



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **Planning Committee**

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 04 December 2019** at **14:00** to consider the undernoted business.

**1        Declarations of Interest**

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

**2        Minutes**

The accuracy of the Minutes of meeting of the Committee held on 2 October 2019 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 reports on the following applications:

**3.1      19/00748/PPM: Dundonald Links, Ayr Road, Irvine, Ayrshire**

Sports/leisure development to include: (1) erection of clubhouse with bar/lounge/catering facilities; (2) erection of 97 tourist/holiday lodges (comprising 124 units); (3) erection of extension to existing maintenance/housekeeping buildings; (4) the provision of ancillary facilities including covered structure for buggy charging, halfway house, swing studio, gatehouse and the removal of the temporary clubhouse; (5) the formation of a footpath link onto Ayr Road and the provision of car parking (copy enclosed).

**4        Kilwinning**

Submit reports on the following applications:

- 4.1 19/00443/PPM: Site To South Of Wood Farm, Kilwinning, Ayrshire**  
Erection of 198 dwellinghouses including formation of site access onto A737, footpaths, landscaping, open space and ancillary infrastructure (copy enclosed).
- 4.2 19/00542/PP: Hullerhill Sand Quarry, Kilwinning, Ayrshire KA13 7QN**  
Section 42 planning application to vary conditions 8 (hours of working) and 14 (noise limits) of planning permission N/14/00656/DCMS (copy enclosed).
- 5 Three Towns**  
Submit reports on the following applications:
- 5.1 19/00523/PPM: Site To West Of Mayfield Farm Mayfield Road Stevenston Ayrshire**  
Residential development comprising of 392 dwellings (comprising 368 houses and 24 flats) to include associated roads, paths, open space and landscaping (copy enclosed).
- 6 Garnock Valley**  
Submit reports on the following applications:
- 6.1 19/00787/MSCM: Site To East Of 7- 9 Beith Road Glengarnock Beith Ayrshire**  
Erection of 83 unit residential development, to include the modification of condition 5 of planning permission in principle ref. 17/00389/PPPM to remove any requirement for a 2m wide footway along the frontage of 3 - 10 Beith Road (copy enclosed).
- 7 The Planning (Scotland) Act 2019 Commencement Regulations**  
Submit report by the Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019 (copy enclosed).
- 8 Urgent Items**  
Any other items which the Chair considers to be urgent.

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## Planning Committee Sederunt

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Tom Marshall (Chair)  
Timothy Billings (Vice-Chair)  
Robert Barr  
Ian Clarkson  
Robert Foster  
Christina Larsen  
Shaun Macaulay  
Ellen McMaster  
Ronnie McNicol  
Donald Reid

Chair:

Apologies:

Attending:



**Planning Committee  
2 October 2019**

Agenda Item 2

**Irvine, 2 October 2019** - 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, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

I. Davies, Senior Development Management Officer, and N. McIlvanney, Strategic Development Manager (Place); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Shaun Macaulay.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 4 September 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 19/00600/PP: Glaxosmithkline, Shewalton Road, Riverside Business Park, Irvine**

GlaxoSmithKline Plc. have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the to vary Condition 1 (Mitigation Strategy) of planning permission 19/00164/PP.

Condition 1 of 19/00164/PP states:

*"No turbine blade shall be fixed to either turbine until:*

- (i) The developer has agreed radar mitigation schemes with Glasgow Prestwick Airport and the National Air Traffic Services, and those schemes have been approved in writing by North Ayrshire Council as Planning Authority; and*
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.*

*Thereafter, the development shall operate fully in accordance with the approved schemes and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme."*

The applicant requested the amendment of the wording of this condition and that definitions, detailed in the report, be added for a number of terms used in the decision notice.

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

1. (i) No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as North Ayrshire Council receives confirmation from the Airport Operator that all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented.  
  
(ii) No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.
2. At wind speeds not exceeding 12ms<sup>-1</sup>, as measured or calculated at a height of 10m above ground level at the wind turbine, the noise immission level at any noise sensitive premises, including those dwellings listed in Table 5 of the applicant's Noise Report 'Proposed extension to wind energy development - GSK Irvine, Noise Impact Assessment, KSG Acoustics, Prepared for Stephenson Halliday, 27 February 2019', shall comply with the following:
  - (i) During night hours, defined in The Assessment and Rating of Noise from Wind Farms, 1996 ETSU-R-97 as 23:00 to 07:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 43dB LA90,10min or the ETSU-R-97 derived night hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The night hours noise limits shall be taken from Table 5 of the applicant's noise report.
  - (ii) During Daytime Hours, defined as 07:00 to 23:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 35dB LA90,10min or the ETSU-R-97 derived quiet waking hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The quiet waking hours noise limits shall be taken from Table 5 of the applicant's noise report.
3. When assessed at any noise sensitive premises the operation of the wind turbine shall not result in any audible tones as defined in The Assessment and Rating of Noise from Wind Farms, 1996 (ETSU-R-97).

4. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.
5. That the applicant shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, and agreed by the West of Scotland Archaeology Service, and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
6. That the applicant shall construct and operate the development in accordance with the Protected Species Survey Report (ref. SHA05.19.1833) and, where necessary, shall implement recommended mitigation measures contained in the Protected Species Survey Report to the satisfaction of North Ayrshire Council as Planning Authority.
7. By the end of a period of 25 years from the completion of the development, all of the above ground elements of the development hereby approved shall be removed within 24 weeks. Thereafter, the site shall be restored in accordance with an appropriate scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority.
8. If any turbine ceases to be operational for a continuous period of 6 months all of its above ground elements shall be removed within 24 weeks and the ground reinstated to the satisfaction of North Ayrshire Council as Planning Authority.
9. No development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, detailed timescales for the various stages of site clearance, construction and commencement of operation and environmental mitigation measures has been submitted to, and agreed in writing by North Ayrshire Council as Planning Authority. The development shall then progress in accordance with the approved Construction Method Statement.
10. That prior to the commencement of the development hereby approved, the applicant shall complete all relevant Abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team. Unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, all HGV traffic associated with the construction of the wind turbines shall enter and leave the site from the A78 trunk road via the Newhouse Interchange, the B7080 (moss Drive) and Oldhall Roundabout.

11. No turbine blade shall be fixed to either turbine until:

- (i) The developer has agreed a radar mitigation scheme with the National Air Traffic Services and this scheme has been approved in writing by North Ayrshire Council as Planning Authority; and
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the development shall operate fully in accordance with the approved scheme and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme.

#### **4. 19/00322/PPPM: Site to East Of Golf Course Road, Skelmorlie**

Fairhold Limited have applied for planning permission in principle for a residential development at a site to the East of Golf Course Road, Skelmorlie. 48 objections were received and summarised in the report.

The Committee unanimously agreed to grant the application 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, means of access to the proposed development and affordable housing contribution, shall be obtained before the development is commenced.
2. That further application(s) for approval under the terms of Condition 1 shall include a report of an appropriate site investigation and subsequent suitable quantitative risk assessment, taking cognisance of the Recommendations for Ground Investigation contained within Section 9 of the Phase 1 Desk Study (Contamination), submitted in support of the application, Report Reference No 8170OR01, by FWS and dated February 2019. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
3. That further application(s) for approval under the terms of Condition 1 shall include an air quality screening study demonstrating the cumulative effect of traffic, from the proposed development and any nearby existing developments, on local air quality to the satisfaction of North Ayrshire Council, as Planning Authority.
4. That further application(s) for approval under the terms of Condition 1 shall include details of access, road layout and parking provision. For the avoidance of doubt no more than 10 residential properties shall be accessed from Golf Course Road. An emergency vehicular access from the site to Golf Course Road shall be required if the total number of residential properties using Innes Park Road exceeds 200 dwellings. Internal layouts shall be designed in accordance with Designing Streets principles. Proposals should include extensions to the



existing layby parking on Innes Park Road and pedestrian and cycle links to Golf Course Road.

