



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, 29 August 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 Minutes

The accuracy of the Minutes of meetings of the Committee held on 23 May 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 Isle of Arran

Submit reports on the following applications:

3.1 18/00570/PP: Bay News, Whiting Bay, Brodick, Isle Of Arran

Change of use from Class 1 (Retail) to Class 2 (Financial & Professional Services), removal of condition 1 of planning permission 13/00612/PP to remove occupancy restriction of the associated dwelling flat and discharge of the Section 75 Agreement (copy enclosed).

3.2 18/00489/PP: Site to The East Of Linevern Silverhill, Whiting Bay, Brodick, Isle Of Arran

Upgrading of access road, erection of a 1 and 1/2 storey dwelling house and garage and temporary siting of an associated residential caravan for a period of 2 years (copy enclosed).

- 3.3 18/00542/PP: Plot 3, Greenhill Torbeg, Blackwaterfoot, Brodick, Isle Of Arran**
Erection of 1 and 1/2 storey detached dwelling and separate single storey garage/workshop (copy enclosed).
- 3.4 18/00541/PP: Plot 5, Greenhill Torbeg, Blackwaterfoot, Brodick, Isle Of Arran**
Erection of detached 1 and 1/2 storey dwelling and separate single storey garage/workshop (copy enclosed).
- 4 Irvine**
Submit reports on the following applications:
- 4.1 18/00522/PPM: East Park, Quarry Road, Irvine**
Provision of sports/leisure facilities to include: erection of building to accommodate indoor artificial pitch; erection of changing rooms (linked to existing building from phase 1); the formation of an external all-weather sports pitch and 3 no. tennis courts, to include associated boundary enclosures; the erection of a storage building; the formation of a 750m cycling loop together with associated car parking provision, SuDs and drainage infrastructure and the demolition of an existing workshop building (copy enclosed).
- 4.2 18/00466/PPM: Dundonald Links, Ayr Road, Irvine**
Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2 and 3 of planning permission in principle ref. 15/00705/PPPM (copy enclosed).
- 5 North Coast and Cumbraes**
Submit reports on the following applications:
- 5.1 18/00518/PP: 48 Gallowgate Street, Largs**
Extension of outdoor seating area (In retrospect) (copy enclosed).
- 5.2 18/00393/PPPM: Site To South East Of 41 Tarbert Avenue, West Kilbride**
Planning permission in principle for residential development (copy enclosed).
- 5.3 18/00315/PP: Site To North Of Seaview Caravan Park, Ardrossan Road, Seamill**
Formation of extension to caravan park (copy enclosed).
- 6 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:

**Planning Committee
23 May 2018**

Agenda Item 2

Present

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

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

A. Wilson and S. Wilson, Attix CIC (representing the applicant) and Lynn Kerr (objector) (agenda item 4.1).

Chair

Councillor Marshall in the Chair.

1. Order of Business

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow Agenda Item 4.1 (18/00292/PP - 51 Holmhead, Kilbirnie) to be considered prior to Agenda Item 3.1 (18/00340/PPPM - Site To South Of 128-130 Meadowfoot Road, West Kilbride).

2. 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.

3. Minutes

The Minutes of the meeting of the Committee held on 25 April were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. 18/00292/PP - 51 Holmhead, Kilbirnie

GKN Properties have applied for planning permission for the erection of a restaurant with takeaway facility and ATM at 51 Holmhead, Kilbirnie. A significant number of objection letters and letters of support were received and were summarised in the report.

The Chair advised of a formal request to address the Committee with respect to this application which had been received and granted. The applicants were also invited to attend the meeting to respond to the objections raised.

Lynn Kerr, a local resident, addressed the Committee in terms of her objections to the application. Ms Kerr referred to policy TC5 of the North Ayrshire Local Development Plan which sets out criteria which local shops, cafes and hot food uses outwith the

town centres must comply with and questioned if the application did so as there is no need, in her view, for an additional takeaway in the town. The area is mainly residential to the North of the site. Concerns with increased traffic volume on an already busy road and the impact that this would have on pedestrian safety were also raised, the inadequate sight lines and the need to move the bus stop. Ms Kerr also referred to the historic uses of the site, a bus garage and cinema, and stated her belief that due to the amount of time which has passed since these uses they should not be considered relevant. Ms Kerr questioned if the application was materially different to an application refused by the Committee in 2017 for a hot food take away, ATM and carwash. Ms Kerr concluded that while the site is an eyesore which requires development she does not believe that the current proposal is appropriate.

Allan Wilson, of Attix CIC, then addressed the Committee, on behalf of the applicants, in response to the objectors. Mr Wilson provided the Committee with information on the work carried out by Attix CIC, a non-profit organisation and their focus of regenerating the Garnock Valley, and North Ayrshire as a whole, by increasing inward investment and employment.

Mr Wilson spoke about the work which has been carried out by the applicant since a previous application for planning permission for the site was rejected in 2017 and his belief that the current application is materially different. The Committee were informed that the applicant has attracted a market leader to operate a franchise on the site and the belief that this will bring an economic benefit to the area including up to 25 jobs. Mr Wilson spoke about the previous uses and the current state of the site and the mixed uses for neighbouring sites. He then addressed the concerns raised regarding road safety and outlined how the 12 space car park in addition to the 18 spaces at the Co-op site would reduce the number of cars parked at the roadside which has the potential to make the road safer. He also highlighted the work which was carried out between the applicant and transport officials to ensure the proposal meets safety standards. In his opinion Policy TC 5 is sequential.

Ms Kerr was then given opportunity to make final comments. She noted the adverse impact of late opening. She questioned whether sight lines for vehicles leaving the car park had been submitted and stated that residents currently feel the road is already dangerous enough for pedestrians. She also stated that while there may no appropriate town centre locations for this development, this is not reason enough to use the proposed site which is not appropriate for this type of development.

Members then asked questions of the objector and applicant and were provided further information on:-

- the proposed opening hours of the restaurant and whether there were any plans to extend these in the future;
- the number of takeaways currently operating in Kilbirnie and their opening hours;
- an objection which had been submitted suggesting the site was more appropriate for housing as this would have less impact on traffic; and
- other options for operators for the site and whether these had been explored.

The Senior Manager then outlined the terms of the planning report. A recommendation was made by officers that the application be granted subject to the conditions set out in the report.

Members asked questions and were provided with further information on:-

- neighbouring properties which are also owned by the applicant;
- the capacity of the proposed restaurant;
- the impact of noise from ventilation systems and lights from the carpark would have on neighbouring residential properties and possible conditions which can be put in place to minimise this;
- the fact that the application does not comply with policy TC5 and other material considerations which should be taken into account; and
- who will be responsible for constructing and managing the site.

As a motion, Councillor Barr, seconded by Councillor McMaster, moved that application be granted subject to the conditions set out in the report.

As an amendment, Councillor McNicol, seconded by Councillor Foster, moved that the application be rejected as it (a) does not comply with Policy TC5 if the Local Development Plan and (b) there is currently sufficient hot food takeaway provision in Kilbirnie.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried.

Accordingly, the Committee agreed to refuse the application for the following reasons:

1. That the proposed development is contrary to Policy TC5 of the Local Development Plan.
2. There is currently sufficient hot food takeaway provision in Kilbirnie.

5. 18/00340/PPPM - Site To South Of 128-130 Meadowfoot Road, West Kilbride

Gladman Developments Ltd have applied for planning permission in principle for residential development, access, open space, landscaping and associated engineering works at the site to the South of Meadowfoot Road, West Kilbride. 15 letters of objection were received and summarised in the report.

The Senior Manager (Planning) outlined the terms of the planning report, advised that a further 5 letters of objection had been received. The points raised were already addressed within the report and made reference to a letter which had been received from the applicant in response to issues raised in the report. Reference was also made to three letters, forwarded by the applicant, from three housebuilders who noted their interest in the site.

As a motion, Councillor Reid moved that the Committee grant planning permission in principle. There being no seconder, the motion fell.

As a further motion, Councillor McNicol, seconded by Councillor Clarkson, moved that the application be refused for the reasons stated in the report. There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to refuse the application for the following reasons:-

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).
- 6. 18/00171/MS - Site To North West Of Chapelton Mains, Seamill, West Kilbride**

Hope Homes (Scotland) Ltd have applied for approval of matters specified in conditions 1-9 of Planning Consent N/16/00561/PPPM and the submission of detailed affordable housing proposals for Phase 2 of development at the site to the north west of Chapelton Mains, Seamill. Four letters of objection were received and summarised in the report.

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

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.
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.
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.
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.
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.

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.
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.
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.

7. 18/00328/PPM - Blairland Farm, Dalry

Blair Trust Co Per Saffery Champness and Persimmon Homes have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary conditions 1,2,3,4 and 5 of Planning Permission in Principle (15/00103/PPPM). Three letters of objection were received and summarised in the report.

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

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.

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.
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.

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.

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.
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.

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.

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.
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.
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.
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.
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.
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.

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.

8. 18/00379/ALO - Site To South And West Of Tighenmenach, Blackwaterfoot, Brodick

Ian McChlery have applied for the removal of a Section 75 obligation attached to Planning Permission N/04/00937/PP relating to occupancy.

Planning Permission N/04/00937/PP was granted by the Planning Committee on 7 February 2005, subject to a Section 75 obligation and conditions. The Section 75 obligation 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 Committee agreed to grant the application.

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

Submitted 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).

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.”

The applicant has since submitted details on the manufacturer, profile, colour, material and gauge of the proposed cladding and the Committee were presented with a sample.

The Committee agreed to approve the proposed cladding system and discharge Condition 1 of Planning Permission 17/00740/PP.

10. Urgent Items

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

10.1 18/00412/MSC - Site To North West Of Chapelton Mains, Seamill, West Kilbride

The Senior Manager (Planning) informed the Committee of an application for planning permission which had been received from Hope Homes seeking approval of matters specified in conditions 1-9 of Planning Consent N/16/00561/PPPM and the submission of detailed housing proposals for Phase 3 of development at the site to the north west of Chapelton Mains, Seamill.

The Committee were informed of ongoing work for Phase 1 of the development and the applicant's desire to continue to the next phase seamlessly if the application be approved. The application is due to be determined by the Planning Committee following the summer recess however this would result in a delay which would not allow for the continuation of works.

The Committee agreed to delegate powers to the Executive Director (Economy and Communities) to determine the application for Materials Specified in Conditions (18/00412/MSC).

The Meeting ended at 3.40 p.m.

NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Arran
Reference	18/00570/PP
Application Registered	21st June 2018
Decision Due	21st August 2018
Ward	Ardrossan And Arran

Recommendation	Approved with no Conditions
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Location	Bay News Whiting Bay Brodick Isle Of Arran KA27 8PX
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Applicant	Mr Tim Hodkinson
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Proposal	Change of use from Class 1 (Retail) to Class 2 (Financial & Professional Services), removal of condition 1 of planning permission 13/00612/PP to remove occupancy restriction of the associated dwelling flat and discharge of the Section 75 Agreement.
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1. Description

The application seeks a change of use from Class 1 (Retail) to Class 2 (Financial & Professional Services), and the removal of condition 1 of a planning permission (ref. 13/00612/PP) to remove an occupancy restriction of an associated dwelling flat and discharge of the Section 75 Agreement.

The application relates to a retail building situated on the seaward side of the A841 in the centre of Whiting Bay, set amidst a row of commercial buildings. There is a flatted dwellinghouse on the first floor, situated above the retail unit. Residential properties lie to the west across the A841 and the shore adjoins to the east. Parking is available along the frontage of the shop and a public car park is located to the north west across the A841.

On 4 August 2009, the Planning Committee agreed to grant planning permission for alterations to the roof of the shop to form a dwelling flat and the erection of a balcony to the

rear (ref. 09/00199/PP), subject to the applicants entering into a Section 75 Agreement to limit the occupation of the dwelling flat to the owner or an employee of the retail premises on the ground floor. Condition 1 restricts occupation of the dwelling flat to the owner or an employee of the retail premises on the ground floor. Condition 1 further states that the retail unit and the dwelling flat shall be treated as a single planning unit and shall not become separated in ownership without the prior written approval of North Ayrshire Council as Planning Authority. A Section 75 Agreement was concluded and planning permission issued on 28 September, 2010.

On 16 May 2014, the Planning Committee agreed to amend the terms of the Section 75 Agreement and condition 1 of planning permission 09/00199/PP to include use of the 1st floor accommodation for holiday letting (ref. 13/00612/PP).

Condition 1 of planning permission (ref. 13/00612/PP) states: 'That the dwelling flat shall be occupied only by the owner or an employee of the retail premises on the ground floor or used as holiday letting accommodation and shall not be occupied for holiday letting for a period of more than one month or for more than 6 months in total in any calendar year by the same person, to the satisfaction of North Ayrshire Council as Planning Authority.'

In support, the applicant states that he and his wife have owned the Bay News shop since March 2007 and have seen a year on year decline in the number of visitors coming to the village, which has resulted in a serious decline in turnover for their business despite the range of gifts and locally made products being expanded and opening hours extended. Over recent years the applicant states that he has consistently made a loss which is not sustainable. His wife, who is recovering from illness, operates the shop working 3 to 7 days a week. The applicant states that the business has to be subsidised from his salary as a full time IT consultant in the hope that there is an uplift in the busier summer months. The applicant has marketed the site for two years with only three viewings and no offers.

The Island, he considers, has experienced a significant decrease in population and there has been a reduction in the number of young families in the village. He lists a number of commercial businesses in Whiting Bay that have been lost in recent years with the recent expansion of the Co-op in Lamblash resulting in a 24% drop in their takings.

The applicant proposes to sell/lease the shop for a commercial purpose. The shop is big enough to be offered as one unit or split to allow two, with the shop lending itself to become a hairdressers or a beauty therapy. Extending the potential uses would improve its marketability whilst also selling the flat above would help fund paying off the current businesses debt.

In the adopted Local Development Plan the site is located within the settlement of Whiting Bay where Policies RES 1 and TC 6 are most relevant. All proposals require to be assessed against the relevant criteria of the General Policy, in this case criteria a) Siting, Design and External Appearance, b) Amenity and d) Access, Road Layout, Parking Provision

2. Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press on 27 June 2018. There were not any representations received.

NAC Active Travel and Transport - No objections.

Response: Noted.

Arran Community Council - No objections.

Response: Noted.

3. Analysis

The application proposes the change of use of the ground floor commercial unit from Class 1 (Retail) to Class 2 (Financial & Professional Services), the removal of condition 1 of planning permission (ref.13/00612/PP) and the deletion of the S75 Agreement in order to remove the occupancy restriction of the associated dwelling flat.

With regard to the change of use of the ground floor unit, the proposal is considered against Policy TC6: Retail Development on Arran. This policy supports development within Classes 1, 2 and 3 within settlement boundaries subject to the proposal being of a scale and character that is not detrimental to the amenity of the area. The commercial unit is located within a row of commercial properties and within the settlement of Whiting Bay, therefore it is not considered that a Class 2 use would have a detrimental impact on the amenity of the area. It would not impact on the amenity of nearby residents and would help sustain the vitality of the locality. The proposal would comply with Policy TC6.

In terms of the removal of occupancy condition, the following points are material considerations:

- (a) the site is located within the settlement of Whiting Bay the principle of a residential use on the first floor of the building would be acceptable and would comply with Policy RES 1;
- (b) in terms of substantial change in circumstance, the applicant has confirmed that the business has seen a downward spiral in revenue, the business is consistently making a loss which is not sustainable and the business as it stands is not viable; and
- (c) the applicant's supporting statement indicates that the property has been marketed for two years with only three viewings and no offers,

In respect of the General Policy of the adopted Local Development Plan, the flat on the first floor has a bedroom, shower room and living room with a balcony accessed off the latter within the roof space, in addition to a small dining/kitchen area and toilet on the ground floor at the rear of the shop. It has an independent access with sliding patio doors at the rear leading to the kitchen/dining area and has adequate accommodation to serve as a residential unit with the benefit of fine views towards the shore and Firth of Clyde. It is considered that given the siting of the building within Whiting Bay, the acceptable level of private amenity space for the flat and provision for car parking, the proposal would comply with the General Policy, providing an acceptable level amenity to future occupants.

It is recommended that planning permission be granted for the change of use of the ground floor commercial unit to Class 2 and that the occupancy restrictions, and the associated planning conditions, be removed.

4. Full Recommendation

Approved with no Conditions, and agree to discharge the Section 75 Agreement.

