

Cunninghame House,
Irvine.

14 September 2017

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 20 SEPTEMBER 2017** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes (Page 4)

The accuracy of the Minutes of meetings of the Committee held on 23 August 2017 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Irvine

Submit report on the following application:

17/00827/PP: Gailes Farm, Irvine (Page 14)

Erection of replacement dwellinghouse following fire and the erection of 10 dwellinghouses with associated access, parking and green space (copy enclosed).

4. North Coast and Cumbraes

Submit reports on the following application:

4.1 17/00584/PPM: Site to East of Castlepark Gardens, Fairlie (Page 27)

Residential development comprising 95 dwelling houses, formation of open space and associated infrastructure works (copy enclosed).

4.2 17/00740/PP: Hunterston A Power Station, West Kilbride (Page 51)

Proposed replacement weather envelope cladding to reactor buildings and associated works (revised design to cladding approved under planning permission ref. N/01/00286/PP) (copy enclosed).

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie (Page 58)

Submit report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring removal of hardstanding and outbuilding from field to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie (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:

Attending:

Apologies:

Meeting Ended:

Planning Committee
23 August 2017

Irvine, 23 August 2017 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

J. Miller, Senior Manager (Planning), Paul Brennan, Specialist Environmental Health Officer (Noise), (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services), A. Little, Committee Services Officer (Chief Executive's).

Also In Attendance

Rita Holmes (Chair - Fairlie Community Council) and Dr. J Yelland (Fairlie Community Council).

Chair

Councillor Marshall in the Chair.

Chair's Remarks

The Chair advised of a request from Rita Homes, Fairlie Community Council, to record the proceedings of the meeting.

The Committee agreed, in terms of Standing Order 2.2, not to permit the recording of the proceedings of the meeting

1. Declarations of Interest

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

2. Minutes

The Minutes of meetings of the Committee held on 14 June 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 17/00034/PPM: Hunterston Construction Yard, Fairlie

SSE Generation Limited have applied for the variation of planning condition No. 1 of a Planning Permission (ref. 14/00164/PPM) to extend the operational time period of the National Offshore Wind Turbine Testing Facility until 14 October 2019.

The application for the variation of condition No. 1 was considered at the meeting of the Planning Committee on 8 March 2017. Objectors addressed the Committee and outlined their objections to the application. The applicant, the applicant's agent and their acoustic consultant responded to the objectors comments and offered to remeasure background noise and re-evaluate noise limits as part of an upcoming operational noise survey for the Mitsubishi turbine. The Committee agreed to continue the application to a future meeting to allow a further background noise survey to be carried out by the applicant.

The application was reconsidered at the meeting of the Planning Committee on 14 June 2017 however the applicant had been unable to carry out the re-measurement of background noise, due to the original noise consultant not being available to conduct the work and a request by Fairlie Community Council to agree the location of measurement apparatus and procedures for monitoring. The Committee agreed to continue the application to the meeting on 20 September 2017 to allow a further background noise survey to be carried out by the applicant.

A noise survey is now ongoing, however in the intervening period, the applicants have submitted an appeal to the Scottish Ministers against the non-determination of the application by the Council. The applicants are entitled to appeal under Section 47(2) of the Town and Country Planning (Scotland) Act 1997, after a period of four months has lapsed since the application was registered. The application was registered on the 17th January 2017.

The effect of the submission of an appeal, is that the Council can no longer determine the application. However, as part of the appeal process, the Committee are asked to form an opinion on the merits of the case, to form the basis of the Council's evidence to be presented to the Scottish Ministers. It was recommended that the Committee adopt the opinion that planning permission should be granted subject to the conditions contained within Appendix 1 to the report.

In response to a point from Councillor Barr about lobbying, Aileen Craig, Team Manager (Litigation) (Legal Services) advised the Member to have regard to the Councillors' Code of Conduct.

Rita Holmes (Fairlie Community Council) addressed the Committee in support of the objections. Ms Holmes detailed the health issues experienced by 17 local residents which began in 2014 and are believed to be caused by low frequency sound emitted by the Mitsubishi turbine. Ms Holmes went on to detail her symptoms which include nausea, lack of coordination and speech and breathing difficulties when the turbines are running. These symptoms do not subside until she leaves the village.

Ms Holmes also raised concerns regarding SSE's perceived attempts to establish a permanent facility at Hunterston though varying planning conditions; the lack of manufacturing facilities which were promised in the original planning application; North Ayrshire Council's failure to implement the precautionary principle in relation to public health; and finally the methods used by North Ayrshire Council Environmental Health to measure and monitor the sounds emitted by the turbines.

Finally, Ms Holmes made the Committee aware the Dr John Yelland, Independent Acoustician, was present to answer any questions about infrasound and requested that the Committee recommend the application is rejected as it is the responsibility of SSE to prove they are safe, not of residents to prove the contrary.

The applicant was not in attendance to respond to the objections.

The Senior Manager (Planning) informed the Committee of further objections to the application from local Councillors Murdoch, Hill and Gallagher and West Kilbride Community Council. He then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- the impact which wind direction, land and water mass has on the sounds created by the turbines;
- the scope and current standards of sound testing which has been carried out by environmental health; and
- timescales associated with the Council submitting recommendations for the appeal process.

The Committee agreed that it would adopt the opinion that planning permission should be refused on the following grounds:

1. The proposal would be contrary to Policy PI9 and criteria a), b), and c) of the General Policy of the Adopted North Ayrshire Council Local Development Plan by reason of:
 - Inappropriate in design and scale to its surroundings;
 - Unacceptable adverse impact on the intrinsic landscape qualities of the area;
 - Location within an area designated as High Sensitivity in the Landscape Capacity Study for Wind Farm Development in North Ayrshire;
 - Adverse impact on the built and natural historic heritage of Hunterston Castle, Hunterston House and views from the Historic Gardens and Designed Landscape at Kelburn Castle;
 - Contrary to the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009)
2. The proposal would be contrary to Policies HES(a) and HE5(a) of the adopted North Ayrshire Council Local Development Plan by reason of its detrimental impact on the built and natural historic character of Hunterston Castle, Hunterston House and impact on views from the Historic Gardens and Designed Landscape at Kelburn Castle
3. The proposed development would set an undesirable precedent for further developments at this sensitive location.

The Committee requested, given the representations from the local community that Scottish Ministers be requested when determining the appeal to satisfy themselves that the development is not impacting detrimentally on the health of local residents.

4. 14/00593/PPPM: Site to West of First Avenue, Stevenston Industrial Estate

Clowes Developments (Scotland) Ltd were granted planning permission in principal in 2015 for a residential development on a site to the West of First Avenue, Stevenston Industrial Estate, Stevenston subject to (a) the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and (b) a number of planning conditions (14/00593/PPPM).

The applicant has requested that the requirement for a Section 75 Agreement be removed as both of the above issues could be covered by conditions of the planning permission in principal.

The Committee agreed to (a) remove the proposed Section 75 Agreement and (b) Grant subject to the following conditions:

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That prior to the commencement of the development hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme to deal with contamination on the site. The scheme shall contain details of proposals to deal with contamination including:
 - a) the nature, extent and type(s) of contamination on the site, including the testing of groundwater for explosives residue and a review of the Mason Evans site investigation report dated February 2008 submitted in support of the application;
 - b) measures to treat/remove contamination to ensure the site is fit for the use proposed, including details of phasing of the proposed measures;
 - c) measures to deal with contamination during construction works; and
 - d) the condition of the site on completion of decontamination measures.

All documentation shall meet BS10175:2011, be verified by a suitably qualified Environmental Consultant, and submitted to the satisfaction of the North Ayrshire Council as Planning Authority.

Thereafter the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

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

3. That prior to the commencement of the development hereby approved, the applicant 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.
4. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by 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", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall include a revised/updated Transportation Assessment which details of both vehicle speeds and traffic counts for both Lundholm Road and First Avenue.
6. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
7. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals for (i) the provision of landscaping along the eastern boundary of the site to form a suitable buffer between the development site and the adjacent industrial area, and (ii) the retention and protection of trees along the western boundary of the site adjacent to residential properties on the eastern side of Lundholm Road, all to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals for the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan.
9. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals to secure an appropriate affordable housing contribution at a rate of 10%.

5. 17/00681/PP: Derrilin View, Gateside, Beith

Mr Ian Maitland, Derrilin View, Gateside, Beith KA15 2LQ, has applied for planning permission for the formation of new vehicular access onto B777, closure of existing access and deletion of condition 1 (b) of planning permission in principle ref. 08/00473/PPP.

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

1. That visibility splays of 2.4m must be provided and maintained at the junction with the public road within land under the applicant's control. No item greater than 1.05m above the adjacent carriageway level must be located within the splays all to the satisfaction of the Council, as Roads Authority.
2. That prior to the use of the access, the first 5 metres of the access from the junction with the public road will be hardsurfaced to the satisfaction of the Council, as Planning Authority.
3. approval. Any scheme should reflect the visibility splay requirements of Condition 1. Any scheme approved shall be implemented within the first planting season following approval. Any trees or plants which, within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced with others of a similar size and species, unless the Council, as Planning Authority, gives written consent to any variation.

6. 17/00581/PPM: Site 21 Crompton Way , North Newmoor Industrial Estate, Irvine

Persimmon Homes & Dawn Developments Ltd has applied for planning permission for the erection of residential development comprising of 93 dwellinghouses with associated roads, paths, open space and landscaping at Site 21 Crompton Way, North Newmoor Industrial Estate, Irvine.

Planning permission was approved in June 2016 for the erection of 144 dwellinghouses (ref: 16/00070/PPM) which consisted of two phases (phase one, with 90 dwellings and phase two with 54). The current application site relates only to the previously approved phase one site and would increase the number of previously approved houses by three.

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

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

2. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space, landscaping and SuDs area within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 1 above.
4. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and/or walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, prior to the commencement of the development, hereby approved, full details of any 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. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

6. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a scheme for the delivery of a 15% affordable housing contribution in accordance with LDP Policy RES 4 (Affordable Housing). Thereafter, the affordable housing contribution shall be implemented only in accordance with such scheme as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
7. The noise mitigation measures detailed within paragraphs 7.4 and 7.6 of the Noise Impact Assessment prepared by Bureau Veritas and submitted in support of the application shall be implemented during the construction of the dwellinghouses hereby approved to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the first 2 metres of the driveways shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.
9. That connecting public paths within the site shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.
10. That, prior to the commencement of the development, a drainage strategy and plan shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. This shall include confirmation and certification by a suitably qualified person that a scheme to treat the surface water arising from the site including the wider master plan site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
11. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

12. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

7. 17/00530/PP: Site to north of Corsehillhead Farm, Kilwinning

Cunninghame Housing Association has applied for the deletion of Condition 1 of planning permission ref. 16/01162/PPM to enable the removal of a tree/hedgerow belt on the south western boundary of the site.

On 8th February 2017, the Planning Committee approved the development of 64 new houses on a greenfield site adjacent to Weirston Road on the eastern outskirts of Kilwinning (ref. 16/01162/PPM). Following an archaeological investigation and the discharge of various planning conditions, the development commenced on 29th May 2017.