5. That further application(s) for approval under the terms of Condition 1 shall include an updated Flood Risk Assessment (FRA), to the satisfaction of SEPA when detailed planning permission is sought. Such an FRA will establish the developable extent of the site with a layout in accordance with Scottish Planning Policy and the principle of flood avoidance.
6. That further application(s) for approval under the terms of Condition 1 shall include details of drainage which have been designed for exceedance i.e. 200 year critical storm event + climate change. Details of overland flow-paths, 'additional' attenuation measures, overflow devices etc must be provided. A Drainage Impact Assessment must be provided 36 including a land drainage strategy and details of implementation and maintenance. Any discharge of surface water to the water environment must accord with the principles of the SUDS Manual (C753), published by CIRIA November 2015 and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011.
7. That further application(s) for approval under the terms of Condition 1 shall include a tree survey identifying any trees within the site to be retained and protection measures to be put in place during any construction. A plan of landscaping including details of replacement tree planting shall also be provided.
8. That further application(s) for approval under the terms of Condition 1 shall include a dated Phase 1 Habitat Survey.
9. That further application(s) for approval under the terms of Condition 1 shall include a scheme for the remediation and treatment of Japanese Knotweed within the site.

## **5. Adoption of the Montgomerie Park Simplified Planning Zone (SPZ)**

Submitted a report by the Executive Director (Place) on the adoption of the proposed Montgomerie Park Simplified Planning Zone. The SPZ Scheme - Information Document was set out at Appendix 1 to the report, the SPZ Scheme - Consent at Appendix 2, and the Summary of Representations at Appendix 3.

The scheme would set out a framework for development within the zone containing pre-commencement conditions. If developers comply with these conditions they would not need to apply for planning permission and would be required to comply with the notification processes prior to work commencing.

The scheme was prepared in conjunction with the Scottish Government as part of the Simplified Planning Zone pilots which will inform the introduction of Masterplan Consent Areas (which will replace SPZs) through the new Planning Act.

A consultation exercise ran from 14 August until 25 September 2019. A number of objections were received from members of the public on the proposed Montgomerie Park SPZ Scheme. No statutory consultees raised any objection.

Members asked questions and were provided with further information in relation to:

- the use of SPZ Schemes by other Planning Authorities and the types of development they have been used to promote;
- the scale of the proposed SPZ and whether there would be scope for expansion or use in other areas following the pilot;
- the consultation exercise which took place and the how many members of the public took part;
- the proposed conditions which require to be met in order for development to be consented; and
- whether shops or any other type of commercial development could be included within the SPZ.

The Planning Committee unanimously agreed to adopt the Montgomerie Park SPZ with no modifications, subject to referral and clearance from Scottish Ministers.

#### **6. Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran**

Submitted a report by the Executive Director (Place) seeking confirmation with modification of the temporary Tree Protection Order concerning a group of trees along the A841 at Brodick, Isle of Arran.

At the meeting on 22 May 2019 the Planning Committee agreed to serve a Tree Preservation Order (TPO) along the A814 from North of Brodick Primary School to Cnocan Bridge on the Isle of Arran. The Committee was advised at the time that a probationary period of no more than six months would be in place. During this probationary period a consultation exercise took place which attracted two letters of representation.

An independent survey of the trees also took place in August 2019 and the following changes to the TPO were recommended:

- That the trees between Brodick Primary School and Rosa Bridge be removed from the TPO;
- That the words “Brodick Primary School” are removed from the title of the TPO and replaced with “Rosa Bridge”;
- That the Schedule to the TPO be amended to remove the trees from an “area” designation and instead include them within a “woodland” designation as shown within a continuous red line on the map (map shown in Appendix 1 to the report);
- That an “individually specified protection” be included for Tree 13 (Beech) and its location highlighted in green on the said map; and
- That a “group” protection be included for the four mature common lime trees located outside “Arran Aromatics” and their location highlighted with a broken black line on the said map.

Members asked questions and were provided with further information in relation to consultation which has taken place with the landowners since the TPO was served in May 2019.

The Committee unanimously agreed to (a) approve the recommended amendments to the TPO; and (b) confirm the North Ayrshire Council A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran Tree Preservation Order under Section 160 of the Town and Country Planning (Scotland) Act 1997 in the interests of public amenity.

The Meeting ended at 2.45 p.m.



## NORTH AYRSHIRE COUNCIL

4th December 2019

### Planning Committee

Locality	Irvine
Reference	19/00748/PPM
Application Registered	9th October 2019
Decision Due	9th February 2020
Ward	Irvine South

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Dundonald Links Ayr Road Irvine Ayrshire KA11 5AB
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<b>Applicant</b>	Darwin Leisure Development Properties (Guernsey) Ltd
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<b>Proposal</b>	Sports/leisure development to include: (1) erection of clubhouse with bar/lounge/catering facilities; (2) erection of 97 tourist/holiday lodges (comprising 124 units); (3) erection of extension to existing maintenance/housekeeping buildings; (4) the provision of ancillary facilities including covered structure for buggy charging, halfway house, swing studio, gatehouse and the removal of the temporary clubhouse; (5) the formation of a footpath link onto Ayr Road and the provision of car parking
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### 1. Description

Planning permission is sought for tourism development at Dundonald Links golf course to the south of Irvine. The proposal involves the erection of a replacement clubhouse and 97 holiday lodges (which would provide 124 individual units) as well as other improvements and upgrades to maintenance facilities, removal of the existing pre-fabricated clubhouse building and the formation of a new road access onto Ayr Road. In addition to changing facilities for golfers, the proposed clubhouse would provide a bar, lounge and catering for use by guests staying at Dundonald Links and the general public.

Dundonald Links has a very extensive planning history over the past 20 years, having been developed as a new golf course on rural land previously used for agriculture or open space.

Of significance to this proposal is the original outline planning permission dating from 2000 (ref. 99/00185/OPP) as well as some of the more recent planning applications. In February 2016, planning permission in principle was granted by the full Council for a residential development of up to 45 detached houses (15/00705/PPPM). There have been several permissions granted for replacement, purpose-built clubhouse facilities (14/00224/PP and 15/00558/PP). Permission was also granted for the development of an accommodation block with 8 self-contained rooms for overnight stays by visitors (15/00558/PP). None of these developments were implemented, however. Since then, the golf course has been sold to new owners who are focussed on the development of holiday accommodation and improved facilities at Dundonald Links. It is the owner's intention to bid for further championship golf events, following on from the success of the Ladies Scottish Open in 2015, 2016 and 2017 as well as the Scottish Open in 2017.

The proposed clubhouse would be sited to the east of the existing temporary clubhouse. The two-storey pavilion style building has been designed with a contemporary architectural character, with views overlooking the golf course and beyond to the Firth of Clyde and Arran. A car park with 120 spaces would be provided to serve the clubhouse, which would have a fountain as a focal point near the entrance to the building.

