



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 23 May 2018** at **14:00** to consider the undernoted business.

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 **Minute**

The accuracy of the Minutes of meetings of the Committee held on 25 April 2018 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 **North Coast and Cumbraes**

Submit reports on the following applications:

3.1 **18/00340/PPPM - Site To South Of 128-130 Meadowfoot Road, West Kilbride**

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

3.2 **18/00171/MSC - Site To North West Of Chapelton Mains, Seamill, West Kilbride**

Erection of 31 dwellings comprising of terraced and flatted properties (copy enclosed).

4 **Garnock Valley**

Submit reports on the following applications:

- 4.1 18/00292/PP - 51 Holmhead, Kilbirnie**
Erection of restaurant with takeaway facility and ATM (copy enclosed).
- 4.2 18/00328/PPM - Blairland Farm, Dalry**
Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2, 3, 4 and 5 of planning permission in principle ref. 15/00103/PPPM (copy enclosed).
- 5 Isle of Arran**
Submit reports on the following applications:
- 5.1 18/00379/ALO - Site To South And West Of Tighenmenach, Blackwaterfoot, Brodick**
Removal of Section 75 obligation attached to planning permission N/04/00937/PP relating to occupancy restriction (copy enclosed).
- 6 Condition No. 1 of Planning Permission (Ref. 17/00740/PP) at Hunterston A Power Station, West Kilbride**
Submit report by the Executive Director (Economy and Communities) on the proposed cladding as which has been submitted as required by Condition No. 1 of Planning Permission (Ref.17/00740/PP) (copy enclosed).
- 7 Urgent Items**
Any other items which the Chair considers to be urgent.

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:

Present

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

Also Present

Todd Ferguson (Agenda item 5).

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Also In Attendance

S. Graham (McInally Associates), W. Marshall and G. McGinty (Clydeports Operations Ltd) and C. Fleming (EnviroCentre) (representing the applicants); R. Holmes (Fairlie Community Council) and D. Nairn (Clyde Porpoise CIC) (representing the objectors) (Agenda items 3.1, 3.2 and 3.3).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Robert Foster.

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 Committee held on 14 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Hunterston Construction Yard, Fairlie

The Chair advised the Committee that he had received, and granted, two formal requests to address the Committee, with respect to the three applications for planning permission at Hunterston Construction Yard contained on the agenda. The applicants were also invited to attend the meeting to respond to the points raised by the objectors.

The Senior Manager (Legal Services) requested, and received, confirmation from the representatives of the applicants and objectors in attendance, that they intended to address the Committee on all three applications by Clydeport Operations Ltd, rather than speaking to each individual application in turn.

Rita Holmes, of Fairlie Community Council expressed the view that the piecemeal developments proposed, while apparently relatively benign in nature, would have, cumulatively, a disastrous impact on the local area and that, had they adequate freedom to express themselves, organisations such as SEPA, SNH and the Council's Environmental Health Service would echo the Community Council's concerns. She also raised concerns about the marine structures which would be decommissioned on site, the danger that naturally occurring radioactive material could contaminate the local environment, and the perfunctory noise assessment which had been carried out by the applicants.

Mr Nairn of Clyde Porpoise CIC provided a presentation on the importance of the marine mammal species residing within the Hunterston Channel and surrounding area, the adverse impact of established development on the Site of Special Scientific Interest at Southannan Sands, and the further negative impact that the proposals would have on the area. He made particular reference to the negative effects of prolonged pile driving which, in combination with ongoing acoustic noise and oil rig/vessel movements, would damage the health of the marine mammal population and lead to their displacement.

Mr Nairn also questioned the efficacy of the proposed mitigation measures and whether other mitigation methods had been explored, including bubble curtains.

Scott Graham, of McInally Associates Ltd, accompanied by Warren Marshall and Graeme McGinty, of Clydeport Operations Ltd, and Campbell Fleming of EnviroCentre, then addressed the Committee, on behalf of the applicants, in response to the objectors.

Mr Graham highlighted the Scottish Government's belief that work associated with decommissioning North Sea marine structures will provide £17.6b of economic benefit over the next 10 years and the £5m fund which has been created to provide opportunities for Scotland to benefit from this. Details were provided on the economic impact of the proposed development, with an estimated initial investment of £76m creating 500-550 gross Person Year Equivalent jobs and ongoing operations creating £50m of annual operating contracts, generating 220-260 permanent Full Time equivalent jobs.

Mr Graham also highlighted the Council's Proposed Local Development Plan which gave provision for decommissioning work to be undertaken at Hunterston and his belief that the applications should be considered using planning regulations and therefore no sound reasons were available for refusal. Reference was also made to the other licencing legislation and regulations with which the proposed development would need to comply, including a marine licence and Environmental Health laws.

Members then asked questions of the objectors and applicants' representatives and were provided further information in respect of:-

- timescales for the development and the progress of other licences which are required;

- the objectors' claim that agencies, such as SEPA, are unable to speak freely when commenting on applications for planning permission;
- the claim that radioactive material would be transported into the site and the source of this information; and
- other sites which are used for decommissioning marine structures and lessons which can be learned from these.

The Senior Manager (Planning) then outlined the terms of each of the planning reports and officers' recommendations.

3.1 18/00134/PP – Replacement and Enlargement of the Jetty

Clydeport Operations Ltd. have applied for planning permission for the replacement and enlargement of the existing jetty at Hunterston Construction Yard, Fairlie. One representation was received, as outlined in the report.

Councillor McNicol, seconded by Councillor Clarkson, moved that the application be granted, subject to the conditions set out in the report.

Councillor Barr moved that the application be refused. There being no seconder, the amendment fell.

There being no further amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following condition:-

1. That prior to the commencement of development a Construction Method Statement shall be provided for the written approval of North Ayrshire Council. The Construction Method Statement shall include:
 - i) a pre-construction survey for protected marine mammals, protection measures during construction and details of proposed monitoring of the site by a competent observer during the demolition and construction works;
 - ii) proposed timetable and procedure for construction;
 - iii) methods of construction;
 - iv) risk assessment (including potential impacts of construction on marine mammals); and
 - v) details of preventative measures to avoid long term impacts on marine mammals, pollution of the foreshore and SSSI.

3.2 17/01273/PP – Vary Condition 1 of Planning Permission ref 16/00268/PP

Clydeport Operations Ltd. have applied for the variation of planning condition 1 of planning permission ref 16/010268/PP to allow use of the site for decommissioning large marine structures. Three representations were received, as outlined in the report.

On 31 August 2016, the Planning Committee approved an application to delete condition 1 of a Planning Permission (ref.11/00230/PPM) to remove the temporary restriction on the use of the site (ref.16/00268/PP). Condition 1 was deleted and replaced with a revised condition 1 which stated:

“That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose.”

The applicant proposed to vary this condition to state:

"That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion and decommissioning of large marine related structures; and the site shall be used for no other purpose."

Councillor McNicol, seconded by Councillor Billings, moved that the application be granted, subject to the conditions set out in the report and an additional condition regarding the formation of a liaison committee consisting of local councillors and community group members, the site operator, and other interested parties.

There being no amendment the motion was declared carried.

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

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and decommissioning of large marine related structures; and the site shall be used for no other purpose. For the avoidance of doubt construction, repair and decommissioning shall be restricted to oil rigs, platforms, similar structures that have served the oil and gas industry and offshore renewable industry and are defined within approved drawing '01B'. Storage of these structures shall be restricted to those which are actively being constructed, repaired or decommissioned only.
2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed

arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction. For the avoidance of doubt the approval of "preventative measures to avoid pollution of the foreshore", required under part c) shall be agreed with SNH and such measures shall include full details of the mitigation that will be implemented during the construction and operation of the site to ensure that they adequately manage the risk of any pollution entering the SSSI.

3. The rated noise level, as defined in BS 4142:2014, from activities associated with the construction, repair and decommissioning of large marine related structures, permitted under Condition 1, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. For the avoidance of doubt this condition would not apply to any operations that are licensed by SEPA or Marine Scotland.
4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.
5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.
6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.
7. That the hours of operation of the site for construction, repair or decommissioning of large marine related structures, permitted under Condition 1, and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.

8. That within 3 months of the date of the consent, a draft Code of Practice for the operation of the construction, repair and decommissioning of Marine Structures, hereby approved, shall be submitted for the approval in writing by North Ayrshire Council as Planning Authority. The draft Code of Practice shall include the formation of a liaison committee, which shall comprise of local councillors, local community group members, the site operator and other interested parties; and should include the timescales for the meetings of the liaison committee. The development shall thereafter be undertaken in accordance with any Code of Practice as approved by North Ayrshire Council as Planning Authority.

3.3 18/00132/PP – Erection of Caisson Gates and Subsequent Removal of Existing Bund

Clydeport Operations Ltd. have applied for planning permission for the erection of caisson gates and subsequent removal of existing bund at Hunterston Construction Yard, Fairlie. One representation was received, as outlined in the report.

Councillor McNicol, seconded by Councillor McMaster, moved that the application be granted, subject to the conditions set out in the report.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following condition:-

1. That prior to the commencement of development a Construction Method Statement shall be provided for the written approval of North Ayrshire Council. The Construction Method Statement shall include:
2.
 - i) a pre-construction survey for protected marine mammals, protection measures during construction and details of proposed monitoring of the site by a competent observer during the demolition of the bund and construction works;
 - ii) the method and timetable for demolition and disposal of surface material relating to the existing bund;
 - iii) proposed timetable and procedure for construction;
 - iv) methods of construction;
 - v) risk assessment (including potential impacts of construction on marine mammals); and,
 - vi) details of preventative measures to avoid long term impacts on marine mammals, pollution of the foreshore and SSSI.
4. **18/00216/PP – West Kilbride Primary School, Hunterston Road, West Kilbride**

West Kilbride Community Sports Hub have applied for planning permission for the erection of static floodlighting and the variation of an existing condition to extend the hours of the Multi-Use Games Area (MUGA) at West Kilbride Primary School, West Kilbride. One representation was received, as outlined in the report.

Planning permission for the erection of the MUGA was granted by the Planning Committee at its meeting on 12 February 2008 (ref: 07/01158/PP), subject to the condition that the facility is only used between 8am and 8pm, Mondays to Fridays, and 8am and 6pm, Saturdays and Sundays.

Members asked questions and were provided further information in respect of:-

- the strength and angle of light emitted from the proposed floodlights and the impact this has on nearby houses;
- the operational hours of the facility and how the noise associated with this might impact on local residents; and
- the role of Environmental Health in policing light and sound pollution.

The Committee agreed to grant the application subject to the following condition:-

1. That the MUGA facility shall only operate between the hours of 8am and 9pm on Mondays - Fridays inclusive and between the hours of 8am and 7pm on Saturdays and Sundays.

Councillor Macaulay left the meeting at this point.

5. 17/01280/DCMS – Site to North of Knowes Farm, Beith

Smith Skips Ltd. have applied to update the planning conditions for the quarry operations at the site to the North of Knowes Farm, Beith, in line with the periodic Review of Old Mineral Permissions procedure.

Members asked a question and were provided with information in relation to the operation of the site.

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

1. That the mineral extraction operations at the application site shall at all times be carried out in accordance with the working method statement, drawings and supporting information hereby approved, and there shall be no change in the operation or working method without the written approval of North Ayrshire Council, as Planning Authority.
2. That by the 30th November 2027 the operations hereby approved shall cease and the site shall be restored to the satisfaction of North Ayrshire Council, as Planning Authority. For the avoidance of doubt any excavated areas shall be covered over with top soil and grass seeded. The north-west and south-east boundaries will be planted with shrub mix in accordance with drawing Final

3. That in the event of the operations ceasing on the site prior to the date specified in Condition 2, within six months of the cessation of operations all buildings, plant and machinery ancillary to the mineral extraction operations shall be removed and the entire site restored to the satisfaction of North Ayrshire Council, as Planning Authority. For the avoidance of doubt any excavated areas shall be covered over with top soil and grass seeded. The north-west and south-east boundaries will be planted with shrub mix in accordance with drawing Final Restoration Plan 5505-104 and any details approved in accordance with Condition 4.
4. That within 3 months of the date of this decision, an updated scheme for the restoration of the site which fully details the subsoil and topsoil replacement operations, site drainage and details of all plant species including their planting density, shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority. This restoration scheme shall be accompanied by a detailed aftercare management plan which shall set out a five year programme of works to ensure the successful implementation of the restoration scheme.
5. That within 3 months of the date of the decision the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a schedule of restorations costs.
6. That access to the site shall only be by way of the existing access to the landfill site to the south from Kerse Road (C25).
7. That the first 10 metres of the access road shall be retained as hard surfaced.
8. That the operator shall seek to ensure that no loose material is carried out onto the C25 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
9. That vehicles movements associated with the development shall be undertaken only in accordance with the Code of Practice, originally approved in relation to Condition 22 of planning permission 16/00793/PP.
10. That clay extraction shall only be permitted between the hours of 7am to 6pm Mondays to Fridays and at no time on Saturdays, Sundays or public holidays unless, in exceptional circumstances, North Ayrshire Council, as Planning Authority, gives prior written approval for clay extraction outwith these times.
11. That all topsoil and soil forming material to be stripped shall be stored within the land shown on the approved drawings as being in the applicant's ownership and shall not be taken off site without the written consent of North Ayrshire Council, as Planning Authority.
12. That all topsoil and soil forming material stockpiles shall be kept free of weeds and shall be seeded to the satisfaction of North Ayrshire Council, as Planning Authority.