Condition 1 of the planning permission stated the following:

That the existing tree/hedgerow belt along the south western site boundary shall be retained. Prior to any site operations, details of tree/hedgerow protective fencing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the protective fencing as may be approved shall be erected for the duration of all site excavations, land engineering and construction operations until the completion of the development and to the satisfaction of North Ayrshire Council as Planning Authority.

It has since been established that ground levels on the site require to be adjusted to ensure a gravity connection for foul drainage, to the south west, and surface water drainage, to the south east can be achieved. One consequence of the adjusted ground levels is that the planning condition which requires the retention of the tree and hedgerow belt along the south western boundary of the site cannot be met. The applicant has committed to replacing the tree and hedgerow with evergreen climbing plants following completion of the project.

The Committee agreed to grant the application.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

20 September 2017Locality **Irvine**Reference **17/00827/PP**Application **11th August 2017**

Registered

Decision Due **11th October 2017**Ward **Irvine South**

Recommendation	Agree to grant subject to (a) no significant objections being received before 22nd September 2017, and (b) the conditions contained in Appendix 1
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Location	Gailes Farm, Gailes, Irvine
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Applicant	Dawn Developments Ltd 220 West George Street Glasgow
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Proposal	Erection of replacement dwellinghouse following fire and the erection of 10 dwellinghouses with associated access, parking and green space
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1. Description

Planning permission is sought for the erection of 10 dwellinghouses and the rebuilding of a former farmhouse at Gailes Farm, Irvine. Gailes Farm is situated around half a mile south of Irvine's settlement boundary. To the west of the site is the Glasgow - Ayr railway, beyond which is the Western Gailes Golf Course and the Firth of Clyde. The beach is approximately 350m to the west of the site. The northern boundary is defined by Marine Drive, which is located on an embankment that crosses over the railway, rising in height from east to west. To the north of Marine Drive is Glasgow Gailes Golf Course, including its clubhouse and clubmaster's dwellinghouse.

The south eastern boundary of the site is defined by Gales Road, which is an adopted road that provides vehicular access from Marine Drive to Western Gales Golf Course. The clubhouse and associated buildings at Western Gales are approximately 500m to the south of the site. Immediately to the south of the site is a sewage pumping station, which is a substantial building situated on open land, making it very visible from the site and surrounding area. South of the pumping station is the Dundonald Links Golf Course. To the east and south east is the Gales Marsh Nature Reserve which is managed by the Scottish Wildlife Trust. A section of the national cycle network (Route 7) passes the southern and eastern edges of the site.

The site presently contains the remains of the farmhouse which was badly damaged by fire during the summer of 2017 then demolished for safety reasons at the request of NAC Building Standards. There are also the remains of several outbuildings which were part of the farm. The site is level and relatively open, with views across Western Gales towards the Firth of Clyde and Arran. Vegetation on the site consists of grass and meadow flowers. Rubble from the demolition of the outbuildings and farmhouse has been left at the north west corner of the site.

It is proposed to clear the land and erect a total of 11 dwellings, comprising a mix of 3 and 4 bedroom homes. All of the houses would be grouped to form a four-sided courtyard facing onto a road with a central square consisting of landscaped open space. Other than the replacement farmhouse, which would be fully detached, the houses would be linked using garages and stores. The proposed means of access to the site would be from a new length of road that would enter the site at its south east corner, leading from Gales Road.

The design and form of each house has been influenced by local farmhouse architecture, with 1.5 storeys, steeply sloping gables, wallhead dormers and vertically proportioned windows, many of which would be generously sized to bring light in and take advantages of the coastal views. Roofs would be finished using natural slate. The principal wall finish would be a combination of white render with coloured woodgrain effect weatherboard cladding. A range of cladding colours would be used in order to add variety and visual interest to the housing.

The 2 storey replacement farmhouse building would replicate the footprint, scale and design of the original farmhouse, including its extensions. External finishes would consist of a slated roof, lead clad skewes and whitewashed wet dash harling to the walls.

In addition to private garden ground to the rear, each house in the development would have garaging and parking for three vehicles. Visitor parking spaces would also be provided. A new length of cyclepath/footpath would be provided along the western part of the site, running from north to south and joining onto Gales Road.

In order to create an appropriate setting for the housing, a detailed landscaping scheme has been submitted. This reviews the landscape context of the area, highlighting the sand dunes, golf courses, nature reserves and Site of Special Scientific Interest. There is no agricultural land nearby and the overall impression is of a wide, flat landscape broken up with scots pine plantations underplanted with gorse bushes, several roads and the railway line.

Landscape proposals for the development would include the provision of raised screen mounds with new woodland to buffer the site from the railway line to the west and pumping station to the south. The tree planting would also provide a buffer against the prevailing winds from the sea. Careful woodland design will allow views out across the railway towards the coast. Shrubs and hedgerows are also proposed. An acoustic fence is also proposed along the southern boundary of the site with Gales Road in order to mitigate the noise of the pumping station.

Waste water disposal would be to a treatment system located to the south west of the site near the railway track. A raised mound would enable percolation of the treated waste water into the ground. Surface water would be drained through porous paving and soakaways.

In support of the proposal, the applicant has submitted a planning/design statement, noise assessment, landscape assessment, drainage impact assessment and a transport statement. The supporting information confirms that, during the period since the approval of 8 houses in 2013 (7 of which were new build, one refurbished), market research has been undertaken which indicates a stronger demand for slightly smaller houses, hence the increased number of houses from 8 to 11 (including the replacement farmhouse). The footprint of the area to be developed would remain broadly the same.

In the adopted North Ayrshire Council Local Development Plan (LDP), the site is within an extensive area to the south of Irvine allocated for leisure and open space purposes. The open space designation applies widely across three golf courses as well as the application site and the adjacent pumping station. Policy ENV 12 (Development of Open Space) is relevant to this location and the proposal. There is a presumption against the development of protected open space unless a range of criteria can be satisfied. Historically, the site was in use as a farmstead and has never functioned as open space.

The proposal must also be assessed against the General Policy of the LDP, which sets out a framework against which all development proposals will be assessed. The General Policy requires that development should have regard to the amenity of the surrounding area, with respect to siting, design and privacy, etc.

In February 2014, planning permission for residential development on the site, including 7 new build houses and the restoration of the farmhouse, was granted subject to conditions (ref. 13/00705/PP). This permission has now lapsed.

2. Consultations and Representations

Neighbour notification has been undertaken in accordance with statutory procedures, which included the publication of a notice in a local newspaper. To date, no representations have been received. The expiry date for representations is 22nd September 2017.

Consultations:

NAC Regeneration (Transportation) - no objections. A revised site plan has been submitted as a result of insufficient parking space.

Response – Noted. A condition could be imposed to ensure that any further minor amendments to the layout, if required, could be submitted for approval before the development commences.

NAC Environmental Health - no objections in principle. From a knowledge of the existing site, the existing premises and the surrounding area and from an examination of the drawings which accompany this application there are no objections in principle to this application. However, several matters have been taken up directly with the applicant and the agent, particularly with reference to Noise, Septic Tank installation and Contaminated Land.

Response: Noted.

Scottish Water - no objections. It is noted that there are no public sewers in the vicinity of the proposed development, that Bradan Water Treatment works currently has capacity to service the proposed development, and that the water network that serves the proposed development is currently able to supply the new demand. The development proposals may impact on existing Scottish Water assets. There is trade effluent pipework and combined pipework within the boundary of this site. It is a standard requirement that a totally separate drainage system will be required with the surface water discharging to a suitable outlet, although there may be limited exceptional circumstances where a brownfield site could drain to a combined sewer.

Response: The site would drain to a private treatment plant within the development and then drain to a soakaway. The applicant has been made aware of the Scottish Water assets within the site.

Glasgow Prestwick Airport - no objection to this proposed development on statutory safeguarding grounds subject to implementation of statutory conditions relating to the use of cranes and associated equipment. During construction phase, the developer would have to be granted permission in advance by the Airport if a crane is to be used within 6km of the airport and its height exceeds 10m or that of the surrounding structures or trees.

Response: Noted. An informative can be attached to any grant of planning permission.

Scottish Wildlife Trust – no objections; the following comments were provided (similar to those offered in 2013):

1. A bat survey was done by a competent individual who also advised on other wildlife present. SWT are not surprised that no bats were found. Similar findings were made by SWT during our own surveys at Gales Marsh.
2. Tree planting - ecologically, there should be no trees other than those required for screening purposes. The north west and south west corner planting seem excessive and SWT would prefer to see more of the coastal grassland in these areas.
3. Woodland mix - while Scots pine is not considered native to this area, SWT understands why it has been chosen for landscape reasons. The mix is generally acceptable and we would only add that they should be of local provenance. Item k on the maintenance schedule should have replacement of the same species, not just "similar".
4. Hedgerow mix – SWT advise that sea buckthorn should not be planted in this area. It is an invasive alien and will spread to where it is not wanted. Dogwood does not have a place in an Ayrshire native hedgerow.
5. Shrubs – SWT are content that most of the non-native planting would be in the central communal area and they are plants with wildlife benefits. The dogwood continuous with the native strip west of the houses is out of keeping with the native scrub theme and should be replaced with the native hedgerow mix.
6. Coastal meadow mix – SWT are pleased to see this element and that it will be managed appropriately.

Response: The above points have been reported back to the applicant's agent. A condition to meet the above comments can be imposed, as per the 2013 planning permission.

3. Analysis

The proposal requires to be assessed against the provisions of Policy ENV 12 and the General Policy of the adopted LDP.

Policy ENV 12 states a presumption against the development of protected open space unless a range of criteria can be satisfied. The following criteria are of relevance to this proposal:

2. Where the proposed development is for a use other than outdoor recreational or physical activity purposes, it will not set an undesirable precedent for further incremental loss of open space.
3. The proposed development will not unacceptably impact upon the recreational and/or amenity value of any area of active or passive open space when considered in relation to the overall level of provision in the local area; and
4. Where the loss of open space has a material effect on the quality, function or playing capacity of a facility, alternative provision of similar or improved community benefit and accessibility will be made available in a location which is convenient for its users.

In relation to (2), the proposal is not for an outdoor recreation or leisure use. As well as the provision of new housing, the development would provide improvements to the quality of the local landscape, taking into account the advice of the Scottish Wildlife Trust who maintain a wildlife site nearby. Furthermore, the development would provide areas of open space for use by the occupants of the houses. There would be no net loss of open space at any of the neighbouring golf courses. The proposal would not set an undesirable precedent since the site is brownfield in character, contains the remains of demolished buildings and does not presently function as an area of open space. There is also a history of planning permission being granted for housing development on the site.

In relation to (3), it is considered that the development would have a beneficial effect on the recreational value of the surrounding area. The proposed housing would improve amenity by tackling a long-term area of derelict land. It is considered that the development would have beneficial effects on the amenity of the nearby golf courses. The site is prominently situated between the Glasgow – Ayr railway line and a public road leading to the Irvine coastline. Derelict land at prominent locations such as this one act as a disincentive to tourism in North Ayrshire.

Criterion (4) is not relevant to this proposal, since no existing playing fields or other outdoor recreational facilities would be affected.