The proposed holiday lodges would be developed in two phases. The first phase would have 40 lodges, the second would have 84. All lodges would be situated in groups. One cluster of 11 buildings (providing 22 units) would be located to the east of the clubhouse and nestled into the sand dune landscape. The other lodges, grouped in clusters of around 6 or 8, would be located at a greater distance from the clubhouse on land previously approved in 2016 for housing development (ref. 15/00705/PPPM). A loop road would be developed with short cul-de-sac type streets to provide access to each cluster, all of which would be within easy walking distance of the clubhouse and other facilities. In terms of design, each lodge building would be single storey with shallow pitched roofs. External finishes would consist of grey roof membranes and composite timber effect wall cladding. Floor to ceiling windows and fully glazed doors would provide natural light and views out to the surrounding dune landscape and beyond. Windows, doors and rainwater goods would be coloured anthracite grey to complement the contemporary theme which has been adopted by the designer. A large pond or water feature would provide visual interest within the centre of the site. The existing mature woodland belt which borders Ayr Road would be retained to provide visual enclosure between the site and the land to the east.

The ancillary development includes various golf related facilities such as a simulator, swing studio, covered putting area, halfway house, starters hut and buggy charging. A generous area of land has also been reserved beside the clubhouse for a 'championship village' which would be used during golf tournaments. In terms of other infrastructure, it is proposed to provide a helipad, footpaths, foul drainage, sustainable drainage system (SuDS) and an extension to the greenkeepers building to provide support facilities. The existing access onto Ayr Road would be retained, and provision has been made in the proposals for a right turn lane with ghost island that would be developed prior to the commencement of the second phase of lodges. A new gatehouse would be provided at the site access. A direct footpath link from the bus stop of Ayr Road is proposed. A service access is also proposed some 200m north of the main access. This would involve re-opening an older access point which has been closed off.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A

pre-application consultation (PAC) was required and a PAC notice was received 11th June 2019 (ref. 19/00459/PREAPM).

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

#### PAC report

The PAC report notes the publicity measures undertaken and a public event was held on 20th June 2019. The report notes 50 responses were received as a result of the event and a website was also provided to enable comments to be made. The overwhelming response to the proposals was noted as being positive. Some concerns were made with regards to the capacity of the golf course being able to cope if all of the holiday lodges were occupied as well as the potential impacts the resort would have on existing members. However, responses to these concerns have been provided direct by the applicant as they relate to operational, rather than land use planning, matters.

#### Design and Access Statement

The document appraises the site in terms of dune landscape character, existing facilities and the client's brief. It then goes on to outline the principles behind the proposed design of the clubhouse, drawing on the typology of such buildings, the brief, the site context as well as pre-application consultation with the planning authority and the wider public. A similar approach was taken to the design for the lodges. Consideration has also been given to the ecological characteristics of the site, with much of the siting and design work informed by other studies in relation to habitats and nature. There is also commentary on access provision within the development for wheelchair users and people with mobility or other impairments.

#### Drainage Impact Assessment (DIA)

This three part document considers current greenfield drainage conditions and provides a conceptual strategy for draining the proposed development in terms of both surface and foul water. The study notes that the development would create a total hardstanding area equivalent to 3.21ha. The site would be split into 3 separate drainage catchment areas where surface water would be managed independently within each area. SuDs systems are proposed to attenuate and treat surface water flows. There are no watercourses within the site that are at risk of flooding the development, nor does the development pose a threat of increased flooding elsewhere. Foul water drainage has not been designed in detail at this stage. The DIA states that two potential options for dealing with foul water are available. One is a gravity connection from the lodges to the existing foul pumping station within the site. Two is a pumped solution. The DIA concludes that the foul drainage solution would need to be developed in consultation with Scottish Water to ensure the existing off-site network has sufficient capacity to accept flows from the development and recommends the use of a planning condition in this regard.

#### Ecology Report

The report builds on previous studies and was prepared following recent surveys of the site. The report notes the varied ecology and biodiversity within and around the site, and

considers that the development would work sympathetically with the existing landscape to provide a net gain for biodiversity.

## Phase 1 Geo-Environmental Assessment

The report considers, with reference to previous studies, other documentation and walkover surveys, any potential contamination or ground stability risks from historical land uses and the underlying ground conditions. The assessment concludes that the contamination risk for the site is regarded as being to be low, in general terms. In addition, the site is not underlain by any known historic coal workings.

## Transport Statement

This four part report considers the potential trip generation and distribution characteristics of the development. The report highlights that site is considered to be accessible by sustainable transport, with Ayr Road being a bus route near to the site and two railway stations within 4km. The development would be within walking distance of the bus stops on Ayr Road where there are regular services to/from Irvine/Ardrossan/Largs and Troon/Ayr. The report also notes that Ayr Road is part of National Cycle Network Route 7. For car and service traffic, Ayr Road is connected to the A78 trunk road to the north at Newhouse Interchange and to the south at Meadowhead Roundabout, both being a short drive from the site, and not passing through any built up areas. Consideration is also given to the proposed new access road junction design following analysis of traffic flows on Ayr Road, as well as consideration of internal access routes and footpaths within the development. The statement concludes that, in terms of traffic generation, the proposed development would have no adverse impacts on safe and efficient operation of the local or trunk road network.

## Planning Statement

The planning statement considers various matters and draws together the above range of technical studies, national and local planning policies, the planning history of the site and the opportunities presented by the proposal. The statement highlights that the proposals, which enjoy widespread public support, would deliver various benefits, ranging from a high-quality replacement clubhouse, high-quality lodge accommodation, increased parking provision, increased employment (estimated at 31 additional permanent staff, taking the total employment to 61) and increased visitor expenditure whilst at the same time protecting and enhancing the landscape and ecology of the site. The statement concludes by stating that the development would make an important contribution to supporting North Ayrshire's tourism offer whilst not intensifying the scale of development previously granted.

The site is located to the south of Irvine and is accessed from Ayr Road between the Three Stanes Roundabout and the Meadowhead Roundabout.

In terms of the adopted Local Development Plan, the site is allocated for leisure and open space. The following policies are applicable to the consideration of the proposal:

Strategic Policy 1 - The Countryside Objective

Strategic Policy 2 - Placemaking

Policy 6 - Supporting Sustainable Tourism

Policy 19 - Development Involving Open Space

Policy 15 - Landscape and Seascape



## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised in a local newspaper in accordance with statutory procedures. No representations have been received.

**Glasgow Prestwick Airport** - no objection to this proposed development on statutory safeguarding grounds. However, any disturbance of the land will have the potential to increase the attraction of birds to the area and the developer should incorporate measures to minimise their attractiveness to birds wherever possible. Any type of landscaping or planting of any new trees/shrubs may attract birds by providing feeding, nesting and roosting habitat, large quantities of berry-bearing species should be avoided wherever possible in close proximity to an aerodrome the developer should incorporate measures to minimise their attractiveness to birds. Notification of the use of cranes and associated equipment during the construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the airport and its height exceeds 10m or that of the surrounding structures or trees. Any lighting schemes that are required/considered must be checked with Glasgow Prestwick Airport to ensure that any lighting does not cause distraction to aircraft crew.

*Response: A condition can be attached in relation to landscaping specifications and informative notes added to cover the other points raised by Glasgow Prestwick Airport. It should be noted that the site is more than 6km from the boundary of the airport.*

**SEPA** - no objection. SEPA has reviewed the DIA prepared for the planning application by RPS and is satisfied with the applicant's proposals to connect the foul drainage arising at the site into the public sewerage system, in accordance with Scottish Water requirements. Prior to works commencing, SEPA would expect the applicant to provide an updated DIA which include details of the finalised drainage strategy for the site, including confirmation that Scottish Water has given approval for the connection to their network. The surface water from the completed development must drain to SUDS designed and constructed in accordance with the CIRIA (C753) SUDS Design Manual. SEPA acknowledge the DIA states that all surface water from the site will be discharged to the water environment. SEPA is supportive of these arrangements. The planning authority should be made aware there are a number of potentially odorous SEPA regulated activities (landfill site, sludge works, sewage works, chemical manufacture) in the vicinity of the proposed development that have occasionally given rise to public complaints.