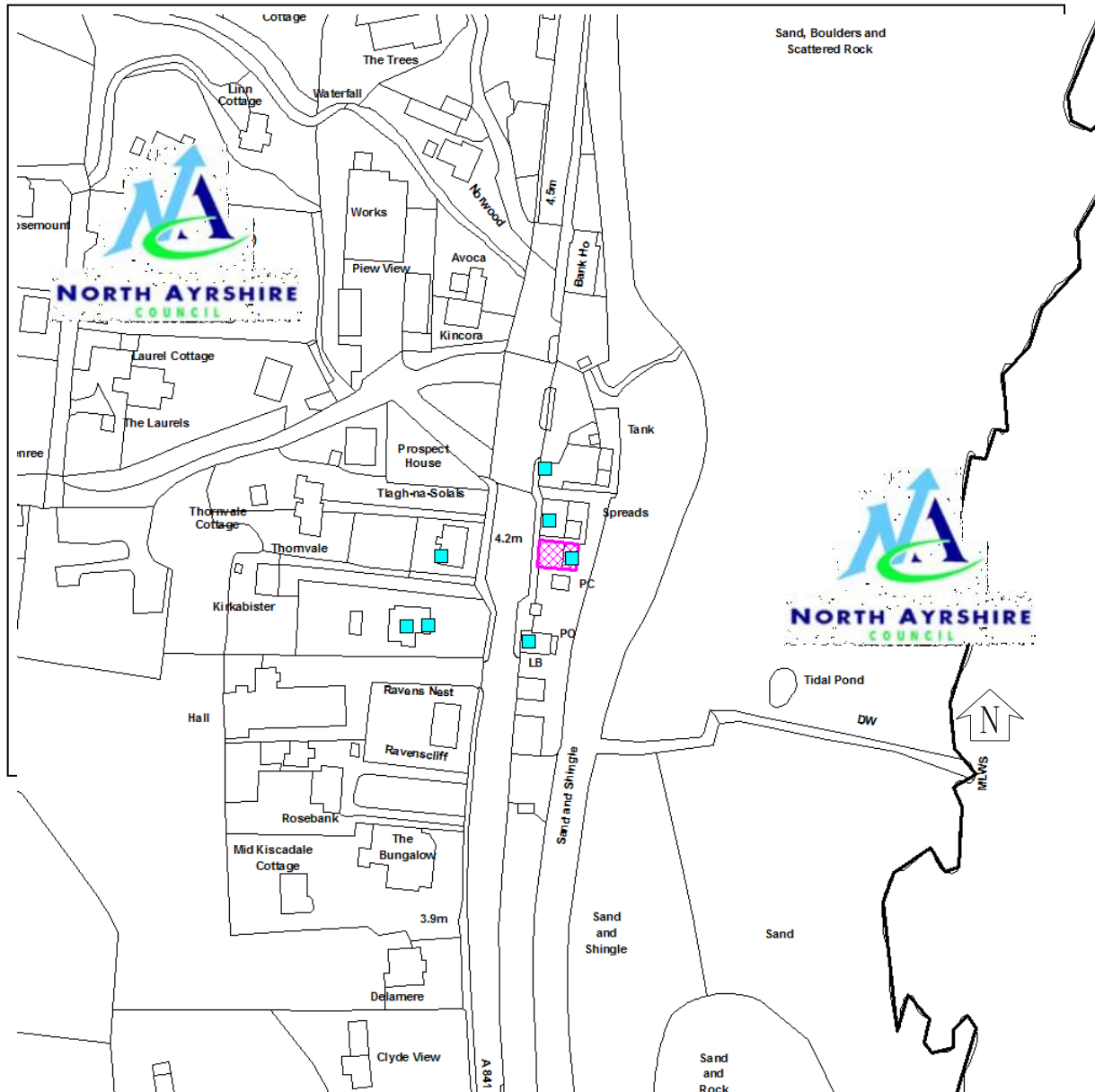
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Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Isle of Arran
Reference	18/00489/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	Site To The East Of Linevern Silverhill Whiting Bay Brodict Isle Of Arran
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Applicant	Mr Stuart Heaney
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Proposal	Upgrading of access road, erection of a 1 and 1/2 storey dwelling house and garage and temporary siting of an associated residential caravan for a period of 2 years
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1. Description

Planning permission is sought for road upgrading, the erection of a dwellinghouse and temporary siting of a caravan in the Upper Silverhills area of Whiting Bay. The application site extends to c.870m² and is 78m long, is 5.4m wide at its north end and widens to 20.7m at the southern end. The house would be erected on the widest southern part of the site.

The applicant has held pre-application discussions with NAC Active Travel and Transportation (Roads) regarding the road upgrading which would be required, prior to any further houses being built in the area. This application proposes the upgrading of the road to an adoptable standard for a distance of 55m along the north-western edge of the application site and then for a distance of c.62m beyond the site to the west where it would terminate at a turning head.

The application is for a two bedroom dwellinghouse, and the design incorporates a 7.8m high one and a half storey section with a footprint of 12.2m x 6m to the east side linked to a self-contained 5.35m high single storey section with a footprint of 7.7m x 4.9m by an entrance hallway. The upper level would contain the main living areas and would have a

double height upper window on the north front elevation, and balconies on the east and south elevations. The house would be externally finished in dark grey fibre cement cladding with dark grey window bandings and standing seam zinc pitched roofs linked by a flat Sedum roof section.

A single garage measuring 6.4m x 3.6m with a 3.9m high pitched roof and externally finished to match the house is also proposed at the north end of the site with a further car parking on hardstanding to the front. A passing place is also indicated on the proposed road to the west boundary following the pre-application discussions with the Roads Authority.

The site is bounded by residential properties on all sides. The properties to the east are at a lower level and that boundary is defined by a partly wooded slope. A residential caravan currently occupies the proposed site of the house. It is proposed to retain the caravan for a temporary period of two years to manage the construction period but the revised siting is not shown on plan.

In terms of the adopted North Ayrshire Council Local Development Plan ("the LDP"), the site is located within the settlement boundary of Whiting Bay and therefore within the residential allocation. LDP Policies RES1 (Housing Allocation), RES7 (Residential Caravans) and the General Policy are relevant.

The Silverhills area is served by a public adopted road only as far as the north edge of this site, adjacent to the dwellinghouse known as Wits End, which then deteriorates to an unmade private track beyond that. The original planning permission for the Silverhills site from 1976 (CH/76/628) required the provision of a service road into the area. There is a subsequent history of refusals of planning applications for housing development in the Upper Silverhills area, due to concerns over the unsuitability of the road provision in the area. At various stages, housing proposals had been granted planning permission, subject to conditions, requiring the road through the area to be completed, prior to construction or occupation of any house. A local review was sought against such a condition in at least one of these cases (09/00804/PP), which review was subsequently dismissed by the Local Review Board.

It is evident from a site visit that these previous conditions had not been implemented and furthermore that houses were built without any roadworks being undertaken. The Council is now time-bound from taking any enforcement action against those past breaches of planning control and the area had therefore developed in a rather piecemeal fashion with several properties serviced from the unsurfaced track. It is therefore considered that the need for a proper road to be completed to serve the area is a material consideration in any future proposals.

An application by the current applicant for a similarly designed house on this site (17/00443/PP) was refused in July 2017 as contrary to the General Policy of the Local Development Plan due to inappropriate siting and the lack of any proposals to provide the aforementioned access road. An application (17/01007/PP) for an amended siting of the house was withdrawn by the applicant following discussions with Planning Services regarding the lack of road upgrading proposals.

An unauthorised residential caravan had been placed on the site in anticipation of planning permission and a planning enforcement investigation (17/00110/COUB) was conducted which resulted in an Enforcement Notice being served on 27th April 2018 requiring removal

of the caravan and associated works. An appeal against the notice was made to DPEA (Department for Planning and Environmental Appeals). DPEA partially upheld the appeal on 31st July 2018 by amending the notice to allow a longer period (90 days) for removal of the caravan and works (i.e. by 31st October 2018).

2. Consultations and Representations

The statutory neighbour notification was undertaken and the application was advertised in the local press (Arran Banner 22nd June 2018). Four objections were received on broadly similar grounds which are summarised as follows:

1 (caravan): The illegal caravan overlooks neighbouring properties. It is also shown on the site of the proposed house so cannot be required to manage the construction of it. The caravan appears to be intended as a permanent holiday residence. A CCTV camera also appears to have been installed on it which overlooks neighbours.

Response: Partially agreed. The caravan is not approved in its current position, as detailed above, and a planning condition could be applied to any planning permission requiring final details of the proposed siting. The caravan has been applied for only for a fixed period of two years and a condition could be applied to any permission on this temporary basis. CCTV cameras affecting privacy would be a police matter and not a material planning consideration.

2 (Siting, Design and Amenity): The house would overlook the properties to the northwest which are at a lower level.

Response: The house would not have any significant shading, privacy or amenity impacts on neighbouring properties given the separation distances and oblique angles of view involved.

3 (Roads issues): The application does not commit to Planning Services previous requirement that "a suitable road must be provided before further housing development could be approved at Silverhills". The only property to benefit from the upgrading of the road would be the applicant's.

Response: The application contains details of the section of road to be upgraded, final details would be subject to a Road Construction Consent. Any Planning permission would be subject to a condition ensuring that the house construction did not commence until the road was completed. An upgraded road would serve several other existing properties and vacant plots as well as the application site.

4 (Land stability issues): The eastern boundary was created artificially by depositing large quantities of soil several years ago and may be unstable for housing development; the site falls away steeply to the east side and to the south is 'undevelopable ground'. Could the ground be caused to shift or subside onto neighbouring land?

Response: The reference on the plan to 'undevelopable ground' at the south of the proposed house refers to a title restriction not to develop to the front of the property 'Linevern,' rather than to ground conditions; Ground investigations would be required which

would be addressed as part of the building warrant process, if planning permission is approved.

5 (Disputed boundary): The eastern boundary was recently surveyed and marked. The plans mis-represent this property boundary and the application therefore includes land to which the applicant has no title or rights, which invalidates the application. The proper site is also therefore too narrow to accommodate the proposed garage.

Response: The applicant has certified ownership of the application site and the application is valid. Any boundary ownership disputes would be private legal matters between the concerned parties and not material planning considerations. The grant of planning permission would not confer the right to build unless all other rights and consents, including ownership rights, had been resolved.

6 (drainage issues): Drainage from the house would impact on garden ground at a lower level to the east.

Response: The application proposes connection to the public drainage network. Scottish Water was consulted on the previous, similar proposal and did not object. An appropriate planning condition could be applied in relation to confirmation of these details.

6 (Trees): Trees have previously been removed without permission or agreement.

Response: The application does not propose removal of any trees. The trees in the immediate vicinity are not protected in planning law.

7 (Underground cables): A High Voltage underground cable runs through the site.

Response: There is no previous planning record of such a power cable. An informative note could be applied to planning permission advising the developer to contact Scottish Power prior to commencement with regards to any infrastructure. This matter would also be addressed in the Building Warrant process before any construction could commence.

Three letters of support for the previous application (17/00443/PP) from neighbours of the site were also re-submitted with this application by the agent. This application proposal is essentially unchanged and these comments are therefore treated as material. These state that the house would not block views from adjoining houses, that the design and external finishes are thoughtful and pleasing and that Whiting Bay needs residential development to maintain school numbers and support local business.

NAC ACTIVE TRAVEL AND TRANSPORTATION: No objection subject to conditions. Road to be upgraded to adoptable standard prior to construction of the dwelling house.

Response: Noted. Appropriate conditions and an informative note to contact NAC regarding Road Construction Consent could be applied to any planning permission.

Scottish Water and the **West of Scotland Archaeology Service** were consulted on the previous application and did not object. This application proposal is essentially unchanged and these responses are taken as current.

3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that planning authorities, in determining planning application, shall have regard to the provisions of the development plan and to any other material considerations. The main determining consideration in this application therefore is whether the proposal accords with policies RES1, RES 7 and the General Policy of the LDP and whether there are any other material considerations indicating that planning permission should not be granted.

The site is within the settlement boundary of Whiting Bay and the proposal therefore accords in principle with Policy RES1 which supports residential development proposals within the existing Housing allocation. Policy RES7 states that proposals for residential caravans shall not accord with the LDP, but indicates that temporary consent may be granted in exceptional circumstances such as during the construction of a permanent dwelling. The proposed temporary caravan would therefore accord with the LDP subject to a condition confirming the temporary period.

The proposals also requires to be assessed against the General Policy in terms of criterion (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking. In terms of (a), the house would be sited 4.7m back from the proposed upgraded road. The house would have a footprint of 131m², some 15% of the total site area of 877m² and would not represent over- development of the plot. The siting of the house would be appropriate to the form of development of the wider area. In terms of its scale, massing, appearance and contemporary finishing materials the house is reflective of the appearance of the existing houses to the north east at Silverbank View. Criterion (a) also requires that consideration be given to the proper planning of the area and the avoidance of piecemeal development and it is considered that the proposal accounts for this consideration and would resolve the longstanding issue of the provision of a road to service Upper Silverhills. The proposal therefore accords with criterion (a).

In terms of (b) (Amenity), the house would provide an acceptable level of residential amenity for the occupants and would be separated sufficiently from the houses to the east (24m from the rear of Silverbank View and 63m from the rear of Silverbank Cottage) to ensure that there would not be any significant adverse impacts in terms of privacy, daylight or residential amenity. Whilst it would be only 4.5m from Linevern, a title condition, referred to in the site plans, requires that the area directly in front of that neighbour would be left clear. The proposal also therefore accords with criterion (b).

With regards to (d) (Access and Parking) the applicant has discussed road upgrading with NAC Active Travel and Transport and indicates that he will provide the required road upgrading. NAC Active Travel and Transport does not object, subject to condition, although a Roads Construction Consent would be required to ensure that the road is upgraded to a sufficient standard prior to commencement of works on the house. The applicant has also indicated acceptance of such a condition.

In summary, given the previous history of the site, it is considered that this proposal represents a positive contribution to the wider area and would resolve a longstanding obstacle to the proper planning of further development in the area by the provision of a suitable standard of road. Given the previous analysis, the proposal accords with the relevant provisions of the LDP, and there are no significant material considerations which would indicate other than the development would be appropriate.

It is therefore recommended that planning permission should be granted, subject to the conditions and informative notes described in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority:

- Full details and/or sample of the proposed external finishes of the buildings;
- Full details of the proposed boundary enclosures; and
- Full details of the proposed drainage scheme for the site.

If approved, the development shall thereafter be completed only in accordance with the approved details, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

2. That prior to the commencement of development the developer shall submit for the written approval of North Ayrshire Council as Planning Authority, full details of the proposed upgrading of the access road and turning hammerhead, as outlined on plan 1704/02-Rev F, hereby approved. For the avoidance of doubt the access road shall be upgraded to an adoptable standard to the satisfaction of North Ayrshire Council as Planning Authority. The access road upgrade shall be completed, prior to the commencement of the development of the dwellinghouse, hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing, by North Ayrshire Council as Planning Authority.

Reason

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

Condition

3. That the first 2 metres of the driveway access shall be hard surfaced in order to prevent loose material being carried onto the carriageway and shall be designed in such a way that no surface water shall issue from the access onto the carriageway, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

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

Condition

4. That notwithstanding the details within the approved plans the proposed residential caravan is temporary and shall be removed from the application site by 28th August 2020 or

on first occupation of the dwellinghouse hereby approved, whichever occurs first, all to the satisfaction of North Ayrshire Council as planning authority. Details of the resiting of the caravan shall be submitted for the approval in writing of North Ayrshire Council as planning authority.

Reason

To restrict the development to the terms of its justification/special need.

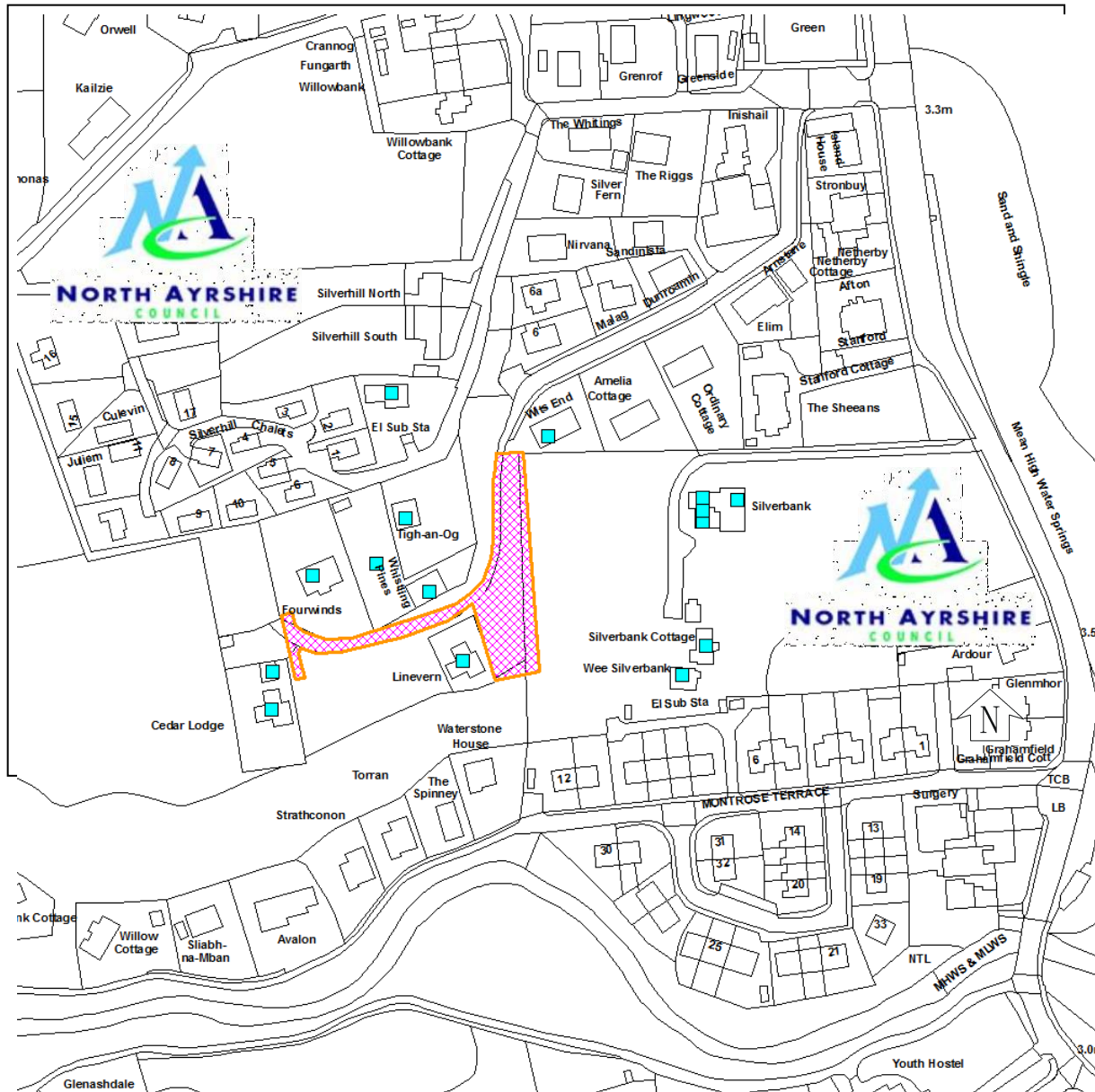
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Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Arran
Reference	18/00542/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	Plot 3 Greenhill Torbeg Blackwaterfoot Brodick Isle Of Arran
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Applicant	Ms Janis Murchie
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Proposal	Erection of 1 and 1/2 storey detached dwelling and separate single storey garage/workshop
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1. Description

This application is for the erection of a house on a site known as Plot 3 Greenhill in Torbeg, north of Blackwaterfoot. A separate application (18/00542/PP) has been submitted for Plot 5, some 41m south of this site.

Plot 3 is generally square shaped and extends to c.1430m² with a slight slope from northwest to southeast. It is overgrown by low brambles and the boundaries are enclosed by stob and wire fences and some low trees. The plot is in an elevated position approximately 350m to the north of the settlement boundary of Blackwaterfoot and 60m west of the A841 public road. It would be accessed by a private road from the A841, which currently serves three other properties. The plot is bounded by residential properties: Galena to the south, Feorline View to the south-east, Craigellachie to the east and Greenhill to the north-east; and by agricultural land to the west.