13. That subsoil and topsoil shall be stored separately from the excavated materials and in the area shown on plans hereby approved to the satisfaction of North Ayrshire Council. Prior to the commencement of the 'Future Works Sector' as identified in drawing Method of Working 5505-103, details of the proposed relocation of the subsoil stockpile will be submitted to North Ayrshire Council, as Planning Authority, for written approval. Works on the 'Future Works Sector' will not commence until such details have been approved and then works will be carried out in accordance with any such details.
14. That there shall be no stockpiling of excavated material without the prior written approval of North Ayrshire Council, as Planning Authority.
15. That within 3 months of the date of this decision, details of measures to prevent and control the emission of dust from the site shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
16. That in the event of dust produced by the mineral extraction operations hereby approved or by vehicles passing to and from the site constituting nuisance, measures will be taken by the operator to control the dust emissions to the satisfaction of North Ayrshire Council, as Planning Authority.
17. That any significant unsuspected contamination which becomes evident during the development shall be brought to the attention of North Ayrshire Council, as Planning Authority, together with suitable remediation proposals prior any further works taking place.
18. That the operator shall take all necessary measures to control vermin at the site of the operations hereby approved, to the satisfaction of North Ayrshire Council, as Planning Authority.
19. That any field drainage disturbed or damaged during extraction of the clay shall be made good on completion of the works and all necessary precautions shall be undertaken during the operations to prevent contamination of existing watercourses.
20. That any temporary storage of clay shall be located to ensure that any contaminated run-off arising from the stored material does not cause pollution.
21. That if during the extraction process any standing water requires to be pumped from the void, it shall not be discharged to a water course, unless the prior written approval is obtained from North Ayrshire Council, as Planning Authority.

6. Urgent Item

The Chair agreed that the following item be considered to allow the matter to be considered without delay.

6.1 Call In Request: 18/00315/PP: Seaview Caravan Park, Site To North Of Seaview Caravan Park Ardrossan Road, Seamill

The Chair advised the Committee of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Ferguson, Glover and Gallacher that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reasons for the call in request was as follows:-

1. The continued expansion of the Waterside Hotel next door to Seaview; and
2. In the LDP2 - Policy 6 for Supporting Sustainable Tourism it mentions support in principal for caravans both static and touring.

Councillor Ferguson was in attendance and addressed the Committee in support of the call in request. Councillor Ferguson referred to a similar application which was refused by officers under delegated powers in 2015 and stated his belief that this decision was contrary to the LDP. Councillor Ferguson also referred to a survey undertaken by local businesses which showed support for the application.

Members asked questions and were provided further information in respect of the likely timescales associated with processing the application, by Committee and under delegated powers, and the processes associated with each.

Councillor Reid, seconded by Councillor McMaster, moved that the call in request be refused.

As an amendment, Councillor McNicol, seconded by Councillor Clarkson, moved, in terms of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 and in accordance with the approved call in procedure, that the Committee agree that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

On a division, there voted for the amendment 3 and for the motion 4, and the motion was declared carried.

Accordingly, the Committee agreed not to call in the application and that instead it be determined by officers under delegated powers.

The Meeting ended at 3.50 p.m.

NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	
Reference	18/00340/PPPM
Application Registered	20th April 2018
Decision Due	20th August 2018
Ward	Dalry And West Kilbride

Recommendation Refused

Location Site To South Of 128-130 Meadowfoot Road West

Kilbride Ayrshire

Applicant Gladman Developments Ltd

Proposal Planning Permission in Principle for residential development, access, open space, landscaping and associated engineering works

1. Description

Planning permission in principle is sought for a residential development at Ardrossan High Road, West Kilbride. The application site, which comprises of approximately 5.4 hectares, is located to the South of Meadowfoot Road extending to the South of Ardrossan High Road and the railway line. The site is bounded by residential properties to the north and east and countryside to the south and east (see attached location plan).

Part of the application site is allocated for residential, (approx. 2.8 hectares) with the remainder (approx. 2.6 hectares) outwith the boundary of the settlement of West Kilbride. The site sits on the slopes of Tarbert Hill which overlooks West Kilbride from the south. The site slopes mainly upwards from north to south. The site is partially bound on the south west boundary by trees with hedging or agricultural post and wire fencing marking the remaining boundaries. Land cover is dominated by grass with the site being used for grazing.

The applicant has provided an indicative masterplan which indicates that the site would accommodate 50 detached houses with the remaining land used for open space. Two vehicular accesses would be provided from Ardrossan High Road.

The proposal 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 notice (ref. 17/01222/PREAPM) was received on 23rd November 2017. The PAC initiated the statutory pre-application procedures.

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

Pre-application consultation (PAC) report

One public event using a 'drop-in' format was held at West Kilbride Village Hall on Thursday 11th January between 3pm and 7.00pm. The PAC report notes the pre-event publicity measures, which were undertaken and the methods used at the public event to inform those attending. The report states that around 70 members of the public attended the event and that 12 comments were received which indicated that more affordable housing required to meet local needs, general housing and more housing but in a different location out with the settlement; concern regarding insufficient infrastructure to accommodate the development, i.e. doctors, and school; comments about flooding and drainage from the site.

Copies of the comments were not provided within the PAC report. The PAC report concludes that whilst objections were raised to the principle of the development, there was support for additional residential development in West Kilbride, acknowledging that the site is partially allocated.

Transport Assessment

The Transport Assessment considers the likely transport impacts of the proposals alongside potential mitigation measures. It assesses existing pedestrian and cycle links which could link into the site and some localised changes to widen Ardrossan High Road and introduce two access points into the site. The assessment concludes that there would be no significant change in traffic numbers and the proposed traffic numbers for the development could be accommodated within the road network.

Supporting Planning Statement

The planning statement summarises the planning background to the site and the relationship between the existing RES2 site and the remaining proposed market housing. The statement outlines five potential reasons as to why consent should be issued, these being: (1) North Ayrshire Council does not currently have a 5 year supply of effective housing land requiring action in accordance with Scottish Planning Policy; (2) The majority of the site is allocated for housing in the adopted Local Development Plan and the proposed development seeks a minor extension to the existing allocation; (3) Development of the site meets key national and local planning policy tests and principles; (4) Contributes towards sustainable development; (5) and the site is effective and capable of delivery in the short term. The statement confirms that there are three notes of interest in the site although evidence of this statement has not been provided.

Design and Access Statement

The design and access statement provides an appraisal of the site, its context and provides an explanation for the design rationale behind the indicative masterplan. The statement provides a response to comments received through the PAC process and outlines how comments have been addressed in the design. The statement concludes that the indicative layout would create an attractive and walkable neighbourhood as well as an opportunity to create a variety of house types and tenures.

Landscape Visual Impact Assessment (LVIA)

The LVIA provides a summary of the methodology for assessment, the context of the site, photographic survey and probable visual impact of housing on the site. The report considers long and short term views with much of the visual impact occurring within the localised area. The report outlines a number of mitigation measures to combat any detrimental impacts, some of which have been included within the indicative masterplan. The report concludes that further design mitigation is recommended as a detailed design is developed and that visual impacts could be reduced by careful design of housing layout, orientation and roofs; the proposed setting back of development from the roadside; use of landscaping to screen parts of the development.

Flood Risk Assessment

The FRA provides a review of the site layout, a walkover survey, catchment assessment, high level drainage assessment and survey of potential flood risk for the development site and surrounding area. The report concludes that as there are no watercourses on the site, the site is not at risk from fluvial flooding, the SEPA flood maps indicate a small area of the site at the south western boundary to be at risk from pluvial flooding but this area would not be developed and does not pose a flood risk to proposed development areas and that the construction of a surface water drainage system incorporating SuDS, such as a detention basin, would ensure the risk of surface water flooding is adequately managed on site while providing a betterment to surrounding areas compared to the existing situation.

Phase 1 Habitat Survey

The survey provides a summary of investigations to identify and map all broad habitat types and notable features within the site boundary, any Ground Water Dependent Terrestrial Ecosystems and Invasive Non-Native Species (INNS) and establish the ecological baseline in terms of evidence of protected and notable species. The report concludes that there were not any protected species recorded on the site and mitigation during construction would avoid any detrimental impact on birds.

Engineering Statement

This statement provides a high level survey of potential constraints on the site with regard to its orientation, topography and conditions. The report concludes that the existing topography, whilst steep, does not present a constraint to development, there are potential utility connections, flooding is not a constraint and there are unlikely effects from historical mining or contamination.

Economic Impact Note

This note provides an indicative statement of the socio-economic baseline for West Kilbride including consideration of population, employment profile and household expenditure. It presents a high level statement on the economic impacts from the proposed development, both from its construction and when built such as additional population's retail expenditure and council tax receipts. The report estimates approximately 54 temporary construction jobs would be created, £104,000 per annum in Council Tax, an additional £375,000 of retail expenditure for local retailers and an additional £1.17m of resident income from new occupants.

Desktop Noise Appraisal

This appraisal concludes that due to the rural location of the site, the main noise source with the potential to impact the noise environment of future residents is considered to be from

trains on the Ayrshire Coast Railway Line, but finds that when taking the train movements in context it was unlikely that passing trains would result in a noise nuisance to future residents.

In the adopted Local Development Plan (LDP) approximately half of the application site the application site lies within an area of Countryside, where Policy ENV 2 (Housing in the Countryside) applies. The remainder is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the site has an indicative capacity of 30 units. Policies PI 1, PI 8 and RES 4 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, (c) Landscape, and (d) access, road layout, parking provision.

Part of the application site formed part of a larger proposed allocation of residential within the finalised LDP, however at the Examination, the Scottish Government Reporter amended the allocation to that presently identified within the Local Development Plan. The proposal has been subject to pre-application discussions with Officers, where the applicant has been advised that any submission for the site would be contrary to the LDP, and would not be supported.

It is relevant to note that a similar application for the extension of an undeveloped residential allocation at Lawhill Farm, West Kilbride in the countryside was refused Planning Permission in Principle by the Planning Committee on 8th June 2016 (Ref. 16/00397/PPPM). This decision was the subject of a subsequent appeal, which was and refused by the Scottish Government Reporter in upholding the Councils reason for refusal on the grounds that the proposed development would not accord with the development plan. (DPEA Appeal ref.PPA-310-2024).

The application site is located on the boundary of the settlement and in close proximity to two existing housing land allocations currently under consideration. The development of Ardrossan Road, Seamill is currently in construction with Phase 2 being considered as part of a separate application (Ref. 18/00171/MSC). An application, in relation to the neighbouring RES4 site allocation at Lawhill Farm, Ardrossan High Road, is also currently under consideration (Ref. 18/00393/PPPM).

Relevant Planning History

None.

2. Consultations and Representations

The application was subject to the standard neighbour notification and was advertised in the local paper on 25 April 2018. There were 15 letters of objection received which raised the following concerns:

1. The site is primarily clay on top of granite which has resulted in landslips. A geological survey should be undertaken immediately. Re-grading of the site to accommodate the development would be significant, there are no details of where excess material would be disposed.

Response: The application is in principle as such these details are not required at this point. In any case geology reports and the construction of the houses would be controlled by Building Standards. Matters regarding disposal of land would be a matter for the developer.

2. Contrary to the applicants flood risk assessment, Meadowfoot Road is subject to flooding due to water run off from the site which could result in flooding in local burns and of adjacent land. The FRA does not take account of potential flooding out with the site, similar to what was seen following the completion of the development at Cubrieshaw Park.

Response: The application is in principle and further details regarding drainage, flood prevention would be required prior to any works proceeded on site.

3. The engineering required to build the houses would be costly and result in the new houses being prohibitively expensive. The proposed affordable housing would result in the house prices of the market houses being higher. The project is potentially unviable. There are limited job opportunities locally meaning houses would be unaffordable. There are already a significant number of houses for sale in West Kilbride, no new housing is needed.

Response: The cost of housing and viability of the project is not a material planning consideration.

4. One of the accesses is close to a dangerous bend in the road. This creates a road safety issue. The development would result in a significant increase in vehicles to the detriment of traffic in the town and the local environment. Ardrossan High Road is in very poor condition and is not wide enough for 2 vehicles to pass.

Response: The application is in principle and the design/location of the accesses, as well as any localised road improvements would be controlled through condition. NAC Active Travel and Transport has not raised any objections.

5. There are insufficient services in West Kilbride to accommodate the development such as the doctors surgery and the primary school which is over capacity. The local train station does not have enough car parking. The development would stretch local emergency services.

Response: NAC Education has objected to the proposed increase in land allocation. The impact of the development on services was considered during the LDP process. The site is in close proximity to the train station which would discourage vehicle usage.

6. The proposal would further erode the countryside around West Kilbride and impact on wildlife. Any further development on the site would impact detrimentally on the view towards and setting of Tarbert Hill.

Response: Agreed. The proposal would result in further development within the countryside and impact on the setting of the local landscape.

7. The proposal would impact on the amenity of neighbouring properties by way of privacy and overshadowing. Building works would impact on the amenity of neighbours.

