23 of the LDP.

Policy 27 relates to sustainable transport and active travel. The site is located at the north eastern edge of Irvine. Whilst the site is easily accessible by car from the main road network (A736), there are also bus routes within reasonable walking distance with regular local services to and from the town centre. In addition, the site is within a 5-minute walk of Lawthorn Primary School (the connection to which is to be upgraded) and 10 minutes' walk from a group of local shops at Cardow Crescent. There are also established walking and cycling routes nearby. Overall, the site is well located for active travel links.

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

Policy 29 requires that proposals for all new buildings, such as housing, will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. This requirement can be met by condition. Subject to such a condition, the proposal would accord with Policy 29.

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

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

4. Full Recommendation

Approved subject to Conditions.

Reasons for Decision

The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Conditions

1. That no development shall take place 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 following consultation with the West of Scotland Archaeology Service, and approved in writing by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: To enable investigation of any archaeological remains below the ground.

2. That prior to the commencement of the development, hereby approved, the applicant shall prepare a Remediation Strategy to address the remedial measures identified in the submitted site investigation report and addendum by Mason Evans. Thereafter, any required remediation measures shall be undertaken prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

Reason: To ensure the site is free from contamination in the interests of the future occupants of the housing.

3. That, prior to the commencement of the development hereby approved, a statement containing details of the heat and power systems for the houses, 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.

Reason: In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan.

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

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

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

Reason: In the interests of environmental protection, habitats and biodiversity.

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

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

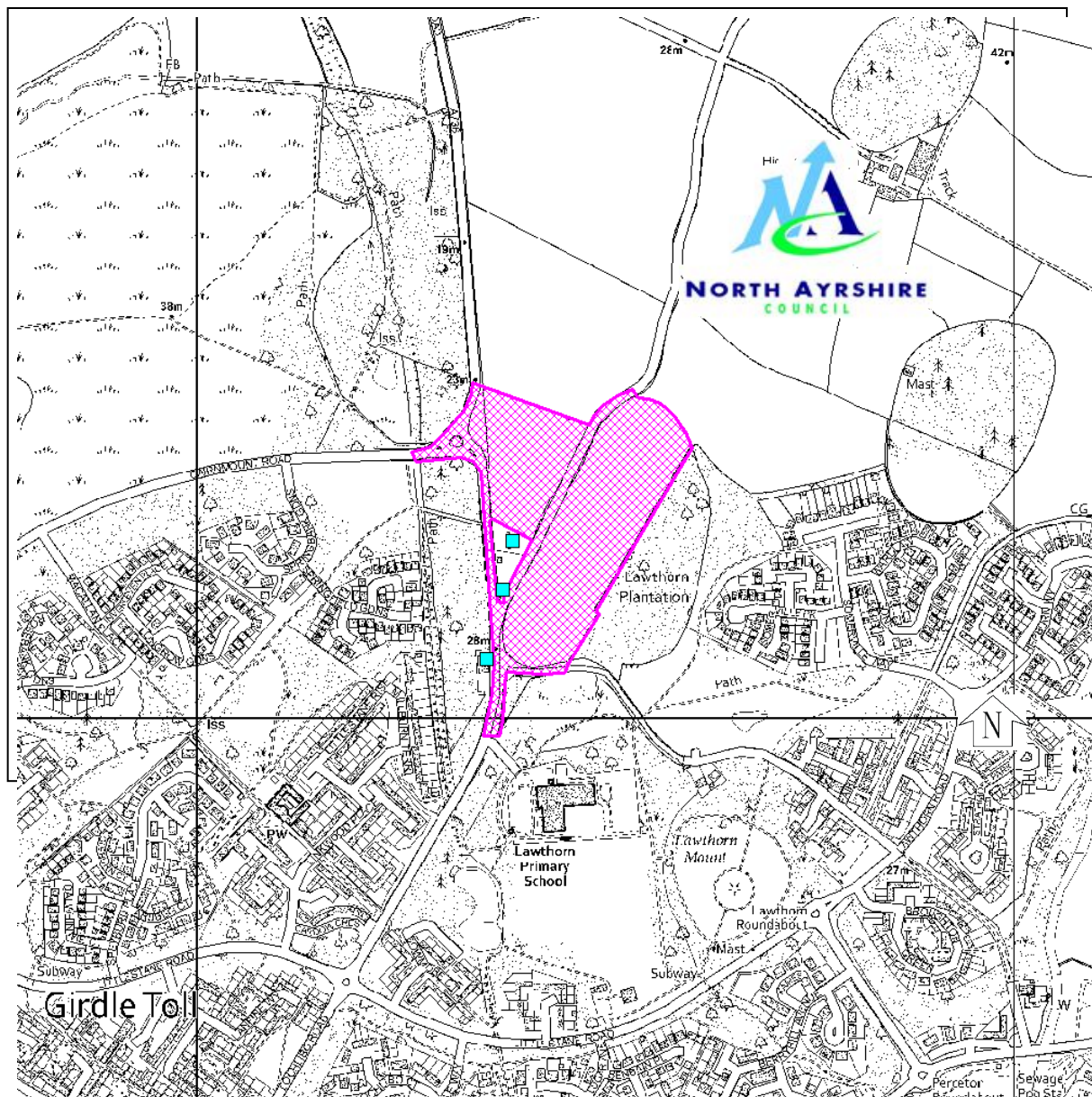
7. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of soft and hard landscaping, which shall include details of the children's play area, tree and plant species, planting densities, soil treatment and aftercare, taking account of the required biodiversity action plan. Thereafter, all planting, seeding or turfing comprised in the details as may be approved shall be carried out in the first planting season and seeding seasons following the occupation of each successive phase of the completion of the development, including the provision of the play area. Any trees or plants which, within a period of five years from their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason: In order to ensure that the site is appropriately landscaped in the interests of amenity and biodiversity.