The proposal is for a four bedroomed detached dwellinghouse with a footprint of 123m²; it would be a one and a half storey pitched roof house, generally rectangular in plan, with a gabled single storey extension projecting to the front. There would be two pitched roof dormer extensions at wall-head height. The pitched roof would measure 4.4m to the eaves

and 7.8m high at the ridge. There would be upper and lower windows on both the south and north side elevations, and one wall-head dormer extension to the rear (north) roof slope. The building would be oriented east-west with the front of the house facing towards the Shiskine Valley to the west.

The front single storey extension would have a pitched roof perpendicular to the main house and measuring 3.4m high at the eaves and 5.7m at the ridge. It would have substantial front window. The house would be externally finished in rendered walls and roof slates with anthracite grey window frames and doors. There would be a small ground level timber deck around the north-west corner of the house.

There would be a detached 70m² double garage and workshop towards the north-west corner of the plot, 5.3m from the house. It would have a pitched roof 2.1m to the eaves and 4.8m high at the ridge and would be externally finished in timber cladding and roof slates.

The existing stob and wire fences and hedges around the boundary would be retained and a driveway surface would be formed to the front of the proposed garage.

To accompany the proposal the applicant has submitted a Design Statement and Landscape Capacity Evaluation.

The Landscape Capacity Evaluation identifies the site as being within an area characterised as Coastal Fringe with Agriculture and a Local Nature Conservation Site with no listed buildings, scheduled ancient monuments or archaeological sites within it. It states that the proposed house would sit comfortably and be easily and naturally contained within the local landscape context without breaking above the skyline when viewed from further afield. It concludes that, while the landscape character is of medium-high sensitivity, the development would not be highly visible given the relatively recent residential development nearby and would make a positive contribution to the overall rural landscape.

The Design Statement intends to demonstrate how the design developed to meet the client brief for a modern family dwelling with open internal spaces, natural light and a large window to the front to benefit from views across Shiskine Valley, while according with planning policy and the Rural Design Guidance. It identifies services, water and drainage connections to the site. It details that the siting towards the south of the plot is to maximise the open aspect out from the house while minimising potential overlooking of other properties. The Design Statement notes that no overall site layout exists with the various plots and does not adhere to any obvious building line.

The applicant states that it is not practical or desirable to base the design on the style of the existing neighbours which display a mixture of architectural styles and finishes. The applicant considers that these show no clear overall design or pattern and do not add to the North Ayrshire or Arran rural character. Contemporary styling and materials have therefore been used in conjunction with traditional elements such as roof slates to make a strong statement containing both rural and coastal character in accordance with the rural design guidance. The statement indicates that the design evolved around an active façade with large glazed areas synonymous of coastal design, therefore being place specific and maximising solar gain. It concludes that the dwelling is a bespoke design of massing and scale specific to its location but reminiscent of traditional Arran style one and a half storey dwellings. It concludes that the proposal reconciles contemporary design with the need for integration within its context.

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. It is in an area covered by the Machrie Moor to Shiskine Valley Site of Importance for Nature Conservation. The relevant policy considerations in the determination of the application are ENV 2 (Housing Development in the Countryside), ENV9 (Nature Conservation) and the General Policy. The Council's approved Rural Design Guidance is also material.

A field at Greenhill was split into five plots and planning permission was gained for houses on three of these, which are now on site. By the time that plots 3 and 5 were applied for in the early 1990's, the Isle of Arran Local Plan (1994) was then in place, and the land allocation of the area had been altered from 'rural settlement' to 'countryside.' The 1994 Plan did not support further housing in the countryside, unless it was to meet an identified need for an agricultural or forestry worker. The former Planning Authority, Cunninghame District Council therefore refused planning permission (01/93/612). A subsequent appeal against the refusal was dismissed by the Scottish Ministers in 1994 (P/PPA/SG/254).

The applicant then submitted a purchase notice for the land in 1995 to Cunninghame District Council where the notice was rejected. However an appeal to the Court of Session resulted in a requirement for the land to be purchased by the local authority, by this time, North Ayrshire Council. A Certificate of Appropriate Alternative Development (CAAD) was then applied for, which was the mechanism generally used to determine land values where an authority was to compulsorily purchase land, to establish if there were any developments for which planning permission may have been granted. The planning committee at the time refused the application and a CAAD was not issued meaning the land had no acceptable use. North Ayrshire Council thereafter purchased the land in 2007. The Council subsequently sold the two plots, in 2018, subject to planning permission being gained.

2. Consultations and Representations

The statutory neighbour notification procedures were carried out and the application was advertised in the local press on 22nd June 2018. Five objections and twenty support comments were received. The objections covered largely similar points, which are summarised below:

1: Previous planning history and precedent. The previous planning application and appeal refusals, reverse Compulsory Purchase, and issue by the Council of a Certificate of Appropriate Alternative Development indicate that while use of the plot(s) as garden ground was acceptable, residential development was not.

Response: Section 37 of the Town and Country Planning Act 1997 (as amended) governs that planning authorities should have regard to the development plan when making planning decisions. Each case must therefore be considered on its merits against the adopted LDP and any other material considerations. The principle of the development is supported under the current LDP.

2: The site has been sold by the Council, subject to planning permission being granted. The development is therefore a Local Authority Interest Development as defined in Planning Advice Note 82. A substantial body of objection has been received and the application therefore requires to be notified to Scottish Ministers in terms of the Town and Country

Planning (Notification of Applications) (Scotland) Direction 2007 for further consultation with objectors.

Response: The Direction referred to above was withdrawn and superseded by the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 which only contains the requirement to notify Scottish Ministers if an authority has an interest in a development proceeding and where the proposal involves a significant departure from the authority's own development plan. It is considered that the proposal complies with the current LDP. There is therefore no requirement to notify the decision to Scottish Ministers.

3: No Design Statement or Landscape Capacity Evaluation were submitted with the application as required by LDP Policy ENV2.

Response: Both documents have since been submitted and added to the planning case file. They are summarised in the previous section of this report.

4: The application form states that pre-application advice was given by a Planning Officer but no details are provided.

Response: Pre-application advice was provided at an early stage on the principle of the proposal, the Rural Design Guidance and Local Development Plan Policies. No detailed proposals were available at that stage.

5: Non-compliance with the Local Development Plan and draft LDP2 as the land is allocated countryside and is not an addition to a "well defined group of four or more houses". There are only three properties in the group. There is a precedent in the Council's assessment of a proposed group at Kings Cross, Whiting Bay (15/00601/PP).

Response: This matter is considered in the Analysis section of this report but it is considered that the development complies with Policy ENV2.

6: The development would not be sympathetic to the scale, form or character of the existing group. This, and the similar application for Plot 3, would create a suburban style cul-de-sac. The house is significantly larger than the existing properties and would be visually prominent to the detriment of the visual amenity of the surrounding countryside area. The buildings would have slate roofs rather than tiled as in the existing properties. The design is contrary to the Council's Rural Design Guidance as it would not integrate well with the existing developments on-site.

Response: Matters of design, scale etc. are considered in the Analysis section of this report.

7: The proposed garage would be easily capable of conversion to a further dwellinghouse. Use of the proposed workshop is undisclosed or whether any hazardous materials will be stored or used there

Response: The garage would be a domestic garage and workshop incidental to the purposes of the dwellinghouse only.

8: The proposal does not comply with Roads guidelines and there is no mention of whether Roads was consulted on the proposal. There would be insufficient lines of sight at the

junction. The private road access is co-owned by the existing owners and the neighbouring farmer to whom no approaches have been made. Consent is unlikely to be given for any improvements and any planning permission could not therefore be implemented. The new house(s) would also double vehicle provision and the associated maintenance burden on the road.

Response: NAC Active Travel and Transportation was consulted on the proposals and did not object subject to conditions. A Road Construction Consent would be required for any improvements. The applicant confirms that he has both the legal rights and the capability to provide sightlines and any other improvements required by NAC Active Travel and Transportation.

9: The site is in a Local Nature Conservation Site. There is no environmental information or details on wildlife habitats.

Response: The submitted Landscape Capacity Evaluation document provides some information in this regard. The site is relatively level and does not contain any trees, buildings or obvious potential roosts but a Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions.

10: Potential amenity impacts including: smells, waste or noise from the unspecified use of the workshop; potential for light pollution in an area totally dark at night; overlooking and overshadowing of the neighbouring property Galena.

Response: The proposed house would be sufficiently separate from neighbours to prevent adverse impacts on daylight or privacy. The garage/workshop would be in domestic use only and no additional street-lighting is proposed.

11: There is no information on provision of services to the house. The application states that waste water will go to the public sewer. There is no public sewer. There is no information from SEPA or Scottish Water on the proposal to add additional use to the communal septic tank.

Response: This point was clarified by the architect/agent. It is intended to utilise the common septic tank. A planning condition could be added to any permission regarding confirmation of details of this.

12: Lack of need for the development. The Council's proposed LDP2 rejected any growth of the settlement boundary of Blackwaterfoot thereby indicating that there is already sufficient supply of housing.

Response: The proposal is not for additional housing to expand Blackwaterfoot. The need or desire to live in a certain location is a matter for the individual. The proposal to expand an existing rural housing group is assessed in the Analysis section of this report.

SUPPORT

Twenty expressions of support for the proposal were received including from Arran Economic Group and from neighbouring land owners. The reasons given for support

include: that the proposals would help retain population on the island; there is a lack of affordable housing in the west of Arran; the house would be permanent family homes in full time occupation in an area of mostly second homes and holiday cottages; visibility splays at the junction can be easily achieved; and that one and a half storey houses are appropriate in the Arran landscape and the Rural Design Guidance supports design variations within rural housing groups.

Response: These points are noted although the personal circumstances of an applicant are not a material planning consideration.

CONSULTATIONS

NAC ACTIVE TRAVEL AND TRANSPORTATION: No objection subject to conditions. The private road would have to be brought up to adoptable standard and adequate sightlines provided at the junction with the public road. Roads Construction Consent would be required for these works.

Response: Appropriate planning conditions and informative notes could be applied to any permission regarding these matters. The applicant has indicated acceptance of such a condition.

SCOTTISH WATER: No objection. The development could be fed from Balmichael Water Treatment Works. There is no waste water infrastructure in the vicinity and a private treatment option would be required.

Response: An informative note could be applied to any permission advising the applicant to contact Scottish Water in this regard. The applicant states that an existing communal private septic tank, originally provided to serve all five proposed housing plots, is to be used.

3. Analysis

Section 37 of the Town and Country Planning Act 1997 (as amended) states that, in determining planning applications, Local Authorities shall have regard to the provisions of the development plan and to any other material considerations. The proposal therefore requires to be considered in terms of the adopted North Ayrshire Council Local Development Plan policies ENV 2(Housing Development in the Countryside), ENV9 (Nature Conservation) and the General Policy, as well as any other material planning considerations.

ENV2 permits small scale expansion of existing rural housing groups where listed criteria are satisfied but requires that approved developments should commence within 2 years to prevent land banking. The definition of a rural housing group in criterion (a) of Policy ENV2 is "a well-defined, nucleated group of 4 or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature, for example, a shared access."

There are three house (Tofts Knowe, Galena and Feorline View) accessed from the same private road as the proposed house. In addition, the neighbouring Greannan to the south, Craigellachie to the northeast, and Greenhill and Greenhill Cottage to the north are separately accessed. While the policy ENV2 identifies a common access as being one

identifier of a nucleated group, this is not the only consideration. By virtue of their proximity, the sharing of common boundaries and their setting within the landscape, particularly when viewed from distance against the visual backdrop of the hillside, the seven properties constitute a nucleated group which could be extended by up to 50% in terms of ENV2. Planning permission (12/00148/PP) for one further dwelling within the rear garden of Greenhill Cottage was previously approved in 2012 but was not implemented and has now lapsed and there would therefore be scope to add to the group.

This proposal relates to a plot which had historical outline approval and was delineated as a housing plot prior to the planning issues previously described and would not therefore physically extend the grouping any further into the countryside than at present. It is therefore considered to be a sympathetic addition in terms of ENV2 (a).

The proposals would not alter the route of the private road or positions of plots in relation to each other and is not suburban in character in terms of criterion (b); Similarly, the layout and access would not prejudice any future development opportunity in relation to (c); Roads did not object and their construction consent would be required in terms of (d); and the site is not within any defined Special Landscape Areas or the North Arran National Scenic Area in terms of (e). The proposal therefore complies with ENV2.

Policy ENV9 states that proposals which could affect Local Nature Conservation Sites will be assessed to ensure that appropriate measures are in place to conserve the site's wildlife or habitat interest. The site is relatively level with no trees or buildings within it and from a site visit, did not appear to provide any obvious significant wildlife habitats.

Notwithstanding, objections were raised in terms of impact on bat habitats. A Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions. The application therefore accords with ENV9.

The relevant criteria of the General Policy, (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character and (d) Access, Road Layout and Parking Provision are assessed as follows:

(a) The proposed house would be one and a half storey in scale and of a similar east-west orientation facing towards the road and Shiskine Valley as the majority of surrounding properties in the group. The scale and footprint of the building would be similar to the three immediately neighbouring properties, although potentially higher at the roof ridge than those properties. However, the ridge height would be similar to the previously approved house design south of Greenhill Cottage (12/00148/PP) and a site section was prepared which shows the proposed house marginally higher than the neighbouring properties. While the house would be sited further uphill (west) than the properties to the front (Feorline View and Craigellachie), the ridge height would not break above the skyline formed by the hillside when viewed from further outwith the immediate group. The garage, whilst further back within the plot, is lower at ridge height than the house and would not therefore sit higher against the hillside backdrop or above the skyline. There is some variety of style and scale within the group, from the two storey Greannan at the south to one and a half storeys with a prominent front 'box' dormer at Greenhill to the north of the group. All five of the original plots within the field are already delineated by boundary fences and hedges and this plot and the concurrent Plot 5 application 18/00541/PP, are the last two undeveloped. Taking all of these factors into account, it is therefore considered that the siting of the proposed house would be satisfactory.

The originally submitted design has since been amended to reduce roof massing and the scale of the front glazed extension and is considered appropriate to the surrounding properties and to its plot. The external appearance and proposed finishing materials of slate and white render, are also appropriate to the countryside setting although a planning condition should be applied to any permission requiring final details to be submitted for approval. The proposal therefore complies with criterion (a).

In terms of (b), occupants of the house would benefit from a good level of residential amenity arising from ample garden ground and views across the Shiskine Valley. The house would be 40m from Feorline View to the east, 23m from Galena to the south-east and 27m from Craigellachie to the east, which is at a lower level and across an intervening boundary hedge, which is acceptable and would be sufficient to avoid any significant adverse effects on privacy or available light to neighbouring houses. The proposed garage has been applied for as a domestic garage and workshop incidental to the house only, and separate planning permission would be required for any commercial use. It is therefore acceptable in terms of amenity.

With regards to (c) a Landscape Capacity Assessment was submitted with the application. It is agreed that there would be no significant adverse effect on the rural character of the area arising from the development.

In terms of (d), NAC Active Travel and Transportation did not object on road safety grounds. Private road improvement would be required prior to house occupation. The applicant has advised that she has both the legal right and the capacity to achieve such improvements and the proposal therefore accords with (d) and thus, with the General Policy as a whole.

In terms of the Rural Design Guidance, the house forms an acceptable extension to an existing rural housing group. The Guidance identifies that the most successful clusters comprise a group of buildings which are stylistically different and so give a more rural character while the less successful can be overly monolithic with the same house type repeated. In this case, it is not considered that the existing bungalows in the group are of particular architectural merit or representative of the rural Arran character and it is not therefore considered necessary to replicate their design. The contemporary design variations will add architectural interest to the group. Retention of appropriate stob and wire fencing and hedge boundaries will also help to retain rural character. Roof design has been amended to reduce massing and the introduction of wall-head dormers is an appropriate feature in the rural landscape. The proposal is therefore satisfactory in terms of the Rural Design Guidance.

In summary, the proposal is for a house on a previously delineated plot which accords with the relevant LDP policy considerations. The applicant has indicated that concerns raised by objectors in terms of access and servicing can be addressed and appropriate planning conditions and notes can be applied in respect of these matters. The previous planning history of the site is also noted but is not considered to be a material consideration which outweighs Section 37 of the Planning Act which requires that planning proposals be determined in accordance with the development plan currently in place.

It is therefore recommended that planning permission should be granted subject to the conditions and informative notes identified in this report. A direction should be added to the decision in terms of Policy ENV2 requiring that the development commences within 2 years.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority:

- Full details and/or samples of the proposed external finishes of the buildings;
- Full details of the proposed boundary enclosures; and
- Full details of the proposed drainage scheme for the site.

If approved, the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

2. That the private road, as detailed on the approved plan 1807/11 to include a passing place and visibility splays of 2.5m by 90m in both directions at the junction with the public road, shall be upgraded to adoptable standard prior to the occupation of the dwellinghouse hereby approved, to the satisfaction of North Ayrshire Council as planning authority. A road construction consent shall require to be obtained prior to the commencement of the development hereby approved, all to the satisfaction of North Ayrshire Council as planning authority

Reason

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

Condition

3. That the first 2 metres of the driveway access shall be hard surfaced in order to prevent loose material being carried onto the carriageway and shall be designed in such a way that no surface water shall issue from the access onto the carriageway, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

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

Condition

4. That, for the avoidance of doubt, the detached garage hereby approved shall be used for domestic purposes incidental to the enjoyment of the associated dwellinghouse only and for no other purpose.

Reason

In the interest of the amenity of the area.



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

29th August 2018

Planning Committee

Locality	Arran
Reference	18/00541/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	Ardrossan & Arran

Recommendation	Approved subject to Conditions
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Location	Plot 5 Greenhill Torbeg Blackwaterfoot Brodick Isle Of Arran
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Applicant	Mr Donald Murchie
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Proposal	Erection of detached 1 and 1/2 storey dwelling and separate single storey garage/workshop
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1. Description

This application is for the erection of a house on Plot 5 Greenhill in Torbeg, north of Blackwaterfoot. A separate application (18/00542/PP) seeks permission for the erection of a house at Plot 3, some 41m north of this site. Plot 5 is generally square shaped and extends to c.1250m². It is overgrown by low brambles and the boundaries are enclosed by stob and wire fences. The plot is in an elevated position approximately 275m to the north of the settlement boundary of Blackwaterfoot and 45m west of the A841 public road. It would be accessed by a private road from the A841, which currently serves three other properties. The plot is bounded by residential properties: Galena to the north, Tofts Knowe to the east, Feorline View to the north-east and Greannan to the south-east; and by agricultural land to the west and south.