*Response: Noted. A condition could be attached with regard to the finalised foul drainage arrangements as well as the Council's standard SuDS condition.*

**NAC Environmental Health** - no objections to the development subject to a range of recommendations in relation to site investigation and the mitigation of construction impacts.

*Response: A condition could be attached in respect of the recommended site investigation condition. The other matters have been raised directly with the applicants by Environmental Health.*

**NAC Active Travel and Transport** - no objections to the development subject to conditions relating to the sightlines at the junction with Ayr Road, the provision of a footpath link to the bus stop and consideration given to the provision of a right turn lane prior to the second phase of the development coming into operation.

*Response: Noted. Conditions could be attached in respect of the above requirements.*

**Scottish Natural Heritage** - advise that Western Gailes Site of Special Scientific Interest (SSSI) is situated almost immediately adjacent to the proposal, separated from the red line site boundary by the railway line. However, the proposed developable area is approximately 500m east of Western Gailes SSSI. Western Gailes SSSI is nationally important and notified for an assemblage of invertebrates and sand dune habitat. Given the 500m separation distance and presence of the railway line, SNH does not consider that the SSSI is ecologically connected to the proposed development site nor anticipate any impacts upon the SSSI as a result of the development. In terms of non-statutory designated sites, Gailes Marsh Nature Reserve is situated immediately adjacent to the proposed development. SNH welcomes the proposals for the site to be subject to a Habitat Management Plan (HMP) to mitigate the loss of habitats and make enhancements for species such as invertebrates, reptiles, bats and nesting birds as detailed in section 5.6.3 of the supporting Planning Statement for this application. SNH understands that Dundonald Links Golf Course is part of the Irvine to Girvan Nectar Network (IGNN), a local conservation project being led by Scottish Wildlife Trust that aims to establish connected nectar and pollen-rich sites along the Ayrshire coast to ensure long-term survival of pollinating insects in the area. SNH recommend that the HMP for this proposal should tie in with the IGNN and contribute towards its objectives. As detailed in section 7.2.1 of the Planning Statement, RPS Group has undertaken a Preliminary Ecological Appraisal and follow up Phase 2 Ecological surveys on site.

*Response: Noted. The implementation of the Habitat Management Plan (HMP) during the development would be secured by condition, which could take into account the nectar network comments made in the SNH response.*

**Scottish Water** - no objection to the proposal. There is adequate capacity within the public water and public sewers to serve the development. Surface water should be treated using SuDS and will not be accepted to the sewer network via a combined sewer.

*Response: Noted. A condition could be attached with regard to the finalised foul drainage arrangements as well as the Council's standard SuDS condition.*

**West of Scotland Archaeology Service** - The proposal is situated in an area of high archaeological potential which has clearly been in use by humans for thousands of years. This is illustrated by the many archaeological records in the surrounding landscape which are the result of random reporting of finds and sites made accidentally during ground disturbance associated with agricultural improvements and the former sandpits over the last 150 years or so. The majority of these represent prehistoric activity. The proposal is reasonably large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. Despite disturbance in recent times it is possible that significant archaeological remains may survive within the application boundary and that these may be damaged or destroyed by the ground-breaking elements of the proposals. In this case, because it is unlikely that any buried remains that have survived the past

agricultural and military use would be so well preserved that they would warrant preservation in situ, it is unnecessary to request prior archaeological evaluation for the current planning application. In these circumstances, the West of Scotland Archaeology Service would instead advise the Council to consider attaching an archaeological condition to any consent they may be minded to grant this application.

*Response: Noted. A condition could be attached to address the matters raised by the Archaeology Service.*

No comments have been received from Irvine Community Council, RSPB or the Scottish Wildlife Trust. South Ayrshire Council responded by advising of no comments to make.

### **3. Analysis**

In accordance with statute, planning applications require to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

As noted above, there are six relevant development plan policies, the first of which is Strategic Policy 1 - The Countryside Objective. This strategic policy states that, in principle, the Council will support expansions to existing rural businesses, including tourism and leisure uses where they would promote economic activity, diversification and sustainable development, particularly where they develop "our coastal tourism offer/infrastructure." As noted above, the site already benefits from permission to develop a relatively small number of bedrooms for tourism purposes as well as the development of up to 42 dwellinghouses, and in 2000, permission was granted for 40 timeshare units. This proposal has been brought forward as an alternative to the previously consented schemes. Due to the renewed focus on tourism related development, which could create over 40 additional jobs at the site, it is considered that the proposal would contribute positively towards the aims of the Countryside Objective. As such, the proposal accords with Strategic Policy 1, in principle.

The assessment of the proposal against Strategic Policy 2 - Placemaking will take place after consideration of the detailed topic-based policies.

Policy 6 - Supporting Sustainable Tourism Accommodation applies to the proposal. This policy confirms that the Council will in principle support the creation and enhancement of tourism and related activities that are in accordance with the Council's current tourism strategy. The Council's tourism strategy is relevant to the current proposal. The publication 'Making Waves in North Ayrshire - Tourism Action Plan 2018 - 2022' is heavily focussed on North Ayrshire's coast and islands as a main driver for the area's tourism. Dundonald Links is very near the coastline and is one of a number of coastal 'links' golf courses in the area between Irvine and Barassie. As a location, much of the character and attraction of Dundonald Links is derived from its low-lying sand dune landscape with panoramic views towards the Firth of Clyde, Isle of Arran, the North Ayrshire coast and uplands as well as Kintyre and the Isle of Bute. The Council's Tourism Action Plan highlights the promotion of golf events and their growing importance to the North Ayrshire economy, including the Scottish Open, which has been hosted at Dundonald Links. The proposal, which would have a very moderate impact on the landscape character of the area, includes measures which seek to safeguard and enhance the fragile dune landscape. It is therefore considered to be an example of a sustainable tourism development. Given the background to Dundonald Links over the past 20 years, which emphasised the potential of the site for tourism

purposes centred on a championship standard golf course from the outset, it is considered that the proposal accords with Policy 6.

With regard to Policy 19 - Developments Involving Open Space, the site has the benefit of planning permission for tourism development under previous consents, as well as planning permission in principle for a housing development dating from 2016. As noted above, the original planning permission for the golf course, dating from 2000, involved a timeshare development which was not implemented. In these circumstances, far less weight can be attached to Policy 19 which, in general terms, seeks to restrict development on areas of protected open space. This proposal seeks approval for an alternative development of land which is not part of the functional open space within the golf course. No part of the golf course itself would be developed as a result of the proposal. As stated previously, the total area of land to be developed equates to 3.21 hectares. The total area of land within Dundonald Links is approximately 108 hectares. As such, just under 3% of the protected open space at Dundonald Links would be developed as a result of the proposal. It must also be noted that the open space designation extends beyond Dundonald Links to three other golf courses, meaning that the total loss of open land to the proposed development would be well below 1% of the overall area between Irvine and Barassie. The proposal is therefore acceptable in terms of Policy 19.

Policy 15 relates to landscape and seascape. Of relevance to the proposal is criterion (d), which relates to local landscape features (i.e. those with no designation). The landscape character of the site and its surroundings is sensitive to development. The proposal has taken landscape character into account as an integral component of the design process. As noted above, the site is near to the nationally important Western Gailes SSSI although would not involve any development within the designation. Scottish Natural Heritage (SNH) has no objection to the proposal in this respect. Gailes Marsh Nature Reserve is situated immediately adjacent to the proposed development and is a local wildlife designation. This nature reserve would not be developed as a result of the proposal.