Response: The application is in principle as such matters regarding privacy and overshadowing could be designed out as part of detailed applications.

8. The original allocation proposed 30 units, where this proposal is for 50 units. This would result in overdevelopment. Such a large development would be overbearing and result in an inappropriate design.

Response: The masterplan provided is indicative and the number proposed may not be the final development that is delivered. It is agreed that the increased scale of the development has the potential to impact on the setting of the wider area and could result in an inappropriate design.

9. There are no details of who would maintain the open spaces, orchards, SuDS pond etc.

Response: The application is in principle as such matters these details would be provided at detailed design stage.

10. Due to their siting the proposed housing and planting of trees would impact on satellite reception and the viability of solar panels on the roof of my property.

Response: These are not material planning considerations.

Consultations

NAC Transportation - No objection. If approved the developer should provide details regarding suitable junction design, sightlines, widening of Ardrossan High Road and a new footway. It is considered that the submitted layout does not meet the requirements of Designing Streets. The layout should be designed in accordance with designing streets and provide infrastructure for the volume of pedestrians and vehicles expected. The layout should be designed as such that speeds are no greater than 20mph.

Response: Noted. If approved, a condition could be applied in this regard.

NAC Flooding - While the Flood Risk Assessment (FRA) recommends that the proposed development incorporates a land drainage system that is attenuated and treated by the proposed SUDS basin before discharging to the water environment, no such system is shown on the Drainage Masterplan. Neither is it clear from the submitted information if the intention is for the basin to be vested in Scottish Water and whether the organisation will be willing to accept land drainage.

As the basin does not appear to have been sized to account for the for the notable contribution of land drainage and given that there is no indication from Scottish Water that the principle of connecting land drainage into a SUDS basin is an arrangement that meets the organisation's criteria for vesting assets, it is not possible for the Flooding Team to take a view on whether the outline proposals can be controlled by planning conditions to provide an acceptable arrangement. The Flooding Team therefore cannot provide a considered response on the appropriateness of the proposal.

Notwithstanding the above, it is also noted that:

1. The engineering assessment states that surface water run-off from car parking areas will be treated by the basin. This falls short of the recommendations of the FRA, which require source control measures to treat surface water run-off upstream of the SUDS basin.

2. There is no indication of the parties responsible for the future maintenance of the proposed drainage assets maintenance. A plan and associated maintenance schedules must clearly identify the maintenance obligations of the developer and other landowners (including prospective homeowners), Scottish Water, NAC, and any future land management company of factor.

All of the above should be addressed in a Water and Drainage Assessment (including any matters that are to be dealt with at a later stage in the planning process) in order for the Flooding Team to be able to take an informed view on the proposal.

Response: Noted. Further information and detail would generally be provided at MSC stage.

NAC Education - Objection. There is insufficient capacity within West Kilbride Primary School to accommodate the development.

Response: Noted.

NAC Housing - No objection. If approved the developer would be required to provide a contribution as a result of the Council's Affordable Housing Policy.

Response: Noted. If approved, a condition could be applied in this regard.

West Kilbride Community Council - WKCC object on the following grounds:

- i) The site already has LDP1 permission for 29/30 dwellings and the extension of the site is inappropriate.
- ii) The site would require significant engineering works with regard to slope and to drainage which could affect the existing properties
- iii) The drainage of excess water into the existing water system would be unacceptable and it would require new direct drainage to the Kilbride Burn out with the existing system. The use of the area adjacent to 132 Meadowfoot Road as the drainage sump would be inappropriate.
- iv) Access onto the Ardrossan High Road would be dangerous as at the delineated access points the road is of minimal approved width for a country road. The proposed development would create at least 100 additional vehicles.
- v) Allowing for the provisions of the LDP2 there is no requirement for this.

Response: It is agreed that the increase in the developments scale would be considered inappropriate. Whilst significant engineering operations would be required, the detail design would be controlled through condition if consent was approved. Flooding and access would be considered as part of a detailed application but NAC Flooding and Active Travel and Transport have not objected to the proposals. LDP2 is currently in draft form and is a material consideration. The existing site is allocated as per LDP1 and the additional housing is not required.

West of Scotland Archaeology - No objection. The application site is situated in an area of some archaeological potential based on the presence of sites and finds of prehistoric and medieval date in the wider landscape. There are no significant recorded sites contained within the application area but despite agricultural improvements in recent times it is possible that significant archaeological remains may survive within the application boundary and that these may be damaged or destroyed by the ground-breaking elements of the

proposals. The application site appears to be largely undisturbed ground and is large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. A condition should be applied requiring a programme of archaeological works.

Response: Noted. If approved, a condition could be applied in this regard.

Scottish Water - No objection.

Response: Noted.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise.

Scottish Planning Policy also states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

The North Ayrshire Local Development Plan (LDP) was adopted in May 2014. The spatial strategy identifies providing housing land to stimulate population growth. The LDP identifies a range of housing sites which were either effective or expected to become effective in the plan period to meet the housing land requirement in full. It provides a generous range of sites in a variety of locations to meet the anticipated need and demand. Within West Kilbride this allocation included Ardrossan Road, Seamill (124 units), Lawhill Farm, West Kilbride (70 affordable housing units) and an indicative capacity of 30 units for the part of the application site, Ardrossan High Road, allocated for housing.

Planning Authorities are required to actively manage the housing land supply to ensure that there is always enough effective land for at least five years. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 of Scottish Planning Policy (relating to the presumption in favour of sustainable development) will be relevant.

To meet the requirement to maintain a 5-year effective housing land supply, North Ayrshire Council, along with all 34 planning authorities, report their 5-year effective supply in their annual Planning Performance Framework reports using the method promoted by the Heads of Planning Scotland (HOPS). The latest publication is for the period 2016/17 and records a 5-year effective housing supply of 5.8 years (2405 units) confirming an effective supply and that the Plan remains up-to-date in this regard.

The most recent Housing Land Audit (for the period 2016/17) details programming levels of effective sites over the next 5 years. It was agreed with Homes for Scotland, the industry's representative body, with no disputes in October 2017. The latest calculation using the Housing Land Audit data and HOPS method, and taking into account the updated housing supply targets for 2018-22, which was recently agreed on 12 December 2017 as an integral part of the Local Housing Strategy, is that North Ayrshire has a 5-year effective housing

supply of 7.5 years, confirming the maintenance of an effective housing supply and reinforcing that the Plan remains up-to-date.

The emerging Proposed Plan, LDP2, reflects the LHS targets and does not undermine the Plan in this regard, and as such the proposal should be assessed against the development plan unless other material considerations indicate otherwise.

The applicant contends that the delivery of housing within West Kilbride is an urgent requirement and that the current RES2 allocated site at Ardrossan High Road should be increased to achieve a more marketable and effective site. The applicant states that the context for this application is that:

- (a) North Ayrshire Council is failing to maintain a 5 year supply of effective housing land, as identified in the most recent North Ayrshire Housing Land Audit (HLA) 2017 which subsequently requires action to overcome this shortfall to comply with Scottish Planning Policy;
- (b) the existing allocation of 30 units on part of the site is ineffective, and by increasing the numbers, this application seeks a minor extension to ensure that the site can make a valuable contribution to the housing land supply in the short term;
- (c) In parallel to this application, the applicant continues to promote an extension to the allocated site in the emerging Local Development Plan 2 and has received several notes of interest from developers. An indicative masterplan has been provided which outlines the potential layout for a consented scheme of 50 units; and
- (d) Development of the site meets key national and local planning policy tests and principles and would contribute towards sustainable development.

Part (a) of the applicant's statement is addressed above. However in summary the Council's latest figures indicate that for the 5 year period from April 2017 there is 5.8 years of effective supply. Taking account of a change to the housing supply target since April, the Council calculates that there is now 7.8 years for the same period. There is therefore no shortfall and the plan remains up-to-date.

With regards to (b), and the applicant's assertion that the existing allocation is 'ineffective', no information has been submitted regarding viability of the existing allocation, draft plans of how the current allocation could be developed or what market testing on the current allocation has been carried out.

It is not clear what specific element of the effectiveness tests the applicant expects the extension to address but the site is recognised as non-effective in the latest Housing Land Audit following advice in 2016 from Homes for Scotland (HfS). The main concern raised by HfS at that time was that there was no developer in place essentially which it was non-effective because it was not in the ownership or control of a party which can be expected to develop it or release it for development. The lack of activity seems to confirm this advice to have been accurate. The application has been submitted by Gladman Developments, a strategic land promotor who has confirmed a willingness to release the extended site to the market, but there would still appear to be no housebuilder committed to the proposed site.

It is not clear why this disposal of the existing allocation has not been affected and sold to a developer. The applicant has detailed the effectiveness test for the extended site confirming the assertion that the larger site would be effective.

As the application is in Principle and provides no data on the proposed scale, type, design or potential market value of housing on the site, the applicant is therefore assuming that creating a larger site will make the landowner more likely to release the site to the market. With no housebuilder formally attached to the proposed site the applicant's assessment is speculative and does not demonstrate a need for an extended site.

The applicant asserts that the application is a minor increase from 30 to 50 units in part because only 15 housing units are proposed outwith the existing allocated site. However, the application proposes a 53% increase in the size of the application site, from 2.8 hectares to 5.4 hectares, with around 2.5 hectares shown as developed on the indicative layout. As less area than the currently allocated site is being proposed for development, it is envisaged that through careful design, approximately 50 units could also potentially be accommodated within the existing allocated site and so the capacity change is relatively minor, however the scale of the increase in site size is not considered minor. The proposed number of units is indicative as only the principle of the development can be assessed in this submission.

With respect to (c) while it has little bearing on the determination of this application, it is noted that the existing allocation has been maintained as a long-term housing site in the Proposed Plan. The consultation period is currently running for the Proposed Plan. The extended site does not form part of the draft LDP2. This position confirms the Council's confidence that the current allocation could be developed.

The applicant has not submitted the notes of interest, despite a request by Officers. The draft masterplan also illustrates that a large area of the extended site would remain undeveloped.

In relation to (d) Scottish Planning Policy (SPP) has a presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. As noted above the Plan is considered up-to-date. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained. The SPP sets out a series of principles whereby development could be considered to be sustainable. For this application the most relevant are: giving due weight to net economic benefit; responding to economic issues, challenges and opportunities, as outlined in local economic strategies; making efficient use of existing capacities of land; and, supporting delivery of accessible housing. As the development is submitted in principle the tests against principles of avoiding over-development, protecting the amenity of new and existing development and supporting good design and the six qualities of successful places are not applicable.

Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire through the allocation of land and infrastructure to deliver 7,500 new homes, while creating opportunities for new employment, shopping and leisure facilities. Policy STRAT2 states that the LDP would contribute to the Council's aim of creating new jobs by 2020 by safeguarding key business and industrial sites. Policy STRAT3 states that physical, social and economic regeneration, including the need for transformational change in our towns and villages is a key issue for the LDP.

A key issue in North Ayrshire remains the legacy of vacant and derelict land within and on the fringes of settlements, as evidenced in Policy STRAT3 which seeks "transformational"

change in North Ayrshire's settlements in order to regenerate communities physically, socially and economically.

In supporting the proposal a range of documents have been provided which consider the overall development of the site. The applicant states that the proposal would result significant socio economic benefits to the area, identifying potential job creation and positive benefits to the local economy. While some benefits would likely result in development of the site the submitted information is speculative, based on assumptions about the scale, type, typology and tenure of the houses that would be provided by an unknown developer at some point in the future. In addition, many of the benefits would presumably also be affected by the development of the existing allocation (particularly if the capacity could be matched).

In summary, it is considered that insufficient information has been submitted in order to demonstrate that the proposed development would have overwhelming positive regeneration and economic benefits that would support the implementation of key Local Development Plan strategies. It is considered that the contended viability of the current RES2 allocation has not been substantiated. The application would be contrary to the LDP Vision and Spatial Strategy.

In addition, the proposed development would be in conflict with the 2014 decision of the Scottish Government Reporter on the removal of the wider housing allocation at Ardrossan High Road and the recent Scottish Government Reporter appeal decision at Lawhill Farm.

Further, the site is located within the Countryside and while circumstantial evidence has been submitted to suggest that the development would support town centres and regeneration priorities of the Council, it is considered that it would not align with the Plan's settlement strategy which focuses on supporting the redevelopment of long established brownfield sites, supplemented by Plan-led development of greenfield sites in sustainable locations. These locations within West Kilbride have been established as being Ardrossan Road, Seamill, Lawhill Farm and Ardrossan High Road but there are a range of other sites nearby in Fairlie, Largs and Saltcoats

The proposal also requires to be considered in terms of the following LDP policies: RES 1, ENV 2 - Housing Development in the Countryside; RES 4 - Affordable Housing; Policy PI 1 - Walking, Cycling and Public Transport; Policy PI 8 - Drainage, SUDs and Flooding; and the General Policy.

In terms of Policy ENV 2, there is a presumption against the development of the rural landscape in order to protect it from insensitive housing development, however the LDP recognises that there are opportunities for individual or small scale housing development in certain locations. The policy has three main criteria; single houses in rural areas; small scale growth of existing rural housing groups; and, housing for workers engaged in a rural business. Given the scale of the development proposed the application would fail to meet these criteria. The application has also been submitted in principle where the policy states that no applications for planning in principle shall be accepted for development. The proposal therefore fails to comply with Policy ENV 2.