The proposal is for a four bedroomed detached dwellinghouse with a footprint of 116m²; it would be a one and a half storey pitched roof house, rectangular in plan, with a gabled extension projecting 1.8m to the front. There would be two pitched roof dormer extensions at wall-head height on the front roof. The pitched roof would measure 3.9m to the eaves and 7.5m high at the ridge; there would be upper and lower windows on both the (seaward) west and (landward) east side elevations; and two wall-head dormer extensions to the rear

(north) roof slope. The building would be oriented north-south with the front of the house facing towards Blackwaterfoot.

The front extension would have a pitched roof perpendicular to the main house and would be 3.9m high at the eaves, level with the main roof, and 7.2m at the ridge. It would have large upper and lower windows and a central stone chimney feature terminating 200mm below the ridge of the main roof. The house would be externally finished in rendered walls and roof slates with anthracite grey windows and doors. There would be a small ground level timber deck around the south-west corner of the house.

There would be a detached double garage and workshop, measuring 70m², towards the north-west corner of the plot, 5m from the rear of the house. It would have a pitched roof 2.1m to the eaves and 4.8m high at the ridge and would be externally finished in timber cladding and roof slates. The existing stob and wire fences and hedges around the boundary would be retained and a driveway would be formed to the front of the proposed garage.

To accompany the proposal the applicant has submitted a Design Statement and Landscape Capacity Evaluation. The Landscape Capacity Evaluation identifies the site as being within an area characterised as Coastal Fringe with Agriculture and a Local Nature Conservation Site without any listed buildings, scheduled ancient monuments or archaeological sites within it. It states that the proposed house would sit comfortably and be easily and naturally contained within the local landscape context without breaking above the skyline when viewed from further afield. It concludes that, while the landscape character is of medium-high sensitivity, the development would not be highly visible given the relatively recent residential development nearby and would make a positive contribution to the overall rural landscape.

The Design Statement intends to demonstrate how the design has developed to meet the client brief for a modern family dwelling with open internal spaces, natural light and large glazed areas to benefit from views across Shiskine Valley, while according with planning policy and the Rural Design Guidance. It identifies services, water and drainage connections to the site. It details that the siting to the south of the plot is intended both to maximise views and to minimise overlooking of other properties while noting that no overall site layout exists with the various plots not adhering to any building line. Contemporary styling and materials are used in conjunction with traditional elements such as roof slates and pitches to make a strong statement containing both rural and coastal character in accordance with the aims of the Rural Design Guidance. The statement indicates that the design evolved around an active façade with large glazed areas synonymous of coastal design, therefore being place specific and maximising solar gain. It concludes that the dwelling is a bespoke design of massing and scale specific to its location which reconciles contemporary design with the need for integration within its context.

A sectional drawing, through the site, showing relative heights of the existing and proposed properties and road gradients was also submitted in support of the application.

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. It is in an area covered by the Machrie Moor to Shiskine Valley Site of Importance for Nature Conservation. The relevant policy considerations in the determination of the application are ENV 2 (Housing Development in the Countryside),

ENV9 (Nature Conservation) and the General Policy. The Council's approved Rural Design Guidance is also material.

A field at Greenhill was split into five plots and planning permission was gained for houses on three of these plots, which are now on site. By the time that plots 3 and 5 were applied for in the early 1990's, the Isle of Arran Local Plan (1994) was then in place, and the land allocation of the area had been altered from 'rural settlement' to 'countryside.' The 1994 Plan did not support further housing in the countryside, unless it was to meet an identified need for an agricultural or forestry worker. The former Planning Authority, Cunninghame District Council therefore refused planning permission (01/93/612). A subsequent appeal against the refusal was dismissed by the Scottish Ministers in 1994 (P/PPA/SG/254).

The applicant then submitted a purchase notice for the land in 1995 to Cunninghame District Council where the notice was rejected. However an appeal to the Court of Session resulted in a requirement for the land to be purchased by the local authority, which by that time, was North Ayrshire Council). A Certificate of Appropriate Alternative Development (CAAD) was then applied for, which was the mechanism generally used to determine land values where an authority was to compulsorily purchase land, to establish if there were any developments for which planning permission may have been granted. The planning committee at the time refused the application and the CAAD was not issued, which meant that the land had no acceptable use. North Ayrshire Council thereafter purchased the land in 2007. The Council subsequently sold the two plots, in 2018, subject to planning permission being gained.

2. Consultations and Representations

The statutory neighbour notification procedures were carried out and the application was advertised in the local press on 22nd June 2018. Five objections and twenty support comments were received. The objections covered largely similar points, which are summarised below:

1: Previous planning history and precedent. The previous planning application and appeal refusals, reverse Compulsory Purchase, and issue by the Council of a Certificate of Appropriate Alternative Development indicate that while use of the plot(s) as garden ground was acceptable, residential development was not.

Response: Section 37 of the Town and Country Planning Act 1997 (as amended) governs that planning authorities should have regard to the development plan when making planning decisions. Each case must therefore be considered on its merits against the adopted LDP and any other material considerations. The principle of the development is supported under the current LDP.

2: The site has been sold by the Council, subject to planning permission being granted. The development is therefore a Local Authority Interest Development as defined in Planning Advice Note 82. A substantial body of objection has been received and the application therefore requires to be notified to Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007 for further consultation with objectors.

Response: The Direction referred to above was withdrawn and superseded by the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 which only

contains the requirement to notify Scottish Ministers if an authority has an interest in a development proceeding and where the proposal involves a significant departure from the authority's own development plan. It is considered that the proposal complies with the current LDP. There is therefore no requirement to notify the decision to Scottish Ministers.

3: No Design Statement or Landscape Capacity Evaluation were submitted with the application as required by LDP Policy ENV2.

Response: Both documents have since been submitted and added to the planning case file. They are summarised in the previous section of this report.

4: The application form states that pre-application advice was given by a Planning Officer but no details are provided.

Response: Pre-application advice was provided at an early stage on the principle of the proposal, the Rural Design Guidance and what Local Development Plan Policies might be relevant. No detailed proposals were available at that stage.

5: Non-compliance with the Local Development Plan and draft LDP2 as the land is allocated countryside and is not an addition to a "well defined group of four or more houses". There are only three properties in the group. There is a precedent in the Council's assessment of a proposed group at Kings Cross, Whiting Bay (15/00601/PP).

Response: This matter is considered in the Analysis section of this report but it is considered that the development complies with Policy ENV2.

6: The development would not be sympathetic to the scale, form or character of the existing group. This, and the similar application for Plot 3, would create a suburban style cul-de-sac. The house is significantly larger than the existing properties and would be visually prominent to the detriment of the visual amenity of the surrounding countryside area. The buildings would have slate roofs rather than tiled as in the existing properties. The design is contrary to the Council's Rural Design Guidance as it would not integrate well with the existing developments on-site.

Response: Matters of design, scale etc. are considered in the Analysis section of this report.

7: The proposed garage would be easily capable of conversion to a further dwellinghouse. Use of the proposed workshop is undisclosed or whether any hazardous materials will be stored or used there

Response: The garage has been applied for as a domestic garage and workshop incidental to the purposes of the dwellinghouse only. Planning permission would be required for any change of use to form a separate dwelling or commercial premises and any future proposals would require to be assessed on their own merits.

8: The proposal does not comply with Roads guidelines and there is no mention of whether roads were consulted on the proposal. There would be insufficient lines of sight at the junction. The private road access is co-owned by the existing owners and the neighbouring farmer to whom no approaches have been made. Consent is unlikely to be given for any improvements and any planning permission could not therefore be implemented. The new

house(s) would also double vehicle provision and the associated maintenance burden on the road.

Response: NAC Active Travel and Transportation was consulted on the proposals and did not object subject to conditions. A Road Construction Consent would be required for any improvements. The applicant confirms that he has both the legal rights and the capability to provide sightlines and any other improvements required.

9: The site is in a Local Nature Conservation Site. There is no environmental information or details on wildlife habitats.

Response: The submitted Landscape Capacity Evaluation document provides some information in this regard. The site is relatively level and does not contain any trees, buildings or obvious potential roosts but a Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions.

10: Potential amenity impacts including: smells, waste or noise from the unspecified use of the workshop; potential for light pollution in an area totally dark at night; overlooking and overshadowing of the neighbouring property Galena.

Response: The proposed house would be sufficiently separate from neighbours to prevent adverse impacts on daylight or privacy. The garage/workshop would be in domestic use only and no additional street-lighting is proposed.

11: There is no information on provision of services to the house. The application states that waste water will go to the public sewer. There is no public sewer. There is no information from SEPA or Scottish Water on the proposal to add additional use to the communal septic tank.

Response: This point was clarified by the architect/agent. It is intended to utilise the common septic tank. A planning condition could be added to any permission regarding confirmation of details of this.

12: Lack of need for the development. The Council's proposed LDP2 rejected any growth of the settlement boundary of Blackwaterfoot thereby indicating that there is already sufficient supply of housing.

Response: The proposal is not for additional housing to expand Blackwaterfoot. The need or desire to live in a certain location is a matter for the individual. The proposal to expand an existing rural housing group is assessed in the Analysis section of this report.

SUPPORT

Twenty expressions of support for the proposal were received including from Arran Economic Group and from neighbouring land owners. The reasons given for support include: that the proposals would help retain population on the island; there is a lack of affordable housing in the west of Arran; the house would be permanent family homes in full time occupation in an area of mostly second homes and holiday cottages; visibility splays at the junction can be easily achieved; and that one and a half storey houses are appropriate in

the Arran landscape and the Rural Design Guidance supports design variations within rural housing groups.

Response: These points are noted although the personal circumstances of an applicant are not a material planning consideration.

NAC ACTIVE TRAVEL AND TRANSPORTATION: No objection subject to conditions. The private road would have to be brought up to adoptable standard and adequate sightlines provided at the junction with the public road. Roads Construction Consent would be required for these works.

Response: Appropriate planning conditions and informative notes could be applied to any permission regarding these matters. The applicant has indicated acceptance of such a condition.

SCOTTISH WATER: No objection. The development could be fed from Balmichael Water Treatment Works. There is no waste water infrastructure in the vicinity and a private treatment option would be required.

Response: An informative note could be applied to any permission advising the applicant to contact Scottish Water in this regard. The applicant states that an existing communal private septic tank, originally provided to serve all five proposed housing plots, is to be used.

3. Analysis

Section 37 of the Town and Country Planning Act 1997 (as amended) states that, in determining planning applications, Local Authorities shall have regard to the provisions of the development plan and to any other material considerations. The proposal therefore requires to be considered in terms of the adopted North Ayrshire Council Local Development Plan policies ENV 2(Housing Development in the Countryside), ENV9 (Nature Conservation) and the General Policy, as well as any other material planning considerations.

ENV2 permits small scale expansion of existing rural housing groups where listed criteria are satisfied but requires that approved developments should commence within 2 years to prevent land banking. The definition of a rural housing group in criterion (a) of Policy ENV2 is "a well-defined, nucleated group of 4 or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature, for example, a shared access."

There are three houses (Tofts Knowe, Galena and Feorline View) accessed from the same private road as the proposed house. In addition, the neighbouring Greannan to the south, Craigellachie to the northeast, and Greenhill and Greenhill Cottage to the north are separately accessed. While the policy ENV2 identifies a common access as being one identifier of a nucleated group, this is not the only consideration. By virtue of their proximity, the sharing of common boundaries and their setting within the landscape, particularly when viewed from distance against the visual backdrop of the hillside, the seven properties constitute a nucleated group which could be extended by up to 50% in terms of ENV2. Planning permission (12/00148/PP) for one further dwelling within the rear garden of

Greenhill Cottage was previously approved in 2012 but was not implemented and has now lapsed and there would therefore be scope to add to the group.

This proposal relates to a plot which had historical outline approval and was delineated as a housing plot prior to the planning issues previously described and it would not therefore physically extend the grouping any further into the countryside than at present. It is therefore considered to be a sympathetic addition in terms of ENV2 (a).

The proposals would not alter the route of the private road or positions of plots in relation to each other and is not suburban in character in terms of criterion (b); Similarly, the layout and access would not prejudice any future development opportunity in relation to (c); Roads did not object and the construction consent would be required in terms of (d); and the site is not within any defined Special Landscape Areas, National Scenic Area etc. in terms of (e). The proposal therefore complies with ENV2.

Policy ENV9 states that proposals which could affect Local Nature Conservation Sites will be assessed to ensure that appropriate measures are in place to conserve the sites wildlife or habitat interest. The site is relatively level with no trees or buildings within it and from a site visit, did not appear to provide any obvious significant wildlife habitats. Notwithstanding, objections were raised in terms of impact on bat habitats. A Bat Roost Potential survey was conducted in response to the objections. The report indicated no concerns over habitats and did not recommend any required actions. The application therefore accords with ENV9.

The relevant criteria of the General Policy, (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character and (d) Access, Road Layout and Parking Provision are assessed as follows:

(a) The proposed house would be one and a half storey in scale and angled within its plot, to take advantage of the views and solar gain, and given its location at the end of the cluster, would not be out of character with the existing houses. The scale and footprint of the building would be similar to the three immediately neighbouring properties, although potentially higher at the roof ridge than those properties. The ridge height would be similar to the previously approved, though unimplemented, house south of Greenhill Cottage (12/00148/PP) and a site section was prepared which shows the proposed house marginally higher than the neighbouring Galena. While the house would be sited further uphill (west) than the properties to the front (Tofts Knowe and Feorline View), the ridge height would not break above the skyline formed by the hillside when viewed from further outwith the immediate group. The garage whilst further back within the plot is lower at ridge height than the house and would not therefore sit higher against the hillside backdrop or above the skyline. There is some variety of styles and scale within the group, from the two storey Greannan at the south to one and a half storeys with a prominent front 'box' dormer at Greenhill to the north of the group. All five of the original plots within the field are already delineated by boundary fences and hedges and this plot (and the concurrent Plot 3 application 18/00542/PP) are the last two unbuilt. Taking all of these factors into account, it is therefore considered that the siting of the proposed house would be satisfactory.

The originally submitted design has since been amended to reduce roof massing and the scale of the front glazed extension and is considered appropriate to the surrounding properties and to its plot; the external appearance and proposed finishing materials (slate and white render) are also appropriate to the countryside setting although a planning

condition should be applied to any permission requiring final details to be submitted for approval. The proposal therefore complies with criterion (a).

In terms of (b), occupants of the house would benefit from a good level of residential amenity arising from ample garden ground and views towards Blackwaterfoot and across the Shiskine Valley. The house would be 19m from Tofts Knowe to the east and 33m from Galena to the north, which is acceptable and would be sufficient to avoid any significant adverse effects on privacy or available light to neighbouring houses. The proposed garage would be a domestic garage and workshop incidental to the house only. It is therefore acceptable in terms of amenity.

With regards to (c) a Landscape Capacity Assessment was submitted with the application. It is agreed that there would be no significant adverse effect on the rural character of the area arising from the development.

In terms of (d), NAC Active Travel and Transportation did not object on road safety grounds. Private road improvement would be required prior to house occupation. The applicant has advised that he has the legal right and capacity to achieve such improvements and the proposal therefore accords with (d) and thus, with the General Policy as a whole.

In terms of the Rural Design Guidance, the house forms an acceptable extension to an existing rural housing group. The Guidance identifies that the most successful clusters comprise a group of buildings which are stylistically different and so give a more rural character while the less successful can be overly monolithic with the same house type repeated. In this case, it is not considered that the existing bungalows in the group are of particular architectural merit or representative of the rural Arran character and it is not therefore considered necessary to replicate their design. The contemporary design variations will add architectural interest to the group. Retention of appropriate stob and wire fencing and hedge boundaries will also help to retain rural character. Roof design has been amended to reduce massing and the introduction of wall-head dormers is an appropriate feature in the rural landscape. The proposal is therefore satisfactory in terms of the Rural Design Guidance.

In summary, the proposal is for a house on a previously delineated plot which accords with the relevant LDP policy considerations. The previous planning history of the site was investigated and is not considered to be a material consideration which outweighs the requirements of S.37 of the Planning Act that planning proposals be determined in accordance with the development plan currently in place.

It is therefore recommended that planning permission should be granted subject to the conditions and informative notes identified in this report. A direction should be added to the decision in terms of Policy ENV2 requiring that the development commences within 2 years.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority:

- Full details and/or samples of the proposed external finishes of the buildings;
- Full details of the proposed boundary enclosures; and
- Full details of the proposed drainage scheme for the site.

If approved, the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

2. That the private road, as detailed on the approved plan 1807/11 to include a passing place and visibility splays of 2.5m by 90m in both directions at the junction with the public road, shall be upgraded to adoptable standard prior to the occupation of the dwellinghouse hereby approved, to the satisfaction of North Ayrshire Council as planning authority. A road construction consent shall require to be obtained prior to the commencement of the development hereby approved, all to the satisfaction of North Ayrshire Council as planning authority

Reason

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

Condition

3. That the first 2 metres of the driveway access shall be hard surfaced in order to prevent loose material being carried onto the carriageway and shall be designed in Such a way that no surface water shall issue from the access onto the carriageway, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

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

Condition

4. That, for the avoidance of doubt, the detached garage hereby approved shall be used for domestic purposes incidental to the enjoyment of the associated dwellinghouse only and for no other purpose.

Reason

In the interest of the amenity of the area.



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

29th August 2018

Planning Committee

Locality	Irvine
Reference	18/00522/PPM
Application Registered	11th June 2018
Decision Due	11th October 2018
Ward	Irvine West

Recommendation	Approved subject to Conditions
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Location	East Park Quarry Road Irvine Ayrshire
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Applicant	Hub SW/North Ayrshire Council
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Proposal	Provision of sports/leisure facilities to include: erection of building to accommodate indoor artificial pitch; erection of changing rooms (linked to existing building from phase 1); the formation of an external all-weather sports pitch and 3 no. tennis courts, to include associated boundary enclosures; the erection of a storage building; the formation of a 750m cycling loop together with associated car parking provision, SuDs and drainage infrastructure and the demolition of an existing workshop building
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1. Description

Planning permission is sought to develop new sports and leisure facilities at the recreation ground, East Park, adjacent to Quarry Road in Irvine. The proposal comprises a number of elements which are described below:

Erection of building to accommodate indoor artificial pitch

The indoor artificial pitch would measure 61m x 43m within a building of 67m x 49m on plan. The building would feature a PVC fabric roof membrane supported on a curved frame. The unheated building would be large enough to accommodate a single football pitch which could be sub-divided using a motorised curtain to form two smaller pitches. 1.2m rebound walls would be formed around the inside edge of the building, leaving a margin of approx.