The siting and design of the development has taken account of the low-lying dune landscape character of the area by proposing to form groupings of lodges separated by undulations in the landscape that would echo the sand dune character of the wider area. The club house building would be more dominant and would act as a focal point within the site. However, it has been designed to complement the character of this open landscape, adding to the sense of place. The retention of the significant tree belt to the east of the site, which separates this semi-natural landscape from the heavily developed industrial areas at the paper mill and Oldhall, is noted. This woodland area is a very important consideration in the local landscape, since it screens views of Ayr Road, the A78 and the industrial complex beyond. The woodland, which is largely mature, helps to define the eastern edge of the sand dune landscape. The woodland would form the backdrop to the proposed development and enable the lodges and clubhouse to have an appropriate setting, unaffected by industry or major transport routes. When viewed from the railway line to the west, the development would not result in any significant adverse impacts on the surrounding landscape by reason of the low-lying nature of the site, the low-rise buildings and containment provided by the woodland to the east. From the railway, the dominant view is of the paper mill complex, which becomes more visible as the distance from Dundonald Links increases. However, the site (and the proposed development) would not be visible from the beach because the sand dunes and intervening Western Gailes golf course restricts views. The proposal is therefore acceptable in terms of Policy 15.

Policy 23 relates to Flood Risk Management. As noted above, the proposal is supported by a Drainage Impact Assessment and would feature a SuDS detention basin for the management and treatment of surface water. Foul water would be drained to the public sewer via a pumping station. SEPA has no objection to the application, and neither has Scottish Water. The proposal is therefore acceptable in respect of Policy PI 8.

Policy 27 addresses the issue of Sustainable Transport and Active Travel. The proposal is supported by a comprehensive transport statement, which considers all trip generation and the potential for sustainable and active travel. As noted above, the site is located adjacent to an established bus route, with convenient bus stops, with shelters on both sides of the road near the site entrance. National Cycle Network Route 7 runs along Ayr Road and Irvine Railway Station is within 4km of the site. It is considered that the site is suitably located to provide a range of travel options that do not rely solely on the private car as the means of access. As a tourism development, the trip generation rate is likely to be distributed more evenly through the day and is unlikely to add significantly to peak time journeys on Ayr Road or the wider network. The local transport infrastructure could therefore accommodate any growth in traffic generated by the proposal. Conditions would be required to ensure that adequate sightlines are provided at the entrance junction, to secure a footpath link and to ensure consideration is given to the provision of right turn lane when the second phase of the development is due to be delivered. The above factors would make the development acceptable in terms of Policy 27.

Finally, turning to Strategic Policy 2 - Placemaking, the proposal has been assessed in terms of the relevant criteria as follows:

In terms of distinctiveness, the proposed clubhouse would be a distinctive element within the development, enhancing the overall Dundonald Links site and providing a focal point that would become the main 'feature' of the place. The single storey lodges would have less architectural merit, however, due to their dispersed and low-density arrangement, the lodges are unlikely to have any adverse impact on the character of the site as a whole, with limited impact beyond the site boundaries. The impacts of the smaller buildings and the extension to the greenkeepers building would be wholly contained within the overall 108 hectare site and of low landscape/visual impact. As noted above, the sand dune landscape has been used to positive effect in shaping the layout and pattern of development. By placing each individual building element carefully within its landscape context, it is considered that the whole development would be distinctive and unique within North Ayrshire.

It is considered that the development would be welcoming, safe and pleasant through the building and landscape design, the arrangement of the buildings and spaces within the site and through the semi-natural landscape setting of Dundonald Links, including its outstanding coastal views.

It is considered that the development would be resource efficient through the use of sustainable water management. The construction of the lodges would take place off-site within a factory, using a modular system. This method of building reduces environmental impacts of construction on site and ensures a greater level of resource efficiency. The lodges would all meet current building standards in terms of energy efficiency and insulation.

The development is not designed to be adaptable, as it would serve a tourism use. However, the modular building system used in the construction of the lodges would enable the development to be modified at a future stage once these elements are redundant, thus providing the opportunity for the site to be re-purposed or redeveloped without any significant environmental impacts.

In terms of the criterion 'easy to move around and beyond', it is noted that the existing access arrangements would be modified to enhance pedestrian links between the site and Ayr Road where there are bus services and National Cycle Network Route 7. In summary, it is considered that the proposed development would make a positive contribution to placemaking and would therefore accord with Strategic Policy 2.

In conclusion, the application is considered to accord with the LDP, and the development would secure the delivery of a major tourism development that was originally envisaged around 20 years ago. The proposed clubhouse and other facilities would help to secure future golf tournaments for North Ayrshire and the associated lodges would provide a form of tourist accommodation that would attract visitors to the area all year round. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant in consultation with the West of Scotland Archaeology Service and approved in writing by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in consultation with the West of Scotland Archaeology Service.

##### **Reason**

To make appropriate provision for investigating and recording any buried archaeological remains.

##### **Condition**

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

##### **Reason**

To secure the implementation of the development in accordance with the supporting information.

**Condition**

3. That, prior to the commencement of the development, the habitat management plan (HMP) shall be updated to include measures that would contribute to the Irvine to Girvan Nectar Network (IGNN) that aims to establish connected nectar and pollen-rich sites along the Ayrshire coast to ensure long-term survival of pollinating insects in the area. The updated HMP shall be then submitted for the written approval of North Ayrshire Council. Thereafter, all of the measures contained in the updated HMP shall be implemented during the course of the development.

**Reason**

In the interests of the ecology of the area.

**Condition**

4. That prior to the commencement of the development of the replacement club house, the applicant shall undertake a targeted intrusive site investigation to confirm ground conditions for geotechnical purposes, with selected soil and groundwater samples to confirm the absence of any significant environmental impact. A UXO assessment should also be undertaken prior to any earth moving operations. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted for the written confirmation of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection.

**Condition**

5. That the foul drainage arrangements for the development shall be connected to the public sewer. For the avoidance of doubt, surface water shall not be drained to the public sewer.

**Reason**

In the interests of sustainable water and waste water management.

**Condition**

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

**Reason**

In the interests of securing a sustainable drainage scheme for the development

**Condition**

7. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in

accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In the interest of the amenity of the area.

**Condition**

8. That, prior to the commencement of the any landscaping works on the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of plant/shrub species, planting densities, soil treatment and aftercare. The designer of the scheme shall incorporate measures to minimise the attractiveness of the landscaping to birds. Since any type of landscaping or planting of any new trees/shrubs may attract birds by providing feeding, nesting and roosting habitat, large quantities of berry-bearing species should be avoided wherever possible in close proximity to Glasgow Prestwick Airport. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase of the development to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To ensure that an appropriate landscaping scheme is designed and provided, taking into account the comments of Glasgow Prestwick Airport.

**Condition**

9. That details of any treeworks, inclusive of tree protection measures, to be undertaken during the development shall be submitted for the prior 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." 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 relevant phase of the development.

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

**Reason**

In the interest of the amenity of the area.

**Condition**

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 North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.



**Reason**

In the interests of environmental protection.

**Condition**

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

**Reason**

In the interest of road safety.

**Condition**

12. That a 3 metre wide all abilities path connection shall be formed between the north bound bus stop on Ayr Road and the central area of the development site prior to the replacement club house coming into operation.

**Reason**

To promote active travel.