In terms of Policy PI 1, which relates to all development proposals which would result in significant trip generation, applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users. A transport assessment has been submitted with the application, which considers the various issues and methods to promote

active travel, use of public transport and impact on the road network. The assessment considers that the proposed traffic numbers for the development could be accommodated within the road network. The creation of new access points through the site would ensure that the development could link into existing pedestrian and cycle routes and that frequent public transport services are within walking distance of the site. In summary, whilst the location of the site is not fully satisfactory in regard to its location within the countryside, the site is well located for ensuring the provision of multi-user links to West Kilbride. NAC Transportation does not object to the proposed development.

Policy PI 8 is relevant due to the scale of the proposed development. The application has been subject to a flood risk assessment, which highlights that there are no major water courses within the site. The report states that the site is not at risk from flooding, does not pose a flood risk to surrounding areas and that the construction of a surface water drainage system incorporating SuDS would ensure the risk of surface water flooding is adequately managed on site. NAC Flooding has not raised any objections and the design of drainage features could be addressed by condition.

Policy RES 4 requires all proposals for residential development to make a contribution to affordable housing provision. For the North Coast sub-market housing area, a contribution of 25% is required and should be provided in line with the Council's supplementary guidance. A contribution against the private housing allocation site, in line with the Affordable Housing Policy, could be addressed by condition.

In relation to the General Policy of the LDP, criterion (a) and (b), the applicant has provided an indicative layout and LVIA. These matters would be assessed within any subsequent applications for MSC, if the principle is approved through this application.

With respect to criterion (c) Landscape Character, the applicant has provided an LVIA. This assessment concludes that in terms of its landscape character, the site is pastureland and should not be considered a sensitive landscape character area and that the gradients are not prohibitive to development. Visual constraints are identified, with the highest parts of the site being the most visually prominent but that at longer distances the visual impact would be minimal indicating that development would appear as a continuation of the existing town and that the topography and built form would screen views from all but the highest parts of the site. The LVIA recommends a number of mitigation measures to limit any visual impact.

Notwithstanding the micro siting of housing and use of natural screening which may limit any immediate and long range impacts, the site extends up and around the slopes of Tarbert Hill which would be highly prominent in local views from the existing roads and footpaths bounding the site.

The LVIA and illustrative masterplan, indicate that landscape impacts could be mitigated to some extent by the provision of structured landscape planting, but it is widely accepted in Scottish Government's and the Council's design guidance that new development should integrate into the spatial pattern of development. Masking overdevelopment with screening is not accepted.

Overall it is considered that the proposal has not been able to demonstrate that it would be possible to acceptably mitigate the adverse impact on the landscape setting of West Kilbride. It is considered that the loss of countryside at this location to a residential development would have significant landscape and visual impacts locally.

Criterion (d) relates to access, road layout and parking provision. NAC Transportation does not object to the proposed development. Appropriate conditions would be required to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents.

The applicant refers to Policy A1: Non-Conforming uses not otherwise provided for by any other policy in the LDP, and while it is considered that appropriate policies exist for residential development (see assessment above), it is considered that the proposal fails to meet the exceptions set out in Policy A1. In that the applicant has not proven a need for the development and has failed to show there are no suitable alternatives. In addition, the concerns about lack of detail in respect of the assessment of ENV2 would also be relevant to part (d) of Policy A1.

In summary, the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.

The applicant's assertion of a proven need for the development from a perceived shortfall in the 5 year effective housing land supply is not accepted and the applicant has not provided sufficient evidence to confirm that the extension to the allocated site is required in order to unlock or address a constraint on effectiveness of the allocated site and therefore positively contribute to the Plan-led allocation, nor that the proposed site is capable of delivery in the short term.

The proposed development would not have significant positive regeneration and economic benefits that would justify a development in the Countryside and it is considered that there are a range of alternative sites which could accommodate 20 new homes over the next 5 years.

The proposal is not detailed, albeit a range of supporting documents have been submitted, and is speculative, in that the applicant has no direct mechanism to deliver the development. As such a lack of detail about the siting, design, and external appearance of any future development is lacking and raises significant concerns about criterion c) of the General Policy of the Local Development Plan, as it would potentially be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.

Furthermore the proposed development would conflict with the recent Lawhill Farm appeal decision of the Scottish Government Reporter which confirms that the LDP is relatively recent and that a greenfield release of housing land in West Kilbride would likely have an adverse effect on efforts to promote development on other sites, including brownfield sites within the functional Housing Market Area.

For these reasons, whilst the concerns regarding design, layout and flooding could be addressed in a MSC application or by condition, the principle of development on the site is not supported. There are no other material considerations that indicate otherwise. Accordingly, it is recommended that the Council refuse planning permission for the reasons below.

4. Full Recommendation

Refused

Reasons for Refusal

1. That the proposed development is contrary to Policy RES1 of the Adopted North Ayrshire Local Development Plan, as there is an adequate supply of allocated housing land both within North Ayrshire and in the North Coast & Cumbraes' Sub-Housing Market Area. The approval of this development would prejudice the current housing land supply and the proper planning of the area.
2. That the proposed development is contrary to Policy ENV2 of the North Ayrshire Local Development Plan in that the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.
3. That the proposed development is contrary to Policy ENV2 in that it is an application for Planning Permission in Principle leading to a lack of detail about the siting, design, and external appearance of any future development and raising significant concerns about criterion c) of the General Policy of the Local Development Plan, as it would potentially be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.
4. The proposed development would be contrary to the General Policy of the Adopted North Ayrshire Local Development Plan, as there would be insufficient capacity within the educational provision for the area to accommodate the development. The applicant has failed to assess any contribution for infrastructure or developer contributions to address this matter as required in terms of criterion (g).

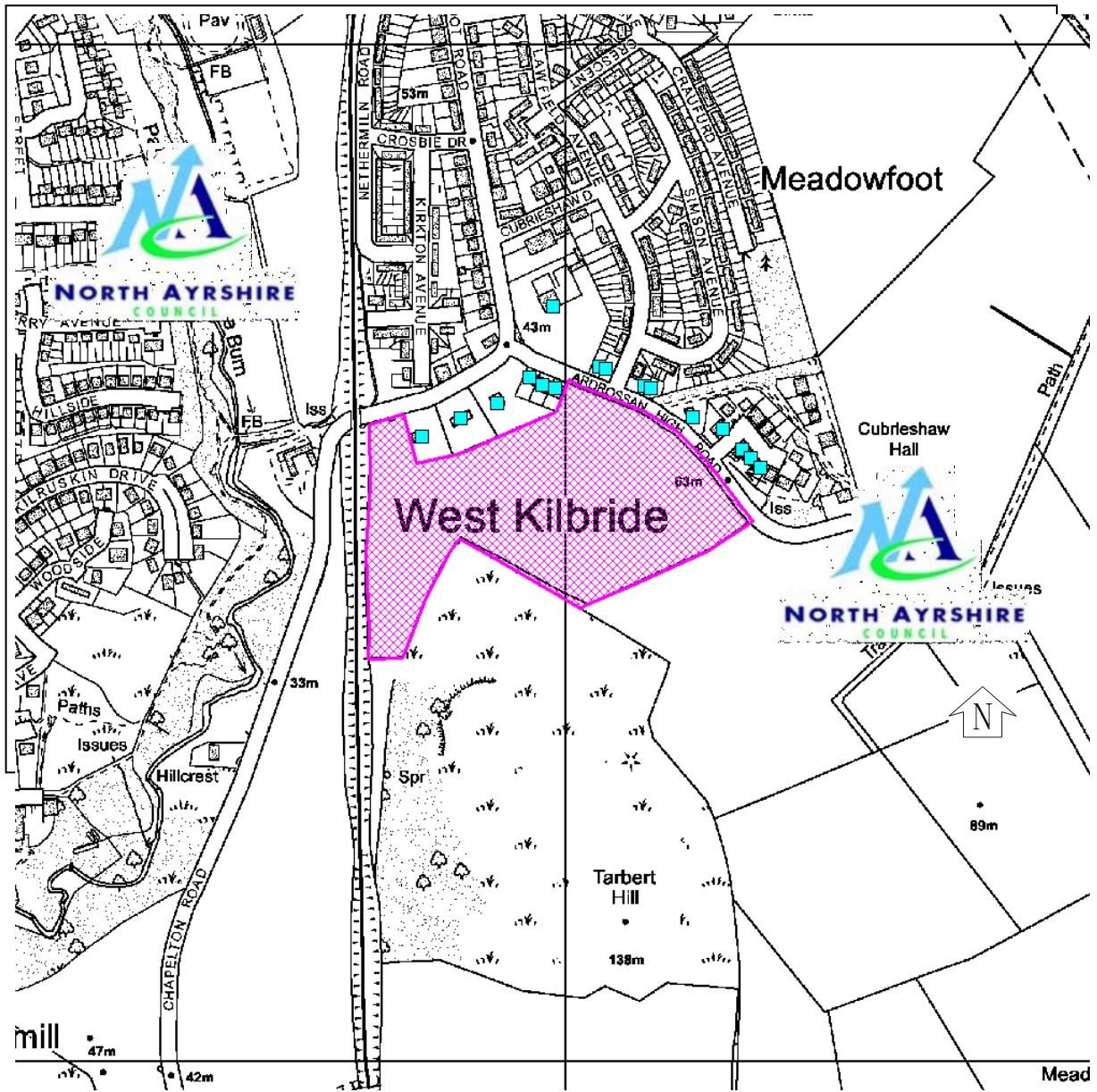


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	North Coast
Reference	18/00171/MSC
Application Registered	13th March 2018
Decision Due	13th May 2018
Ward	Dalry And West Kilbride

Recommendation Approved subject to Conditions

Location Site To North West Of Chapelton Mains Seamill West
Kilbride Ayrshire

Applicant Hope Homes Chapelton Ltd

Proposal Erection of 31 dwellings comprising of terraced and
flatted properties

1. Description

This application seeks approval of matters specified in conditions through the submission of detailed affordable housing proposals. On 31 August 2016, Planning Permission in Principle (PPP) was granted for a residential development at a site to the North West of Chapelton Mains, Seamill, West Kilbride (Reference 16/00561/PPPM). Condition 5 states:

'That prior to the submission of the first application for the approval of matters specified in conditions (MSC), details of proposed affordable housing contributions shall be provided. For the avoidance of doubt a contribution rate of 25% will be applied to those units associated with the private housing site.'

An application for Matters specified in conditions 1 -9 of Planning Consent 16/00561/PPPM was approved by Planning Committee on 14 August 2017 (Reference 17/00100/MSC), subject to conditions.

This application relates to condition 4 of 17/00100/MSC which states:

'That prior to the occupation of the first dwellinghouse the developer shall provide for the written approval of North Ayrshire Council as Planning Authority, details of the draft design

and layout of the affordable housing units, as agreed with the North Ayrshire Council Housing Department, a timetable for submission of relevant planning applications and dates for completion. For the avoidance of doubt the affordable housing units shall be delivered no later than 31 March 2020, unless otherwise agreed in writing.'

In response the applicant has negotiated a proposed design and layout for the affordable housing units. This application seeks approval for the detailed design of the affordable housing contribution.

The application proposes the erection of 31 affordable housing units. The units would be arranged over 8 separate blocks. Five of the blocks would contain terraced houses and the remaining three blocks would contain flats.

The terraced blocks would contain 3 to 4 two bedroom dwellings arranged over 2 storeys with front and rear gardens. The flatted blocks would contain 4 two bedroom properties arranged over 2 storeys, with rear gardens.

A common exterior envelope would be arranged on all the blocks with all buildings appearing as 2 storeys with wet dash rendered walls, grey roof tiles, upvc windows and doors. Chimneys, pitched roofs and painted bands would be formed around windows, doors and at base coarse level in order to provide a traditional appearance to match the ongoing development within the wider masterplan area.

Private amenity space would be associated with each dwelling. Five of the blocks would have off street parking and the remaining blocks, adjacent parking areas. Whilst the development would, in time, be linked to the wider masterplan area it is proposed to create a temporary vehicle and pedestrian access from the A78 trunk road.

In the adopted Local Development Plan (LDP) the application site is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the site has an indicative capacity of 124 units. Policies PI 1, PI 8 and Res 4 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

2. Consultations and Representations

The application was subject to the standard neighbour notification procedure and was advertised in the local press on 21 March 2018. Four letters of objection were received which could be summarised as follows:

1. Part of the development, block 2, would overlook and overshadow neighbouring gardens. The block could be rotated 90 degrees to increase the distance from the boundary and all windows on the gable end should be removed. It would be unreasonable for the rear windows of block 3 to be obscure glazing.

Response: Noted. The proposed layout has been designed to minimise any impact on existing neighbouring amenity. It is agreed that there is potential for overlooking from side windows on blocks 1, 2 and 3. A condition could be applied to ensure those windows have

obscure glazing. In terms of overshadowing, given the siting and scale of the buildings any impact would be negligible as the majority of overshadowing would fall upon the side, front or rear gardens of the new properties. There would be no detrimental impact on existing gardens. There are no proposals to obscure glass as the windows at the rear are located over 11 metres from the rear boundary.