4m to the touchline. The overall height of the building would be 14.5m, with 5.5m to eaves. The external walls below eaves height would be finished using a metal cladding system.

Erection of changing rooms

Known as the 'Hub' building, and accommodating the changing rooms and plant, this would adjoin the south elevation of the new office building which was recently completed by the Council. The offices are occupied by KA Leisure and North Ayrshire Council. The changing rooms would be single storey and designed/finished to match the office building, featuring a mono-pitch roof feature at the south west corner. The dual-pitched roof covering the majority of the building would be concealed with a parapet wall, giving the impression of a flat roof with hidden rainwater gutters. External finishes would consist of buff coloured brickwork and grey/silver wall panels. Although joined to the office building, a separate pedestrian access from the car park leading into the hub building would be provided in addition to an internal link. Pedestrian walkways would lead from the east side of the hub building to the sports pitches.

The formation of an external all-weather sports pitch and 3 no. tennis courts

The proposed full size all-weather pitch, 90m x 45m with 3m run-off areas around the perimeter, would be provided to the east of the indoor pitch. There would also be a spectator viewing area, 3m wide, to the west of the pitch beyond the run-off area. The tennis courts would be to the north. The pitch and the tennis courts would have artificial playing surfaces and would be enclosed with their own separate boundary fencing, both with a green mesh design 5m in height. External floodlighting, directed only at the pitch and onto the courts, is also proposed.

The erection of a storage building

It is proposed to erect a small storage building immediately to the north of the indoor pitch. The building would be used to store cycles and a mechanical path/road sweeper. The building would be clad using similar grey/silver wall panels as are proposed for the hub building, with a buff brick base course. The mono-pitched roof would be concealed by a parapet wall, total height 5m. Two roller doors would face west onto a new length of access track.

The formation of a 750m cycling loop

It is proposed to form a cycling loop towards the northern part of the site, which would be positioned a minimum of 6m from the boundary of the bowling club. The track would be surfaced in tarmac. It would follow the existing ground levels and would be approximately 4.5m in width. The track would be edged with grass, as per the existing ground surface. A 2m wide emergency access path leading from Quarry Road to the cycle loop is also proposed. This would be accessed through a gate.

Associated car parking provision, SuDs and drainage infrastructure and the demolition of an existing workshop building

The existing 16 space car park at the site serving the office building would be expanded by 92 spaces to provide a total of 108 spaces. To facilitate this, a vacant workshop building would be demolished. Several yard areas and boundary fencing would also require to be cleared. The SuDS infrastructure would include a SuDS detention basin sited between the tennis courts and the cycling loop. Surface water would be collected through a system of underground pipework, routed to the SuDs detention basin and attenuated, then discharged to the existing surface water drainage system serving the park.

It should also be noted that an area of grass for a full size football pitch would be re-lined on land to the south of the cycling loop and east of the proposed outdoor artificial pitch.

The site itself consists of largely level ground, with brownfield land to the west adjacent to the Phase 1 office development. The bulk of the site consists of maintained grassland, typically used for playing fields during the football season. There are no notable topographic features within the parkland area. The northwest edge of the site is defined by a row of cherry trees adjacent to Quarry Road. The eastern part of the site backs onto Woodlands Avenue, with a community centre, bowling green, convenience store/takeaway, play area, changing rooms and Woodlands Primary School adjoining, or within close proximity of, the site boundary. There are residential properties on the opposite side of both Woodlands Avenue and Quarry Road, with a large residential area beyond. To the south is the former greyhound racing track, which is largely overgrown, as well as a further area of parkland with several sports pitches. To the southwest are a series of yards and single storey buildings at the edge of Irvine town centre.

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

Pre Application Consultation (PAC) Report

To accompany a major planning application, a statutory pre-application consultation report is required. The submitted report indicates that a public consultation event took place at Irvine Library, High St, Irvine on 17th April 2018. Advance publicity, including adverts in local newspapers and a leaflet drop of 600 homes and businesses in the vicinity of the site, was undertaken. 31 comments were received as a result of the event, all of which have been addressed in the PAC report. The main issues raised by members of the public related to transport, traffic and parking; maintaining open access to the remaining greenspace (park); flooding issues on the site; affordability and booking; the scope of the facilities proposed. The report concludes that the public response to the proposals were mostly favourable and the issues raised have been addressed, as far as practicable and appropriate, in the submitted planning application.

Design and Access Statement

The statement outlines the various elements contained in the proposal and explains how the design team sought to address the project. Emphasis has been placed on ensuring the development provides an inclusive environment for all, that sustainable energy use would be incorporated into all aspects of the development and that, visually, the development would relate well to the phase one office development that was recently completed.

Transport Assessment

The study considers the opportunities available for the promotion of active travel and public transport, noting that the site is well located with a large walk-in and cycle catchment, with existing public transport nearby (including Quarry Road itself). The study also examines the potential traffic generation and junction capacity, concluding that the proposed parking provision and junction design would be adequate to accommodate vehicular traffic arising from the development without modification to the local road network. Discussion of the potential need for a pedestrian crossing on Quarry Road is also provided, noting that such a facility would be desirable although not essential.

Drainage Assessment

A detailed assessment of the drainage conditions at the site both existing and proposed is provided. The study sets out a strategy for dealing with the drainage arising from the

proposed development, noting that all foul flows would be discharged to the existing public sewer and that surface water flows would be connected to an existing surface water culvert following treatment and attenuation via a SuDS system. The existing culvert below the site would be diverted and re-laid as part of the proposed development.

Flood Risk Assessment

The flood maps for the area indicates that there is some risk of surface water flooding at the site. It is understood that this is caused by the effects of rainfall on the relatively impermeable (ie. clay) upper level soils. Lower level soils are understood to be more porous. The land is drained to the Minister's Cast Culvert, which passes through the residential area to the north before discharging to the River Irvine. The assessment outlines that risks would be reduced through proposed drainage improvements and attenuation on the site, although highlights potential capacity constraints within the culvert further downstream. The report concludes that the proposed development would not increase the risk of flooding downstream.

Ecological Impact Assessment and Bat Survey

The reports highlight that surveys of the site were undertaken to determine the presence of any protected species on the site as well as considering the ecological impacts of the proposed development. Given that the site consists of either amenity grassland, with small areas of unmown grass, or brownfield industrial land, the report concludes that there would be no significant effects on local ecology and that no protected species or habitats were found during the survey.

Ground Investigation Report (including Coal Mining Risk Assessment)

The report provides data and subsequent analysis arising from intrusive site investigation, covering a variety of issues such as potential contamination, ground bearing capacity, historic coal workings, etc. The report concludes with recommendations in respect of foundation design.

Planning Supporting Statement

The supporting statement summarises the various elements of the proposal and provides a review against national planning policy and local development plan policies. The statement concludes that the proposed development would accord with planning policy for the area.

The bulk of the application site is identified as an area of protected open space in terms of the adopted North Ayrshire Council Local Development Plan (2014). A small part of the site covers an industrial allocation (IND 3), reflecting historic industrial use. Policy ENV 12 (development of open space) applies to the open space. Other relevant policies include PI 1 (walking, cycling and public transport), PI 8 (drainage and flooding), PI 13 (carbon emissions and new buildings) and the General Policy.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, which included an advertisement in a local newspaper. Two letters of representation have been received, one of which objects to the proposal, whilst the other made a request for minor amendments. In addition, a number of consultations were undertaken.

Objection:

1. No consideration has been given to parking for East Road and Quarry Road, causing problems for traffic, existing local businesses, public transport and residents in the area.

Response: Not agreed. The application site would provide parking for an additional 92 cars, is within walking distance of public transport and walking distance of existing residential areas. No objection has been received from the Council's Active Travel and Transport Officer. See Analysis, below.

2. The greyhound track would be destroyed by the development instead of being turned into a nature reserve.

Response: The boundary of the application site does not include the former greyhound track, which is to the south of the proposed development site.

3. A lot of the football pitches will be lost and there are plenty of rugby pitches already at Marress without one included in the application.

Response: There is no rugby pitch proposed. The proposals would improve existing provision by creating indoor and outdoor all-weather playing facilities, as well as improved drainage for much of the site. An area of grass would be retained and relined for a full size football pitch to the east of the development, and the smaller grass pitches to the south would also be retained.

4. No provision has been made for indoor bowling or badminton.

Response: Noted. There is not any indoor bowling or badminton on the site at present.

5. The cycling track would be too small for Fullarton Wheelers and cycling groups.

Response: The proposed cycling track has been the subject of consultation with the national cycling organisation, Cycle Scotland, during the design phase of the project. This consultation process resulted in a number of changes, including the provision of several internal loops within the proposed track. In addition, sportscotland, the national agency for the promotion of sport, has no objection to the proposal.

6. The remaining football pitches are left flooded for most of the rain season and are unsuitable.

Response: As noted above, the proposal would improve the drainage arrangements for much of the parkland, as well as providing an indoor pitch and outdoor artificial pitch for year round use.

Representation:

1. The proposed 750m cycle track would be very close to the boundary with the bowling club, who already have problems with bottles and cans being thrown over the hedge. It is considered that this problem would become worse as a result of the development.

Response: An amended site plan (drawing 210 revision E) has been submitted to relocate the cycle track further away from the boundary with the bowling club in order to deter anti-social behaviour of this type. In the amended site plan, the track would be fully 6m away from the bowling club boundary.

2. The new boundary fence could cause a problem for the upkeep of the hedge at the bowling club. The Council are responsible for the upkeep of the park side of the hedge - will they still be able to do this as a result of the proposed cycle track?

Response: As illustrated on drawing 210 revision E, the relocated position of the cycle track at a greater distance from the boundary with the bowling club would enable ongoing maintenance of the park side of the hedge.

Consultations

Irvine Community Council - no objections. Members expressed concerns about potential traffic generation in Quarry Road and surrounding areas and noted that there would need to be sufficient parking to stop people parking on Quarry Road. It was also noted that there would be no indoor bowling facility and that the cycle track would be reduced from 1km to 750m. Whilst this was an opportunity to provide facilities other than football, this has not been done.

Response: Noted. Parking proposals were subject to consultation with NAC Active Travel and Transport who has no objection to the proposed level of provision (see below). The scope of the facilities to be provided is not a material planning consideration although it is noted that there would be provision for tennis, cycling and football within the development.

NAC Active Travel and Transport - no objections subject to conditions regarding various matters relating to road, parking and path surfaces, a permit for any pedestrian crossing of Quarry Road that may be deemed necessary, cycle parking and the need for construction consent.

Response: A pedestrian crossing has been proposed and could be provided on Quarry Road as part of the development. Road construction consent (RCC) issues can be dealt with by informatives rather than planning conditions. The matters raised regarding surface finishes have been addressed through the submission of an amended site plan. There are presently 32 cycle parking spaces serving Phase 1. In the application, 16 additional cycle parking spaces are proposed taking the total at the site to 48.

NAC Environmental Health - no objections. A number of environmental protection and public health matters have been raised, all of which have been sent to the applicant's agent for their information/action during any future construction and engineering operations.

Response: Noted.

NAC Flooding Officer - no objections subject to clarification of a number of matters relating to floor levels, land raising, overland flow, additional drainage information, diversion of existing land drainage encountered during construction, and the impact of the proposed development on the 'Minister's Cast' culvert.

Response: A detailed response to the above points has been provided by the applicant's consulting engineer, which addresses the matters raised to the satisfaction of Planning Services. Any outstanding drainage issues would be subject to further discussion and agreement prior to the commencement of drainage works on site. A condition to this effect could be attached to any grant of consent.

SEPA - no objections and recommend consultation with the Council's flooding officer. It is also recommended that a condition be attached prohibiting the construction of buildings on top of active drains or culverts.

Response: Noted. A comprehensive drainage strategy for the site has been proposed as part of the development, which will involve renewal of existing surface water drainage, diversion of existing drainage and the introduction of SuDS. An appropriate condition would address this concern.

Scottish Water - no objections. There is capacity within the public water supply and waste water treatment plants serving the site. There are Scottish Water assets within the site. The applicant should contact Scottish Water to discuss their technical requirements.

Response: An informative could be attached to any grant of consent.

sportscotland - no objections. Recommends full size football pitch dimensions of 100m x 60m plus a safety margin of 3m run-offs on each side. This enables greater flexibility for full size pitches to be divided for smaller format games. Whilst the proposed pitches fall within the minimum FIFA dimensions, it is recommended these be reviewed and extended wherever possible for more effective use. There is the potential for the playing field area adjacent to the site to be affected during the construction period, and a condition is requested in relation to this. Careful planning will be needed to ensure existing users can continue to access pitch space during this time. Based on the above understanding, there will be an overall increase in pitches and playing surfaces at the site which will deliver increased playing capacity as a result of the proposals.

Response: The applicant's agent has discussed the proposed dimensions for the outdoor pitch with sportscotland and agreement has been reached on the outcome. Whilst the proposed pitch would be slightly smaller than that recommended, sportscotland has expressed satisfaction with the proposal. A condition to safeguard an area equivalent to the size of an existing full size grass pitch during construction of the proposed development could be attached. There are also several small pitches at the south end of the park which would not be affected by the proposed development due to their greater distance away.

The Coal Authority - no objections. Note that site investigations have taken place and concludes that the site is considered satisfactory from a mineral support aspect.

Response: Noted

West of Scotland Archaeology Service - no substantive archaeological issues raised as the site is partially disturbed already.

Response: Noted.

NAC Access Officer, Strathclyde Partnership for Transport (SPT) - no comments.

3. Analysis

The application requires to be determined in accordance with the provisions of the development plan, being the adopted North Ayrshire Council Local Development Plan (LDP).

As noted above, the bulk of the application site is identified as an area of protected open space in terms of the adopted LDP. A small part of the site covers an industrial allocation (IND 3), reflecting historic industrial use. Policy ENV 12 (development of open space) applies to the open space. Other relevant policies include PI 1 (walking, cycling and public transport), PI 8 (drainage and flooding), PI 10 (community infrastructure), PI 13 (carbon emissions and new buildings) and the General Policy.

Policy IND 3 refers to proposals for Class 4, 5 and 6 developments within the areas allocated for such purposes, of which the western part of the site is one (Quarry Road). Policy IND 3 supports the development of such proposals in these areas, but does not preclude against other uses. Over the past few years, the Council has worked with local businesses to secure alternative locations in order to safeguard employment. The loss of a marginal area of allocated industrial land is not considered to be significant in terms of the overall supply. The proposal relates to a sports and leisure development, which would support the regeneration of the area. As such, the proposal is not considered contrary to Policy IND 3.

In terms of Policy ENV 12, development of land identified as protected leisure and open space shall not accord with the LDP unless a range of criteria can be satisfied. In response, the following observations have been made:

(1) (a) The existing fields are adversely affected by seasonal weather conditions, waterlogging, sub-standard changing facilities and there is no floodlighting. It is therefore considered that the proposal would significantly improve the quality and range of outdoor recreation and physical activity facilities in the area. Tennis courts and a cycling loop would be new facilities not currently provided for at Quarry Road and the new outdoor pitch would have an all-weather surface for use throughout the year. The proposed floodlighting would further add to the potential hours of use.

(b) Any loss of usable open space would be compensated for through the provision of enhanced all-weather facilities.

Criterion (2) relates to proposals for uses other than outdoor leisure or physical activity and is therefore not applicable to this proposal.

(3) The proposed development would not unacceptably impact upon the recreational value of the active open space available in the locality, but would enhance it. A significant area of land beyond the site boundary would remain available for walking, running and informal recreation, including ball games.

As the proposed development would enhance the quality, function and playing capacity of the facility, criterion (4) is not relevant to this application.

In summary, the proposed development would be acceptable in terms of Policy ENV 12.

Policy PI 1 (walking, cycling and public transport) aims to ensure that all proposals which will result in significant trip generation demonstrates that account has been taken of the needs of walkers, cyclists and public transport users. The proposal is supported by a transport assessment which considers these issues in detail. The planning application includes an extension to the existing car park (an additional 92 spaces). A total of 32 cycle parking facilities are already available for use at the Phase 1 office development and an additional 16 are proposed. Public transport is available on Quarry Road itself and also nearby at Burns Street/High Street which can be reached in around 5 minutes walking time. There is also a large walk-in catchment population surrounding the site. A pedestrian crossing facility is proposed on Quarry Road to assist local residents reach the site. Overall, the application has addressed the relevant transport issues and is considered to be accepted in terms of Policy PI 1.

In respect of Policy PI 8 (drainage and flooding), the proposal is supported by a comprehensive drainage strategy and flood risk assessment. The development would result in improved management of surface water run-off through the use of Sustainable Drainage Systems (SuDS) and the implementation of the measures identified in the submitted flood risk assessment, drainage strategy and landscaping plan. Various measures would be adopted to manage the eventual discharge of surface water run-off. A condition could be attached with respect to drainage to ensure the submitted scheme is certified by a suitably qualified person.

Policy PI 13 (carbon emissions and new buildings) requires that all new buildings must reduce their CO2 emissions above or in line with building standards. The proposal includes commentary on these issues and is satisfactory in this regard.

In terms of the General Policy, the relevant criteria are (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character, (d) Access, road layout, parking provision and (e) Water and Sewerage.

(a) Siting, design and external appearance would be acceptable, resulting in a new and distinctive contemporary architectural form within the parkland area. The buildings would be visible primarily from Quarry Road and Woodlands Avenue, and to a far lesser extent from Bank Street. The car park and buildings would be located at a significant distance from the nearest housing. A condition could be attached with regard to the submission of a final schedule of external finishes to be used on the buildings within the development.

(b) In terms of the impact on amenity, the development of the parkland area would be mitigated through the use of tree planting along the spine of the site and its southern boundary. Existing trees on Quarry Road would be retained, further mitigating the visual impacts and filtering views. The built developments within the proposal would be more distant from Woodlands Avenue and would not have any significant impacts on outlook.

There would be no loss of daylight or sunlight to neighbouring residential areas arising from the proposed development. Noise impacts would be attenuated by the distance of the main facilities from the nearest housing, whilst noting that the site is already a long established site for outdoor sports.