For further information please contact Mr A. Hume, Senior Development Management Officer, on 01294 324318.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

2nd December 2020

Planning Committee

Locality	Kilwinning
Reference	20/00805/PP
Application Registered	16th September 2020
Decision Due	16th November 2020
Ward	Kilwinning

Recommendation	Approved subject to Conditions
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Location	Hullerhill Sand Quarry Kilwinning Ayrshire KA13 7QN
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Applicant	Hugh King & Co.
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Proposal	Section 42 planning application to vary condition 1 of planning permission N/19/00542/PP to extend duration of consent
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1. Description

At its meeting on 4th November 2020, the Planning Committee considered the above application. It was decided to continue its consideration until the December meeting of the Committee in order to obtain more information on complaints received.

The complaints related to alleged breaches of some of the operating conditions attached to the quarry under terms of permission ref. 14/00656/DCMS granted under the Review of Old Minerals Permissions (ROMP) process.

The investigation into the matters raised has now been completed, with the findings summarised below:

Condition 8 – working hours

It is alleged that the noise levels are greater than ever, and last longer, including when the site is closed at 1am.

Response: The quarry operator reports that there are no new additional operations on site and there has been no intensification of existing operations and these are not being undertaken over extended hours (other than the extension permitted by N/19/00542/PP). Accordingly, noise levels will not be greater than have previously been experienced. Vibrock Ltd (noise consultants for the quarry) had

suggested that, after a prolonged period of relative quiet due to the Covid-19 shut down, when the quarry was closed and there would have been very few vehicle movements on the adjacent B778 creating road noise, it was possible that the re-introduction of operations at the quarry would be perceived as creating more noise than previously. A contributing factor to this would be that following the recommencement of operations at the quarry, as vehicle movements on the B778 would still have been significantly less than normal due to Covid-19, the background noise in the area would be less so the quarry noise would appear more prevalent. The quarry operator also reports that the drying plant has not been operating at 1am. The CCTV is monitored 24/7. Site security, CORPS Monitoring, could verify that no one was on site.

Condition 9 – quarry access road

It is alleged that there was a pothole on the road for approximately 6 months, in breach of the condition which requires that potholes are fixed “without delay”

Response: The quarry operator advises that one complaint about the pothole was made to the site on Monday 3rd August 2020. The site manager contacted Hamilton Tarmac straight away. They agreed to repair the pothole as soon as possible, but due to the lockdown and Covid-19 issues, advised the quarry operator that this may take longer than usual. Hamilton Tarmac duly repaired the pothole on Wednesday 2nd September 2020. It is accepted by the operator that the pothole would have been present during lockdown - but the quarry had no traffic and no opportunity to repair it during that time.

Condition 12 - prevention of pollution of groundwater and waterways

It is alleged that water is constantly running down the roadway carrying large amounts of sand. Some of this water is diverted down a gully which is not owned by the quarry. Some of the sand runs into agricultural land and it alleged that this has caused illness in farm animals. There are substantial deposits of sand on the access road, and on the B778 leading towards Kilwinning. When it is dry, this sand becomes airborne when vehicles drive over it, and when it rains it is being washed down drains at the side of the road. This condition is clearly not being complied with

Response: The quarry operator has confirmed that a neighbour raised concerns regarding surface (rain) water running down the driveway some years ago. This was when the site bagged road salt, which it has not done for over 4 years. An incident occurred where salt water was washed down the driveway. At that time, the quarry operator covered the costs of a vet in relation to treatment for animals which became ill, as it was a genuine issue at the time. Subsequently, the quarry operator has had all the road drains pressure cleaned to help reduce the amount of rainwater running down the driveway. More recently, the quarry operator got a drain specialist to visit the site and is awaiting a quotation to install further drains to help address this issue. In addition, the quarry reports that vehicles departing the site use a wheelwash facility. Whilst there may occasionally be some sand present on the quarry driveway due to windblow, or small amounts on the vehicle tyres, the operator advises that this does not reach the B778. The quarry also employs a road sweeping contractor (TSR) to clean the full site yard and entrance roads fortnightly over and above their own cleaning processes. Consideration is currently being given to increase the frequency of the sweeping to weekly.

Conditions 14 and 15 - noise levels at noise-sensitive premises

It is alleged that noise tests carried out during 2019 took place when the noise from plant was at a lower level than when it is working to capacity. There was no background noise of the equipment used to run the plant, such as vehicles used to load and unload sand from the drying plant, and the other parts of the quarry were not in operation at the time. It is also alleged that a breaker/crusher machine causes severe vibrations when it is operated, causing pictures on the wall of a house to move and on occasion fall. It is alleged that this problem has increased since the hours of operation were extended in December 2019. A test ought to be carried out at a random time not notified to the quarry, in order that a true noise level can be obtained. In addition, the increased volume of HGV traffic creates a lot more noise and vibration, and there were no lorries running when the sound tests were taken at night.

Response: Vibrock Limited, who are independent professional noise consultants, advised the quarry operator that, when setting up monitoring equipment they were specifically requested to move the monitor closer to a position near a bedroom. As such, the quarry operator refutes any suggestion that the noise monitoring location had been chosen to reduce the levels monitored. In addition, the noise monitoring was arranged to monitor the noise of the plant that would be operating during the proposed evening operations. Accordingly, as these are reduced operations in comparison with daytime activities, the full plant complement which would operate during the permitted hours for daytime operations was not operating. When carrying out the monitoring, Vibrock ensured that the relevant plant was operational at the relevant capacity.