In summary, it is considered that the proposed development would comply with the requirements of Policy ENV 12.

In respect of the General Policy, the following criteria are relevant to the assessment of the proposal:

- (a) Siting, Design and External Appearance
- (b) Amenity
- (c) Landscape Character
- (d) Access, Roads Layout, Parking Provision
- (e) Water and Sewerage

In terms of (a), the proposal would result in the replacement of a farm house that has recently been demolished following a fire, having lain derelict for many years, as well as the redevelopment of the vacant land within the former steading. It is considered that the applicant has responded appropriately to the coastal context of the site. Consideration has been given to the Council's Rural and Coastal Design Guidance, which were both influential in arriving at the proposed design solution. The development would be of high quality and offer a distinctive and attractive form of housing with easy access to nearby leisure routes and facilities. The houses would relate well architecturally to the replica farmhouse in terms of scale and design, whilst also having a contemporary character that makes reference to its location near the Firth of Clyde. The focus on place-making has also been carried into the setting for the housing and, following discussion with Council officers, the applicant has shifted the focus away from standards-based roads engineering towards a more site-specific access and parking solution. This has been designed to enhance the overall quality of the development. Use of shared surfaces, narrower lanes parking lay-bys and imaginative use of porous paving would all combine to produce a more informal character. The proposal would be satisfactory in relation to criterion (a).

In terms of (b), the beneficial impact on the amenity of the area has already been discussed. In terms of the residential amenity of the proposed houses, it has been identified that railway noise, road noise and noise from the pumping station could all have impacts. The submitted noise report makes a number of recommendations which would inform the insulation standards for internal noise levels. The report also identifies that mitigation would be required to safeguard the householders from intrusive noise from the surrounding environment, including the erection of an acoustic fence along the southern boundary which faces towards the pumping station. Subject to conditions, the proposal would be satisfactory in relation to criterion (b).

In terms of (c), the site is largely contained within the surrounding landscape by the road embankment to the north, the large pumping station building and undulating landscape to the south and the railway to the west. The proposed landscaping scheme would further enclose and contain the site from the surrounding land, although the upper part of the development would be clearly visible from nearby Marine Drive and the railway. However, the development would also be viewed in the context of the nearby Gales development. It is not considered that further development in this landscape would have a significant adverse effect on its character. The proposal would be satisfactory in relation to criterion (c).

In terms of (d), Transportation has no objections following some initial concerns regarding the number of parking spaces, which have now been resolved. The proposal would be satisfactory in relation to criterion (d).

In terms of (e), considerable detail has been provided with respect to the private waste water and surface water systems. Scottish Water has raised no objections to the proposed private sewage treatment plant, the details of which would be finalised at the building warrant stage. The proposal would be satisfactory in relation to criterion (e).

It is considered that this proposal is an acceptable variation to the previously approved housing development dating from 2013. The applicant considers the revised development to be more viable in terms of market demand in comparison with the previous scheme. In terms of siting, scale and design, the proposal would offer attractive new housing on the site of a previously developed farmstead near several golf courses and the Firth of Clyde. The overall increase in house numbers has not been achieved at the expense of the previously approved courtyard layout, which has been retained. This proposal also addresses various other matters of detail, such as waste water treatment and noise.

In summary, the redevelopment of this derelict site for housing would accord with Policy ENV 12 and provide a more positive image of North Ayrshire at this prominent location, thereby assisting the regeneration of the area.

There are no other material considerations. As such, it is recommended that planning permission is granted subject to the conditions contained in Appendix 1.

4. Full Recommendation

See Appendix 1.

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

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
1 September 2017

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00827/PP

Grant subject to the following conditions:-

1. That prior to the commencement of the development, a detailed schedule and samples of the proposed external finishes to be used, including any additional materials not illustrated on the plans hereby approved, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. In addition, in the event of additional external finishes being proposed, amended elevation drawings shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That, notwithstanding the plans hereby approved, finalised details of the access road and parking arrangements, taking into account the principles of Designing Streets, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, a revised scheme of landscaping, taking into account the advice of the Scottish Wildlife Trust's consultation response dated 24th August 2017, inclusive of details of future aftercare and maintenance, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with the scheme of landscaping as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.
On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.
6. That the precise siting, design and type of the sewage treatment plant and associated soakaway serving the development shall be agreed in writing with North

Ayrshire Council as Planning Authority prior to its installation. For the avoidance of doubt, the plant shall provide for the biological treatment of waste water prior to its discharge to the soakaway.

7. That, prior to the commencement of the development, the recommendations contained in the noise report with respect to noise mitigation shall be implemented, and a follow-up report detailing the precise measures to be carried out to mitigate the development against the effects of intrusive noise from the railway and pumping station shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the detailed measures identified in the follow-up report shall be undertaken as part of the development in accordance with such details as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. That the following external noise targets shall be achieved at the curtilage of the proposed residential properties:

a. During daytime hours between 0700 and 2300hrs, the combined noise level (LAeq 16 hour) from transportation (rail and road traffic) shall not exceed 50 dB. As a minimum, if this external target cannot be achieved, the dwellinghouses shall be designed and constructed in such a way that an internal level of 35 dB can be achieved (inclusive of window open for ventilation);

b. During night time hours between 2300 and 0700hrs, the combined noise level (LAeq 8 hour) from transportation (rail and road traffic) shall not exceed 40dB. As a minimum, if this external target cannot be achieved, the dwellinghouses shall be designed and constructed in such a way that an internal level of 30 dB can be achieved (inclusive of window open for ventilation); and

c. The rated noise level (as defined in BS 4142) from plant associated with the operation of the existing pumping station to the south of the site and from the proposed sewerage treatment plant within the site shall not exceed the background noise level by 5dB or more.

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

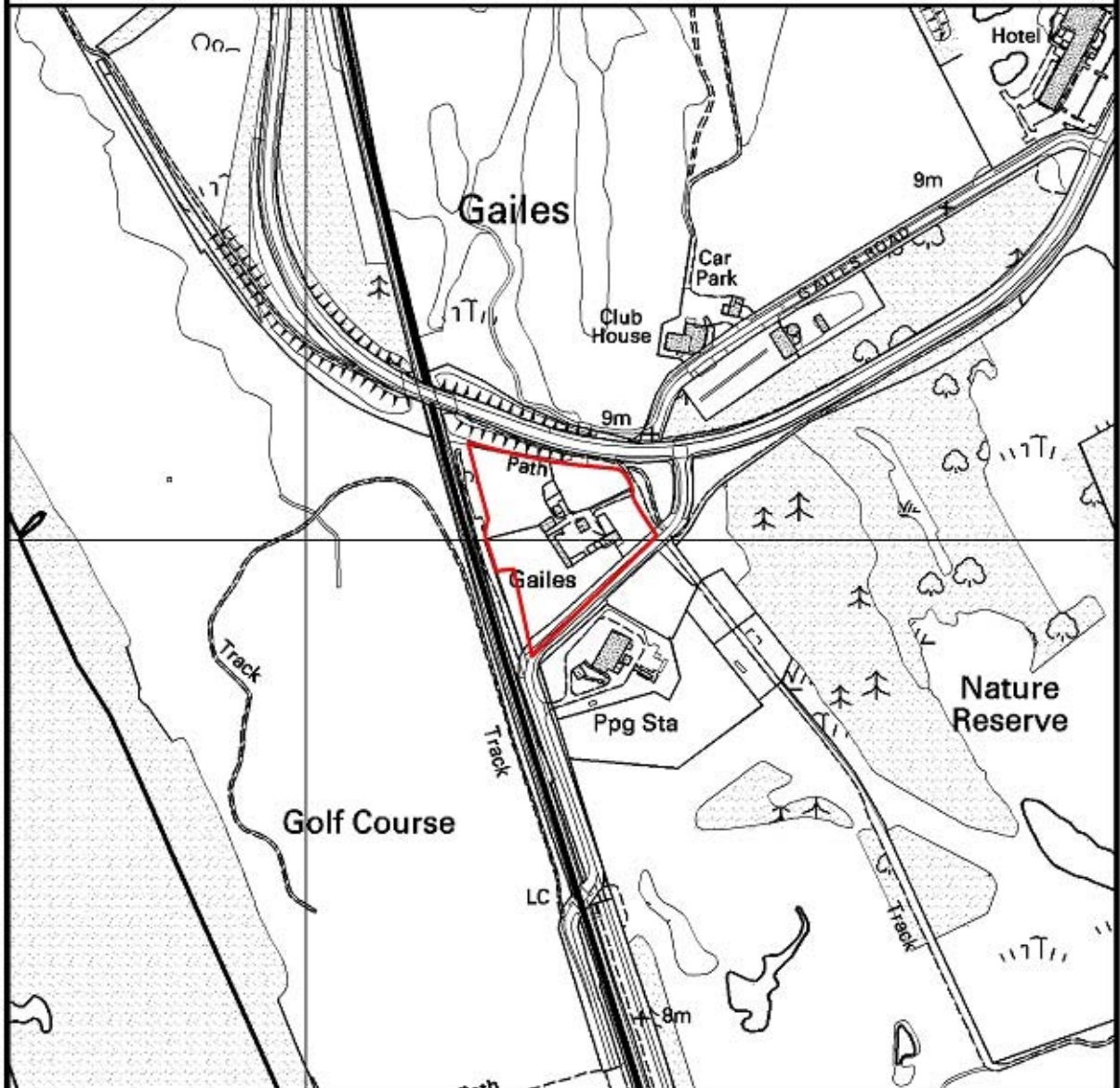
1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. To meet the requirements of Environmental Health.
6. In the interest of the amenity of the area.
7. In the interest of the amenity of the area.
8. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

17/00827/PP



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 4.1

Planning Committee

20 September 2017Locality **North Coast and Cumbraes**Reference **17/00584/PPM**Application **5 July 2017**

Registered

Decision Due **5 November 2017**Ward **North Coast and Cumbraes**

Recommendation	Grant with Conditions contained in Appendix 1
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Location	Site to East of Castlepark Gardens, Fairlie
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Applicant	Dawn Homes Ltd, 220 West George Street, Glasgow
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Proposal	Residential development comprising 95 dwelling houses, formation of open space and associated infrastructure works
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1. Description

As the above proposal is for more than 50 residential units, it constitutes 'major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application therefore requires to be determined by the Planning Committee.

The site adjoins the east side of the A78 trunk road immediately south of a petrol filling station and residential properties in Kelburn Avenue and Keppernburn Avenue. The site is located south of Phase 1 of the residential development consisting of 26 detached dwellinghouses and 36 flats (ref. 12/00159/PPM), which was granted consent on 29th September 2015 and is currently under construction by the applicants. Fairlie Primary School and the residential properties that front Castlepark Drive and Castlepark Gardens are located along the western boundary. To the east of the site is a woodland known locally as Ladies Walk and contains a historic path between Fairlie Castle and Kelburn Estate. The trees in this woodland are protected by a Tree Preservation Order.

The application site slopes downhill from east to west, with varying gradients. There is an approximate height difference of between 5 and 11 metres from Ladies Walk to the western edge of the application site.