2. The outline planning consent proposed one and a half storey buildings and not 2 storey. Two storey buildings do not fit in with the surrounding area. Two storey housing would appear out character and would dominate existing bungalows.

Response: The design brief and indicative masterplan for the site provided information on building style, materials, design and layout which included 2 storey dwellings. Phase 1 is predominantly made up of 2 storey houses or varying design and plot sizes. It is considered that the proposed design and layout is appropriate in context of the wider area. (see Analysis).

3. The proposed temporary access is not wide enough for two way vehicular traffic and pedestrians.

Response: Neither Transport Scotland nor NAC Transportation have raised concerns regarding the proposed access.

4. Existing trees in neighbouring gardens would be adversely affected. There has been no tree survey carried out with regard to trees within and out with the site.

Response: No tree survey was required as part of this application but a condition could be applied to ensure that any works carried out in close proximity to existing trees out with the site are protected.

5. The design and materials in the buildings do not match that within the remainder of the masterplan i.e. no slate roof. The design does not provide a variety in design that the design brief aspires to and would appear out of place when considered in light of the remainder of the masterplan area. There is no connection to the remainder of the masterplan area which would isolate the development. The area of land associated with the affordable housing is smaller than the approved masterplan resulting in the development appearing cramped and units being located closer to existing residents.

Response: The design brief provides an outline for design and does encourage variety within the masterplan area. This development would be located within one of the subsequent phases of the wider site and whilst the design of the housing is relatively similar, the variety is provided in the variation of the block types i.e. terraced or flatted. There is no current connection to Phase 1 of the development as subsequent phases are yet to be agreed but in time the development would link in with the wider masterplan area. The aspiration with this application is to deliver the affordable housing earlier than programmed. The area outlined in the masterplan was indicative and the buildings design, scale and arrangement has been driven by the needs of those on the housing register. The current need is 2 bedroom properties. The siting and design of the houses are considered to be appropriate. The use of window banding, upvc windows, painted doors and other minor detailing are consistent with Phase 1 of the site. Details of the roof materials are yet to be provided but this could be controlled through condition.

Consultations

Transport Scotland - No objection subject to conditions. The design of the junction onto the trunk road, proposed lighting and footpath links should be controlled through condition. No drainage connections should be made to the A78. The applicant should also provide a Travel Plan for the development with the aim of reducing dependency on the private car.

Response: Conditions could be applied with respect to road and footpath design. The matter regarding Travel Plans was addressed as part of the applicant's PPP application. As outlined in the analysis below the development site is well connected to existing public transport, walking and cycling routes. Drainage is not proposed to be connected to the A78. A condition regarding drainage design and routing would resolve any concerns regarding connections.

NAC Transportation - No objections.

Response: Noted.

NAC Housing - The delivery of 31 new affordable homes at Ardrossan Road, Seamill meets the Council's requirement for a developer contribution required as a result of the Council's Affordable Housing Policy. The new homes would be let to applicants from the North Ayrshire Housing Register.

Response: Noted

NAC Flooding - No objection. There is no record of notable flood risk at the site. Details should be submitted regarding drainage, treatment and management of surface water prior to commencement of the development. These details may be confirmed via the submission of a short Drainage Assessment.

Response: Noted. A condition could be applied in this regard.

West Kilbride Community Council - WKCC raise the following comments:

1. The house numbering on the Location plan is incorrect.
2. The proposed access road was previously only to be for pedestrian access to Ardrossan Road as it was not wide enough for two way vehicular traffic. The drawings show an entrance of 7.1m.
3. WKCC are pleased that Hope Homes has decided to go ahead with the original phase 4 now as phase 2, and in the short term bring forward the inclusion of the 'Affordable Housing' designation earlier.

Response: Noted. The plans have been updated to correct the numbering error. NAC Transportation has not raised concerns regarding the road or pavement widths. Transport Scotland has no objections subject to certain conditions, above.

3. Analysis

This application seeks approval of matters specified in conditions through the submission of the detailed design of the affordable housing proposals.

In the adopted Local Development Plan (LDP) the application site is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the site has an indicative capacity of 124 units. Policies PI 1, PI 8 and RES 4 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

With regard to Policy PI 1 the applicant previously provided a transport assessment which considers issues and methods to promote active travel and the use of public transport. The site is well located for pedestrians and cyclists, being connected to the existing network of local footpaths, national cycle route and is within walking distance of West Kilbride town centre. The site is also well located for public transport, with the A78 being on the main bus route between Greenock and Ayr. In summary, the proposal is satisfactory in relation to Policy PI 1.

Policy PI 8 relates to drainage, SuDS and flooding. The PPP application was subject to a drainage assessment. The applicant subsequently provided a Flood Risk Assessment which concludes that SEPA's Indicative Flood Map 1:200 year flood plain does not impinge on the site although some localised surface water flooding may occur from the east which would be intercepted at the site boundary.

It has previously been agreed that there is no requirement to provide SUDS to treat surface water discharge in line with SEPA's advice on treating low risk activities such as the development proposed. No objections have been received from NAC Flooding, subject to condition. The proposal is satisfactory in relation to Policy PI 8.

With respect to Policy Res 4 the proposed erection of 31 units on site has been agreed by NAC Housing. The schedule for delivery is currently under negotiation but completion is expected before 31 March 2020. Whilst the affordable housing contribution was to be delivered in Phase 4 of the masterplan the developer is confirming the commitment to delivery by delivering the units within Phase 2. The proposal therefore complies with Policy Res 4.

With regard to the General Policy the relevant ones in this case are (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

(a) siting, design and external appearance.

The applicant has provided detailed designs including elevations, site plans and road details. The original design brief and masterplan outline the approach taken with the detail for the development and outline the traditional precedents utilised in order to develop the proposed design solution for the masterplan area. The applicant proposes to take influence from more historic development in the area with the view of creating a 'Place'. The approved design brief notes that there are a range of building types in the area as well as more modern bungalow/ suburban type housing and that throughout the masterplan area there would be a mixture of one, two and two and a half storey housing to provide variety and focal points within the development. The statement also refers to potential materials and

detailing, which reflect a more traditional approach to design, with influence taken from North Ayrshire Council's 'Neighbourhood Design' document.

The introduction of shared spaces would encourage reduced traffic speeds within the development whilst helping create a sense of place. Where achievable, frontage parking has been minimised to improve the appearance of the development and provide a consistent and attractive design throughout the masterplan area.

Concern has been raised regarding the buildings relationship to more modern bungalows and 1½ storey houses in the immediate area. However the design brief explains the background and influence taken from the wider environment within West Kilbride, in particular the centre of the town which contains more historic buildings. The design addresses modern housing needs and proportions whilst ensuring the development is not a pastiche of historic building types. It is not considered that a more modern 2 storey or 1 storey standard design would be appropriate for the site, which would not complement the built character of West Kilbride and would not comply with the Scottish Government's Designing Places guidance.

Therefore it is considered that the proposed siting, design and layout of the development is acceptable in design terms and would continue to set a high standard of design for the remaining phases of the PPP area. The proposal would comply with criteria (a).

(b) amenity.

With respect to the privacy and overshadowing of existing occupants, the development would be located to the rear of bungalows that front the A78. The applicant has attempted to design out any amenity issues through the arrangement of the buildings. The majority of windows would overlook individual gardens or the road. However concern has been raised regarding blocks 1, 2 and 3 which contain windows on the side elevation at ground and first floor level. Whilst planting is proposed along the western boundary, it would be considered necessary to apply a condition to require the installation of obscure glazing on those windows.

Overshadowing from the new buildings would largely be contained within the site, mainly due to the buildings siting, restricted height and orientation. Any overshadowing from blocks 1, 2 and 3 would be contained to the early hours of the morning, at certain months of the year, when shadows are longer, which would not be significantly detrimental to the amenity of the neighbours.

The properties would be sited within varying plot sizes, which reflect the scale of the house proposed, and would offer acceptable levels of amenity for future residents. All would have direct access to private gardens as well as a large shared greenspace located in Phase 1 of the masterplan area. The development has been designed to reflect the intrinsic design values of the wider area and due to siting, restricted building heights and varying plot sizes, the amenity of existing residents would be protected and any new residents would have an acceptable level of residential amenity. Subject to condition the proposals would comply with criterion b).

d) access, road layout, parking provision.

Prior to submission, the applicant has undertaken pre application advice with NAC Transportation, Planning and Housing. The applicant has been encouraged to take account of the Scottish Government's Guidance, Designing Streets. The geometry of the road has been designed to limit vehicle speeds within the development, through a reducing frontage parking, providing shared spaces, natural landscaping and the siting of buildings. The design reduces the need for more formal traffic attenuation such as speed bumps, helping create a more attractive place. Further enhancing the visual amenity of the development. NAC Transportation has not objected to the proposals.

The proposed access onto the A78 would be designed to meet the needs of Transport Scotland, who has not objected, subject to conditions relating to the design of the access, lighting and drainage design. Subject to condition the proposed development would comply with criterion d).

The proposed development is considered to comply with the requirements of the LDP. It is considered that the matters submitted in response to the conditions and the design are acceptable, subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details regarding the proposed drainage of surface water, routing of drainage into the Firth of Clyde, details of proposed connections to the public sewerage system and details regarding the proposed treatment of contamination or pollution contained with surface water prior to its discharge into the Firth of Clyde. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To minimise the risk of flooding within the site and elsewhere.

Condition

2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:

(i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;

(ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;

(iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;

(iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To minimise the risk of flooding within the site and elsewhere.

Condition

3. Prior to the commencement of construction of Phase 2 (formerly Phase 4) of the development, full details of the design of the proposed footpaths, street lighting and the temporary vehicular access onto the A78 trunk road shall be submitted for the written approval of North Ayrshire Council as Planning Authority in consultation with Transport Scotland. The proposed temporary access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5. The junction shall be completed in accordance with the details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason

To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

Condition

4. That notwithstanding the details within plan 09/16-P01 B, the proposed vehicular access completed in compliance with condition 1 is temporary, and shall be entirely removed within 3 months of the date of completion of the adjoining phase of development, outlined as Phase 3 within drawing No. P03.

Reason

To ensure that the vehicular access consented under this approval is temporary and is removed in accordance with the specified timescale.

Condition

5. That the affordable housing units, hereby approved, shall be completed no later than 31 March 2020, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of Housing and ensure compliance with the Local Development Plan.

Condition

6. That, notwithstanding the plans hereby approved, all windows on the side, western, elevations of blocks 1, 2 and 3 shall be fitted with obscured glazing. Prior to the commencement of the development, hereby approved, details of the obscured glazing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the obscured glazing, which may be approved, shall be installed and retained permanently, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To maintain control over the development in the interest of amenity.

Condition

7. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for trees within and outwith the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:

- there shall be no treeworks undertaken during the main bird breeding season (March - September);
- all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.

The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.

Condition

8. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and samples of the proposed external finishes.

Reason

In the interest of the amenity of the area.

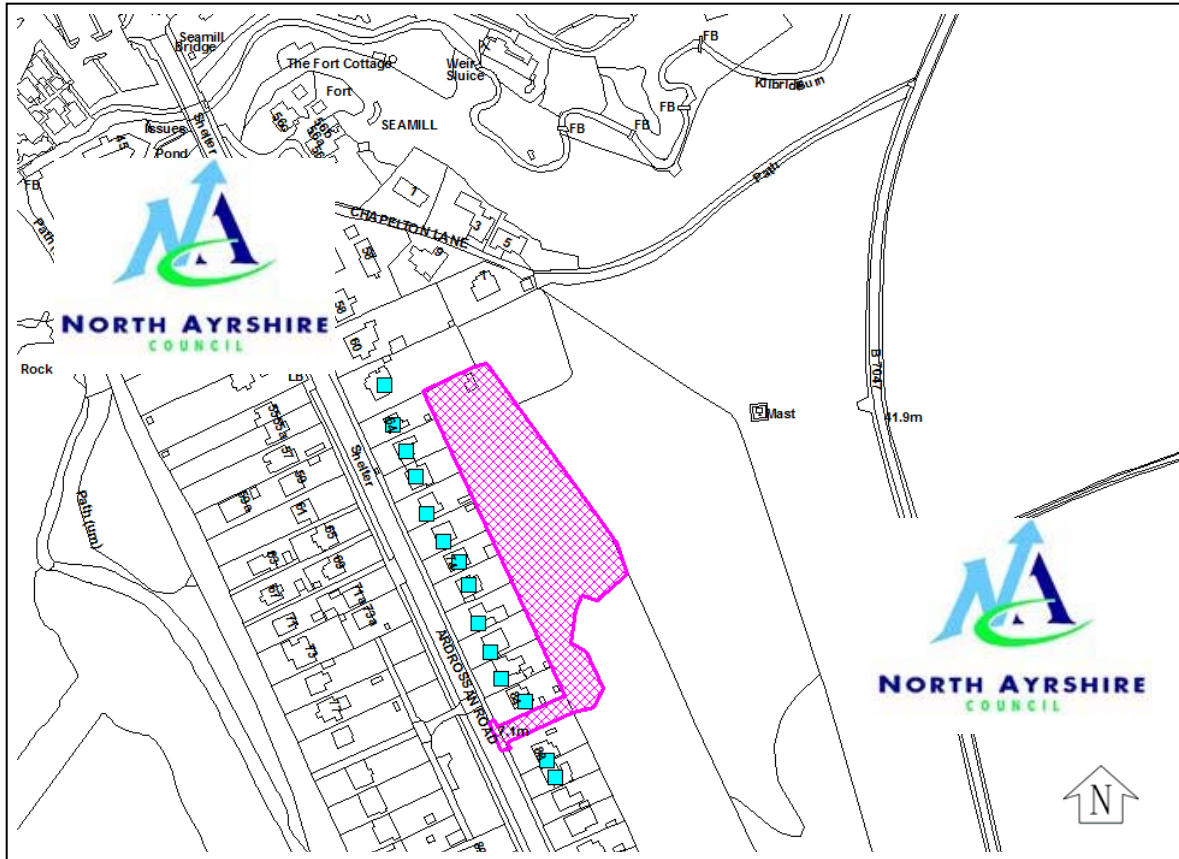


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	
Reference	18/00292/PP
Application Registered	11th April 2018
Decision Due	11th June 2018
Ward	Kilbirnie And Beith

Recommendation	Approved subject to Conditions
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Location	51 Holmhead Kilbirnie Ayrshire
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Applicant	GKN Properties
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Proposal	Erection of restaurant with takeaway facility and ATM
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1. Description

Planning permission is sought to develop a restaurant and hot food takeaway together with an ATM and a 12 space car park on the site of the former Paterson & Brown Bus Garage at 51 Holmhead, Kilbirnie. The site has been disused since 2005 or earlier and the vacant bus garage was demolished following a fire in 2008.