Furthermore, the quarry operator has advised that they do not have any plant equipment which causes any significant vibration (no breaker or crusher in the quarry) which could be felt on the ground. The site offices are significantly closer to all plant and equipment than any surrounding residential properties and office employees have not experienced nor reported any vibration. The quarry operator advises that the Council's Environmental Health officers are at liberty to carry out spot monitoring at any time.

Finally, it is advised that HGV vehicle movements has not changed over the years, despite the suggestions being made in the complaint. The site manager has advised that most employees arrive for their shift between 05.45 and 06.00 in the morning (by car). He also advised that HGV drivers carry out a daily vehicle inspection before they can drive, so it is generally at least 06.15 before they leave the site.

Conditions 16 and 17 – prevention or minimisation of the release of dust

It has been alleged that there are ongoing problems with the control of dust (i.e. sand and cement) from the quarry operations

In response, the site reports that one phone call from SEPA was received on 21/09/2020 regarding a dust issue. On receiving the complaint, the site carried out an investigation and reports that the only finding was that it related to a very dry period of weather. The quarry operator reports that, when the sand gets very dry and there is a strong wind it can blow around the yard and surrounding areas. To reduce this the site has increased the frequency of the dust suppression system. With respect to the towers venting, this is air from the reverse jet filter units which only discharge a small amount of compressed air (no product). This procedure is happening throughout the day but does not take place at night after the site closes, as the compressors are isolated. The cement is contained within sealed silos and units at all times, as such, there is no windblow of cement. Finally, the quarry operator advises that, in accordance with the SEPA Permit, plant dust emissions testing was recently carried out by TTS Environmental which concluded all was within the satisfactory parameters and the data was submitted to SEPA.

The final matter that has been raised, which is outwith the scope of the planning process altogether, alleges that the quarry is operating without a SEPA licence due to a change in ownership. In response, the quarry operator has advised that the SEPA licence (CAR/L/1000705) was transferred to Hugh King & Company Holdings Ltd on 3rd October 2018 and that the assertion made in the complaint is therefore incorrect.

Summary

Following investigation of the matters raised in the complaints, it is concluded that the operator is actively monitoring the environmental effects of quarry operations at Hullerhill. It is considered that the quarry operator has adopted a responsible approach to the matters raised, and that any matters reported to them are being, or have been, addressed. As such, there is no ongoing breach of planning control which would merit formal action by the Council at the present time.

The remainder of this report continues the consideration of the current planning application.

On 4th December 2019, the Planning Committee granted a temporary (12 month) planning permission for an amendment to condition 8 of the governing planning consent for mineral workings at Hullerhill Quarry (ref. 19/00542/PP). The condition, as approved, reads as follows:

That no extraction, aggregate processing or despatch work shall be undertaken at the site outwith the hours of 0600 to 1900 Monday to Friday and 0600 to 1200 (noon) on Saturdays. The operation of the drying plant and mortar plant is permitted during the hours of 0600 to 2100 Monday to Friday, 0600 to 2000 on Saturdays and 0700 to 2000 on Sundays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority. This condition shall have effect for a temporary period of 1 year and shall expire on 4th December 2020, unless otherwise agreed in writing.

As the temporary period of 1 year is due to expire within a month, the applicant is seeking planning permission to extend the time period under the terms of this condition until 21st February 2042 in order to align with the expiry date of the governing planning consent for quarry operations at Hullerhill.

It is therefore proposed to substitute the final sentence of the above condition with the following:

This condition shall have effect for a temporary period and shall expire on 21st February 2042, unless otherwise agreed in writing”.

(Note: this date is the current estimate for the planned closure of the quarry, based on projected rates of extraction).

Under the terms of permission ref. 14/00656/DCMS granted under the Review of Old Minerals Permissions (ROMP) process during 2014, Hullerhill Quarry had the right to undertake extraction, processing and despatch work between 0600 hours and 1900 hours on Mondays to Fridays, and 0600 hours to 1200 hours on Saturdays, with no Sunday working other than maintenance, emergency works, dust suppression, pumping and testing.

In 2019, the ownership of the quarry changed, and the new owners applied to make some changes to two of the 2014 planning conditions (ref. 19/00542/PP).

The effect of the changes approved by the Planning Committee on a temporary ‘trial’ basis in December 2019 enabled some types of working at the quarry to take place until 2100 hours on Mondays – Fridays and until 2000 hours on Saturdays. Whilst opening the site at 0600 hours remained in place for Monday – Saturdays, the later start time of 0700 hours was put in place for Sunday working.

The types of working permitted until 2100 hours on Mondays to Fridays is limited to extraction, aggregate processing or despatch work. The time limit for this type of working must cease at 2000 hours on Saturdays. Extraction, processing or despatch work is not permitted on Sundays.

The other types of work permitted under the condition relate to the operation of the drying plant and mortar plant. These facilities can be operated between 0600 hours and 2100 hours during Mondays to Fridays, with reduced hours at weekends (0600 to 2000 on Saturdays and 0700 to 2000 on Sundays).

The extension of working hours was subject to a further condition relating to the control of noise limits. Although the noise limit condition is not the subject of the current application, it was also subject to the expiry date of 4 December 2020. Accordingly, the noise limit condition also requires to

be considered at this time in order to ensure proper controls remain in place after 4th December 2020.

A Supporting Statement has been submitted with the application which indicates that the site has operated under the new operating hours since December 2019. The site was temporarily closed due to the COVID-19 lockdown between 24th March and 11th May 2020, after which it re-opened to provide supplies to essential NHS projects. The Supporting Statement notes that, to date, there have been no complaints made to the Council since the revised hours were put in place.

Hullerhill Quarry is located approximately 1.6km northeast of Kilwinning. The mineral resource at Hullerhill is sand for the construction industry, as well as the production of refined sand for use in golf courses and the leisure sector.