The site has an area in excess of 6 hectares. It is part of a larger development site which continues from the southern corner of the site along the east side of Castlepark Drive, Castlepark Gardens and Fairlie Primary School and down to the A78, in respect of which a Development Brief has been prepared and where policy RES 3 applies.

This application seeks planning permission for the erection of 95 dwellinghouses, including associated roads, footpaths and open spaces.

The dwellings would be 2 storeys in height and would be a mix of 3 and 4 bedroom semi-detached and detached properties.

There would be nine house designs, each with pitched roof and facing brick details on the front elevation. Finishing materials would be dry dash off-white render to the walls with feature areas of facing brick. Roofs would be finished with grey concrete tiles. The front garden areas would be open with 1.8m high fencing or brick retaining walls bounding rear garden areas.

The development would be split into 2 further phases, 2 and 3. Phase 2 would occupy the northern half of the application site leading from the boundary of Phase 1 and Fairlie Primary School to the first visible watercourse within the application site. Phase 3 would occupy the rest of the southern half of the site, towards Fairlie Castle. As a linear site, the access road would be sited centrally with development occurring at either side. The development would utilise an existing access from the A78, constructed as part of Phase 1. Two other pedestrian accesses would be provided onto Castlepark Drive, Fairlie. Three main areas of open space would be located throughout the site. A SuDS detention basin would be located in the north-east of the site.

In terms of the adopted Local Development Plan, Policy RES 3 (Kelburn Castle, Fairlie) allocates the application site for housing development, including part of Phase 1 and Phases 2 and 3 with an indicative capacity of 115 units. Compliance with Policy RES 3 is reliant on a number of set criteria.

As the application site is within the RES 3 (Kelburn Castle) housing allocation, Policy RES 4 (Affordable Housing) is not relevant, as confirmed within the Council's non-statutory guidance on affordable housing on the mainland.

Policies RES 8 (Open Space and Play Provision in New Housing Developments), PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), PI 8 (Drainage, SuDS and Flooding) and the General Policy must also be taken into account.

The following statutory supporting documents form part of the submission:

Pre-Application Consultation (PAC) Report

As a major development, pre-application consultation (PAC) was required, and a notice (ref. 16/01079/PREAPM) initiating the statutory pre-application procedures was submitted to the Council on 4th November 2016. The PAC report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event held in Fairlie Village Hall on 28th November 2016, feedback received from interested parties and how these comments were taken on board by the applicant in finalising the proposals. In addition, the proposal has been subject to pre-application discussions with officers.

Design and Access Statement

A Design and Access Statement is required by the Development Management Regulations for all major planning applications. The submitted Statement describes the design process followed by the applicant in formulating the proposal, with reference to various design principles, the 2011 Development Brief and reference sources.

Other documents submitted in support of the application include a Flood Risk Assessment, Drainage Statement, Tree Survey, Planning Statement, Ecology Report and Transport Statement.

A copy of the 2011 Ladies Walk Development Brief was also provided for information. The Development Brief was approved by the Council in September 2011. The brief examines the site and context and identifies key design and layout principles. It proposes an indicative site layout and phasing, considers built form, materials, open space and play provision, landscape character and views and landscape strategy. The brief identifies 6 development areas and the type of housing that would be appropriate for each.

For areas 3, 4, 5 and 6, the subject of the current application, it indicates that 12 three storey townhouses, 12 two storey semi-detached houses and 63 two storey detached houses, in total, would be acceptable. It notes that the long term vision for Ladies Walk can "deliver planned growth and create a contemporary development of lasting quality."

The brief confirms that a number of common finishes would be utilised throughout the development, including grey tiled roofs in a variety of roof styles and pitches to minimise repetition and create interest from different viewpoints. Walls would be in a variety of pale colours to reflect the predominant finishes in Fairlie where they are generally painted or harled. In Ladies Walk, the main areas of walls would be white dry dash render on a light cream background. Feature areas would be a maximum of two colours/types of stone/facing brick. Doors and windows would be traditional in style.

2. Consultations and Representations

Statutory neighbour notification procedures were carried out and the application was also advertised in a local newspaper on 19th July 2017. 43 letters of objection were received, which can be summarised as follows.

1. The scale, design and location and amenity impacts of the proposal are contrary to the Council's Neighbourhood Design Guidance and LDP policies as follows:
 - the proposal involves housing in the countryside and is contrary to the LDP;
 - there would be a detrimental impact on visual amenity and the landscape qualities of the area;
 - there would be impacts on the character, setting and views from Ladies Walk and Fairlie Castle;
 - the proposal is contrary to the 2011 Development Brief for the site;
 - the layout is too linear and lacks variety and imagination;
 - the housing designs are out of character with the area;
 - the site would be over-developed and, consequently, future residents would have a lack of amenity;
 - the Council recently refused planning permission for housing next to Fairlie Bowling Club, the same reasons for refusal apply here;
 - play area provision in the development is lacking;
 - existing properties in the area would suffer a loss of privacy, and would be subjected to overshadowing and adverse impacts on daylight;
 - the village population would be significantly increased (by 25%-30%), which would be contrary to rural design guidelines;
 - the proposal would impact on protected trees within the Ladies Walk Tree Preservation Order and
 - there would be an impact on residential amenity during construction and from construction vehicles.

Response: It is not agreed that the proposal is contrary to the adopted LDP and design guidance. Within the LDP, the site is allocated for Housing, not Countryside. As a relatively narrow and linear site, it would be expected that any resulting development would, in general terms, be linear in layout. The Development Brief, approved in 2011, proposed two long lines of development. The applicant proposes variations in the road layout in Phase 2 to add visual interest and slow down traffic moving within the site. The matters regarding the design of the buildings, amenity and the Development Brief are considered in more detail within the Analysis, below. However, the proposal is considered acceptable in relation to siting, design and amenity impacts. The reasons for refusing a proposed housing development in the countryside to the north of Fairlie Bowling Club, (ref.16/01176/PP), are not relevant to this application. The applicant has provided details of a further play area between Phases 2 and 3. The proposal is not designed to have any adverse impacts on the Tree Preservation Order. Impact on amenity during construction operations is regulated through Environmental Health legislation (eg. construction noise, hours of operation, etc).

2. The Flood Risk Assessment is out of date and not fit for purpose. The FRA is very technical and should be simplified in plain English for the public to understand. However, it is considered that the FRA does not take into account climate change which will result in more flooding in the future. The development would increase flooding for residents downstream of the development site. It is not known who will manage the requirements under the FRA ie. SuDS pond, drainage etc. Further modelling should be done within the FRA. The design of the culvert is insufficient and would result in excess flooding, impact on the stability of the seawall and result in disruption to rail and roads during construction. The proposed SuDS pond would be a hazard to children. Increased hardstanding in an area that is currently greenfield would increase flooding more than the current situation. The proposal would result in more flooding of properties on Castlepark Drive. The existing temporary SuDS pond is insufficient and unable to cope. The application fails to refer to pollution caused by Phase 1 in terms of silt and sediment in watercourses.

Response: The applicant has provided a drainage statement and Flood Risk Assessment. SEPA and NAC Flooding have reviewed the Flood Risk Assessment and found it to be accurate. The proposal takes into account 1 in 200 year flooding events and climate change, and as such is future proofed. It is proposed that surface water arising from the site would be collected within a Suds pond and discharged to the sea at a greenfield rate, ensuring surface water is not discharged into neighbouring gardens. Maintenance of flood prevention assets could be controlled through a planning condition. The matters regarding the culvert are not material to this application as any culvert improvements are out with the control of the applicant, such works would be completed by North Ayrshire Council. The applicant has provided details of proposed foul water drainage which would collect excess water from roads, hardstanding, roofs and any new development within the site. Matters regarding pollution from Phase 1 are not relevant to this application and in any case would be controlled by SEPA. No concerns have been raised by NAC Flooding regarding the existing temporary SuDS pond. Matters regarding health and safety associated with the Suds pond would be addressed through the Road Construction Consent.

3. The application should not be granted until Phase 1 is fully completed. The further phases should not be constructed until the affordable housing, culvert, removal of temporary SuDS pond and paths are completed. The proposal fails to comply with the requirements of Policy RES 3, as the site would be overdeveloped beyond the 115 estimated houses for the site. The applicant is in breach of the Section 75 for Phase 1 and there is a lack of transparency for payments to the Kelburn Estate. All payments associated with the S75 are in breach of Policy RES 3 and all payments and where money is being spent within Kelburn Estate should be reviewed by Audit Scotland. Condition 13 of the original consent has not been complied with.

: There is no general requirement in planning legislation to complete development that has been granted planning permission. It is not agreed that the development does not comply with Policy RES 3 (see Analysis, below). While the 2011 Development Brief provided for 87 units through the site, the Development Brief acts a guide rather than an upper limit on housing numbers. It is considered that the number and type of units proposed accords with the Brief. Matters regarding the Section 75, which places a burden over all three phases, is not relevant to this planning application. The Council continue to monitor compliance with the Section 75. Condition 13 relates to a temporary path connecting Phase 1 to Castlepark Drive. The applicant has confirmed that a permanent shared use path would be completed within a year of starting development on Phase 2 and any temporary path would have to be closed for health and safety reasons, as it would cross through an operational construction site. This matter would be addressed by condition. In addition, condition 13 of the previous consent continues to be monitored as part of Phase 1 and could be enforced should Phase 2 not proceed.

4. The proposal would result in an increase of sewage into a system which cannot cope. Overloading the sewer would pollute the sea. Fairlie Primary School has no capacity for new residents without extensions to the building, and it is reasoned that the developer should be required to pay for school extensions. The development would be constructed on an existing water main and would be built under power lines, impacting on their viability. There are insufficient services within the area to cope with new residents, ie. doctors, dentists, shops. The proposal would result in longer lines at the checkouts of local shops/supermarkets.

Response: Scottish Water has no objection to the application, as noted below. Scottish Power were consulted regarding the electricity transmission lines (see below), and has no objection. In addition, NAC Education were consulted and has no objection to the proposal (see below). The potential impacts of the development on other local services was considered during the LDP process.

5. The local road network cannot cope with further development. The proposal would result in an increase in road traffic which would lead to congestion and impact adversely on the safety of road users and pedestrians. The previous crossing point on the A78 has been lost and this would affect the safety of pedestrians. The proposal would also impact on existing rights of way at both Ladies Walk and into the site from Castlepark Drive.

Response: The applicant has provided a Transport Statement. NAC Active Travel and Transport has raised no objections. The matters regarding the loss of a crossing point on the A78 are currently being negotiated between Transport Scotland and the developer as part of the Phase 1 consent. Planning Officers are party to that discussion and are requesting reinstatement of a crossing.

6. There is a need for affordable housing in the Fairlie area. The development is contrary to Policy RES 4 (Affordable Housing). There would be no community benefit to the residents of the village of Fairlie as a result of the development with all proceeds being given to Kelburn Estate.

Response: The Council's non-statutory guidance on affordable housing in mainland North Ayrshire confirms that Policy RES 4 (Affordable Housing) is not applicable to Policy RES 3. An affordable housing requirement is therefore not applicable to the proposed development. With respect to community benefits, Policy RES 3 states, among other things, that "all funds raised from the sale and development (except a reasonable developer's profit) are to be channelled into the conservation and subsequent maintenance of Kelburn Castle and the enhancement of Kelburn Country Centre to secure their ongoing use."