The proposal seeks permission to erection a single storey building of 118 square metres (gross) which would include a restaurant, hot food takeaway and ATM adjacent to the 'Lunch Box' food takeaway which fronts onto Holmhead. The building would be of modern design and would have a glazed frontage and partially glazed north side elevation. The walls would be finished with a white render, vertically laid timber cladding, grey aluminium windows and doors, dark grey brick base course and mono-pitched profiled zinc clad roof with a ventilation flue terminating 1m above the roof ridge. The building would also have an ATM on its front elevation.

Vehicular access into the site from Holmhead would be provided towards the north end of the site leading to a 12 space car park and service access. A footpath would be provided along the edge of the car park leading onto Holmhead, with the land between the car park and the proposed building surfaced with grass. The rear of the site would be screened with a 1.8m high timber fence. The bin storage area would be screened by the proposed fence.

The application site is located within a residential area in terms of the adopted Local Development Plan. To the north and east and north-west are residential dwellings, four-in-a-block flats and tenement buildings; to the south is an existing food takeaway, beyond which is a small supermarket operated by the Co-op. Also nearby is the Kilbirnie Health Centre, the social work offices, the public park, several day care facilities, several other convenience shops and several areas of vacant land. To the front of the site, on the public footway, is a bus stop and its associated shelter.

The site is level ground and has a concrete hardstanding. There are numerous self-seeded plants and trees on the site, as well as the remnants of the former pumps which served the bus garage.

A supporting statement outlining the potential benefits of the proposed development has been submitted, which highlights the following key issues:

1. There is no suitable available site within the town centre for a modern restaurant/takeaway development with its own car park and servicing arrangements;
2. Most available units in the town centre have residential properties directly over and adjacent. In such circumstances, Class 3 and takeaway uses are often discouraged because of amenity impacts;
3. The site is vacant and brownfield, and it is near other commercial uses. As such, it is a mixed use area rather than wholly residential;
4. The nearest residential property is over 30m away, and the proposed building has been sited to minimise any impacts on local residents;
5. The provision of car parking on the site would be available for customers of other businesses nearby, therefore minimising on street car parking and the associated congestion this causes;
6. Sightlines would be unaffected by the proposed development;
7. A purpose-built building of modern design has been proposed for the site that would satisfy the proposed occupier rather than having to adapt an existing building that may not be suitable;
8. The proposed car park would provide accessible spaces for wheelchair or mobility impaired people;
8. Footpaths and pavements leading from the car park would be designed to be fully accessible, ramped as necessary;
9. The development would service far more than just the immediate community, with the intention of serving the wider Garnock Valley area. The site has a main road frontage, which is also a bus route, making it a central location within the Garnock Valley;
10. A new purpose-built restaurant with modern facilities would reduce the need for local residents to travel outwith the area;
11. A national operator who currently has no presence in the area has expressed an interest in the proposal and this would provide additional employment for the local community, rather than undermine existing employment in local takeaways.
12. The site is derelict and has not been in use for many years. It has become overgrown and is an eyesore. The proposal would remedy this harm to the amenity of the area.
13. The proposed hours of operation would be in line with the proposed operators national opening hours. The restaurant would not be open in the late evening and would only provide for a delivery service late on in order to safeguard the amenity of nearby residents.
14. The applicant has a track record of property management and development in the West of Scotland, and has an interest in upgrading the area to benefit the local community.

In terms of planning history, permission was granted in 2006 (ref. 06/00161/PP) for the erection of 12 no. flats within a three/four storey block which would have covered the site frontage. This permission was not implemented and has since lapsed.

During 2017, a planning application for a car wash, retail unit and hot food takeaway (ref. 17/00698/PP) was refused.

Relevant Planning History

17/00698/PP for Erection of building to include Class 1 retail unit with ATM and hot food takeaway unit with external flue, erection of building for car valeting to include external car wash area together with associated car parking area, refuse storage area and the provision of landscaping. Application Refused on 09.08.2017.

Relevant Development Plan Policies

Policy TC 5

General Policy

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures. In addition, a public notice was published in a local newspaper. A significant number of objection letters and letters in support have been received.

Objections against the development, including points raising concerns over specific issues:

1. The proposal is contrary to Policy TC 5 of the adopted Local Development Plan - no need has been demonstrated.

Response: See Analysis.

2. Traffic generation would adversely affect the safety of the local road network, which is already congested outside the site due to inconsiderate parking. The site is near a bend in the road and there is a bus stop/shelter at the site frontage. In addition, parking provision proposed on the site plan is insufficient.

Response: Negotiations and discussions on these matters have taken place with the Council's Transportation officers and an amended site plan meeting the required specification for the scale of the proposal has now been submitted, including enhanced sightline requirements of 70m to either side of the proposed access with Holmhead. The amended plan indicates 12 parking spaces, of which 2 would be accessible for people with mobility impairments. The bus shelter may require to be set back from the sightline visibility splays. This issue would be the subject of further discussion with NAC Roads and SPT in the event of the development proceeding. See consultation responses, below.

3. The estimated jobs are unlikely to materialise - no weight should be attached to any claims made about a potential operator.

Response: Estimates of potential job numbers directly created are only one factor in considering the economic benefits from a proposed development. The potential economic benefits of a new 'fit for purpose' Class 3 development, as well as the environmental, townscape and amenity impacts arising from the proposal require to be considered. No weight can be attached to any potential operator for the proposed development. See Analysis.

4. Any new jobs created are likely to result in jobs being lost elsewhere.

Response: There is no evidence to substantiate this claim.

5. There are already enough takeaways in Kilbirnie and there is no need for any more.

Response: It is agreed that, in terms of Policy TC 5, there is no 'need' for any further takeaways to serve the immediate walk-in catchment. The key planning issue is whether or not the site is suitable for such a development, as well as the potential benefits such a development would deliver. See Analysis.

6. The site is within a housing area and the proposed hours of operation together with the associated noise, disturbance and additional traffic would harm residential amenity.

Response: The site and surrounding area is characterised by mixed uses, including residential, commercial and community uses. It is not considered that the proposed development is incompatible with the surrounding area, given its location adjacent to a main road and in view of the history of the site. The hours of operation could be controlled by a planning condition in order to safeguard residential amenity.

7. The town centre will suffer further as a result of the proposal.

Response: There is no suitable site available to accommodate the proposal in the town centre. See Analysis.

8. Another use for the site should be considered, such as housing.

Response: The planning authority is required to consider the current application on its individual merits.

9. Banking facilities in the town are adequate and there is no need for another ATM.

Response: Noted. There is no requirement in planning terms to justify need for an ATM.

Representations in favour of the development:

1. The proposal would improve the local environment by tackling a long standing eyesore and make use of a derelict and abandoned site.

Response: Agreed. See Analysis.

2. The proposal would create more jobs, especially among the young people in the area.

Response: It is agreed that the proposal would generate economic activity and result in job creation.

3. There is public transport available to serve the development.

Response: The site is located adjacent to a local bus route, which would provide a sustainable transport choice for staff and customers.

4. Although Main Street needs investment, this site is better placed for the proposed development since it would include parking provision.

Response: Agreed. See Analysis.

5. Investment, new jobs and activity in the town should be welcomed, as the area is often overlooked for new developments. There is a lack of choice available in the Garnock Valley for eating out, especially in relation to the modern format proposed. There is also a high level of unemployment and deprivation, which requires to be tackled.

Response: Whilst there are many eating outlets across the Garnock Valley, some of which have been developed in recent years, it is agreed that there would be various social and economic regeneration benefits to the area arising from the development, which would be at an accessible location for many local residents and visitors. See Analysis.

6. A free to use ATM is required in the town following the bank closures across the Garnock Valley area.

Response: Noted. However, as noted above, there is no requirement in planning terms to justify need for an ATM.

The following points raised are not material planning considerations:

- the staff would have to work zero hours contracts;
- comments relating to the type of food being served in the proposed development;
- comments that the proposal goes against the government's plan to tackle obesity;
- comments about Corporate Social Responsibilities (CSR) policies;
- the type of ATM machine which could be installed (ie. free to use or charged);
- that present businesses in the town centre should be protected against competition;
- that there are no quality eating establishments in the area;
- that a food use will create an outbreak of vermin in the area, which will cause illnesses in humans;
- that a restaurant and takeaway would result in additional litter being dropped in the area.

Consultations

Environmental Health - no objections subject to conditions in respect of various matters, including a range of environmental protection measures (non-planning matters). These have also been provided directly to the applicant.

Response: Noted. Any relevant planning conditions recommended by Environmental Health could be attached to any grant of consent.

Kilbirnie Community Council - object to the proposals on the grounds that the adjacent 'Lunch Box', already does takeaway food; considers the road outside the site is unsafe for further retail businesses and question the need for a further ATM when there is already one outside the Co-op. There is a plethora of takeaways on the Main Street of Kilbirnie, which has very few shops. The last application gathered quite a large selection of votes against the proposals, which should have sent the message that it isn't wanted or needed on that site.

Response: Noted. See Analysis.

NAC Active Travel and Transportation - no objection subject to the conditions relating to the bus shelter, construction traffic, road dimensions, surface finishes and footway repairs.

Response: Noted. A condition could be attached to the matters raised. The bus shelter issue would be more appropriately dealt with using an informative, as the applicant's agent considers that the required sightlines could be achieved without its relocation.

3. Analysis

As noted above, planning permission was granted for residential development on the site in 2006, although this consent has now lapsed. Since that time, the former bus garage was demolished due to a fire in the Autumn of 2008. The site has been the subject of a number of complaints due to its adverse impact it has had on the amenity of the area. A previous application for commercial development consisting of a car wash, retail unit and a hot food takeaway unit was refused in 2017 for the following reasons:

1. That the proposal would be contrary to Policy TC 5 of the adopted North Ayrshire Council Local Development Plan in that no need has been demonstrated for additional retail and hot food takeaway development outwith Kilbirnie town centre, taking account both of the existing level of provision nearby and in view of vacancy levels within Kilbirnie town centre, the overall effect of which would be detrimental to the vitality and viability of the town centre.

2. That the proposal would be contrary to the General Policy of the adopted North Ayrshire Council Local Development Plan in respect of (a) the design and layout would detract from the character and appearance of the surrounding area, (b) the proposed uses would detract from the predominant residential amenity of the area, and (d) the access/egress arrangements and parking provision would be detrimental to both vehicular and pedestrian traffic safety in the vicinity of the site.

As noted above, the proposal involves the development of a restaurant with hot food takeaway facility and ATM. In terms of Policy TC 5: Local Shops, cafes and hot food uses outwith town centres require to be justified against the following criteria:

(a) unit size to be less than 400 square metres, and total development less than 1000 square metres;

(b) the development meets a recognised local need. Determination of local need will include consideration of the range of facilities available which already serve all or part of the catchment of the proposed unit. Where there are at least two existing units providing the same or similar services to a majority of the catchment, no need will be demonstrated;

(c) it is located where it can be conveniently accessed on foot from adjacent, existing development.

Whilst the restaurant/takeaway building would, at 118 square metres, be considerably less than 400 square metres in floor area, the proposal appears to offer facilities already provided for in the locality, including the nearby group of shops and the town centre. In terms of Policy TC 5, there is no 'need' for a further restaurant or takeaway to serve the walk-in catchment population. That is not to suggest that there is no demand, however. As such, the proposal would not fully accord with the provisions of Policy TC 5.

However, further scrutiny of the proposal is necessary. There is also a requirement to consider other material considerations which may outweigh the provisions of the development plan.

It is considered that the basis of the proposal is largely dependent on securing an operator that is not presently active in the Garnock Valley and who has identified a market opportunity for a new restaurant/takeaway in the area.