The proposed floodlighting would extend the hours of operation for the use of the recreation facilities. However, as noted above, the distance from the nearest residential areas would be several hundred metres, thereby providing noise attenuation through the separation

distance. In addition, the submitted lighting design would involve the use of LED lamps directed onto the playing surfaces only.

Overall, whilst there would be a loss of openness within the parkland arising from buildings, the enclosure of land and the potential for more activity during hours of darkness, the impact on local amenity would be acceptable given the overall improvement in the facilities available for public use. As noted above, a substantial area of open space would remain.

(c) Landscape character would not be affected as the site is wholly within an urban area.

(d) NAC Transportation offered no objection to the proposal on the grounds of car parking provision and transport links.

(e) Waste water from the buildings would be discharged to the public sewer. A condition requiring the certification of the surface water drainage details could be imposed.

In summary, the proposal is considered acceptable in terms of the General Policy.

Turning to other material considerations, it is noted that the proposed development would deliver significant regeneration benefits for Irvine through the provision of all-weather sports and leisure facilities. It is considered that the enhanced facilities would promote far greater use of the park on an all year round basis for health and fitness purposes, which would benefit both the local community and the wider North Ayrshire area. The proposal would also deliver regeneration benefits to the town in terms of visitor expenditure on local services. As such, the proposal would contribute to the Council Plan priorities "growing our economy, increasing employment and regenerating towns" and "supporting all of our people to stay safe, healthy and active."

It is therefore recommended that the application is granted, subject to the conditions outlined above.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Condition

1. That, for the duration of the land engineering and construction operations hereby approved, an area of ground within the site equivalent to the size of an existing full size grass pitch shall be retained for public use at all times, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In the interests of continued sports and leisure provision within the area during engineering and construction operations.

Condition

2. That, prior to the commencement of any land drainage works hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015), and that the site would be drained in accordance with the details contained in the submitted Flood Risk Assessment, Drainage Strategy and Landscaping Proposals. Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the proper planning of the area.

Condition

3. That, prior to commencing the construction of the buildings hereby approved, the applicant/agent shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used.

Reason

In the interest of the amenity of the area.

Condition

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

Reason

In the interest of the amenity of the area.

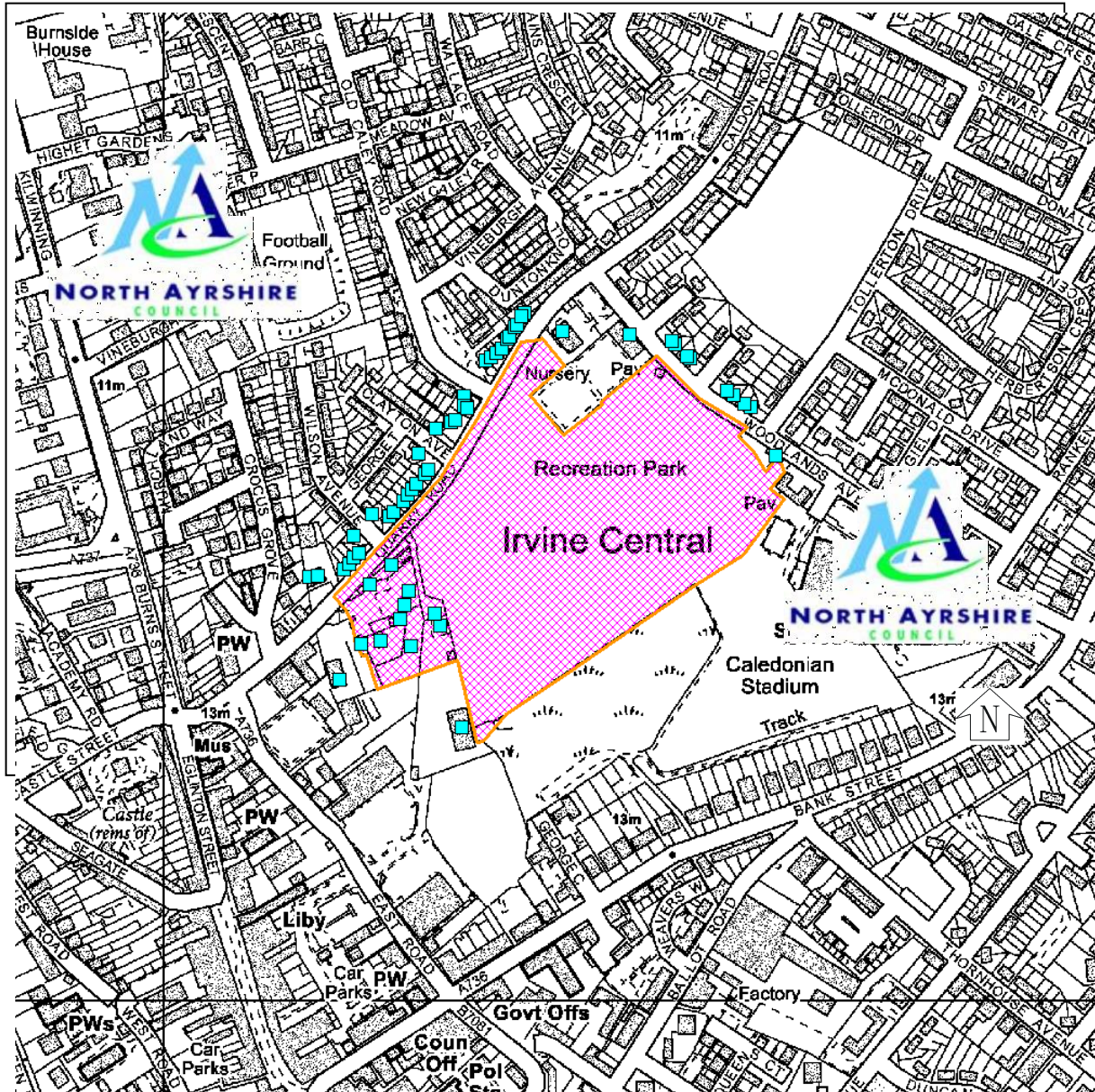


Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Irvine
Reference	18/00466/PPM
Application Registered	25th May 2018
Decision Due	25th September 2018
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Dundonald Links Ayr Road Irvine Ayrshire KA11 5AB
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Applicant	Loch Lomond Golf Club
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Proposal	Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2 and 3 of planning permission in principle ref. 15/00705/PPPM
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1. Description

Planning permission is sought to vary three of the conditions attached to planning permission in principle (ref. 15/00705/PPPM) for housing development and visitor accommodation at Dundonald Links Golf Course, near Irvine. The consent was granted as an enabling development for a new clubhouse and visitor accommodation block, neither of which have yet been built.

The application was for Planning permission in principle for a major residential development and visitor accommodation at Dundonald Links Golf Course, Ayr Road, Irvine. The application site, which comprises of approximately 32 hectares, is located approximately 3km south west of Irvine town centre on land to the west of Ayr Road, midway between the Three Stanes roundabout and Meadowhead roundabout. The site is bounded by the Dundonald Links Golf Course to the west and north, Ayr Road (A737) and the Irvine bypass (A78) to the east and agricultural smallholdings to the south (see attached location plan).

The application site is within the boundary of the Dundonald Links Golf Course, which was constructed during the early 2000s. The site is generally level although there are undulations formed by sand dunes and earthworks. Although the site is extensively wooded

along its eastern edge adjacent to Ayr Road, the majority of the land has the typical character of a coastal plain heath landscape, historically used for agriculture but disturbed by earthworks during the construction of the golf course. Fragments of the original field boundaries remain visible although most of the site is now colonised by grasses and heathers typical of the coastal plain. With the exception of the existing access road, car park and club house, the site lies outwith the functional parts of the golf course.

Planning permission is sought to vary three of the conditions. The first two conditions relate to the timing of the submission of technical studies in advance of considering the first matters specified in conditions (MSC) application for the development. The technical studies relate to archaeology and sustainable drainage. The third condition sets out the need for a detailed masterplan and development brief.

It is proposed that, instead of submitting the two technical studies and masterplan in advance, they would all be submitted together along with the first application for MSC. The applicants would provide the same information as previously required, but using a more efficient method to achieve the same outcome.

The application site relates to an area of land adjacent to the Dundonald Links golf course, to the south of Irvine, measuring some 32ha. The site is bounded on the west and north by the golf course itself; to the east by the A737 Irvine - Gailes - Meadowhead road, beyond which is the A78 Irvine bypass, and to the south by an area of smallholdings accessed from Auchengate Crescent.

The site is allocated for open space purposes in terms of Policy ENV 12 of the adopted Local Development Plan. Planning permission (ref. 15/00705/PPPM) remains extant. The consent for the clubhouse has been renewed during 2018 (ref. 18/00465/PP).

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures which included an advertisement in a local newspaper. No representations have been received.

No consultations required to be undertaken.

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 an enabling housing and visitor accommodation development on the site in order to secure a new clubhouse at Dundonald Links has been established through the grant of planning permission in principle in February 2016. As well as securing the funding necessary to construct the clubhouse, the development was justified on the basis of its significant economic benefit to the area, including the provision of high quality housing within a golf course setting. The total number of houses within the development is limited by a condition of the extant consent to 45. It is not proposed to amend this figure.

The applicant's agent has advised that progress towards the implementation of the development has been delayed due to factors relating to finance and timing, principally in relation to essential upgrading and maintenance works required at the applicants' other golf course at Loch Lomond. The supporting information highlights that "to be in a position to maximise the chances of securing investors to deliver the development, there is a requirement to renew the extant consents, particularly the residential consent which provides the enabling capital for the new clubhouse.... and to present an attractive investment opportunity."

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 increase the time available to secure investment and funding in the lead up to the development. Thereafter, the planning process would be streamlined as a number of matters would be submitted for approval concurrently, rather than in separate stages. 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. There would be no material change to the permission in principle granted in February 2016, with the same maximum number of housing units as previously agreed (45).

It is recommended that planning permission is approved, which would include the proposed amendments to conditions 1 - 3 as well as the previously attached conditions. This 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 submission of 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 3, 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

In recognition of the archaeological significance of the site.

Condition

2. That along with the submission of 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 SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. 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 ensure that an appropriate SuDS strategy is prepared and implemented.

Condition

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

- the means of access to the site, including multi-user link(s) to public transport at Ayr Road;
- the development layout;
- the housing designs for the development;
- structural landscaping including earthworks to mitigate road noise from the A78 and industry;
- areas of open space;
- areas for children's play and
- phasing.

For the avoidance of doubt, the maximum number of housing units within the development hereby approved shall not exceed 45. In addition, the housing development area shall be limited to the land generally to the south of the replacement clubhouse consented under the terms of planning permission ref. 15/00558/PP.

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

4. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution shall be obtained before the development is commenced.

Reason

In order that these matters can be considered in detail.

Condition

5. That application(s) for the approval of matters specified in conditions (MSC) shall include details of the noise mitigation measures in accordance with PAN 1/2011 'Planning and Noise' and the associated Technical Advice Note (TAN) - 'Assessment of Noise'. The assessment shall take into account all noise related details contained in the consultation response of Environmental Health dated 9th December 2015. Thereafter, the findings arising from the noise impact assessment as may be approved shall be implemented prior to any of the houses being occupied to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of amenity of the development.

Condition

6. That application(s) for the approval of matters specified in conditions (MSC) shall include measures to implement the findings and recommendations of the Extended Phase 1 Habitat Survey prepared by Energised Environments Ltd dated October 2015. Thereafter, the development shall be implemented only in accordance with the measures as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In the interests of nature conservation.

Condition

7. That application(s) for the approval of matters specified in conditions (MSC) shall include a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the completion or occupation of the development, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

Condition

8. That visibility splays of 4.5m x 215m shall be provided and maintained on land within the applicant's control, such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of road safety.

Condition

9. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development 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, an Arboricultural Impact Assessment 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

In the interests of nature conservation and amenity.

Condition

10. That, during the implementation of the development hereby approved, all recommendations contained within the report titled "Residential Development - Dundonald Links, Geo-Environmental Desk Study Report" by Fairhurst, Report No. 111895 and dated November 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of Environmental Health.

Condition

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

Reason

To meet the requirements of Environmental Health.

Condition

12. That the clubhouse, as previously approved under the terms of planning permission ref. 18/00465/PP, shall be erected to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the housing development hereby approved, unless otherwise agreed in writing.

Reason

To reflect that the housing development is to act as enabling development for the improvement of the facilities at the golf course.

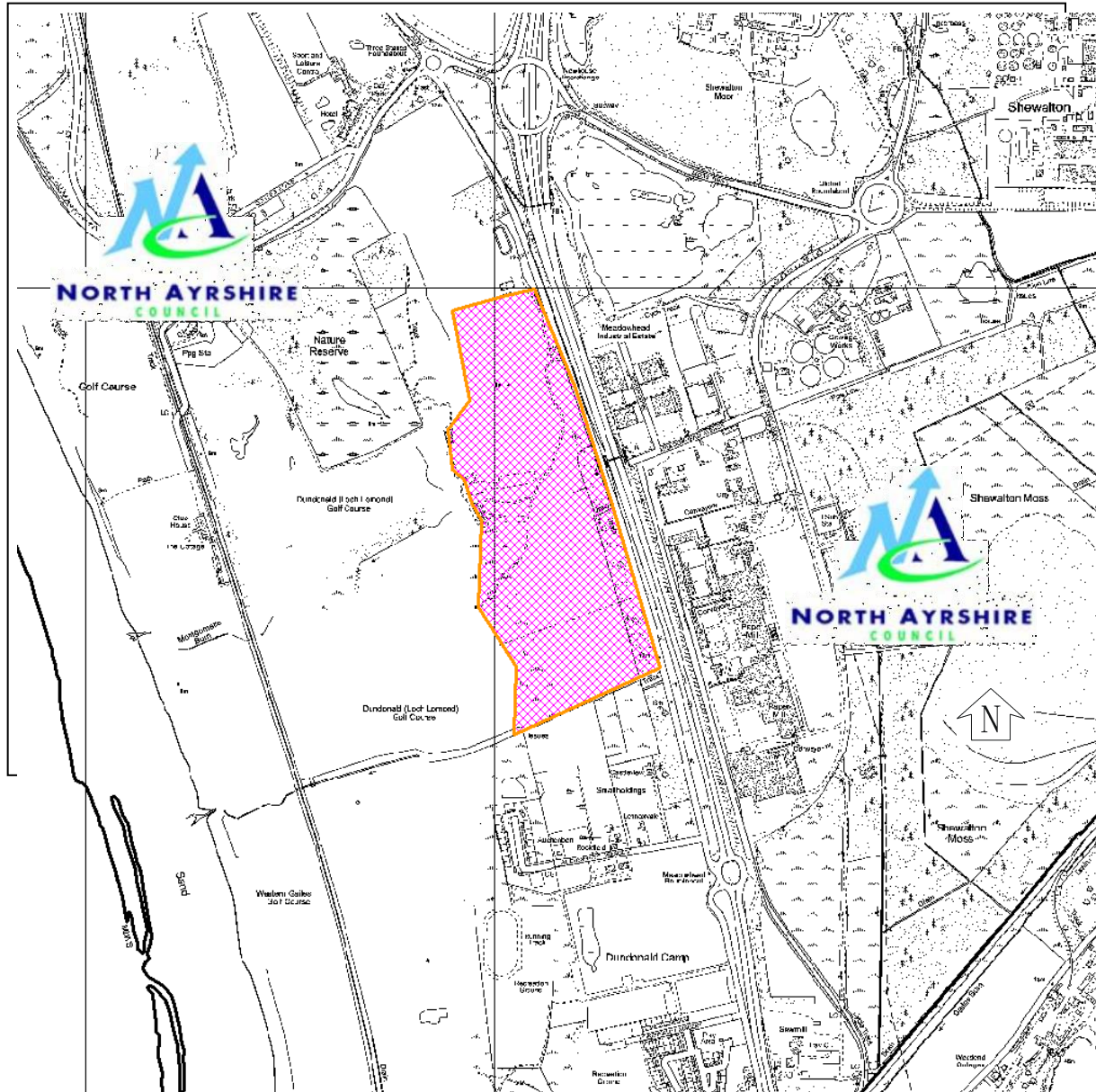


Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL
Planning Committee

Locality	North Coast
Reference	18/00518/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	48 Gallowgate Street Largs Ayrshire KA30 8LX
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Applicant	Stephen McDonald
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Proposal	Extension of outdoor seating area (In retrospect)
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1. Description

This retrospective application seeks permission for the formation of an external seating area within the recently refurbished public space, at Gallowgate Square, Largs. The applicant indicates that the existing seating area has been in situ for over 10 years. This proposal would therefore seek to regularise the full seating area.

The seating area is located to the west of the existing licensed premises at 48 Gallowgate Street, Largs. The area extends to some 11.9 metres in length and 3metres in depth. The seating area would be sited approximately 3 metres from front face of the main building, known as 'Room'.

The proposed operating hours are 12am to 9pm, Monday to Sunday. The application site is located within a town centre allocation, Policy TC1 of the Local Development Plan (LDP), and is located in a mixed use area. The main consideration would be compliance with the General Policy of the LDP, where criteria (a), (b) and (d) would be most relevant.

2. Consultations and Representations

The application was subject to the standard neighbour notification and was advertised in the local press on 20 June 2018. Three letters of objection were received, and one letter of support, raising the following concerns:

1. This seating area has existed without planning consent for a number of years and following refurbishment of the square the applicant has extended his outside area up 50%. The proposed extension makes the area too large and dominates the square.

Response: The applicant has indicated that a seating area has existed in this area since 1993. This application would seek to regularise the use and meet the applicant's needs.

2. The existing barriers around the seating area contain advertisements for which there is no consent.

Response: Noted. A condition could be applied requiring details of a suitable barrier system, in keeping with the area. The applicant could also be required to apply for advertisement consent for the existing barrier advertisements.

3. The proposed operating hours are inappropriate and would cause disturbance. The square should be used for its original purpose and not for the extension of licensed premises to the detriment of other businesses. The design of the square was based on all three businesses currently seeking outside space having an equal amount of space. The application should be delayed to allow review over the next year.

Response: In the context of the adjoining premises fronting onto Gallowgate Square, the proposed operating hours have been established to be acceptable, given the sites location within the town centre. The applicant has chosen to restrict the operating hours to 9pm. This restriction would ensure that there would not be any significant detriment to the amenity of the residents in the area. NAC Transportation has not objected to the proposal.