7. The proposal would impact detrimentally on wildlife and protected species, including bats.

Response: The applicant has provided the report of a Phase 1 Habitat survey which was undertaken in June 2017. The survey included a walkover of the land, noting habitats and plant communities and sought potential for, or evidence of, use of the land by badgers and bats. The study concluded that no protected terrestrial mammal species, nor signs indicating their presence were observed within the site boundary but there was potential for bats to forage on the boundaries of the site. The report states that the Phase 1 Habitat Survey revealed restricted habitat diversity. The report includes a number of recommendations including sensitive lighting, capping of pipes during construction to prevent any animals becoming trapped and that there are potential opportunities for biodiversity enhancements. These matters can be secured by condition.

8. The proposal would result in the loss of archaeological remains of an old chapel and stone circle. The proposal would result in development affected the setting of the Scheduled Monument at Fairlie Castle.

Response: West of Scotland Archaeology and Historic Environment Scotland have raised no objection to the proposal. A condition could be attached with respect to archaeology (see below).

9. Concerns have been expressed about the planning process. The applicant has continued to provide revised drawings and further information during the course of the application. The planning application should be withdrawn until all issues are resolved and a final proposal is provided to the community. Notification procedures have been insufficient for the application and the applicant has failed to consult with the community.

Response: The standard notification procedures have been undertaken and the application was advertised in the local press. The applicant has provided revised drawings where matters have been raised by objections and consultees as is normal for planning applications where concerns are to be resolved. The applicant also undertook the statutory pre-application consultation with the local community and provided a report on the findings. The procedure and approach was found to be appropriate.

10. Other issues - The proposed houses are too expensive. Planning should regulate the price and size of these units. The proposals would impact on the views from properties on Castlepark Drive. The proposal would impact on property prices.

Response: These are not material planning considerations.

Consultations

SEPA - No objections to the proposed development on flood risk grounds. North Ayrshire Council should undertake their responsibilities as the Flood Prevention Authority. A flood risk assessment (FRA) dated June 2017 has been provided in support of this planning application. SEPA note that this FRA is a re-issue, with no apparent updates, of an FRA provided in support of planning application 12/00159/PPM. SEPA reviewed the FRA at that time and had no objection subject to a number of planning conditions, namely, flood protection measures recommended by the FRA are adopted; confirmation of channel characteristics; appropriate maintenance and inspection regime for the sediment trap. The watercourse crossings should have a better or neutral effect on flood risk and should not result in an elevation of land within the functional floodplain. SEPA are satisfied that the development is not at risk from the Keppen Burn or existing watercourses within the development site. The proposals should include provision for SuDS. Similarly, any construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution.

Response: Noted. Consultation has been undertaken with the Councils Flooding Officer who has raised no objection, subject to conditions. A condition regarding the design of water crossings could also be attached. The proposal includes the provision of a SuDS pond.

NAC Commercial Services (Flooding) - No objection. The FRA submitted to the Council states that the site is not predicted to be within the floodplain of any of the three watercourses running through the site. However, small parts of the site adjacent to watercourses could be at risk in case of channel blockages. It is noted that foul drainage from the site would be discharged to the waste water system vested by Scottish Water. Any proposed discharge of surface water to the water environment must be in accordance with the principles of the SuDS Manual (C753) which was updated by CIRIA in November 2015 and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). A condition should be applied confirming compliance. Some surface water runoff would enter the site from the high ground to the east. Such flows must be intercepted at the perimeter of the site and either routed through the site or taken to a site drainage system. A cut-off drain is required at the west side of the development site to eliminate surface water entering existing properties to the west. The maintenance of the cut-off drain must be tied to the factoring arrangements for the development and a minimum 2 metre access path is required along the full length of the cut-off drain. Details of the cut-off drain must be submitted prior to construction. Detail of factoring should also be provided. Road run-off should be taken through roadside swales to be accommodated within the development layout adjacent to roads, prior to connection to the surface water sewer.

Response: Noted. A condition could be applied requiring the applicant to provide details and implementation of SuDS, cut-off drain, swales and factoring/maintenance details.

West of Scotland Archaeology - No objections. The application abuts the legally protected area of the scheduled Fairlie Castle at the very southern end of the proposals. West of Scotland Archaeology advise that this will form a minor detrimental impact on the setting of the scheduled ancient monument. The site is located in an area of some sensitivity for archaeology based on the high density of recorded sites and finds in the surrounding landscape. The recorded findings indicate that the area has been favoured for various human activities since earliest times, and that there is a strong possibility that further, undiscovered archaeological remains may survive below present ground levels. The application area is partly disturbed ground and has been subject to archaeological evaluation in the past as it contains recorded sites. This revealed a mixed result and there is a remaining concern over the location of a former chapel site and a circular earthwork lying within the application area. It is possible that significant archaeological remains survive within the application boundary and that these may be damaged or destroyed by the ground-breaking elements of the proposals. In order to protect and investigate these remains West of Scotland Archeology recommend a condition which secures the implementation of a programme of archaeological works in accordance with a written scheme of investigation which must be agreed by the West of Scotland Archaeology Service. In this way any remains discovered can be identified, excavated, recorded and published before they are potentially destroyed by construction on the site.

Response: Noted. Consultation has been undertaken with Historic Environment Scotland who do not object (see below). A condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation could be attached.

Historic Environment Scotland - No objection. The proposals have the potential to affect the Scheduled Monument at Fairlie Castle. Historic Environment Scotland was supplied with a Development Brief that outlined proposals similar to the current application in November 2010. The proposed site layout reflects that Development Brief and leaves an area of open ground in the southern part of the proposed development, adjacent to Fairlie Castle, in order to help maintain its immediate setting. The Brief also restricts development from directly impacting upon what may have been the main approach to the castle, which runs along and immediately outwith the boundary of the development area. The proposed residential development further north within the development area would not have a significant impact upon the castle's setting and, consequently, Historic Environment Scotland consider that the proposals do not raise historic environment issues of national significance and therefore do not object.

Response: Noted.

Environmental Health - No objections subject to the applicant demonstrating that increased road traffic does not have a detrimental impact on air quality, any contamination found during construction is reported to Environmental Health, restrictions on construction noise and times, noise limits on construction plant and restrictions on the burning of waste.

Response: Noted. A condition could be applied regarding the investigation and treatment of potential contamination of any of the site. Matters regarding air quality, construction noise and working times, construction plant noise and restrictions on burning of waste are controlled through other legislation and are not material Planning considerations.

NAC Education and Youth Employment - No objections. The current roll projection for Fairlie Primary School shows that the school capacity should be able to cope with expected numbers of new children from the proposed housing.

Response: Noted.

NAC Active Travel and Transport - No objections. The applicant has carried out a Transportation Assessment with the proposals. The results do not raise any concerns or issues. The Roads Development Guide requires that 2 and 3 bedroom dwellings have 2 off street parking spaces and 4 bedroom dwellings require 3 off street parking space, with 0.25 visitor spaces per dwelling. Conditions should be applied requiring the applicant to provide drawings showing allocated parking per dwelling and that driveways should be designed such that no surface water from the curtilage of dwellings shall be drained onto the public road network.

Response: Noted. The applicant has provided a plan illustrating details of proposed parking per dwelling and visitor parking, this would be confirmed through the Road Construction Consent. A condition could be applied with respect to surface water from roads and driveways.

NAC Arboriculture Officer - No objections. The site is located at the east of Castlepark Drive and Gardens. It is agreed that there are no trees within the proposed development. Those mature trees that are positioned to the east of the site, (predominantly mature beech), are far enough back from the proposed development boundary that these trees would not be impacted on by the development provided the retention recommendations, as stated in the planning applications Tree Protection Plan, are adhered to. Some of the large beech at the south end of the site exhibit large historic limb failure, evident by the resulting wounds, most of which have not occluded. One of the beech also shows evidence of ganoderma (a pathogenic fungi) at the base. At present the risk associated with these trees is minimal. However, given the proposed change of use of the site the risk element associated with these trees would increase via the development of new houses nearby. These trees would require to be regularly monitored in the future if the development is to proceed.

Response: Noted. Following consultation it was noted that a single tree is located within the application site. Advice was sought from the Arboricultural Officer who confirmed that while there is a single tree in the site, no protected trees within the TPO are located within the site. A condition requiring compliance with the Tree protection Plan could be attached. Similarly, a condition requiring the applicant to conduct a further tree assessment prior to construction on Phase 3 would ensure that any beech trees at the south of the site are assessed for their potential risk to persons and property.

NAC Commercial Services (Cleansing) - No objections. Sufficient bin storage should be provided at each property to accommodate waste bins. The roads sections are sufficient to allow access to accommodate refuse collection vehicles.

Response: Noted. A condition requiring bin storage details could be applied. Matters regarding refuse collection vehicle access would be confirmed at the Road Construction Consent process.

Scottish Power - There are electrical high voltage overhead line and underground cabling running through the proposed development site. At this time Scottish Power object to the proposal on the grounds that no details regarding re-routing have been provided.

Response: The applicant has been made aware of the objection. The applicant has indicated that it is their intention to divert the existing electrical apparatus and overhead cables underground. The applicant is currently discussing this with Scottish Power. The Electricity Act 1989 protects Scottish Power assets from unlawful disconnection. An informative could be attached requiring the applicant to contact Scottish Power regarding re-routing of the overhead and underground lines.

Scottish Water - No objections. There is currently sufficient capacity in the Greenock Water Treatment Works to accommodate the development. In regard to foul drainage, the proposed development could connect to the Fairlie Waste Water Treatment Works, subject to application. Scottish Water cannot confirm capacity until a Pre-Development Enquiry is submitted. Following the grant of planning permission Scottish Water can review the availability of capacity at that time. Scottish Water has an asset close to the boundary. The applicant should contact Scottish Water to discuss potential conflicts and stand off distances.

Response: The applicant has been made aware of the matter raised. Houses cannot not be occupied until water and foul drainage connections are made, this is controlled through Building Standards. An informative could be attached requiring the applicant to contact Scottish Water regarding new connections and adjoining assets.

HSE Office for Nuclear Regulation - No objections. The proposed development could be accommodated within existing off-site emergency planning arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site.

Response: Noted.

Fairlie Community Council - Object on the following grounds:

- (i) Flooding is a major concern for the whole village. Dawn Homes have demonstrated that they are unable to plan to prevent flooding, and have reacted poorly to concerns and SEPA directives. The SuDS pond should be a temporary measure and is proving inadequate, yet so far Dawn Homes are indicating this would be used for Phase Two. Fairlie Community Council (FCC) would question how Dawn Homes and NAC argue the flooding risk is not increased, in view of the fact that the SuDS pond is 'temporary' and the current provisions are clearly inadequate. Is it reasonable to risk flooding of existing homes by building more homes before the necessary culvert extension is completed?