Scottish Planning Policy (SPP) highlights that due weight is given to net economic benefit; using land within or adjacent to settlements for a mix of uses; considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy. Finally, SPP highlights that a core value of the planning service is to "play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of the economic capacity and resilience within communities."

In this particular case, the amenity of the area has been harmed by the derelict condition of the site over many years. The history of the site indicates that a commercial use was established in the early twentieth century (cinema). By the late twentieth century the cinema had been converted to a bus depot, which continued until the early 2000s. Therefore, the site has operated as a place of employment for many decades. However, for well over a decade the site has been disused. A residential proposal was consented in 2006 but this has since lapsed and is no longer thought to be viable.

The refusal of a previous planning application in 2017 has not resolved the issues associated with the site: dereliction, adverse impact on amenity, and lack of economic development. Therefore, the proposal now submitted represents a positive opportunity to redevelop a brownfield site, add value to the land and the surrounding area, tackle the adverse amenity issues, provide a modern building for a restaurant with car parking and service facilities on site, and generate economic activity.

The applicant's contention that there are currently no suitable sites within the nearby town centres with the road frontage and parking opportunities offered by the application site is considered to be a reasonably accurate conclusion. Moreover, the planning system does not exist to protect the interests of one person or business against the activities of another, although in some cases private interests may coincide with the public interest. Whilst Kilbirnie town centre does currently provide a number of hot food takeaway outlets, there are notably few restaurants or sit-in cafe facilities. The availability of vacant shop units does not make them necessarily suitable for restaurant or takeaway use, as has been highlighted by the applicant's agent. Furthermore, the layout and design of Main Street, most of which is

conservation area, has limited opportunities for new-build (other than redevelopment of narrow gap sites). Whilst there is a vacant former supermarket site to the north of the town centre, it does not benefit from the road frontage offered by the application site. The site is also within a part of the town which has long established commercial and community uses nearby: it cannot be considered a wholly residential area, notwithstanding the general 'residential' allocation in the adopted LDP.

In summary, the constraints presented by the town centre would tend to preclude against certain more modern restaurant formats such as has been proposed for the site at 51 Holmhead. It is not considered that a restaurant with takeaway facility would act to undermine the town centre in the manner or to the degree suggested by some of the objectors to the proposal. Given the presence of complementary uses nearby, it is considered that the proposal would be acceptable. A final point to note is that the proposed building, at 118 square metres, would not represent overdevelopment of the site.

Whilst the conclusion reached is that the proposal, in its revised form, would be acceptable on the grounds of regeneration, amenity and economic benefit, it must also be noted that the application is materially different from the 2017 proposal which sought approval for three uses on the site, including a shop, takeaway and car wash. The current proposal seeks to introduce a new use to the town which cannot readily be offered within the town centre. As such, the material considerations as outlined above are considered to outweigh the provisions of the development plan and in particular Policy TC 5 Local Shops.

In terms of the General Policy, criteria (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout, and Parking Provision are relevant to the overall proposal, including the car wash and the shops/hot food takeaway.

In terms of criterion (a) of the General Policy, the submitted layout would involve a new single storey building being erected alongside the 'Lunch Box' takeaway unit. The building would be single storey and its roof would be mono-pitched. Following an officer request, the design of the proposal has been significantly amended following the initial submission. The weight to be afforded to good design in this case is significant, given the need for improving this part of the townscape which has been harmed by demolition and neglect. In terms of the six qualities of a successful place, it is considered that the proposal would be welcoming, in that the design is aimed at creating an attractive building in an attractive setting; Distinctive, in that the proposed building would be unique within the town; safe and pleasant, in that any hazards at the site would be remedied, and current amenity concerns addressed; easy to move around, in that the site would have its own car park, servicing and pathways all set back from the main road; resource efficient, in that the building would meet all current building standards with respect to energy efficiency and, finally, adaptable, in that the building would have the potential for accommodating alternative commercial uses at a future date, if required. It is therefore considered that the proposal would generate positive 'placemaking' benefits and would be acceptable in terms of criterion (a).

In terms of (b) amenity, it is considered that the impacts arising from the proposal would be acceptable, given the purpose-built nature of the design and its siting away from the nearest housing. A condition could be attached with respect to ventilation and hours of operation. Given the smaller scale of the proposal in comparison with the 2017 application, the proposal is considered acceptable in terms of criterion (b).

With regard to (d) access and parking, NAC Transportation has negotiated various matters relating to parking, access, sightlines and the bus shelter. Subject to conditions and an informative, the proposal is considered acceptable in terms of criterion (d).

In summary, whilst the proposal would not satisfy all of the criteria of Policy TC 5 Local Shops, there are material considerations which would outweigh the provisions of the LDP in this case, in particular the redevelopment of a long term derelict site for an employment generating use. In addition, the proposal would meet the relevant criteria of the LDP General Policy. As such, planning permission should be granted, subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

The proposal does not comply with the relevant provisions of the Local Development Plan, however other material considerations indicate otherwise and planning permission should be granted.

Condition

1. Prior to the commencement of the development, hereby approved, the applicants shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with any remediation proposals as may be approved. 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.

Reason

To meet the requirements of Environmental Health.

Condition

2. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a schedule of the proposed external finishes to be used in the building, car park, access road and fencing. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority full

details of the proposed odour extraction system for the premises, which shall be located to the south side of the building hereby approved and not on the main roof slope. Prior to the restaurant/takeaway coming into operation, the system as may be approved shall be fully implemented and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of Environmental Health.

Condition

4. That, during the construction phase, and prior to the development hereby approved coming into operation, the following infrastructure requirements shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority:

- (a) all construction vehicles shall park within the site boundary not on Holmhead;
- (b) any damage to the public road or footway during the construction phase shall require to be resurfaced unless otherwise agreed on completion of the works;
- (c) the proposed courtyard parking aisle width shall be minimum of 6 metres wide;
- (d) the first 2 metres of the parking area as measured from the heel of the footway shall be hard surfaced.

Reason

To meet the requirements of North Ayrshire Council as Roads Authority.

Condition

5. That the restaurant/takeaway development hereby permitted, including takeaway deliveries, shall not operate between the hours of 11.00pm on any day and 11.00am the following day.

Reason

In the interest of the amenity of the area.



Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	Garnock Valley
Reference	18/00328/PPM
Application Registered	17th April 2018
Decision Due	17th June 2018
Ward	Dalry And West Kilbride

Recommendation Approved subject to Conditions

Location Blairland Farm Dalry Ayrshire KA24 4EJ

Applicant Blair Trust Co Per Saffery Champness & Persimmon Homes

Proposal Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2, 3, 4 and 5 of planning permission in principle ref. 15/00103/PPPM

1. Description

Planning permission is sought to vary 5 of the conditions attached to a Planning Permission in Principle (PPP) (ref. 15/00103/PPPM) for major housing development at Blairland Farm, Dalry.

The conditions relate to the timing of the submission of various technical studies in advance of considering the first matters specified in conditions (MSC) application for the development. The technical studies relate to historic coal workings, archaeology, sustainable drainage and flooding.

It is proposed that, instead of submitting the various technical studies in advance, they would be submitted at the same time as the first application for MSC. The applicants would provide the same information as previously required, although would base the development layout on a new masterplan and development brief rather than rely on the original 'concept' masterplan which was referred to in condition 5 of the PPP (ref. 15/00103/PPPM).

The application site relates to an area of agricultural land measuring some 23.5ha to the south and east of Dalry, bounded on the west by the Glasgow - Ayr railway; to the north by existing housing and Blair Road, and to the east and south by the line of the Dalry bypass, which is currently under construction.

The site is allocated for housing development in terms of Policy RES 2 of the adopted Local Development Plan. The PPP (ref. 15/00103/PPPM) remains extant.

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures which included an advertisement in a local newspaper as well as the notification of 95 neighbouring properties. Three letters of objection have been received, the points of which are summarised as follows:

1. The development would ruin what is left of the countryside beside the Blair housing estate, increase noise pollution in the area and the traffic levels on local roads. The development would also affect privacy for existing housing and result in a loss of light.

Response: The principle of housing development on the site has already been established through the adopted Local Development Plan and the planning permission granted in 2015. The current application seeks to amend the text of conditions relating to technical matters. See Analysis.

2. There are mining areas around the Blair which would be unsafe to build on.

Response: Noted. The planning conditions attached to the consent require further studies on historic coal mining. Such studies would still be required under the current proposal to amend the conditions.

3. There are not enough facilities in the Blair area to support additional houses.

Response: This matter is not relevant to the submitted application.

4. There are concerns raised about local primary school capacity.

Response: This matter is not relevant to the submitted application.

5. The proposal would infringe Human Rights due to the loss of peaceful enjoyment of a person's home, possessions and surroundings.

Response: As noted above, the site is already allocated for housing development and planning permission in principle has been granted. The current application does not provide the level of detail necessary for examining the potential impacts on any specific dwellinghouse, as it relates only to the planning conditions. The details of any proposal would follow at a later stage, which would be subject to neighbour notification at that time.

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."

The main determining issue in this case is whether the proposed modification would conflict with the relevant LDP policy and relevant criteria of the General policy.

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 proposed amendments to the conditions would comply with all of the above tests. Whilst all of the conditions are necessary, it is accepted that the timing of the submissions as a single package with the first application for MSC would be more reasonable.

The principle of major housing development on the site has been established through the allocation of the land in the adopted Local Development Plan (2014) and the subsequent grant of PPP (2015).

The proposed amendments to the conditions are technical in nature rather than substantive. At the time of the permission in principle being considered, there was not a developer attached to the site. As such, the applicant's planning consultant recommended an approach whereby various additional investigations and studies were undertaken in advance of the submission of an application for matters specified in conditions. The consultant had considered this approach to be good practice in the circumstances, taking account of other similar projects elsewhere in Scotland.

As there is now a development partner attached to the site, it has been proposed that the remaining investigations and studies, relating to historic coal mining, archaeology, flooding and sustainable drainage, are submitted concurrently with the first application for the approval of matters specified in conditions (MSC). It is also proposed that the masterplan and development brief would be drawn up and submitted with the first MSC application.

It is considered that the proposed approach would be acceptable on the grounds that the intent of the original conditions would be fulfilled. The main benefit to the applicants would be to streamline the planning process in the lead up to the development. The planning authority would continue to have the same opportunity to scrutinise all of the details associated with the proposal, which is the key issue in this case. The wider community would also have the same opportunity to make representations.

The delivery of major housing sites identified in the adopted LDP is a key priority for the Council, particularly in relation to the strategic policies of stimulating population growth and economic development. The proposed amendments to conditions 1 - 5 would therefore be wholly consistent with these aims.

It is recommended that planning permission is approved, which would include the proposed amendments as well as the previously attached conditions, which would enable further work on the development to proceed.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

Reason

To meet the requirements of the Coal Authority.

Condition

2. That, along with the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of the West of Scotland Archaeology Service.

Condition

3. That, along with the first application for the approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:

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

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

Reason

To ensure that an appropriate SuDS strategy is prepared and implemented in accordance with up to date practice.

Condition

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

Reason

To meet the requirements of SEPA.

Condition

5. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively.

The detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

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

Reason

To secure a masterplan for the development in the interests of the proper planning of the area.

Condition

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

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

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

Reason

In the interest of the amenity of the area.

Condition

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

Reason

To ensure that any contamination is appropriately remediated.

Condition

8. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In the interests of amenity, traffic and pedestrian safety.

Condition

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

Reason

In the interests of the proper planning of the development.

Condition

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

Reason

To meet the requirements of Transport Scotland in the interests of trunk road safety.

Condition

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

Reason

To meet the requirements of Transport Scotland in the interests of trunk road safety.

Condition

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

Reason

To meet the requirements of Transport Scotland and Network Rail in the interests of trunk road and railway safety.

Condition

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

Reason

In the interests of the ecology of the area and to safeguard protected species.

Condition

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

Reason

To enable the development proceed on a phased basis in order to take into account local primary school capacity.