In terms of the adopted Local Development Plan (LDP), Hullerhill Quarry is located within the countryside where Strategic Policy 'The Countryside Objective' applies. Consideration of applications relating to mineral extraction is covered under Policy 33 - 'Responsible Extraction of Mineral Resources'. The Placemaking Policy applies to all applications for planning permission.

Relevant Development Plan Policies

SP1 - The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy. In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.

- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2 - Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 33 - Responsible Extraction of Mineral Resources

Proposals for the conventional extraction of mineral resources, including extraction of sand, gravel, coal and peat, will be supported provided that:

- i) a need can be demonstrated for the mineral which cannot be met from existing worked deposits or renewable, recycled or secondary sources; and
- ii) It has been demonstrated, for example through the submission of a waste management plan (as per the Management of Extractive Waste (Scotland) Regulations 2010), that any adverse impacts (including cumulatively) on local communities, individual houses, economic sectors, natural and historic environment (including recreational users) and sensitive receptors, can be satisfactorily mitigated, including by taking into account:
 - a. transportation/road traffic generation;
 - b. disturbance, disruption, blasting, vibration, pollution of land, air and water environment; and
- iii) there is a restoration and aftercare plan that includes for example, progressive restoration over the lifetime of the operation, remediation of dereliction, stabilisation actions, creation of natural habitat, new opportunities for recreational use, the long term monitoring of the water environment and an ongoing maintenance plan.

Development proposals for the exploration, appraisal and extraction of coal bed methane, underground coal gasification, shale gas, and other forms of hydrocarbons, which are extracted using unconventional means will not be supported. For new or extended proposals, a financial guarantee or bond may be required to ensure appropriate restoration, enhancement and aftercare following extraction of minerals. Development proposals for the extraction of peat will also be subject to the provisions of Policy 34: Protecting Peatland and Carbon Rich Soils.

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures, which included the publication of a notice in a local newspaper. One letter of representation has been received. The points raised have been summarised below:

1. The main disturbance is the dramatic increase in noise early in the morning. Sleep is disturbed nearby every working day (six days per week) between 0545 and 0630. There is a significant increase in traffic accessing the quarry from 0540, (up to 13 vehicles have been noted). The plant is then started at 0600 and shortly after a number of lorries exit the quarry.

Response: Noted. However, this matter has already been referred to the quarry operator during September 2020 for their response and action. The current application does not seek to change the time that the quarry can open at in the morning.

2. There has been a steady increase in lorry movements throughout the day, with lorries 'importing' sand from other sites for processing.

Response: Noted. This matter will require to be investigated separately since it is outwith the scope of the current application.

3. It is stated in the supporting information and in the Environmental Health consultation response (below) that no complaints have been made about the temporary change to working hours granted in December 2019. However, a complaint made during September 2020 resulted in the quarry being contacted for a response rather than Environmental Health.

Response: The noise limits recommended by Environmental Health would continue to be the subject of a planning condition, as set out below.

4. Other neighbours to the quarry have a range of complaints including noise and light disturbance, contaminated water run-off and blowing sand.

Response: To date, these matters have not been the subject of complaints and are outwith the scope of the current application.

Consultations

NAC Active Travel & Transport - no objection.

Response: Noted.

NAC Environmental Health - no objections to the proposed time extension to 21st February 2042, subject to continued compliance with the following condition:

1. The rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the plant and equipment, must not exceed the background noise level by 10dB(A) or more at the curtilage of any noise sensitive property over a reference period of 1 hour during the hours to which this application relates (1900-2100 hours

Monday to Friday, 1200-2000 hours on Saturday and 0700-2000 hours on Sunday).

The applicant had previously commissioned an appropriate background noise assessment to be undertaken and its results demonstrate that the above noise limit will be complied with during the proposed hours outlined in the proposed condition. No complaints have been received by Environmental Health.

Response: Noted. The above condition is due to expire on 4th December 2020 and would require to be re-imposed. See Analysis.

3. Analysis

Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with condition(s) subject to which a previous permission was granted. Section 42 of the Act stipulates that in this type of application the "planning authority shall consider only the question of the conditions subject to which permission should be granted."

Circular 4/1998 sets out the tests for planning conditions, as follows:

- Need for a Condition
- Relevance to Planning
- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

The determining issue in this case is whether the proposed modifications to the condition attached to the previous grant of consent would accord with the relevant LDP policies.

In terms of the adopted LDP, the Countryside Objective seeks to "encourage opportunities for our existing rural communities and businesses to grow" whilst protecting the countryside and promoting sustainable development. The proposed variation to two planning conditions which govern the operation of Hullerhill would enable a long-established quarry business to grow and provide certainty over the next two decades, in alignment with the ROMP consent granted by the Council in 2014. As such, the proposal would accord with the Countryside Objective.

Policy 33 'Responsible Extraction of Mineral Resources' supports the conventional extraction of sand, gravel, coal and peat, subject to meeting a range of criteria. As Hullerhill Quarry has been established for the past 100 years or more, there is no requirement to justify the principle of development in this case. There is already a suite of planning conditions in place, approved by the Council in 2014, which provide the basis for the regulation of day to day operations in accordance with modern working practices as well as a site restoration and aftercare plan.

Following a trial period of evening working for much of 2020, during which no complaints were received by the Council, it is considered that the proposed time extension at Hullerhill Quarry be permitted on a more permanent footing.

The Placemaking Policy aims to safeguard, and where possible enhance environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. Whilst the hours of operation would be permanently extended into late evening hours, there would be no working after 2100. Subject to adherence to the previously approved condition on noise limits, unacceptable adverse noise impacts on local residents could be avoided. It is considered that this outcome would result in an appropriate balance between the need to ensure the economic viability of the quarry and the protection of residential amenity in the rural area around Hullerhill.