**Condition**

13. That, prior to the commencement of phase 2 of the development, an appendix to the transport statement shall be prepared to consider the need for a ghost island right turn lane on Ayr Road at the main site access and submitted for the written approval of North Ayrshire Council as Planning Authority. The scope of the transport statement shall be agreed in writing with the planning authority beforehand. In the event that a ghost island right turn lane on Ayr Road is required, the facility shall be provided prior to the completion of phase 2 of the development to the satisfaction of North Ayrshire Council as Planning Authority, or, with the mutual agreement of both parties, by an earlier date as may be deemed necessary in the interests of the safe and efficient movement of traffic on Ayr Road. For the avoidance of doubt, phase 1 shall comprise the clubhouse and the first 40 lodges. Phase 2 shall comprise the remaining 84 lodges.

**Reason**

In the interest of road safety.

**Condition**

14. That no holiday lodges shall be occupied until the replacement clubhouse, hereby approved, is completed and operational to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

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

**Condition**

15. That the occupation of the lodges hereby approved shall be limited to persons visiting Dundonald Links for holiday purposes only. The maximum letting period to any individual or group shall be limited to 30 days and shall not be re-let to the same person(s) for consecutive periods or for more than 30 days in any 12 month period. In addition, the lodges shall not be sold, let, or sub-let for any other purpose without the prior written approval of

North Ayrshire Council as Planning Authority. For the avoidance of doubt, none of the lodges shall be occupied as a permanent residence.

**Reason**

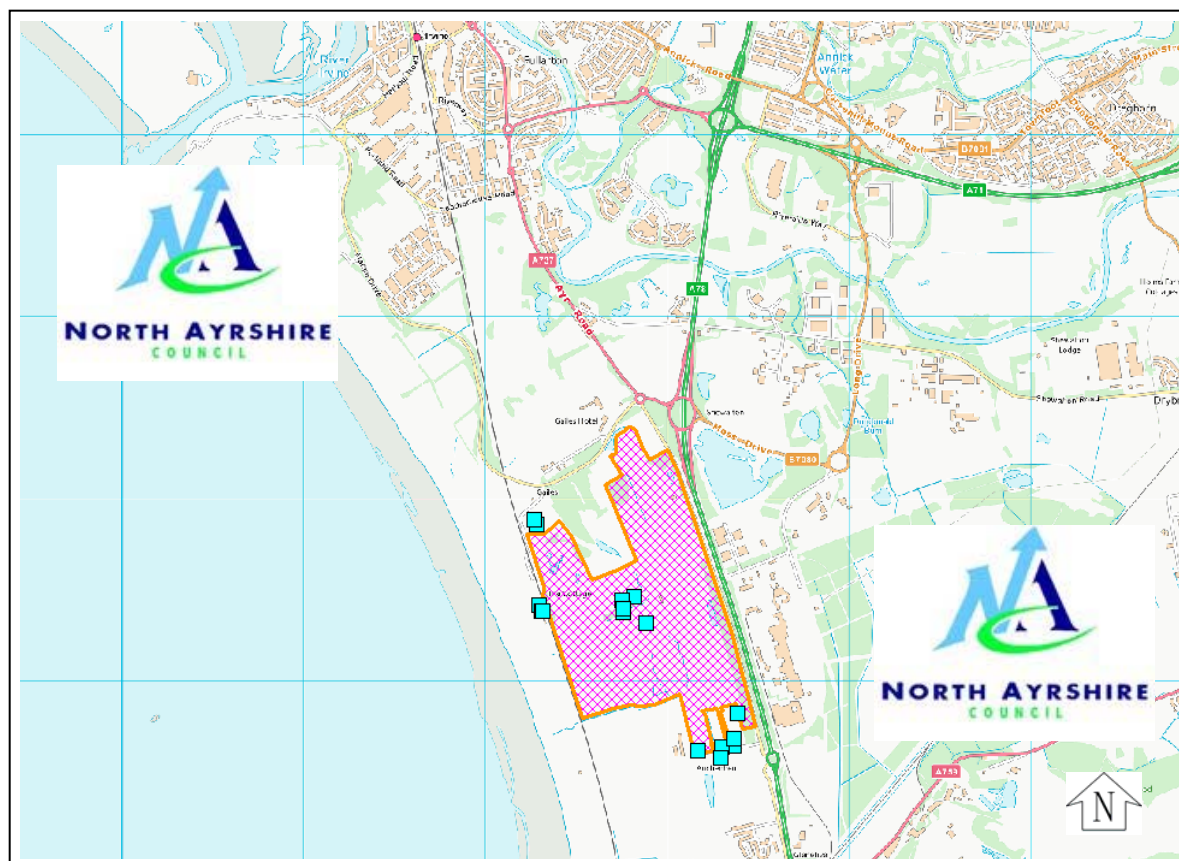
To restrict the development to the terms of its justification/special need.

Russell McCutcheon  
Executive Director (Place)

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

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

6th November 2019

### Planning Committee

Locality	Kilwinning
Reference	19/00443/PPM
Application Registered	7th June 2019
Decision Due	7th October 2019
Ward	Kilwinning

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To South Of Wood Farm Kilwinning Ayrshire
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<b>Applicant</b>	Taylor Wimpey West Scotland
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<b>Proposal</b>	Erection of 198 dwellinghouses including formation of site access onto A737, footpaths, landscaping, open space and ancillary infrastructure
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### 1. Description

Planning permission is sought for residential development of an area of land to the west of Dalry Road and south of Wood Farm, Kilwinning. The land is approx. 6.95hecatres in area. The land is bounded to the north by Wood Farm, its access road and open space. To the west is Dalry Road (A737) with houses beyond. To the east is open space sloping down to the River Garnock. To the south is a footpath and open space with residential properties beyond. The site is identified in the Local Development Plan (LDP) as an Additional Housing Allocation.

Permission is sought for 198 units comprising a mix of detached, semi-detached and terrace dwellinghouses with associated roads and landscaping. Some plots would have detached garages. The proposed development includes all associated access roads, footpaths, open spaces, public utilities infrastructure and a sustainable drainage system (SuDS) in the form of a detention basin. Landscaping is proposed on open spaces throughout the site.

The site undulates slightly rising from the west and then falling away to the south-east. The proposed plots at the western end of the site would be approx. 30m AOD. This would fluctuate by about 0.5m throughout the site except towards the south-east corner where the

plots would be approx. 27m AOD. The SuDS basin would be in the south-eastern corner of the site.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 11th September 2018 (ref: 18/00818/PREAPM). The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 17th September 2018 (ref: 18/00819/EIA). The Council, as Planning Authority, adopted the screening opinion that given the nature, scale and location of the proposed development, an Environmental Impact Assessment (EIA) would not be required.

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

#### PAC report

The PAC report notes the publicity measures undertaken and a public event was held on the 25th October 2018. The report notes there were 87 attendees at the event. Comments raised include; concern over traffic issues, access, flooding, school and doctor capacity, infrastructure, pedestrian links, loss of prime agricultural land, car parking issues in town and at railway station, loss of views, construction impacts, housing affordability, need for new houses, boundary treatments, open space, local shops, ecological impacts, noise and light pollution.

The applicant also met with the Kilwinning Community Council and contacted local members and Ayrshire College. The applicant also allows members of the public to register on their website to follow the proposal and has 86 persons currently registered.

#### Planning Statement

The planning statement summarises the planning background, including the LDP2 allocation and policy context. The statement sets out the context of the site within Kilwinning and the wider area. It also sets out the concept behind the design and various processes that have occurred before submission of the application.

#### Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character. and an outline of the principles behind the proposed design of the site, drawing on the above characteristics and public consultation. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place which it considers the application demonstrates.

#### Health Impact Assessment: Access Management Statement

This sets out how the proposed development will connect into the adjacent Core Path and cycle network, maintaining or enhancing current levels of public access. No adverse impact on active travel provision are predicted to arise from the development. Additional users on the Core Path network and Nation Cycle Network are not expected to have any adverse impacts. The proposal is considered to have excellent non-vehicular access.