- (ii) FCC are concerned that the character of the village would be ruined by a modern housing estate design and that the site itself is of intrinsic value to the local community. There are concerns regarding impact on amenity of residents, loss of a right of way, increase in congestion and pollution in the village and increased damp and flooding for neighbouring residents. Residents are concerned with the loss of privacy and restriction of natural light in their homes and gardens, and the restriction of rear access from their gardens. Policy RES 3 requires that any application must comply with the approved Development Brief. This application is based on an early draft and not the final document as approved by NAC on 9 August 2011.
- (iii) Ladies Walk is of unique historic and natural significance which at best will be spoilt by the proximity of so many houses, and at worst be destroyed by their construction, and/or residents. Can Dawn Homes and NAC guarantee that this unique natural and historic area will be protected and preserved? The proposal would also result in the loss of important archaeological assets within the site and given its proximity, would impact on the setting of Fairlie Castle.
- (iv) The Dawn Homes development would increase the village's population by between 20% and 25%, and due to the very nature of the homes, would increase the number of school age children substantially. Within Fairlie there is a lack of services, lack of capacity on local roads, lack of public transport, lack of capacity at the local school. The proposal would impact on utility services during construction and once homes are occupied.
- (v) FCC remain concerned about the safety on the A78. The addition of a major junction with insufficient safety measures would worsen matters. There is only one entrance/exit to the proposed estate. How would the junction cope at busy times without blocking the A78? The previous pedestrian crossing has been lost.
- (vi) The flooding to date has polluted the beach areas which adjoin the Site of Special Scientific Interest (SSSI) contaminating a rare marine environment.
- (vii) FCC observe that the conditions indicated in Policy RES 3 are not being met, specifically 4, 5, 6 and 9. What has been done to audit the trust and ensure it is fulfilling its legal responsibilities? Due to the RES 3 agreement the local village residents can only suffer detriment from this development as there are no community benefits agreed for the residents impacted. The applicant has failed to comply with Condition 13 of the Phase 1 development, 12/00159/PPM. There is a lack of affordable housing within the development as well as a lack of safe play spaces.

Response: The points raised by Fairlie Community Council, on behalf of local residents, are considered within the responses to representations above. The matters regarding compliance with Policy RES 3 are considered in detail within the analysis, below, however it is considered that the proposal complies with the criteria of Policy RES 3. Many of the concerns raised have been addressed in the previous planning application, 12/00159/PPM, and are covered by the Section 75 obligation which covers the whole of the development brief area.

3. Analysis

The application seeks planning permission for residential development with associated access roads, open space, landscaping and other required infrastructure.

Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire. The proposed development would contribute to this strategic aim. The proposal requires to be considered in terms of LDP policies RES 3, PI 1, PI 4, PI 8, RES 8 and the General Policy.

Policy RES 3 (Kelburn Castle, Fairlie) allocates the application site for housing development, including part of Phase 1 and Phases 2 and 3 with an indicative capacity of 115 units. Compliance with Policy RES 3 is subject to satisfying the following criteria:

- (1) Conformity with an approved development brief prepared by the Council: the siting, design and appearance, access and landscaping proposals accord with the approved Development Brief. The actual number of residential units varies slightly. The brief indicates that 87 units would be provided in areas 3 to 6 namely, 12 townhouses, 12 semi-detached units and 63 detached units whereas the current proposal is for 95 units, comprising 20 semi-detached units and 75 detached units. The Development Brief is a guide and it is considered that the number and type of units proposed generally accord with the Brief.
- (2) The submission of a detailed, fully verifiable, financial and business plan for the overall development showing that all funds raised from the sale and development (except a reasonable developer's profit (as detailed in criterion 6) are to be channelled into the conservation and subsequent maintenance of Kelburn Castle and the enhancement of Kelburn Country Centre to secure their ongoing use: as part of the planning consent for phase one, (ref. 12/00159/PPM), the developer provided an indicative Cost Plan and a Business Plan Cashflow detailing indicative sales revenues, build/marketing/finance and general overhead allowances along with a developer return. This cost plan is subject to a Section 75 obligation which covers all phases of the development, including this application site. As such compliance with this criteria is met with the current Section 75.
- (3) Historic Scotland agrees to the proposed restoration of Kelburn Castle

and Country Centre: Historic Scotland (now known as Historic Environment Scotland), approved the Conservation Plan which sets out the works to Kelburn Castle and Country Centre and how they will be phased during the course of the previous planning application for Phase 1.

- (4) The developer can demonstrate that sufficient financial assistance is not available from any other source: this matter was evidenced during the course of the previous planning permission for Phase 1, where it was demonstrated that sufficient financial assistance from any other source was not available to complete improvements at Kelburn Estate.
- (5) The extent of any new build while restricted to the minimum necessary to facilitate the restoration of Kelburn Castle and the appropriate enhancement of Kelburn Country Centre occupies the whole site with any additional funds arising being channelled to a maintenance trust: the terms of the Section 75 control any additional income received as a result of development or market fluctuations with a set developers profit and all other proceeds channelled to Kelburn Estate.
- (6) Open book accounting on both land and development sales which would allow for a reasonable developer's profit only (indicatively 12% as advised by Historic Scotland) with all other proceeds being channelled to the development to be enabled: the terms of the Section 75 control income received as a result of development, with a set developers profit and all other proceeds channelled to Kelburn Estate.
- (7) Provision shall be required for a developer contribution to Education Services should the scale and rate of development so require - NAC Education Services have indicated that existing provision in the area can accommodate pupils generated by the development.
- (8) Vehicular access to the site (except for any necessary emergency access) shall be taken direct from the A78(T) between the petrol station and the Manse by means of a new access road: the vehicular access from the A78 is now in place and, therefore, this criterion is satisfied.
- (9) Evidence of a trust or other legal arrangement ensuring that all monies from the development will be used for the restoration and subsequent maintenance of Kelburn Castle and improvements to the Country Centre and for no other purpose: the Trust is in place and this criterion has been satisfied.

Policy RES 3 provides an indicative capacity of 115 units. The proposal is for 95 units. With only 7 units in Phase 1 being located within the RES 3 allocation, the proposal falls below the overall capacity in the policy. This application results in two final phases to complete development within the RES 3 area. The capacity within Policy RES 3 is a guide and it is considered that the number and type of units proposed accord with the Brief.

In view of the foregoing, it is considered that the proposed development accords with Policy RES 3.

Policy RES 8 (Open Space and Play Provision in New Housing Developments) considers that all new housing developments should include open space and children's play facilities. In line with the original development brief, the applicant has indicated two main open space areas as well as a landscape buffer between Fairlie Castle and housing on the site. The open space would be largely landscaped. A play area is also indicated as being located between Phases 2 and 3. Detailed plans for landscaping and the new play area are yet to be provided, but a condition could be applied requiring further details as well as a maintenance plan. Subject to condition, the proposal would comply with Policy RES 8.

Policy PI 1 (Walking, Cycling and Public Transport) relates to all development proposals which would result in significant trip generation. Applications require to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users. As stated, a transport statement has been submitted with the application, which considers private vehicular trip generation, various issues and methods to promote active travel and the use of public transport. The proposal includes a shared use path through the site connecting the development to the existing network of local footpaths, and providing much needed pedestrian and cycling connections from the north of Fairlie to Fairlie Primary School, and beyond.

A Core Path is located to the south and south-west of the site provided further opportunities for walking and cycling. The site is also well located for public transport, with the A78 being on the main bus route between Greenock and Ayr, more local routes and Fairlie Railway Station.

Finally, in terms of motorised traffic, the site can be accessed conveniently from the trunk road network. In summary, the proposal is satisfactory in relation to Policy PI 1.

PI 4 (Core Path Network), requires that development within close proximity to the Core Path should provide suitable links to the Core Path network where appropriate. Located to the south-west of the site is Core Path N21 which connects Largs Pier and Fairlie Station. Core Path N31, which connects Fairlie Castle to Fairlie Moor Road, is located on the southern boundary of the site. Phase 2 provides a link into Castlepark Gardens providing access onto the Core Path.

A direct link would be made during Phase 3 with a shared use path being constructed in the south of the site. Subject to a condition requiring the formation of these links, the proposal is satisfactory in relation to Policy PI 4.

PI 8 (Drainage, SuDS and Flooding) deals with drainage, SuDS and flooding, which is relevant due to the proximity of watercourses close to and within the site. The application has been subject to a Flood Risk Assessment, Drainage Statement and Drainage plans. The Flood Risk Assessment concludes that the main risks of flooding are from three streams which run through the site and the Keppen Burn, to the north. The application site is not predicted to be within the floodplain of the watercourses but risks could occur where channels block. Some surface water runoff would enter the site from the high ground to the east. Such flows must be intercepted at the perimeter of the site and either routed through the site or taken to a site drainage system.

A maintenance scheme to ensure the watercourses, as they pass through the site, are kept free from blockages would reduce the risk of flooding. It is also proposed that access surface water would be collected within a new adopted drainage scheme, which would be linked to a new SuDS pond in the north-east of the site. This would ensure that the risk of flooding would be greatly reduced within the site, or elsewhere as a result of the development.

Whilst NAC Flooding has not objected to the scheme it is recommended that a cut-runoff off drain is installed at the west side of the development site, to eliminate surface water entering existing properties to the west. The maintenance of the cut-off drain must be factored and a minimum 2 metre access path required along the full length of the cut-off drain. Details of the cut off drain must be submitted prior to construction. A condition could be applied in this regard.

Details of the proposed drainage scheme and SuDS pond have been provided and subject to a condition requiring their installation and maintenance, the proposal is satisfactory in relation to Policy PI 8.

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

(a) Siting, design and external appearance

In support of the application, a Design and Access Statement has been provided. The statement refers to national policy, North Ayrshire Council's 'Neighbourhood Design Guidance' document and the 2011 Development Brief for the site. The development proposes a mix of 3 and 4 bedroom semi-detached and detached properties. There would be nine house designs, each with pitched roofs and facing brick details on the front elevation. Finishing materials would be dry dash off-white render to the walls with feature areas of facing brick. Roofs would be finished with grey concrete tiles. The front gardens would be open with 1.8m high fencing or brick retaining walls enclosing the private rear garden areas. The proposed design and layout of the proposal complies with the development brief to a reasonable extent. A change to the layout of Phase 2 has been carried out to provide visual interest and reduce vehicle speeds within the site.

, there is no one character or design with a range of building types including bungalows, terraced, semi-detached and detached properties, all of varying size, age and appearance. It is considered that the mixture of house designs in the proposal would provide variety and focal points within the development.

The introduction of shared spaces and reduced road widths would encourage reduced traffic speeds within the development whilst helping create a sense of place. In certain areas buildings have minimal set-backs from the road to create a contained and intimate street rather than the more modern approach of standard set-backs. It is considered that the layout would create a balance of ensuring suitable housing density whilst creating an attractive and carefully designed environment.

The proposal is acceptable in design terms and would comply with non statutory guidance and criteria (a).

(b) Amenity

Concerns have been raised regarding privacy and overshadowing of neighbouring occupants. In order to demonstrate the potential impacts of the development the applicant has provided a sunlight analysis which indicates that, on plan, some overshadowing would occur from the development but any impact would be limited to early morning. When considered on site, it is clear that much overshadowing would fall upon existing vegetation which marks the western boundary or onto the roofs of existing house buildings within neighbouring gardens. It is considered that these impacts would be limited and therefore acceptable.