In applying the Circular 4/1998 tests for conditions to the proposal, it is considered that the proposed variations would meet all six tests.

There are no other material considerations. Accordingly, it is considered that planning permission could be granted for the extended working hours on a permanent basis, subject to the additional condition as required by Environmental Health. Following the expiry of the temporary period in December 2020, this would extend the opportunity to undertake evening working at Hullerhill until 21st February 2042.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Condition

1. That no extraction, aggregate processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. The operation of the drying plant and mortar plant is permitted during the hours of 06.00 to 21.00 Monday to Friday, 06.00 to 20.00 on Saturdays and 07.00 to 20.00 on Sundays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority. This condition shall have effect for a temporary period and shall expire on 21st February 2042, unless otherwise agreed in writing.

Reason

To safeguard the amenity of the surrounding area.

Condition

2. That noise from the development during the hours 06.00 to 19.00 Monday to Friday and 06.00 to 16.00 on Saturdays shall not exceed 55dB LAeq, 1hour (free field) at any noise-sensitive premises, except noise from soil stripping or landscape operations. Noise from the development during the hours 19.00 to 21.00 on Mondays to Fridays, 12.00 - 20.00 on Saturdays and 07.00 to 20.00 on Sundays shall not exceed 45dB LAeq, 1hour (free field) at any noise-sensitive premises, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

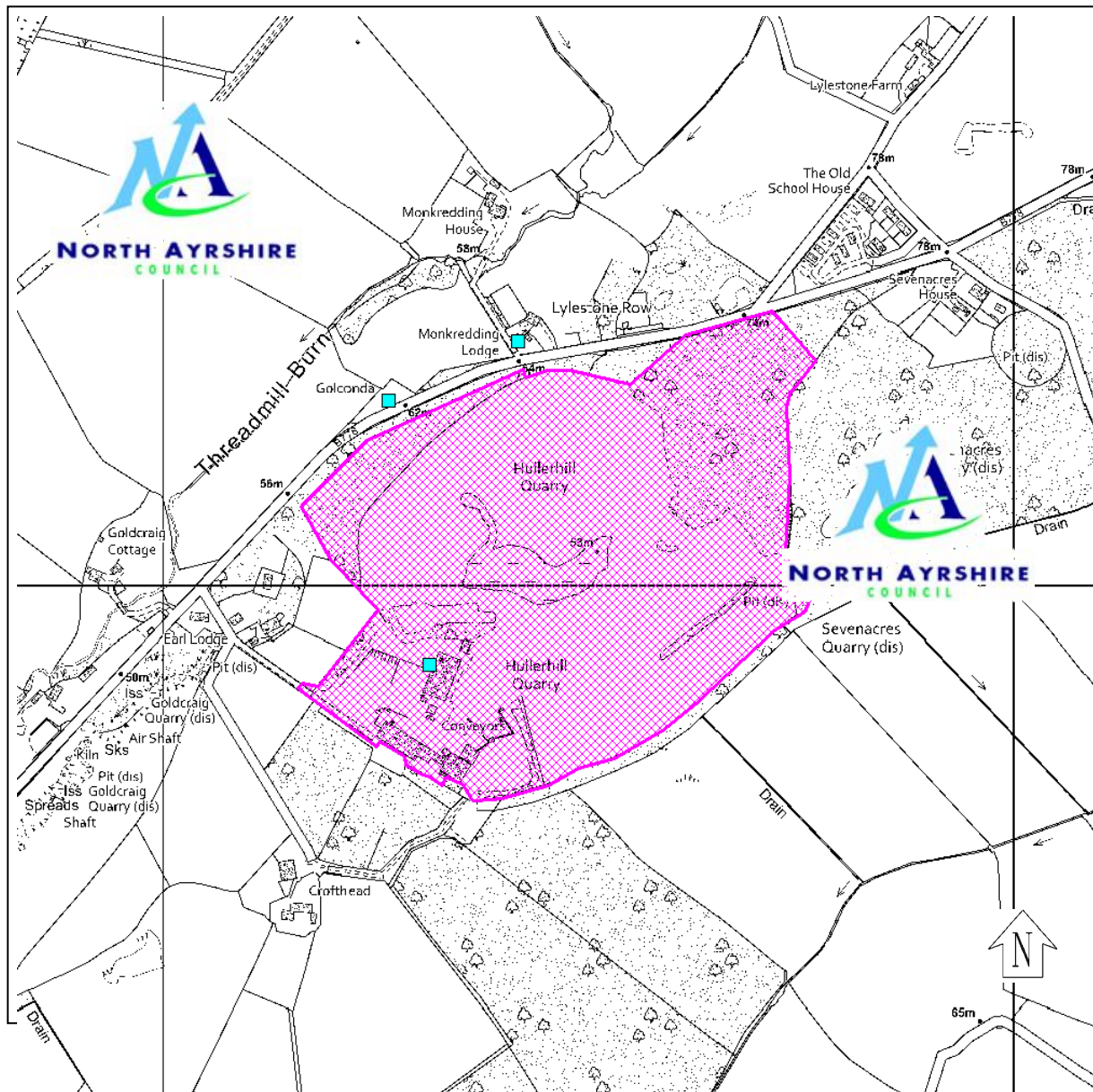
To limit the impact of noise on neighbouring properties.

Russell McCutcheon
Executive Director (Place)

For further information please contact **Mr A Hume Senior Development Management Officer** on **01294 324 318**.