4. It is noted that the applicant has recently reduced the site area to the previous dimensions.

Response: Noted

In support

1. This application is supporting jobs/businesses in Largs. The applicant owns this strip of land. Also, the adjoining outdoor seating areas did not take up their full allocation of space/seats, previously indicated by the Council, so the over-all useage is not greater than first envisaged.

Response: Noted

NAC Transportation - No objections.

Response - Noted.

Largs Community Council - The area occupied by the applicant should not exceed the areas currently approved for occupation as seating areas by other two businesses adjacent to the Square (Post Office and Anchor Inn), in the interest of fairness and equity. The

seating area should only be in front of the red sandstone building in the Square and not be situated outside the building immediately to the south, which has living accommodation on the upper floor. The maximum permitted hours should be limited from 11.00 am to 8.00 pm. All seating, tables, barriers and umbrellas should be removed from the square outwith these hours. It is noted the current barriers contain prominent advertising. The Community Council considers that if the applicant wishes to continue to use these, they should apply for advertising consent.

Conditions should be applied with regard to marking the corners of the site to define the scope of the planning permission and further definition of poles and ropes whilst the area is in use.

Response - The proposed area is larger than the areas which have recently been approved for both the Post Office and the Anchor Inn, but the size of area proposes reflects the scale of the premises and its use. There would be no obstruction to the flat above. The hours of operation would be appropriate, as noted above. The current advertisements on the barriers do not have consent and the applicant will be encouraged to submit alternative proposals for the enclosures which would enable proper assessment. A condition could be applied to ensure that the seating area is clearly defined. Removable poles would be required to address the conditions of any Licence as such further details regarding their scale and design could be controlled through condition.

3. Analysis

Policy TC1 of the Local Development Plan permits a variety of uses which are considered to be acceptable, including public houses. This proposal, as an extension of the public house floorspace, is acceptable in principle. Policy TC1 also requires that developments of a type likely to give rise to noise and disturbance should not be located so as to give rise to a concentration of such uses in close proximity where this could adversely affect the vitality and visual amenity of the locality. In this regard it should be noted that a number of planning applications have been granted within the immediate area for outdoor seating areas, subject to conditions which restrict the hours of operation and the presence of any external heating or lighting within the enclosed area, thereby mitigating any noise or disturbance which might arise from the use of the area.

Whilst it is considered that the outdoor seating area would have a positive impact on the amenity, vitality and viability of the area, which is close to the promenade, conditions with regard to defining the seating area would deliver effective controls in the interests of the amenity of the area. It is considered that the proposed development satisfies the relevant criteria of Policy TC1.

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

In relation to criterion (a) the scale of the proposed area, some 36 square metres, is considered to be an acceptable form of extension to the existing licensed premises, given that some 24 square metres of that area has been in use for a period in excess of 10 years. In the context of the square, and neighbouring units which have also been granted planning consent for seating areas, the proposal is reflective of the scale of the premises and would

ensure the remainder of the square, some 280 square metres, would be retained for informal use or events. Whilst the current barrier system, without advertisements, would be acceptable, a condition to require details of any proposed enclosures and definition of the site on the square would address this matter. In order to avoid clutter within the area and also in relation to criterion (b), amenity, a condition could also preclude external heaters and lighting within the area.

In relation to criterion (b), in addition to the measures described in (a) above, the applicant has confirmed that it is his intention to operate between the hours of 11am and 9pm, Monday to Sunday, and that a condition would be acceptable to restrict the use to these times unless otherwise agreed in writing. It is noted that the recent consent for the outdoor seating area, for the adjacent public house, is restricted to 8pm, which met that applicant's specific requirements.

Criterion (d) requires development proposals to have regard to North Ayrshire Council's Roads Development Guidelines. In this particular case NAC Transportation has raised no objections to the proposals. As the proposal would be located on the edge of the square there would not be any significant impact on the free movement of pedestrians.

It is advised that discussions are ongoing between the applicant, and North Ayrshire Council's Licensing and Estates with regard to the barriers, use, and controls, where events are held in the square. Any proposed license and lease for the site would address these matters.

In view of the above, it is considered that the proposed development can be considered acceptable against the terms of Policy TC1 and the General Policy of the Local Development Plan and planning permission can be granted, subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the seating area shall at all times be enclosed by a suitably designed removable barrier, full details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt no artificial lighting or individually sited heating systems shall be provided within the outdoor seating area.

Reason

In the interest of the amenity of the area.

Condition

2. That the maximum permitted hours of operation of the outdoor seating area shall be between 1100 and 2100 hours on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. The seating together with any tables, umbrellas, associated posts and barriers shall be removed from the square outwith these hours and at all times when the premises are closed to customers

Reason

In the interest of the amenity of the area.

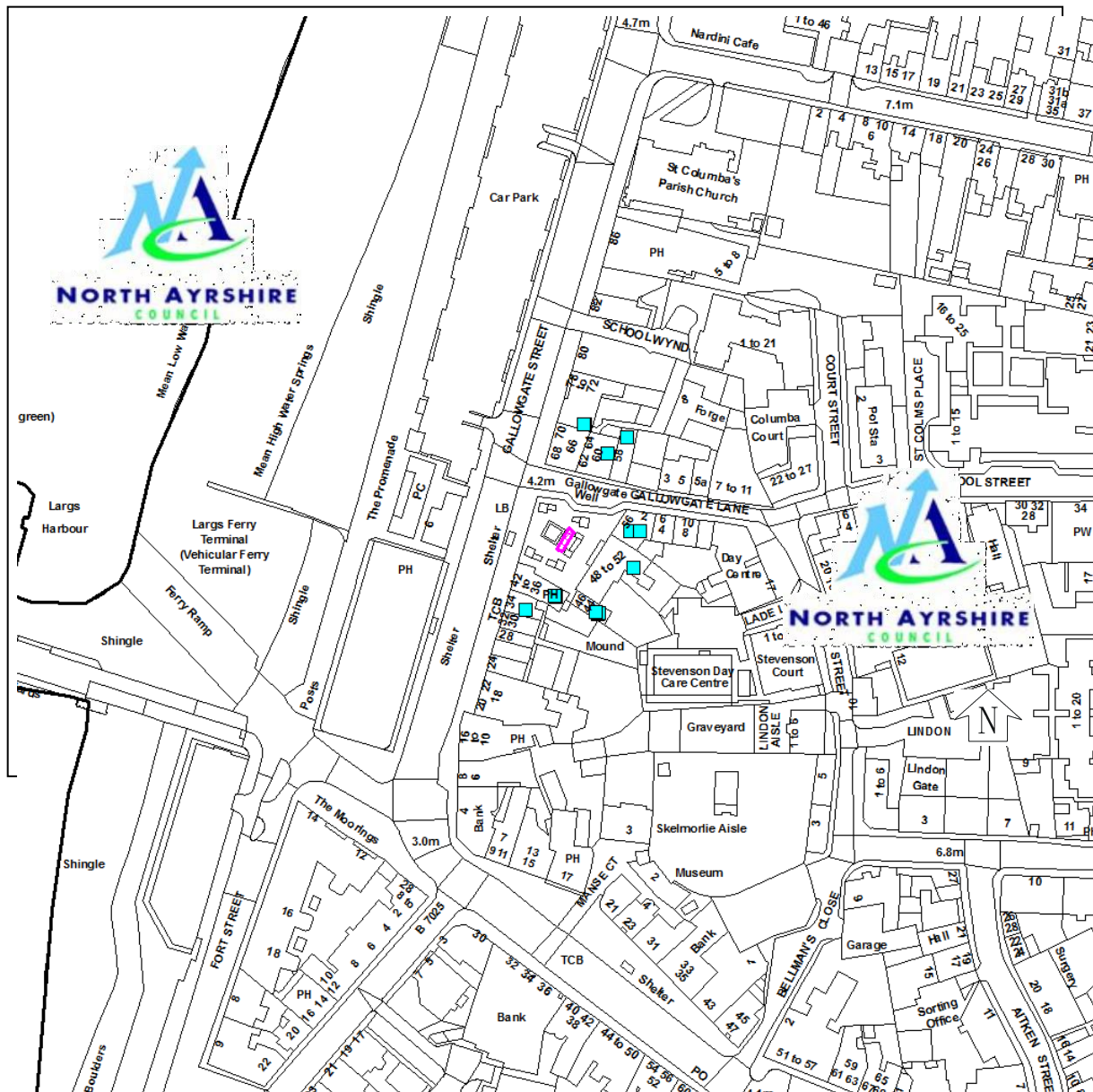
A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

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
Planning Committee

Locality	North Coast and Cumbraes
Reference	18/00393/PPPM
Application Registered	1st May 2018
Decision Due	1st September 2018
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Site To South East Of 41 Tarbert Avenue West Kilbride Ayrshire
Applicant	Mr Robert MacMillan
Proposal	Planning permission in principle for residential development

1. Description

Planning permission in principle is sought for a residential development at Lawhill Farm, West Kilbride. The 2.5 hectares application site is located to the east of Tarbert Avenue. The site is bounded by residential properties to the north and west and countryside to the south and east (see attached location plan). Access would be taken from Craufurd Avenue.

The application seeks Planning Permission in Principle and is considered to be a "major" development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site exceeds 2 hectares. The proposal has been subject to pre-application discussions with Officers. The proposal falls within the category of "major" development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, pre-application consultation (PAC) was required, and a notice (ref. 17/01301/PREAPM) was submitted on 9th December 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 Community Centre on 8th February 2018 between 2pm and 7pm. A PAC report has been prepared and submitted

with the proposal. 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 24 members of the public, or representatives for interested bodies, attended the event. 7 comments were provided at the event as follows:

- Concerns regarding infrastructure to accommodate the development i.e. doctors, school
- The need for housing
- A play park should be provided within the development
- Supportive of the proposals and affordable housing
- Concerns regarding overlooking

The PAC report responds to each point and concludes that the applicant is encouraged by support for the development and that having analysed the responses, does not consider that any changes to the submission are necessary, as the proposal is a Planning Permission in Principle.

Supporting Planning Statement

The planning statement summarises the background to the site and the LDP RES4 (Affordable Housing) allocation. The report indicates that the site has been allocated through the LDP process and any potential landscape impacts have been accepted. The report also states the complexities of the site and refers to the Flood Risk Assessment regarding any potential impacts on existing housing.

Landscape Visual Impact Assessment (LVIA)

The applicant submitted a LVIA previously provided in 2012 for the LDP. The document 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 concludes that development should be kept off higher ground below the 110m contour, landscape buffers should be used at higher areas to limit visual impact. Pedestrian and cycle links should be developed on site into the existing network and detailed topographical information should be used in order to design road systems and housing layout to ensure best fit within the landscape.

Flood Risk Assessment

The applicant submitted a Flood Risk Assessment previously provided in 2012 for the LDP. The applicant has resubmitted this document advising that no significant change to the area has taken place since the original reporting date to the LDP and, with the proposed development area now significantly reduced, indicates that the conclusions to the report remain pertinent. The original report concluded that there are no major water courses close to the site although three streams flow through or along the site boundary. The report states that the site is not at risk from flooding but there is risk that development of the site would result in water run off. A suitable attenuation feature, possibly SUDS, would require careful design to ensure water is discharged into local watercourses at a greenfield rate. Any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged.

In the adopted Local Development Plan (LDP) the application site is allocated for affordable housing, where Policy Res 4 (Affordable Housing) applies. In terms of Policy Res 4, the site has an indicative capacity of 70 units. Policy PI 1 relates to the promotion of active travel, which is relevant due to the scale of the development and its potential to be a significant trip generator. Policy PI 8 deals with drainage, SuDS and flooding, which is relevant due to the scale of the project. 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.

Planning Permission in Principle was refused on 8th August 2016 for a larger residential development incorporating this site and land to the south. A subsequent appeal to the Scottish Ministers against the Council's decision was dismissed.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, and advertised in the local press on 9th May 2018 for the purposes of neighbour notification. Seven letters of objection were received, which can be summarised as follows:

1. The siting of the SuDS pond and play area, in close proximity, is cause for concern. The development also poses a flooding risk with respect to connections to the existing drainage network which are at capacity.

Response: The submitted layout is indicative only and not approved. The detail would be addressed within any subsequent application for Matters Specified in Conditions (MSC). The Flood Risk Assessment submitted in support of the development has been assessed by both SEPA and the Council's Flooding Officer, both of whom offer no objections, subject to conditions (see consultation response below). Detailed drainage and water attenuation features could be addressed as part of a detailed application.

2. The proposal would result in development in the Countryside and would impact on the landscape setting of West Kilbride. The proposal would be contrary to the General Policy and Policy ENV 2. Planning permission was previously refused for development at this site. There is no need for further housing in West Kilbride.

Response: The Local Development Plan requires to allocate sufficient land to meet need and demand for housing over the 10 year period following adoption. The land supply provides a range of sites in a variety of locations to meet the anticipated need and demand. Within West Kilbride this allocation includes Ardrossan Road, Seamill (124 units), Ardrossan High Road, West Kilbride (30 units) and Lawhill Farm, West Kilbride (70 affordable housing units). The LDP has been subject to consultation and review by the Scottish Government Reporters who determined that the site is suitable for the development. Through the LDP process, the selection of land for future housing development is carefully considered, taking into account a range of criteria including factors such as sustainability, infrastructure, settlement patterns, transportation, landscape and visual impact. The site has been allocated for housing and as such the proposal complies with the LDP. The previous refusal related to a larger site incorporating land to the south. This proposal now aligns with the existing LDP allocation.

3. There are insufficient services and infrastructure within West Kilbride to accommodate this development which would have an impact on schools, dentists and doctors' surgeries. The existing road network is unable to cope with this additional road traffic.

Response: During the course of the LDP process, consultations with NAC Transportation, service providers, and NAC Education did not raise any objections to the proposal.

4. Any housing within this site would impact on the privacy and amenity of existing residents.

Response: Details of both the siting and design of the housing are yet to be confirmed and would be subject to separate assessment. The indicative layout is not approved.

Consultations

NAC Transportation - No objection. The internal road layout to be designed in accordance with the requirements of Designing Streets and local road guidance.

Response: Noted. A condition could be applied requiring further details of the road layout, design and geometry.

SEPA - No objection.

Response: Noted.

NAC Flooding Officer - no objection subject to the applicant providing a water and drainage assessment and further information regarding proposed SuDS, surface water drainage, maintenance and installation programme.

Response: Noted. Conditions could be applied in this regard.

NAC Education - Education confirm that a total of 70 units have been included in the roll projection for West Kilbride Primary School, St Peter's PS, Ardrossan Academy and St Matthew's Academy.

Response: Noted.

NAC Housing Services - does not object to the provision of affordable housing on this site. The site is included within the Strategic Housing Investment Plan 2018 - 2023.

Response: Noted.

West of Scotland Archaeology - Although the Historic Environment Record database does not record the presence of any features from within the boundaries of the plot of ground proposed for development, sufficient sites have been identified from the area surrounding it to suggest that it is likely to have some potential to produce significant sub-surface archaeological material. West of Scotland Archaeology, therefore, recommends that a condition be applied requiring the implementation of a programme of archaeological works in association with a written scheme of investigation.

Response: A condition could be applied in this regard.

NAC Environmental Health - no objections subject to conditions ensuring that any unsuspected contamination is investigated and remediated and that any increased road traffic shall not have a detrimental effect on air quality such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. Restrictions on

noise from construction, disposal of waste materials and noise from generators should be applied.

Response: Conditions and informatives to meet the requirements of Environmental Health could be attached to any grant of planning permission.

West Kilbride Community Council (WKCC) - WKCC consider that this development should go ahead as soon as possible, as this is what the village has been requesting of the housing market. The only observations to be made would be that the surrounding roads already adopted by the Council will, in the event of the development going ahead, be subject to increased traffic both during construction and thereafter and drainage from the site should be controlled adequately.

Response: Noted. The traffic and transport issues associated with the proposed development have been assessed by the Council's Transportation Officers, who offer no objections, subject to conditions. Similarly, the design of any drainage and surface water attenuation would be subject to conditions.

Scottish Water - No objections. There is sufficient water and foul drainage capacity. The developer should contact Scottish Water with respect to any proposals to connect surface water into the combined sewer system.

Response: Noted. The developer would be advised to discuss their proposals with Scottish Water.

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. The application seeks planning permission in principle for residential development. 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. The proposed development would contribute to this strategic aim. The proposal requires to be considered in terms of LDP policies RES 4, PI1 and PI8.

In terms of Policy RES 4 the site is allocated for affordable housing with an indicative capacity of 70 units. The applicant has provided a conceptual masterplan which illustrates that access would be provided from Craufurd Avenue and to illustrate the potential layout for the development of 50 units on the site. Further detail is required with respect to the design and layout of the access and housing, but the principle of affordable housing on the site could be supported, which for the avoidance of doubt, can be addressed by a condition restricting the type of residential development on the site. The applicant has indicated that the site would be developed by a Registered Social Landlord. The proposal would comply with Policy RES 4.

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 previously been submitted with the LDP allocation and considered the various issues and methods to promote active travel, use of public transport and impact on the road network.

The assessment considered 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 the site is well located for ensuring the provision of multi-user links to West Kilbride.

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 close to the site. The report states that the site is not at risk from flooding but there is risk that development of the site would result in water run off. A suitable attenuation feature would require careful design to ensure water is discharged into local watercourses at a greenfield rate and any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged. Both NAC Flooding and SEPA have not raised any objections and the design of drainage features could be addressed by condition.

In relation to the General Policy of the LDP the applicant has provided an indicative layout which proposes the main vehicular and pedestrian access from Craufurd Avenue with a potential density of 50 units arranged around a circular road. As an application for Planning Permission in Principle, the indicative masterplan is not approved, and matters regarding the siting, design, orientation, amenity and parking would be considered as part of further details applications. NAC Transportation has not objected to the principle of creating an access from Craufurd Avenue.

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.

There are no other material considerations at this stage. As noted above, conditions could be imposed to address concerns regarding the detailed design of the proposals as well as the provision of surface drainage. Accordingly, it is recommended that planning permission in principle is granted for this welcome addition to the affordable housing land supply in North Ayrshire.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the submission of 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 3, 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

2. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a water and drainage assessment shall be for the approval of North Ayrshire Council as Planning Authority which actions all relevant recommendations of the Flood Risk Assessment. The water and drainage assessment shall demonstrate that:

- (i) the development will not be at high medium or low likelihood of flooding or will increase the likelihood of flooding elsewhere;
- (ii) run-off to the site from adjacent steeply sloping ground shall be intercepted and appropriately attenuated and treated before discharging to the water environment or to a suitable piped system;
- (iii) in the event that surface water will discharge to the existing culvert at the site's Western edge, there would be no notable negative impact in terms of flood risk and water quality; and,
- (iv) full details of the parties responsible for the maintenance of all drainage assets are provided in a suitably detailed plan and that all associated maintenance operations are identified on an accompanying schedule;

The water and drainage assessment shall detail a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3. 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 meet the requirements of SEPA and NAC Flooding.