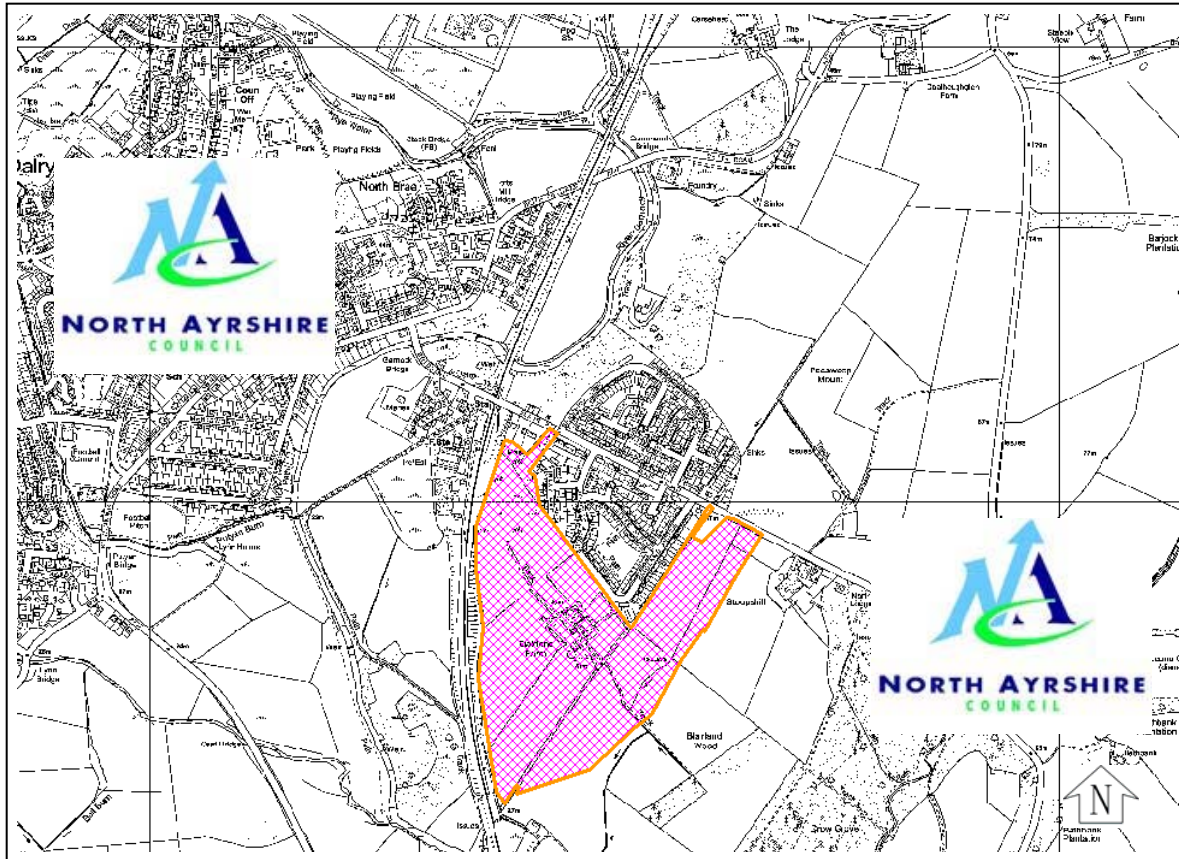


Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	Arran
Reference	18/00379/ALO
Application Registered	27th April 2018
Decision Due	27th June 2018
Ward	Ardrossan And Arran

Recommendation Grant

Location Site To South And West Of Tighenmenach
Blackwaterfoot Brodick Isle Of Arran

Applicant Mr Ian McChlery

Proposal Removal of Section 75 obligation attached to planning
permission N/04/00937/PP relating to occupancy
restriction

1. Description

This application has been made in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal obligation that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997. The obligation is in relation to an occupancy restriction.

An application for planning permission for the erection of a detached dwellinghouse for an agricultural worker (ref: 04/00937/PP) was granted by the Planning Committee on 7th February 2005, subject to a Section 75 obligation and conditions. The planning permission was subsequently issued on 12th July 2005 following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The detached two storey dwellinghouse is sited in an elevated position approximately 350m east of the settlement of Blackwaterfoot and is accessed by a private road from the A841. It has a pitched roof and is externally finished in white render and roof slates with some timber

detailing to the upper walls. The house has fairly extensive glazed windows to take advantage of solar gain.

The original application was accompanied by supporting statements and reports indicating a requirement for an additional agricultural workers house as the surrounding farmland had been acquired by the applicant in 2004 to provide a reliable source of milk production to the Bellevue Cheese Company on the island. The previous buildings at Tighenmenach to the east had previously been converted to mainstream housing.

The applicant is the original applicant in 2004 and the signatory to the Section 75 legal agreement. This application has been submitted due to a change of circumstances. The applicant seeks to discharge the legal agreement on the following grounds:

- Some years after the occupation of the house, personal circumstances of the applicant's business partners led to re-organisation of the Cheese Co. The new directors dismissed his contract to supply milk;
- Cattle farming continued on the land until around 18 months ago until workload became too much and the applicant considered retirement;
- The attached farmland was sold off to the adjoining farm. The adjoining farm has its own dwellinghouse and the agricultural land is to be accessed from that farm only; there is no legal right of access through the application site;
- The applicant is now retired, no longer employed in agriculture but wishes to remain in the house which he and his wife have lived in for over 10 years and so wishes to remove the occupancy restriction so that in future, the family can secure a tenant or buyer from outwith the agricultural sector.

The application site is located within the countryside, as identified in the adopted North Ayrshire Local Development Plan ("the LDP") and is unaffected by any site specific policies or proposals therein. The relevant policy is ENV 2 (Housing Development in the Countryside). ENV2 allows that housing for workers engaged in an appropriate rural business (such as farming) shall accord with the LDP, subject to meeting a range of criteria, including a genuine operational need for a dwellinghouse.

At the time of the decision to grant planning permission, the determination of the application was based on the adopted development plan policy prevailing at that time. The policy was HOU5 of the Isle of Arran Local Plan, which was broadly similar to the current LDP policy, and required proposals to demonstrate a "genuine operational need for a worker to live on site in pursuance of an established rural business" in order to justify the development of a new house in the countryside.

2. Consultations and Representations

Consultations were not required for this application. The statutory neighbour notification procedures were followed and the application did not require to be advertised. No objections were received.

3. Analysis

The proposal requires to be considered in terms of the adopted Local Development Plan Policy ENV 2 and any other material planning considerations. Policy ENV 2 relates to the

circumstances under which new housing in the countryside can be justified. It does not specifically address a change of circumstances such as has been presented in this case.

The application seeks to discharge the occupancy restriction attached to the Section 75 and provides a supporting statement in relation to the justification for the removal of this restriction.

In terms of the removal of occupancy conditions, the following points can be considered to be material considerations:

- (i) The house was originally occupied in association with the rural business against which it was originally justified;
- (ii) Business changes rendered it unnecessary to that business;
- (iii) It continued to be occupied in association with farming until this became unviable;
- (iv) The attached farmland was sold off to an adjoining farm. The adjoining farm is served by its own dwelling and has not approached the Council regarding any future requirement for further accommodation;
- (v) Access through the site is no longer required for the continuing management of the farmland; there is no legal right of access through the application site;
- (vi) The applicant is now retired, no longer employed in agriculture but wishes to continue living in the family home but without any future legal occupancy burden on his descendants.
- (vii) Scottish Planning Policy 2014 (SPP) comments on the use of occupancy conditions since the time of the original approval.

Although it is claimed that the house is no longer required by a farmer, the applicant wishes to continue living there and has not therefore submitted any evidence of attempts to dispose of the property on the open market, with the occupancy restriction.

Requests to remove occupancy restrictions should take into consideration: the time passed since the original restriction was imposed; the change in circumstances given as justification; consideration of any risks associated with removal of the condition; difficulties caused by retention of the restriction, e.g. mortgage borrowing; and that the house provides a reasonable level of amenity.

Thirteen years have passed since the original consent, which is considered to be a sufficient period; the supporting statement advises that the house is no longer needed to farm the land; the land has been disposed of to the adjacent farm which already has its own accommodation and the LDP policies would remain sufficient to address any future proposals. In terms of siting and amenity, the house has been in occupation for many years and provides a reasonable level of residential amenity and outlook. Whilst the elevated siting may be more prominent in the landscape than would be expected by modern rural design standards, and the Council's Rural Housing Guidance, it is considered to be acceptable.

It is therefore recommended that the occupancy restriction be removed, and the associated Section 75 agreement be discharged.

4. Full Recommendation

Grant

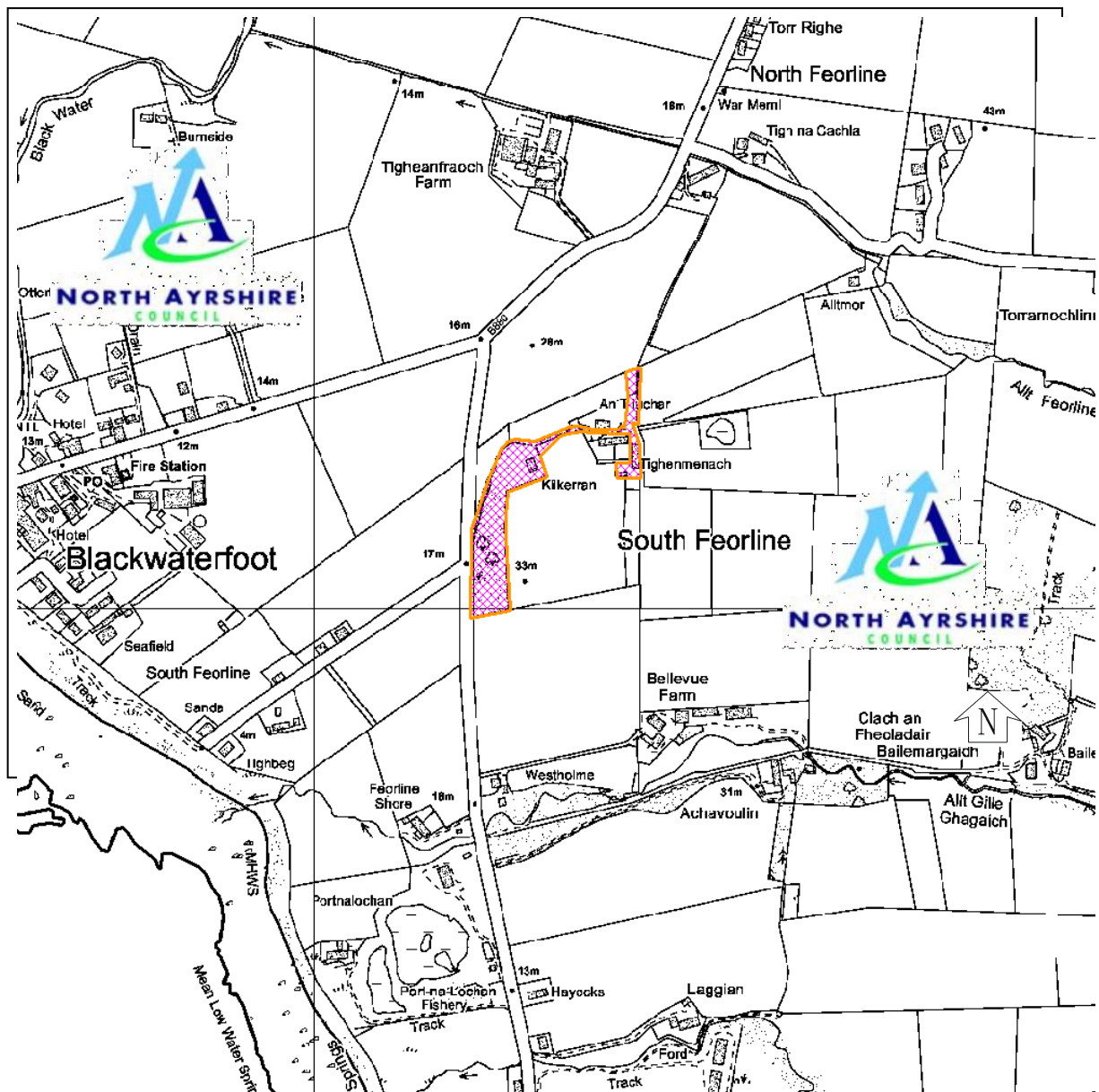
Karen Yeomans

Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23 May 2018

Planning Committee

Title: **Condition No. 1 of Planning Permission (Ref. 17/00740/PP) at Hunterston A Power Station, West Kilbride**

Purpose: To approve the proposed cladding as required by Condition No. 1 of Planning Permission (Ref.17/00740/PP).

Recommendation: Approve the proposed cladding and discharge condition No.1.

1. Executive Summary

- 1.1 The report seeks the approval of the proposed cladding material for the proposed weather envelope at the Hunterston A Power Station .The Planning Committee approved the weather envelope subject to the Committee approval of the full details/samples of the proposed cladding, including colour.
- 1.2 The proposed aluminium cladding would match other finishes at the site and is acceptable.

2. Background

- 2.1 On 20th September 2017, the Planning Committee resolved to grant Planning Permission for the replacement of the weather envelope cladding to the Hunterston A reactor buildings. Planning permission was granted subject to condition 1 which states:

That prior to the commencement of the installation of the cladding works, hereby approved, full details/samples of the proposed cladding, including colour, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

- 2.2 Planning Committee requested that the details/samples of the propose cladding, including colour, should be submitted to the Committee for approval.
- 2.3 The applicant has confirmed that the proposed cladding would be:

Manufacturer: Euroclad
 Profile: ES400
 Colour: Organic Patina Smooth
 Material: Aluminium
 Gauge: 0.9mm

2.4 To support the submission the applicant has provided photomontages and images of the ILW store, for comparison. A specification for the material has been provided which confirms the expected life cycle of the material and its high specification. A sample of the proposed cladding has also been provided for consideration.

3. Proposals

3.1 It is proposed that the Planning Committee approve the proposed cladding system and discharge Condition 1 of Planning Permission 17/00740/PP.

4. Implications

Financial:	N/A
Human Resources:	N/A
Legal:	Agreement of the details would result in the discharge of condition 1 and permit the development to proceed.
Equality: Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	N/A
Community Benefits:	N/A

5. Consultation

5.1 No consultations are required for the discharge of planning conditions.



Karen Yeomans
Executive Director (Economy and Communities)

For further information please contact **Ross Middleton** on **01294 324279**.

Background Papers

Report of Handling and Planning Committee Minutes of 20th September 2017 associated with Planning Permission 17/00740/PP.