With respect to privacy, there would be a number of properties backing onto the western boundary. The closest windows would be 9 metres from the boundary with any direct window to window overlooking separated by a minimum of 23 metres in the north of the site and a maximum of 37 metres in the south of the site. One house design, Etive, includes a first floor side window and had been proposed for plots 26, 33 and 78. Due to the potential impact on the privacy of neighbours, an officer request was made to remove the Etive from these plots. Consequently, the applicant has provided a revised layout which substituted the Etive from the western boundary with a house design that has no side facing upper window. With respect to the remaining plots on the western boundary, details of boundary treatments and garden levels would be required by condition to ensure that the privacy of existing and prospective occupants would be to an acceptable standard.

The houses would be sited on varying plot sizes, reflective of the scale of the house proposed, and would offer acceptable levels of amenity for future residents. All plots would benefit from private rear gardens with many having direct or immediate access to large shared greenspaces. Due to siting, restricted building heights and varying plot sizes, the amenity of existing residents would be protected and any new residents would have an acceptable level of residential amenity. The proposals would comply with criteria (b).

(c) Landscape character

The site is located within the settlement of Fairlie as defined in the adopted LDP. It is currently undeveloped, however the site is bounded by existing housing to the west. The mature woodland belt at Ladies Walk provides a strong boundary to the east which limits any wider landscape impacts. The proposals would comply with criteria (c).

(d) Access, road layout, parking provision

Prior to submission, the applicant held pre-application discussions with relevant officers in the Council in order to consider Scottish Government's guidance, 'Designing Streets'. The geometry of the road in Phase 2 has been designed to limit vehicle speeds entering the development. The remainder of Phase 2 and Phase 3 would benefit from a reduced road width, shared spaces, natural landscaping and the siting of buildings. The design reduces the need for more formal traffic attenuation such as speed bumps, helping create a more attractive place.

The reduction in road widths, siting of parking within side curtilages of houses and courtyards, where possible, would result in limited on road parking and limit the visual impacts of cars on the streetscape. Further enhancing the visual amenity of the development. NAC Active Travel and Transport has not objected to the proposals. The proposals would comply with criteria (d).

e) Safeguarding zones

The site is identified as being within the Hunterston 5 mile safeguarding zone. HSE Office for Nuclear Regulation has not objected to the proposed development. The safeguarding and re-routing of electricity apparatus within the site would be addressed by the developer in negotiation with Scottish Power.

(g) Infrastructure and development contributions

With respect of play facilities, there would be well connected, centrally located, open space areas which would ensure a reasonable balance of development and open space. A play area would be delivered between Phase 2 and Phase 3 and would be maintained by a private factor. As discussed above, the Council's non-statutory guidance on Affordable Housing on the Mainland omits Policy RES 3 from the requirements which apply on other housing sites in the North Coast. Nonetheless, the applicant has confirmed that a proportion of the units on site would be priced below £200,000, making them eligible for the Government-backed Help To Buy Scheme. This provides an affordable opportunity for mid-market, first time buyers. Finally, Education Services has confirmed that existing schools in the area can accommodate pupils generated by the development. As such, no contribution for school improvements would be required.

The proposal would therefore accord with criterion (g).

In summary, it is considered that the proposal accords with the provisions of the LDP, approved Development Brief for the site and would offer a welcome and positive development for Fairlie, resulting in well designed housing following site release through the development plan process. The application should therefore be granted subject to the conditions listed in Appendix 1.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
29 August 2017

For further information please contact Mr Ross Middleton, Senior Development Management Officer , on 01294 324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00584/PPM

Grant subject to the following conditions:-

1. No development shall take place within the development site as outlined in red on the approved plan until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority:
 - i) Details of a scheme to intercept surface water runoff from the higher ground to the east and routing into the drainage system;
 - ii) Details of a cut off drain along the western boundary of the application site;
 - iii) Details of proposed watercourse crossings which ensure that crossings have a better or neutral effect on flood risk and do not result in the elevation of land within the functional floodplain;
 - iv) Details of proposed landscaping and safety of the SuDs pond as well as a programme for its completion/operation;
 - v) Maintenance of existing water channels which enter and are contained within the site; and
 - vi) The proposed programme for the installation of those flooding measures contained within this condition, and those approved with the application, as well as details of maintenance and factoring.

Such details as may be approved shall be completed in compliance with the proposed programme of implementation, agreed under (vi) above, and maintained permanently thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of hard and soft landscaping. The submitted scheme should include:
 - i) details of proposed hard surfacing, including paths, roads, shared spaces, driveways and boundary treatments;
 - ii) details of species and planting densities;
 - iii) details of potential biodiversity, including habitat, improvements;
 - iv) a programme of proposed implementation of the scheme; and,
 - v) proposed maintenance programmes and factoring.

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

4. That, prior to the commencement of the development, hereby approved, full details of proposed 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:

i) that there shall be no treeworks undertaken within the Tree Preservation Order area, unless otherwise agreed in writing;

ii) 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.

5. That prior to the commencement of plots 45, 46 and 64, 65 and 67, as approved in drawing AL(0)100 I, the applicant shall provide a revised Tree Survey 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" and shall assess the existing and future health of those trees within the eastern boundary as well as any recommendations for trimming or felling diseased trees.

6. That prior to the commencement of development details of the proposed programme for the installation of the proposed shared use link for pedestrians and cyclists to Castlepark Gardens and the emergency access, located in the south of the site, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The links should be completed in compliance with the approved programme to the satisfaction of North Ayrshire Council as Planning Authority, unless North Ayrshire Council as Planning Authority gives written consent to any variation. For the avoidance of doubt the proposed shared use path to Castlepark Gardens should be completed prior to the occupation of plots 34, 35 and 36 and the proposed emergency access completed prior to the occupation of plots 68, 69, 70, as outlined within approved plan AL(0)100 Revision I.

7. That prior to the commencement of development on plots 23 to 26 (inclusive), 33, 34, 35, 37, 68 to 72 (inclusive), 73, 78 and 79 to 95 (inclusive), as illustrated in approved plan AL(0)100 Revision I, details of proposed finished ground levels and finished floor levels, retaining walls, any raised terracing, garden slopes, boundary treatments shall be submitted on plans and section drawings for the written approval of North Ayrshire Council as Planning Authority. Such details as may be approved shall be completed to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

8. That prior to the commencement of development details of proposed habitats and species measures recommended in the Ecological Assessment 2017 by Nigel Rudd, accompanying the planning application, shall be submitted to and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the measures are fully implemented during construction of each phase, to the satisfaction of North Ayrshire Council as Planning Authority.

9. The prior to the commencement of the development details of the proposed equipped play area, which shall include the provision of at least 5 different types of play equipment, seating and unequipped play areas shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include the proposed location of the play area, site levels, programme of installation, any means of enclosure, including gated points of access/exit, surface finish, litter bin provision, maintenance and management arrangements. Unless otherwise agreed in writing the approved play area facilities should be installed and operational no later than, or prior to, the occupation of plots 45, 94 or 95 as outlined within approved plan AL(O)100 I. The approved play area should be completed to the satisfaction of North Ayrshire Council as Planning Authority and maintained in perpetuity.

10. 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.

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

1. In recognition of the archaeological significance of the site.
2. To meet the requirements of SEPA and NAC Flooding.
3. In the interest of the amenity of the area.
4. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
5. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
6. In the interests of ensuring permeability through the site.
7. To ensure privacy within and adequate screening of the site.
8. In the interests of protecting and improving ecology on the site.
9. In order to ensure the development includes appropriate play facilities.
10. To meet the requirements of Environmental Health.

Reason(s) for approval:

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

NORTH AYRSHIRE COUNCIL

Agenda Item 4.2

Planning Committee

20 September 2017Locality **North Coast and Cumbraes**Reference **17/00740/PP**Application **18th July 2017**

Registered

Decision Due **18th September 2017**Ward **Dalry and West Kilbride**

Recommendation	Grant with Conditions contained in Appendix 1
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Location	Hunterston A Power Station, West Kilbride
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Applicant	Magnox Limited, Oldbury Technical Centre, Oldbury Site, Oldbury Naite, Thornbury, South Gloucestershire
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Proposal	Proposed replacement weather envelope cladding to reactor buildings and associated works (revised design to cladding approved under planning permission ref. N/01/00286/PP)
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1. Description

This application proposes a variation of a planning permission (ref 01/00286/PP) of 2002 which granted permission to erect a weather envelope of aluminium cladding around the large twin reactor buildings of the former Hunterston A nuclear power station. The original cladding of the reactor buildings comprised a glass panel structure held by metal bars and clips, which, at the time of the previous application was deemed to be physically unsafe, with a large number of the glass panels having fallen out.

The replacement weather envelope was therefore required as part of the decommissioning programme for the station. The decommissioning programme followed a "Safestore" strategy, agreed by the government, in which the reactors were to be made radiologically and physically secure for a period, at the time of the application, being some 100 years before being finally dismantled and the site cleared.

The approved replacement weather envelope was intended to commence in Spring 2004 however the applicant subsequently advised of delays to this timescale due to changing priorities of various other components of the overall decommissioning project and of the need to install a temporary weather barrier as an intermediate stage of the development, the purpose of which was to eliminate hazard conflicts with the other decommissioning works, due to the extensive amount of work at height and lifting operations required in order to construct the weather envelope. The temporary barrier is a white fabric which has a degree of translucency and would remain in place until the cladding is erected.

The temporary weather barrier was installed between 2006 - 2009 and constituted a commencement of the 2002 permission with the effect that the permission is still extant. The current application now seeks consent to vary the original planning permission solely in relation to amending the external profile of the cladding design. The current permission proposes to now affix the cladding directly to the reactor structure rather than to an framed structure extending around the reactors as originally approved, thereby reducing the scale of the resultant structures. The purpose of the weather envelope remains to provide an effective wind and water-tight enclosure for the internal reactors and of a design to ensure minimal maintenance requirements over the duration of its functional life, now stated to be some 60 years.

If planning permission for the proposal is obtained the applicant advises that construction would be expected to commence in August 2018 with completion anticipated in December 2020.

2. Consultations and Representations

The application was advertised in the local press on 26th July 2017 for neighbour notification purposes. Two letters of objection were received which can be summarised as follows:

1. Object to the colour of the proposed cladding.

Response - The current application does not propose any change to the colour of the cladding. The cladding colour was approved under the original permission of 2002, with both the reactor buildings and the adjacent Intermediate Level Waste Store (ILW) intended to be finished in the same material and colour.

2. The applicant has failed to consult with neighbouring Community Councils on the proposal.

Response - There is no planning requirement for the applicant to engage in pre-application consultation with Community Councils.

Consultations

Largs Community Council : Object to cladding colour and suggest it should be darker.

Response - The current application does not propose any change to the colour of the cladding. The cladding colour was approved under the original permission of 2002, with both the reactor buildings and the adjacent Intermediate Level Waste Store intended to be finished in the same material and colour.

West Kilbride Community Council : Object to the proposed visual impact due to its scale and colour.

Response - The current proposal would reduce the scale of the previously approved design. See previous references to the colour of the proposed cladding.