Condition

3. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition (MSC) must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed.
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site including an updated Transport Strategy;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures

together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;

(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

(i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

For the avoidance of doubt the illustrative masterplan provided with this application is not approved. The layout of the site shall take into account archaeological investigations, the detailed SuDS scheme, water and drainage assessments required by conditions 1 and 2 respectively, and 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.

Reason

In order that these matters can be considered in detail.

Condition

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

Reason

To ensure that any contamination is appropriately remediated.

Condition

5. 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

6. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

Reason

In the interests of ensuring that air quality standards are achieved.

Condition

7. That for the avoidance of doubt the proposal shall be limited to the development of affordable housing as well as associated infrastructure. In this instance, affordable housing is defined by North Ayrshire Council as Planning Authority, as being for social rent by a Registered Social Landlord.

Reason

In order to ensure that affordable housing is delivered on the site and that the proposal complies with Policy RES4 of the LDP.

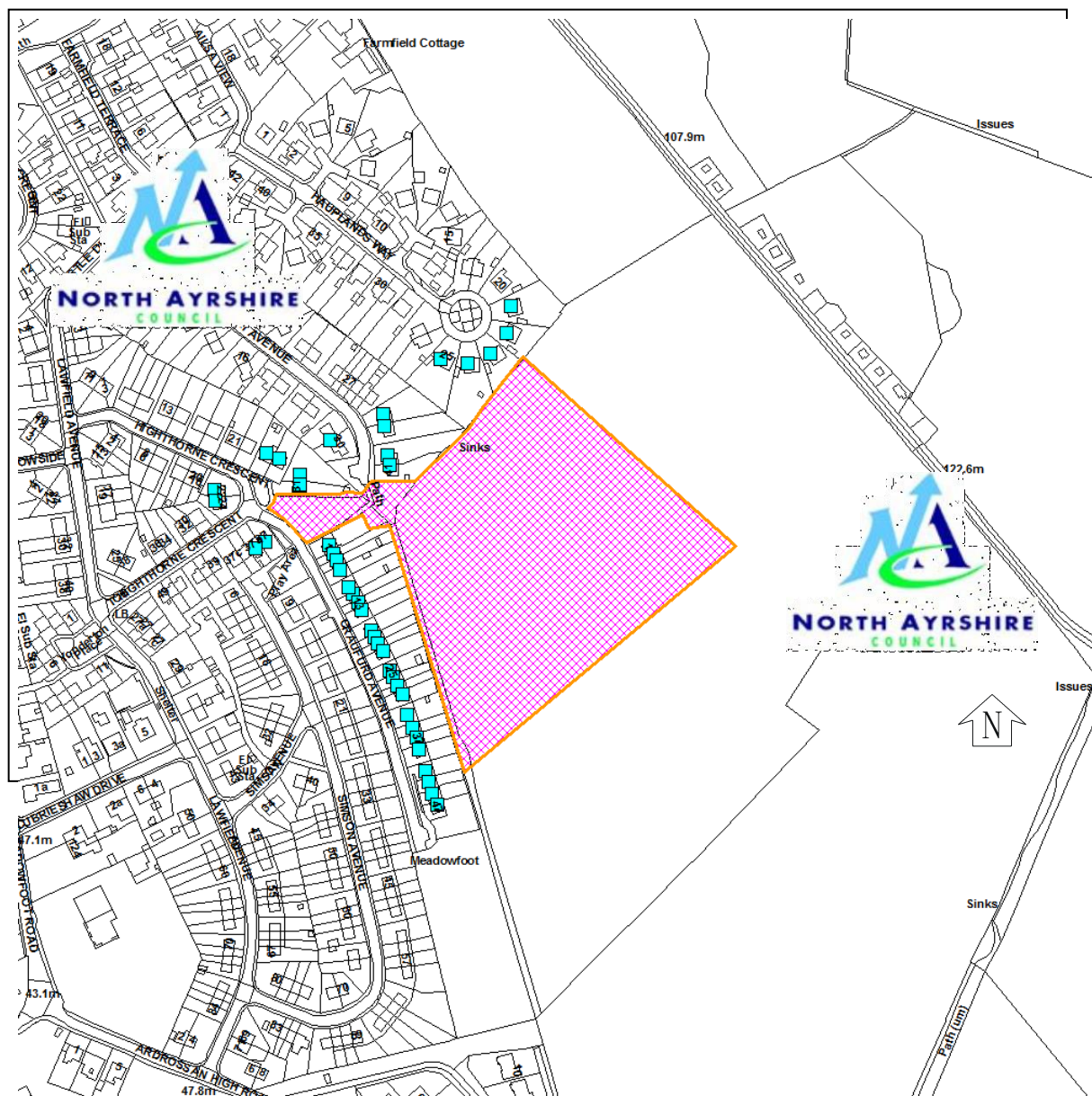


Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast and Cumbraes
Reference	18/00315/PP
Application Registered	20th April 2018
Decision Due	20th June 2018
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Site To North Of Seaview Caravan Park Ardrossan Road Seamill West Kilbride Ayrshire
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Applicant	Mr Iain McClain
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Proposal	Formation of extension to caravan park
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1. Description

This application seeks planning permission for the change of use of vacant land to extend an existing caravan park to the north of Seaview Caravan Park, Ardrossan Road, Seamill, West Kilbride. The extended area would be 0.87Ha and the proposal would comprise of 29 static holiday caravans with associated visitor parking. The proposal would extend the width of the caravan site by approx. 117m north-east along the A78(T) coast road. The nearest caravan to the road would be located in the northern corner of the site and would be set back approx. 18m from the road. The existing shrub line boundary would be thickened with shrub/tree planting along the eastern boundary of the site with the A78.

The existing caravan site is situated on the west side of the A78(T). The extended area would be situated adjacent to the junction with A78 and the B7047. It is proposed to utilise the existing caravan park access from the A78. The Waterside Inn is situated immediately to the south of the existing caravan site and a sewage works is located approx. 200m north-west of the site beyond which are the residential properties of Arranview Gardens at the southern end of Seamill. The re-developed Chapelton Mains Farm steading which comprises of terraced and detached properties is located approx. 175m north-east of the site.

The application site is within the countryside as identified within the LDP. The site is also within a Site of Importance for Nature Conservation (SINC) and a Listed Wildlife Site (LWS), which essentially is the part of raised beach lying between the A78 and the shore stretching from the south end of Seamill to Ardrossan. The application requires to be assessed against Policies ENV1 (New Development in the Countryside (Excluding Housing)), ENV8 (Coastal Zone), ENV9 (Nature Conservation), TOU1 (Tourist Accommodation and Facilities) and the General Policy contained within the LDP.

The caravan site was previously attached to the Waterside Inn when it was known as the Tarbet Hotel and together with the adjoining land to the north, has been subject to various applications for caravan development since 1969. In 1979 planning permission was granted for 7 caravans, taking the total number of static vans on the site to 15 (Ref: CH/79/142). Planning permission was also refused in March 1981 for the erection of a house and 33 caravans within the current application site. (Ref: CH/80/988). Planning permission for a further 6 static caravans was refused in 1984 (Ref: CH/228/C/S) and following an appeal, a further 3 caravans were approved which increased the number of static vans on the site to 18. Planning permission was approved in September 1998 for three additional static caravans Ref: 01/98/0386). Planning permission was also approved in March 2014 for an additional 2 caravan pitches. The total number of caravans are now 23. Any increase in the number of pitches have all been within the existing caravan site.

In relation to the application site, planning permission was refused in November 2014 for the extension of the caravan park by 29 pitches (Ref: 14/00608/PP). A Notice of Review was subsequently dismissed in February 2015. The most recent planning application was refused in September 2015 for the extension of the caravan park by 16 pitches. A Notice of Review was also dismissed.

There have been a number of planning approvals for the development of the Waterside Inn in recent years, the most recent of which Planning was approved on 13 March 2018 for the erection of a 2 storey hotel wing at the Waterside Inn (Ref:-18/00095/PP). The 2 storey wing would extend approx. 77m along the southern boundary of the application site.

A planning statement has been submitted in support of the proposal. The planning statement includes commentary on planning policy, economic impact, nature conservation and visual impact. A 3d visual has also been provided to support the proposals.

2. Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press on 2nd May 2018. Fourteen letters of representation were received, all supporting the application. The main points of support were:

1. The development would have a positive economic benefit for West Kilbride, creating more footfall in the Town Centre and supporting local businesses. Business expansion should be supported in North Ayrshire. The proposal would create much needed jobs and investment.

Response: Noted. The applicant has indicated that the proposals would generate some £221,000 per year of which some £163,000 would be spent in the local area. It is also stated that 4.3 Full Time Equivalent jobs would be created.

2. The proposals would create tourist accommodation and encourage tourists into the area.

Response: Noted.

3. There has been no objections to the proposal. The recent approval for an extension to the Waterside Inn creates a precedent. Similarly new housing has also been approved at Seamill.

Response: Noted. Planning permission has been approved for development in the immediate locality but there is no precedent in Planning with each planning application considered on its own merits.

4. Transport Scotland has not objected to the proposals.

Response: Agreed.

Environmental Health: - No objections. The existing park is treated by a septic tank. The existing treatment system should be able to cope with additional loading. The applicant will also require to vary the licence for the site.

Response: Noted. An informative can be attached to advise the applicant to contact SEPA and NAC Licensing with this regard.

Transport Scotland: - No objections.

Response: Noted.

Scottish Water: - No objections.

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. This application seeks planning permission for the change of use of vacant land to extend an existing caravan park to the north of Seaview Caravan Park, Ardrossan Road, Seamill, West Kilbride and site 29 static holiday caravans.

The LDP recognises that rural areas make a valuable contribution to the economy, providing opportunities not just for agriculture but also for tourism, recreation, forestry and in certain cases housing. With regards to Policy ENV1 criterion (e) would be relevant which states that proposals for new development (excluding housing) shall not accord with the LDP unless the development is a tourism proposal acceptable under Policy TOU1.

Policy TOU1 states that development in the Countryside accords with the LDP subject to certain criteria. Given the type of development proposed criteria a) of the policy would not be relevant.

With regard to b) the site is located adjacent to the applicant's current caravan site which has existed and increased in size since the 1960's. The development would also have direct access from the Trunk Road and be provided with open views across the coastline. In terms c), the applicant has submitted an economic report in support of the application. This report refers to a profile of existing caravan owners who use the Seaview Caravan Park as: generally from the West Coast of Scotland; using their caravans often usually for weekends and longer periods during Easter and summer holidays; taking increased visits during the winter due to improvements in heating/insulation of modern caravans, which has resulted in an increase in usage and therefore expenditure in the local area.

The economic report estimates that some £58,000 per annum would be spent on site in regard to site fees and some £163,000 per annum off site. Offsite expenditure includes shopping, eating out etc. The report also indicates that some 4 Full Time Equivalent jobs would be created. Therefore the development has the potential to result in significant economic benefits.

In relation to d) the application site is not within a settlement, although it is associated with an existing caravan park. The applicant's supporting statement confirms that the applicant owns 2 other caravan parks, Crosbie Towers approx. 4km to the north east of the application site and Millglen located approx. 3km south east of the site, and as such has experience in running a caravan park.

The applicant states that the nearest residential property is Bank Cottage approx. 200m east of the site and therefore the visual impact assessment should be viewed from the standpoint of the road. The site would be viewed from 3 primary directions, from the A78 travelling south from Seamill, north from Ardrossan and the minor B7047 from West Kilbride. The applicant indicates that the hotel would obscure the view to the south and from the north, the existing trees and shrubs together with additional planting would help to screen the development. From the B7047, given the distance and adjacent development of the hotel, the caravan park would be much smaller in scale and the wall/planting screen would help to reduce the visual impact. The proposed development is modest in comparison to adjacent development of the hotel. A photomontage of the site has been provided to illustrate the setting of the proposal.

The applicant considers that the recent approvals to erect housing at Seamill and the proposed extension to the Waterside Inn, also recently approved, has meant that the landscape has changed since the previous refusal in 2014. The applicant states that the Waterside Inn, specifically, when taking into account the car park and building, has a frontage along the A78 of some 200 metres with little landscaping. The applicant's site, it is argued, would have a frontage of some 150 metres, the majority of which has mature planting along the roadside, allowing any development to be screened.

The previous refusals of planning permission indicated that the development would result in coalescence and narrowing of the gap between Seamill and the undeveloped coast, which would be further heightened by the existence of the re-developed Chapelton Mains on the opposite side of the A78 and the allocated LDP site. The refusal also indicated that the rural design guidance discourages ribbon development, as proposed in this instance. For these

reasons, it was considered that the proposal would have an adverse impact on the character and appearance of the undeveloped coast and would not comply with the principles of the approved Rural Design Guidance.

As the development has not changed, there is the potential that the development would result in coalescence and ribbon development along the A78. Other than the proposed extension of the Waterside Inn, and ongoing housing construction at Seamill there is no significant change in the landscape since 2014 meaning that there is still the potential that the development would be detrimental to the visual amenity of the area.

The visual effect of the development must be considered in light of its location on the undeveloped coast. Policy ENV8 states that within the undeveloped coast, development shall not accord with the LDP unless it is within a settlement, or is associated with an existing development, or there are specific operational needs for the proposal to be located on the site, or there are no feasible alternative sites available and the social economic benefits outweigh the environmental loss.

The site is associated with an existing caravan park and whilst it is desirable to extend existing caravan parks, there is no specific operational need for the development to be located here, other than the applicant owning the site.

The applicant argues that development in this location would ensure the caravan park, as a whole, was contained. The applicant states that the proposal would result in significant economic benefits for the wider area with local support for the development.

Whilst the refusal in 2014 considered that the development would fail to satisfy Policy ENV8, no information regarding economic benefit was submitted at that time. With this application the applicant has provided an economic report which estimates that some £58,000 per annum would be spent on site in regard to site fees and some £163,000 per annum off site. With 4 Full Time Equivalent jobs also being created.

As such there is the potential that the economic benefits could outweigh the potential loss of coastline.

A consideration is that the Waterside Inn has recently been granted planning permission for a significant extension that would extend west, towards the coast. Similarly development has started on the allocated Housing site at Seamill where some 124 homes would be delivered.

A further material planning consideration is that the Councils Tourism Action Plan 2018-2022 focusses on capitalising on the North Ayrshire coastline and states that tourism has potential to make a massive difference to local economic revival. The coastline is unique and plays a key part in attracting visitors but the plan does outline 4 key actions, one of which is 'Driving Growth'. Therefore there is a balance to be struck between protecting the coastline and encouraging growth that supports tourism businesses.

Finally, LDP2, whilst having limited influence at this point, does propose to support tourism uses where they promote economic activity, particularly where they develop coastal tourism. LDP2 does also state that development should not result in damage to the coastline, particularly sensitive or remote areas. However the site is neither sensitive nor remote, but serious consideration to its protection must be taken into account.

As a whole the proposal would result in development in the undeveloped coast and has the potential to increase coalescence to the detriment of the landscape. However in this specific circumstance, taking account the expected economic benefits and support, locally and corporately, for driving growth in the tourism sector, an incremental increase in the scale of operations at Seaview Caravan Park could justify the potential visual adverse impacts of the development and potential environmental loss.

The proposal therefore complies, in part, with Policies TOU1 and ENV8.

With regards to Policy ENV9 criterion 3. Local Designations is relevant which states that: -

Proposals for development which could affect Local Nature Conservation Sites (LNCS), as listed in Supporting Information Paper 3, and sites of local importance as wildlife habitats or wildlife corridors, will be assessed:

- (a) to ensure that appropriate measures are proposed to conserve, as far as possible, the site's wildlife or habitat interest including the retention of open watercourses and provide for replacement of habitats or features where damage is unavoidable;
- (b) to determine their effect on the management of features of the landscape which are of importance for wildlife, for wild flora and fauna; and
- (c) with a view to complementing the ecological coherence of the Natura 2000 network.

The site forms part of the Ardrossan-Seamill Shore Local Nature Conservation Site. As a whole this designation is an important coastal habitat for both vegetation and birdlife. The coastal strip, of which this site is part, is important to ecological interests. The supporting statement submitted with the application states that given the annual income and job creation from the proposed development, the social and economic benefits would outweigh negligible environmental loss. Furthermore, the proposed nature area would complement the LNCS.

It is not expected that significant effects on the LNCS would occur should development proceed on this site, specifically given its proximity to the A78 and the limited quality of the habitat at the site. However there is potential to improve the quality of the site through the implementation of a landscaping scheme that would create a habitat for wildlife, whilst also creating an attractive setting for the development.

Subject to condition the proposal would comply with Policy ENV9.

With regards to the General Policy, criteria a) Siting Design and External Appearance, b) Amenity, c) Landscape Character and d) Access, Road Layout, Parking Provision would be relevant.

With regards to criteria a), b) and c), for the above reasons, it is considered that the proposal would result in sporadic ribbon development and add to the perception of coalescence with the built up area of Seamill, which could have an adverse visual impact on the character, appearance and amenity of this area of undeveloped coast.

However the other material considerations would outweigh any potential impact and bring a benefit of ensuring that the proposals include landscape and habitat improvements would provide a balance between the economic benefit and potential environmental loss.

With regards to criterion d) Transport Scotland and NAC Transportation have no objections to the proposal.

In view of the above, it is considered that the proposal would not accord with criteria a), b) and c) of the General Policy but there are other material planning considerations which would support the proposals.

Subject to conditions it is recommended that planning permission be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of development the developer shall ensure that all planting and seeding, comprised in approved drawing LS01, shall be carried out in the first planting season and seeding seasons to the satisfaction of North Ayrshire Council as Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation. For the avoidance of doubt, the trees and planting shall be protected with fencing during the construction of the development.

Reason

To secure the landscaping scheme in the interest of visual amenity.

Condition

2. That the site shall residential be used as a caravan site for non-permanent occupation but for holiday or tourism use only to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of the proper planning of the area.



Karen Yeomans
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Economy & Communities

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