## Flood Risk Assessment

This identifies that the site is not impacted by fluvial flooding. The report identifies that the site could potentially be at risk of surface water flooding and that a separate drainage strategy has been prepared.

## Drainage Strategy

The document sets out proposals for the foul and surface water drainage for the site. The capacity required to meet a 1 in 200-year flood event and climate change is set out. The report concludes that there will be capacity within the site to deal with the projected levels.

## Landscape Visual Appraisal

This appraises the likely visual impact of the development from within 1km of the site. The appraisal concludes that the development would have a low impact on the landscape character of the area. There are no predicted significant landscape or visual impacts.

## Site Investigation

The report sets out potential contamination from historical uses, ground conditions, with recommendations for design, and recommendations for any remediation, if required. There were no elevated contaminant concentrations identified, with risks to health, plant life and the water environment considered to be low. No invasive species were identified and there is not considered to be a risk from historic mine workings, radon or gas.

## Transport Assessment

This considers the potential trip generation and distribution characteristics of the development. The site is accessible by sustainable transport and integrate well into the existing network. The site can be safely accessed by private vehicles and would not compromise the safety or efficiencies of existing road users.

## Preliminary Ecological Appraisals (Sept 2018 and Oct 2019)

The site comprises improved grassland fields separated by scrub, hedgerows and post and wire fencing. The habitats and plant species recorded are widespread and common. No further habitat assessment is recommended. There is negligible roosting opportunity for bats. Advice is given if heavy engineering works are planned for within 30m of the buildings at Wood Farm, an assessment of those buildings for bats could then be required. There is some suitable bat foraging and commuting habitat within and along the boundaries of the site. Biodiversity enhancement recommendations are made. If works do not commence before 7th March 2020, it is considered further protected species surveys be carried out. This matter can be addressed by an appropriate condition.

## Utilities Report

This sets out the utilities that would likely serve the site and the contact the applicant has had with the relevant service providers.

## Air Quality Information

This sets out that screening of the proposal in terms of air quality has indicated a full assessment should be carried out. This is due to the potential number of vehicle trips per day generated by the proposal.

## Energy Statement

The statement assesses the likely energy demands of the development and the possibility of a heat network being incorporated into the development. It is concluded that that a heat network is not feasible for this site for technical and commercial viability reasons. The proposal is for a low density development adjacent to other low density residential developments. There are no large scale heat sources within the vicinity. The statement also sets out the efficiencies of the house design, to reduce energy usage, and the potential energy which could be generated through the use of solar panels within the development.

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

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 22: Water Environment Quality; Policy 27: Sustainable Transport and Active Travel and Policy 31: Future Proofing for Heat Networks

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There has been 1 representation received which can be summarised as follows;

1. The houses at the western end of the southern boundary of the site should be single storey. This would mean they do not overlook the existing single storey houses to the south.

*Response: The proposed houses in this location are 2 storeys in height. They are 16m from the boundaries of the houses to the south, with a public footpath in between. Their Finished Floor Level would be approx. 0.8m higher than the gardens of the houses to the south. They would be some 22.6m from the rear elevations of the houses to the south, at the closest point. Therefore, it is not considered that there would be any significant overlooking impact from the houses in this location. An analysis of wider amenity impacts is given below.*

**Kilwinning Community Council** object to the proposal, due to the increase in the number of cars turning into Dalry Road at peak times. The development does not meet the needs of changing demographics and there should be single storey houses for older people. There are too many units proposed and there should be no more than the 173 recommended in the LDP. There is no provision for children's play area and McGavin Park is across Dalry Road which has speeding drivers.

*Response: The Council's Active Travel and Transportation and Transport Scotland were consulted and offer no objection. Their responses are summarised below. The mix of house*



*types is acceptable for the location as is the number. The figures quoted in the LDP are indicative only. It is not considered there is a need for play provision within the site given the access and links from the site to the surrounding area including McGavin Park which is some 160m to the south. There are pedestrian crossings on Dalry Road at McGavin Park.*

**Scottish Water** - No objections.

*Response: Noted*

**Scottish Natural Heritage** - Offer no comment

*Response: Noted.*

**West of Scotland Archaeology Service** - consider that there is potential for material associated with prehistoric occupation in the vicinity of the area, due to the presence of 'Druids' Grove Mounds' 150m to the north-east, as shown on the 1908 Ordnance Survey maps, and other such sites to the east. There is also the possibility of a cist being found in the area in the 19th century, although this could be at another Woodside in Ayrshire. It is suggested that an archaeological survey be carried out prior to commencement and suggest a condition for any permission.

*Response: Noted. Such a condition could be added to any permission.*

**SEPA** - No objection. The site is outwith the fluvial flood extent. Advice to the applicant is given.

*Response: Noted.*

**NAC Flooding** - No objections. Further details of drainage including; management; exceedance flow-path including appropriate mitigation; land drainage; overflow and access for SuDS Basin; compliance with principles of SuDS Manual and confirmation of discharge rates and locations.

*Response: Noted. Conditions could be attached to any permission requiring such relevant details to be submitted.*

**Transport Scotland** - No objections. Conditions relating to the junction with the A737, its footpath, bus stops and landscaping of its frontage should be attached to any permission.

*Response: Noted. Such conditions could be added to any permission.*

**NAC Regeneration (Active Travel and Transport)** - No objections. Discussions with the applicant regarding the layout. Further information required for the Road Construction Consent is given. Any planning permission should be subject to conditions requiring the footpaths at Plots 163 and 181 to link to the existing footpath network. The existing bus stop locations on the A737 adjacent to the site, on both sides of the road, to be upgraded with new bus shelters and high access kerbs to the satisfaction of Strathclyde Partnership for Transport and the Council.

*Response: Noted. Conditions could be attached to any permission regarding links to the footpath network and the bus stops.*

**NAC Environmental Health** - No objections. Soil samples taken once the route of the water supply pipes are known should be submitted, as recommended in the Site Investigation Report by Mason Evans dated April 2019, to ensure correct types of pipe. The applicant must demonstrate that the increased road traffic shall not have a detrimental effect on local air quality to result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. A suggested condition to deal with this is provided. Advice on construction is also provided to applicant.

*Response: Noted. A condition regarding soil samples could be attached to any permission. A condition relating to air quality assessment and potential mitigation, if required, could be attached to any permission.*

**NAC Education** -The applicant has provided details of potential completion rates and Education has made no further comment.

*Response: Noted.*

### **3. Analysis**

As noted above the site is allocated as a Housing Site in the Local Development Plan (LDP) adopted October 2019. Strategic Policy 1 states that the Council wants to direct the right development to the right place. Policy 1 states that residential development will be supported in principle on Housing Sites. The site has an indicative capacity for 173 homes in the LDP. However, it is not considered that the proposal for 198 homes is excessive, and the layout of the proposal is assessed below. The proposal is considered to accord with Strategic Policy 1 and Policy 1 of the LDP and the principle of development for residential purposes is therefore acceptable.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

The proposed site is some 150m from the River Garnock to the east. This is a more than sufficient buffer. SEPA were consulted, offering no objection and confirming the development is outwith the river flooding zone. NAC Flooding also offer no objection subject to conditions regarding drainage. The proposal is therefore considered to accord with Policy 22 of the LDP.

Policy 31 of the LDP states that the Council will support proposals for the creation or enhancement of district heat networks. Proposals for 50 or more residential units which would not result in the creation or enhancement of district heat networks should include: provision for on-site heat recovery and re-use infrastructure; or a heat network generation and distribution infrastructure plan; or demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical or economic reasons.