Cumrae Community Council : Object to cladding colour and suggest it should be darker. Question the accuracy of the supporting photo representations presented in the L&VA purporting to show the existing and proposed views of what is/will be visible from Cumrae, in that they do not represent with any accuracy what is actually seen by the human eye.

Response - The applicant advises that the approach and methodology of the supporting Landscape and Visual Assessment (LVA) , including the precision adopted for the photography and visualisations, follow established guidelines, and provides an entirely robust analysis of the visual effect of the cladding on the character of the landscape.

Fairlie Community Council : The Community Council fully understands the need for robust ,effective and permanent cladding to replace the current, white, temporary weather barrier on the reactor buildings. Suggest that the cladding should be a darker colour. Would also prefer to see the reactor buildings further reduced in height but understand that this is not technically possible at present but hopes that the applicant can still continue to examine this possibility.

Response - See previous references to the colour of the proposed cladding. The issue of the possibility of the buildings being further reduced in height is not the subject of this application.

Scottish Natural Heritage : No objection. The previous approved cladding was subject to a rigorous assessment process, which included potential impacts on nearby protected sites and landscape and visual impacts. The proposed change of cladding will not alter the outcomes of the previous assessment.

Response - Noted.

HSE Office for Nuclear Regulation : No objection.

Architecture and Design Scotland, Clyde Muirshiel Regional Park : No response to date (consulted 20th July 2017)

3. Analysis

There are no policy issues to consider with this application given that both the extant permission and the development has commenced. The application therefore requires to be assessed against the relevant criteria of the General Policy of the Local Development Plan, in this case solely criterion (a) which considers the issues of siting, design and external appearance.

The applicant advises that the current proposal to vary the approved scheme emerged from the identification of design risks with the original proposal and associated cost savings. The original approval proposed the construction of the cladding barrier set off from the walls and roof of the existing reactor buildings, ie increasing the overall scale and appearance of effectively, in plan view, two rectangles with rounded corners. The current proposal would now see the plan view retaining that of the existing buildings.

The elevations would retain more of their appearance of their previous function. The effect of the revised cladding design would reduce their scale by reducing their maximum height by some 4m in the centre and a further 7m at the east and west sides, and by some 3.5m across their principal north facing elevation. The bottom edge of the proposed cladding would also be raised to a higher level than the original approval, again to address technical and future maintenance issues and would now begin some 12.5m above ground level.

It is considered that the proposed variations would both reduce the scale and appearance of the approved design and retain more of an interpretation of the previous function of the buildings and would accordingly satisfy criterion (a) of the General Policy of the LDP.

Whilst this application does not proposed any variation to the type or colour of the approved cladding, concern has been expressed by objectors and neighbouring Community Councils that the approved colour, similar to that already used on the adjacent ILW store, should also be re-considered under the terms of this application. The applicant has considered the substance of the comments made and has agreed that the issue of the colour for the cladding could be revisited, particularly given the additional large structures associated with the Western Link Inter-connector Station set directly to the rear of the reactor buildings. It should be recognised however that, due to the applicants requirement for a high quality product to perform over the long term lifetime of the buildings, the choice of materials could be restricted and may rule out colour application on the cladding. A condition to the permission requires the final specification and colour of the cladding to be approved.

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
30 August 2017

For further information please contact Gordon Craig, Planning Officer , on 01294 324380

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00740/PP

Grant subject to the following conditions:-

1. 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 reason(s) for the above condition(s) are:-

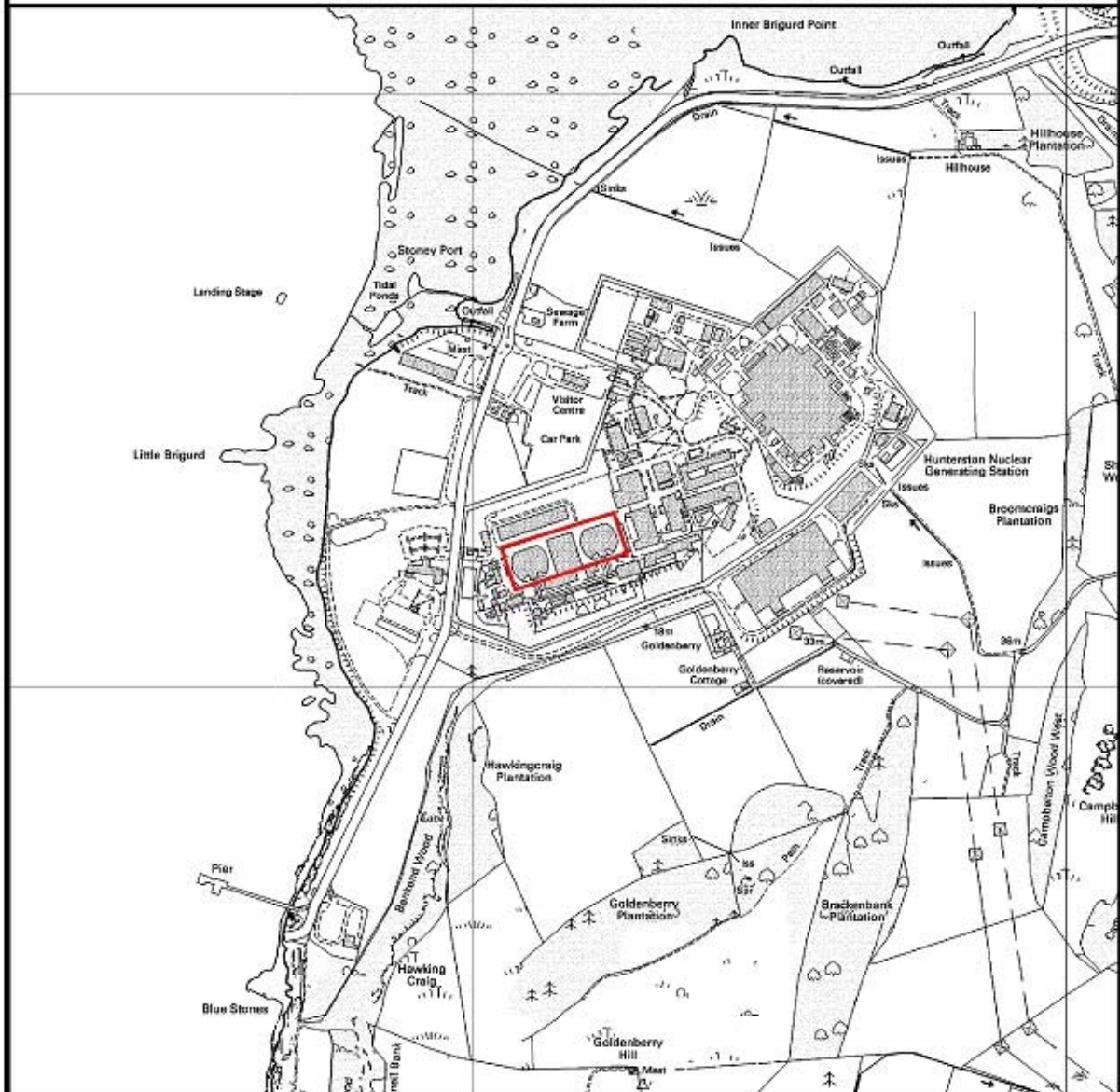
1. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

17/00740/PP



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

20 September 2017

Planning Committee

Title: **Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie.**

Purpose: To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring removal of hardstanding and outbuilding from field to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie.

Recommendation: Agree that authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring removal of hardstanding and outbuilding from field to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie be granted.

1. Executive Summary

- 1.1 Works comprising the laying of hardstanding and the erection of an outbuilding have been undertaken in a field to the south of the Manor Park Hotel and to the north west of Home Farm, Knock Castle Estate, Skelmorlie. The works were undertaken in June 2017. No planning permission has been granted for the works and they are therefore unauthorised.
- 1.2 The site is located within an area identified as countryside, as indicated in the Adopted North Ayrshire Local Plan (LDP). The site is also within the Clyde Muirshiel Regional Park, a Special Landscape Area. The site is bounded to the north by the access road between Routenburn Road and the A78. Across that road to the north, is the Manor Park Hotel. To the east, west and south are other open fields. The fields are also adjoined in all directions by the Knock Castle and Routenburn Local Nature Conservation Site. The lawful use of the site appears to be for agricultural purposes, in particular grazing of animals.

- 1.3 It is considered that the laying of hardstanding on this land and construction of the outbuilding have an adverse impact on the visual amenity of the area. The development impacts not only on the character of the area as one of countryside but also the Special Landscape Area.
- 1.4 Given the above and in particular it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require removal of the hardstanding and outbuilding. The Enforcement Notice would take effect not less than 35 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be in full compliance within 6 weeks of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.
- 1.5 Other works including the formation of an access and erection of boundary fences have also been undertaken on site. However, these works either constitute permitted development or are otherwise acceptable and as such it is not recommended to take action against these works.

2. Background

- 2.1 The owner of the land has been advised that the works are unauthorised. They stated that the works were in preparation to develop the site for either stables or for a house. The owner has also been advised that any such development proposals are unlikely to be looked upon favourably given the location of the site in the countryside and Special Landscape Area. They have been requested to remove the hardstanding and outbuilding but have not done so.
- 2.2 The Council's LDP policies resist development within the countryside and Special Landscape Areas except under exceptional circumstances. Policy ENV1: New Development in the Countryside (excluding Housing) states that such development will not accord with the LDP unless; it is necessary development associated with agriculture, forestry or other established rural businesses and is of a scale proportionate to the needs of the business; or it is a small-scale business falling within Class 4 that has specific locational need to be on site; or it is essential public infrastructure that has specific operational need to be on site; or it is within an existing village; or it is a tourism proposal; or it is for outdoor recreation with a specific operational need to be located in the countryside. It is not considered that the works meet any of those criteria and is therefore contrary to Policy ENV1

- 2.3 Policy ENV7: Special Landscape Areas states that the Council will pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals. There is a presumption against development in these area unless it can be demonstrated that the proposal; meetsd the needs of agriculture or forestry; or is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; or it is a renewable energy generation development; and it is appropriate in design and scale; and has no unacceptable impact on landscape character; and has no unacceptable impact impacts on visual amenity. It is not considered that the works meet any of those criteria and is therefore contrary to Policy ENV1. As the hardstanding and outbuilding harm the visual amenity of the area, it is also considered that they are contrary to criterion (a) of the General Policy of the LDP.
- 2.4 The development has been undertaken within the last 4 years without the necessary planning permission. The development harms visual amenity and is not held to be appropriate or necessary for the rural location. It is held to harm the Clyde Murshiel Regional Park Special Landscape Area As such the hardstanding and outbuilding are considered to be contrary to Policies ENV1, ENV7 and criterion (a) of the General Policy of the LDP

3. Proposals

- 3.1 In the interest of the visual amenity, the rural character of the area and the Special Landscape Area, it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-
- i) Removal of the outbuilding and hardstanding.

4. Implications

Financial:	The Council can take direct action against non-compliance with an enforcement and seek any costs incurred from the land owner or lessee.
Human Resources:	N/A
Legal:	The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Enforcement Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

- 5.1 Finance and Corporate Support has been advised of the report in terms of its budgetary provision.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

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

Background Papers

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