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
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NORTH AYRSHIRE COUNCIL

2nd September 2020

Planning Committee

Locality	North Coast & Cumbrae
Reference	20/00388/PPPM
Application Registered	29th May 2020
Decision Due	29th September 2020
Ward	Dalry And West Kilbride

Recommendation Refused

Location Site To East Of Hillcrest Chapelon Road Seamill West
Kilbride Ayrshire

Applicant Hope Homes Scotland

Proposal Planning Permission in Principle for residential
development with associated landscaping, access,
engineering and other associated works

1. Description

This is an application for planning permission in principle for a residential development of an area of land to the east of Chapleton Road (B7047), West Kilbride. The land is approx. 7.32 Hectares in area. The land is roughly triangular in shape, bounded to the west by the B7047. To the east is the Largs/Kilwinning railway line. To the south is a field boundary with countryside beyond. The site is identified in the Local Development Plan (LDP) as Countryside.

The site undulates south to north. An indicative site plan has been submitted with a layout comprising of 100 units, two access roads from the B7047, drainage and landscaping. As the application is in principle, further applications would be required on the details of the site should this application be granted.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 18th December 2018 (ref: 18/01108/PREAPM).

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

PAC report

The PAC report notes the publicity measures undertaken and a public event was held on the 28th February 2019. The report notes there were 10 attendees at the event. Comments raised include; concern over need for housing in West Kilbride, loss of agricultural land, impact on infrastructure including schools. Suggestions were received in respect of house types and numbers and improvements to roads and paths.

Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character, and outlines the principles behind the proposed development, the design principles and a macro-planning approach that the development hopes to employ.

Flood Risk and Drainage Assessment

This Assessment identifies that there is little to no risk of fluvial flooding of the site, and little to no risk of pluvial flooding of the site given the existing railway embankment. It is also considered the site is not at risk of groundwater flooding. In terms of drainage, recommendations are made to ensure that the proposed development could be drained in a sustainable manner. Surface water discharging from the site could be restricted through SUDS infrastructure. It is not considered that development would increase the risk of flooding elsewhere.

Landscape Strategy Report

This Report sets out the considerations in relation to landscaping for the site within the indicative layout. The applicant states that “a series of design character or treatment areas are proposed with a strong landscape framework to compliment the proposed development features in the context of the rural setting.” The indicative layout indicates a landscape framework both around the perimeter and within the site to create a “layered” landscaping and open space regime.

The indicative layout proposes a woodland buffer at the northern end of the site with the closest house to the existing settlement being approx. 200m to the south. The majority of the houses would be sited at the southern end of the site.

Air Quality Assessment

This Assessment sets out that screening of the proposal in terms of air quality. It concludes that development of the site would have negligible impact on the existing receptors in terms of air quality.

Noise Assessment

This Assessment of noise from the B7047 and the railway line, concludes that relatively low noise levels are predicted. Use of gardens during the daytime will be unaffected by any noise impacts. Any houses within 20m of the road or within 30m of the railway line would

require double glazed windows and acoustic vents. However, the Assessment finds that there will be no significant adverse impacts from noise.

Transport Assessment

This Assessment considers the impact of the proposed development on the local road network and access potential for minimising private car usage. The analysis predicts that the surrounding local network would not be significantly impacted by the development. The site is considered to be accessible by sustainable transport and integrate into the existing network. The site could be safely accessed by private vehicles and would not compromise the safety or efficiencies of existing road users.

Preliminary Ecological Appraisal

The site comprises grazing livestock farmland and there were not any protected species identified on the application site. Two trees with potential roost features for bats were identified. It is recommended that further surveys be carried out.

Education Information

The applicant has considered the likely impact on West Kilbride Primary School. The applicant states that a 100-house development would yield 31 primary school pupils, on the basis of 0.31 pupils per house. On the basis this permission was granted, the applicant plans to build 33 units in the first year, 33 units on the second year and 34 in the final year of construction. This would mean an additional 10, 10 and 11 pupils generated each year.

Health & Wellbeing Report

This Report sets out what the applicant considers to be the health and wellbeing benefits of the development. It states that proximity to walking and cycling networks, and local amenities will reduce reliance on cars and support an active lifestyle, which would be further supported by the links to local buses and trains and cycle storage in each home. Electric vehicle charging points will be available across the site to support electric vehicles. Local ecology would be protected and enhanced through landscaping and open space which would create habitats to encourage wildlife. The built environment would provide good levels of daylight and sound insulation to reduce noise disturbance. High quality finishes would reduce indoor pollution and effective temperature regulation to allow for climate changes.

Sustainability Report and Climate Change Report

The reports states that the development would achieve a platinum standard of sustainability in its buildings. Details are provided of how the houses would be insulated and ventilated to limit heat loss and improve heat recovery. Modular construction techniques would be employed to minimise waste. Houses would have solar panels and battery storage and electric vehicle charging points would be provided. The reports state that the project would have a net-zero operational carbon. The use of timber building materials instead of masonry has been chosen to reduce carbon emissions by 20%.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 27: Sustainable Transport and Active Travel; Policy 29 Energy Infrastructure Development; and Policy 31: Future Proofing for Heat Networks.

Relevant Development Plan Policies

Strategic Policy 1 Spatial Strategy

Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support. We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

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

New Homes and Maintaining an Effective Housing Land Supply

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

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

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

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

Detailed Policy 15-Landscape & Seascape Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

- a) National Scenic Areas
Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:
 - i) the objectives of the designation and the overall integrity of the area will not be compromised; or
 - ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- b) Special Landscape Areas
We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.
- c) Wild Land
We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- d) Local Landscape Features
Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:
 - i) patterns of woodlands, fields, hedgerows and trees;
 - ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
 - iii) settlement setting, including approaches to settlements;
 - iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;

- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our Designated Sites

Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 18 - Forestry, Woodland

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

- o contributes to an integrated transport network that supports long term sustainability
- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

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

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and

- o innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
 - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
 - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
 - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

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

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

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

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Heat Networks

Policy 31:

Future Proofing for Heat Networks

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

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

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

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

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

2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There have been not any representations received within the public consultation period.

Scottish Water - No objections.

Response: Noted

NatureScot (NS) - Offer no comment. However, when the site was proposed in the draft Local Development Plan, NS (formerly SNH) stated that the site was considered to make an important contribution to the landscape of West Kilbride. Development of the site would have significant and adverse landscape and visual impacts. Development would compromise the quality of the landscape setting, spreading development onto the higher slopes, comprising the established development pattern and resulting in the loss of open space important to the setting of West Kilbride and Tarbet Hill.

Response: Noted.

NAC Flooding - No comment

Response: Noted.

NAC Regeneration (Active Travel and Transport) - It is noted that Transport Assessment indicates the B7047 would be reduced to 30mph. This proposal should be introduced using a 'gateway' feature designed in accordance with Designing Streets principles. Information on the visibility splays for the road and footway junctions are given as well as the need for lighting on the road frontage. It is considered the link to existing footpaths will provide improved access to public transport. Conditions are suggested to ensure the requirements are met.

Response: Noted. Conditions could be attached to any permission regarding the information set out by NAC Regeneration (Active Travel and Transport).

NAC Environmental Health - No objections subject to conditions. A desk study of potential contamination should be undertaken. Any layout should ensure properties are designed and constructed in a manner which ensures occupants are not subject to excessive internal noise levels.

Response: Noted. Such conditions could be attached to any permission and such issues could be fully assessed should there be subsequent detailed planning applications.

NAC Education - There is insufficient capacity within the local school for any units over and above those identified in the land supply.

Response: Noted. As this is an application for permission in principle, should permission be granted a condition would require an Education Impact Assessment to accompany any detailed applications.

West Kilbride Community Council - The development is contrary to the adopted LDP and should be dismissed. The Reporter who assessed the LDP removed this site from being allocated for housing. There are concerns in respect of the impact of water runoff and sewerage. Permitting this site for housing would likely result in developments to the south which would impact on the road network and require further upgrading.

Response: The Community Council's views on both the LDP allocation and the Reporter's assessment are noted and agreed and are considered further below. If permission was granted, details relating to sewage and drainage could be subject to conditions to be required with any subsequent detailed planning applications. Applications for any further development to the south would be determined on its own merits, including any impact on the road network. It is noted that the land to the south is not allocated for development in the LDP.

3. Analysis

As noted above the site is allocated in the LDP as part of the Countryside. The site was proposed for inclusion within the LDP as a site allocated for housing. However, it was removed at Examination and forms part of the Countryside allocation in the LDP.

The site was assessed by the Scottish Government's Reporters in the Examination of the draft LDP in July 2019, on the basis of a proposed indicative capacity of 70 houses. The Reporters found that the site should not be included in the LDP. The Reporters stated development of the site would fundamentally alter the rural character of the area, harming the setting of this part of West Kilbride. Development would be a discordant southward projection divorced from the settlement of West Kilbride. The Reporters recommended that the site allocation be removed from the LDP. The site allocation for housing was removed and the LDP adopted by the Council in November 2019. It is considered that significant weight should be given to the findings of the Examination of the LDP.

Strategic Policy 1 states that the Council wants to direct the right development to the right place. The Countryside Objective of Strategic Policy 1 states that countryside areas are less well suited to unplanned residential developments. The circumstances where residential development outwith towns and villages may be supported are set out and include; development of derelict land; sensitive infilling of gap sites consolidating existing development; new housing which is a replacement or converted building or a house of exceptional design quality; and sympathetic additions to well-defined nucleated groups of four or more houses, up to a 50% of the group with a maximum of four new houses.

It is found that (1) the land is not derelict, being an agricultural field, (2) the site is not a gap site, being on the edge of the settlement, (3) the houses would not be replacement or conversions and it is the principle of a large-scale development rather than the detail of one single house which is being sought, and (4) the development would not constitute an addition to an existing group and rather seeks the principle of the development of approx. 100 houses. Therefore, the proposal is contrary to Strategic Policy 1 of the LDP.

Notwithstanding being contrary to Strategic Policy 1, the application also requires to be assessed against Policy 1: New Homes and Maintaining an Effective Housing Land Supply. The LDP identifies 51 effective housing supply sites comprising an indicative 5152 housing units, including 833 units on sites newly allocated by the LDP. The application site is not one of those sites. The LDP also identifies a further 27 long-term housing sites, comprising an indicative 2116 units, that would contribute towards the Council's ongoing 5-year effective land supply. The application site is not one of those sites.

The latest Housing Land Audit (2018/19) indicates the Council's effective housing land supply exceeds 5-years. Policy 1 only supports new housing development - outwith the total 78 identified sites - in circumstances where there is a shortfall in the effective five-year supply and where development would help achieve the LDP vision, for example by aligning with the principles of the spatial strategy and is compliant with other aspects of the LDP, particularly by way of impact on committed infrastructure and the environment. The effective housing land supply has been further strengthened following the adoption of the LDP and planning permission being granted for 590 units upon the newly allocated sites. The proposal is not required to maintain an effective housing land supply and is therefore also contrary to Policy 1 of the LDP.

Policy 15: Landscape and Seascapes states that development will be supported where it protects or enhances the landscape character of an area and avoids unacceptable adverse impacts on landscape areas and features. Although the site is not part of a designated landscape area, it is adjacent to Tarbert Hill which is a non-designated local landscape feature. The Examination of the draft LDP by the Scottish Government's Reporters found

that development of the site would harm the setting of West Kilbride and Tarbert Hill and would fundamentally alter the character of the area.

A Landscape Strategy Report has been submitted which sets out the considerations in relation to landscaping for the site within an indicative layout. As noted above, the applicant states that “a series of design character or treatment areas are proposed with a strong landscape framework to compliment the proposed development features in the context of the rural setting.” The indicative layout indicates a landscape framework both around the perimeter and within the site to create a “layered” landscaping and open space regime.

The indicative layout has the majority of the houses sited at the southern end with the vehicle access to the site being some 320m and 650m from the southern edge of the existing settlement. The most northerly end of the site is described as ‘woodland buffer’ with footpath link. This area would be some 3000sqm in area and the nearest house to the settlement would be some 200m from the settlement. Although this layout is indicative, it demonstrates that any development would appear divorced from the settlement and, with most development on the highest part of the site, prominent in the landscape.

It is considered that the Landscape Strategy does not address the Reporters’ concerns in the removal of the site at the Examination of the LDP. It is not considered there is anything in this application which alters the assessment of the site through the LDP, particularly as this is an application for the principle of development.

Furthermore, NatureScot (formerly SNH) in the response to the consultation on the LDP, as noted above, stated that the site was considered to make an important contribution to the landscape of West Kilbride. Development of the site would have significant and adverse landscape and visual impacts. Development would compromise the quality of the landscape setting, spreading development onto the higher slopes, comprising the established development pattern and resulting in the loss of open space important to the setting of West Kilbride and Tarbet Hill.

The proposal is contrary to Policy 15 of the LDP.

Policy 16: Protection of our Designated Sites states that development which would not have an unacceptable adverse effect on the natural environment will be supported. The site is not part of a specific nature conservation designation but does comprise part of the Countryside allocation. The applicant has submitted a Preliminary Ecological Appraisal which does not identify any protected species on site but recommends further surveys. The applicant states that any landscaping will create habitats to encourage wildlife. As this is an application for permission in principle, conditions could be added requiring those further surveys and landscaping details to be assessed in any future applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 16 of the LDP.

There is no forestry, woodland or significant trees on the site. However, there are some hedgerows, particularly at the southern end of the western boundary. Policy 18: Forestry, Woodland, Trees and Hedgerows states where the loss of hedgerows is unavoidable, and where compensatory planting is required, replacement trees should be similar in scale and massing. As this is an application for permission in principle, a condition could be added requiring details of impacts on the hedgerows and potential replacement planting could be

assessed in any future applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 18 of the LDP.

Policy 27: Sustainable Transport and Active Travel of the LDP states that development which contributes to an integrated transport network that supports long term sustainability will be supported. Development should provide safe, convenient and sustainable transport options, reduces the need to travel, and mitigates adverse impacts or significant traffic generation. The Scottish Government's Reporters considered this site to be divorced from the settlement of West Kilbride. However, this was in visual terms. It is not considered that in terms of transportation that it could not be successfully integrated into the transport network. NAC Regeneration (Active Travel and Transport) offered no objection subject to conditions. As this application is for planning permission in principle, conditions could be attached to any permission which required further information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 27 of the LDP.

Policy 29 Energy Infrastructure Development of the LDP states that proposals for new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The applicant has provided details of such information and the wish to make this an exemplar development in terms of carbon reduction. As this application is for planning permission in principle, a condition could be attached to any permission which required further information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 29 of the LDP.

Policy 31 of the LDP states that the Council will support proposals for the creation or enhancement of district heat networks. Proposals for 50 or more residential units which would not result in the creation or enhancement of district heat networks should include: provision for on-site heat recovery and re-use infrastructure; or a heat network generation and distribution infrastructure plan; or demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical or economic reasons. As this application is for planning permission in principle, a condition could be attached to any permission which required this information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 31 of the LDP.

The applicant has provided a statement setting out goals for development. The applicant wishes to create a development which encourages community spirit and innovative use of social open spaces; provides residents with a safe, interesting and healthy environment; provides a diverse mix of house type layout designs which cater for varied individual family lifestyles; appeal to a wide variety of prospective residents of varied income and at all stage of life; is respectful of its surrounding architecture and landscape, whilst maintaining its own character and identity; maximises safe pedestrian intervention and use of amenity space; is economically, socially and environmentally sustainable; and establishes the place making policies of the Scottish Government.

Many of the applicant's aspirations would align with the LDP. However, as set out above many could only be assessed through detailed planning applications. This application is for planning permission in principle and, for the reasons given above, the application does not accord with the LDP. The principle of the development of the site was assessed through the

Examination and was not supported by the Reporters. The Council has accepted this decision.

The proposal is held to be contrary to the LDP, in particular Strategic Policy 1, Policy 1 and Policy 15. The proposal would negatively impact on the countryside location including adverse visual impact on the character of the area, harming the setting of West Kilbride and Tarbert Hill. The site was examined for development as part of the LDP process and found not to be suitable. The site does not form part of the Council's effective housing land supply and there is no need to add this site in order to maintain an effective land supply. There are no material circumstances which outweigh the LDP. Accordingly, the application should be refused.

4. Full Recommendation

Refused

Reasons for Refusal

1. The proposal is contrary to the Strategic Policy 1 of the adopted North Ayrshire Local Development Plan. The principle of the development does not accord with circumstances in which housing development in the countryside can be acceptable. There are no material circumstances which outweigh the LDP.

2. The proposal is contrary to Policy 1 of the adopted North Ayrshire Local Development Plan. The site does not form part of the Council's effective housing land supply and there is no need to add this site in order to maintain an effective land supply. There are no material circumstances which outweigh the LDP.

3. The proposal is contrary to Policy 15 of the adopted North Ayrshire Local Development Plan. The proposal would negatively impact on the countryside location including adverse visual impact on the character of the area, harming the setting of West Kilbride and Tarbert Hill. There are no material circumstances which outweigh the LDP.

Russell McCutcheon
Executive Director (Place)

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

Appendix 1 – Location Plan

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