The applicant has provided an Energy Statement which explores the possibility of a district heating system. It concludes that such a system is not feasible on technical and economic

grounds. The proposal is for a low density residential development with no large scale heat source nearby (e.g. industrial uses) which could be used to provide a district heating system. Establishing a district heating system in such circumstances would make the development commercially unviable. However, the statement also explains how energy usage would be minimised through the energy efficiency of the homes built and renewable energy, through solar panels, could be generated. It is estimated that 40% of the energy requirements of the development could be generated through on roof solar panels.

It is considered that that the applicant has demonstrated that a district heating system is not feasible for this site. They have also provided information as to other forms of renewable energy which could be employed. As such, the proposal accords with Policy 31 of the LDP.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place: distinctive, safe and pleasant, resource efficient, welcoming, adaptable, easy to move around and beyond. Policy 27 of the LDP relates to sustainable transport and active travel. This states that Council will support development which meets criteria including improving accessibility to amenities, mitigates adverse impacts of significant traffic generation, provides safe and convenient sustainable transport options, and takes a design-led collaborative approach to street design.

In terms of Policy 2, it is not considered adaptability is relevant as the proposal relates to a residential development with little prospect of future change of use. Resource efficiency is considered above, and it is considered to meet this quality.

The application proposes 198 units of 9 house types. The house types are a mix of two-storey two, three and four bedroom properties. The houses would be finished with tile roofs and a mix of render and facing brick. A mix of detached, semi-detached and terraced houses are proposed, each with private amenity space and dedicated parking. The proposed private amenity space for each property is considered acceptable. The residential areas to the south and west are of a similar type. The separation distance and position of the houses is also considered to ensure minimal overlooking or overshadowing impacts within the site.

The southern boundary of the site would be the closest point to any existing residential area. At its western end, the southern boundary of the site is some 5m, at its closest point, from the rear boundaries of the houses to the south. However, the actual houses themselves would be at least 16m from the boundaries of the houses to the south, with a public footpath in between. The window to window distance between the houses to the south and the proposed development would be some 22.6m. Given this it is not considered that there would be any significant overlooking impact from the houses in this location.

The layout of the properties has been designed in accordance with 'designing streets' principles and is assessed to meet the qualities of a successful place set out in the Scottish Government guidance, which is also the basis for LDP Strategic Policy 2. The layout has been designed to provide a welcoming entrance into the town. The proposal has been designed to face onto the A737, which is the primary route into Kilwinning from the north, with landscaping between the road and the houses. The other side of the A737 at this point comprises rear garden boundaries. The northern edge of the development would be defined by the boundary with Wood Farm and its access road, while the easternmost houses would have an outlook over the River Garnock. On the southern edge of the site, the layout proposes links to the existing footpath network, which could be required by condition.

Internally, the road layout has created a hierarchy of streets with landscaped courtyards and other open spaces. There are footpaths proposed to create linkages within the site and the layout has been designed in consultation with the Council's Active Travel and Transpiration section. There is a variety of house types and a variety of finishes in render and facing brick to create visual interest. The layout of the proposal is considered to create a high level of amenity for the occupants of the houses.

The footpath network gives links into to the town and the Core Path network. The town centre is some 850m to the south whilst the train station is approx. 1.2km distant. The nearest schools are some 575m to the south. There are bus stops along Dalry Road (A737) with north and southbound stops immediately adjacent to the site. Given the number of house units proposed and potential bus network users, a condition could be attached to the permission requiring upgrade of those bus stops.

The north-west corner of the site would be a landscaped area and there would be landscaping and a SuDS basin in the south-eastern corner. Within the site there would be smaller areas of landscaping and landscaped areas on the northern and western boundaries. A condition requiring specific landscaping details could be attached to any permission. There is no specific active play equipment proposed. However, McGavin Park is some 160m to the south and it is not considered that specific play equipment is required within the site.

Given the above the proposal is considered to meet the relevant qualities of a successful place, as set out in Strategic Policy 2. The proposal also meets Policy 27 of the LDP as it improves accessibility to amenities, mitigates adverse impacts of significant traffic generation, provides safe and convenient sustainable transport options, and takes a design-led collaborative approach to street design.

The proposal is held to accord with the relevant policies of the LDP. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the commencement of the development, a written scheme of investigation for a programme of archaeological works shall be submitted to the Council, as Planning Authority, for written approval and agreement of the West of Scotland Archaeological Service. Thereafter any programme of works as agreed will be carried out in accordance with the written scheme to the satisfaction of the Council, as Planning Authority.

##### **Reason**

1. In recognition of the potential archaeological interest of the site.

##### **Condition**

2. That prior to the commencement of the development, the results of soil samples taken from the route of water supply pipes, as recommended in the Site Investigation Report

by Mason Evans dated April 2019 Project Reference P16/608, and details of proposed water supply pipe shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the pipes shall be installed in accordance with any details agreed.

**Reason**

To ensure the correct type of water supply pipes are used and to meet the requirements of NAC Environmental Health.

**Condition**

3. That prior to the commencement of the development, details of the effect increased road traffic will have on local air quality shall be submitted to the Council, as Planning Authority, for written approval. Any details shall include an assessment of whether there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. If there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, then the details must also include details of remediation measures. Thereafter, the development will be carried out in accordance with any details as may be approved.

**Reason**

To ensure an appropriate assessment of potential air quality impacts and to meet the requirements of NAC Environmental Health.

**Condition**

4. On the basis works do not commence prior to 7th March 2020, that prior to the commencement of the development a Preliminary Ecological Appraisal, dated not less than 6 months before the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the details of any Appraisal as may be approved.

**Reason**

To ensure an appropriately up-to-date Preliminary Ecological Appraisal in recognition of the possibility of protected species to move onto the site and in accordance with the recommendation of the Preliminary Ecological Appraisal dated October 2019, submitted as part of this application.

**Condition**

5. Prior to the construction of any other part of the development, the new priority junction with the A737 and the widening of the footpath on the eastern side of the A737 shall be constructed to the satisfaction of North Ayrshire Council as Planning Authority, in consultation with Transport Scotland, unless otherwise agreed in writing.

**Reason**

To ensure an appropriate access from the trunk road and to meet the requirements of Transport Scotland.

**Condition**

6. Prior to the commencement of the development, the bus stops adjacent to the site, on both sides of the A737, shall be upgraded to the satisfaction of North Ayrshire Council, as Planning Authority, in consultation with Transport Scotland

**Reason**

In order to ensure appropriate bus stops in recognition of the size of the development and to meet the requirements of NAC Active Travel and Transportation, Strathclyde Partnership for Transport and Transport Scotland.

**Condition**

7. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping including measures for separation of the site from Wood Farm, boundary details for the western boundary onto the A737, details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare.

**Reason**

To ensure an appropriate landscaping scheme in the interests of visual amenity and to meet the requirements of Transport Scotland.

**Condition**

8. That any landscaping scheme as may be approved under Condition 7 shall be carried out in the first planting season following completion or occupation of the houses, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

**Reason**

To ensure an appropriate landscaping scheme in the interests of visual amenity.

**Condition**

9. That prior to commencement of the development, details of drainage proposals including;

- i) a maintenance plan and schedule showing the party or parties responsible for the upkeep of all surface water infrastructure assets;
- ii) full design details of the exceedance flow-path including appropriate mitigation;
- iii) a strategy for dealing with land drainage and/or any existing field drains;
- iv) drawings showing the overflow device and access arrangements for the proposed SuDS Basin;
- v) material to demonstrate that the discharge of surface water to the water environment accords with the principles of the SuDS Manual (C753), published by CIRIA in November 2015, and complies with the terms of The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (as amended); and
- vi) confirmation of discharge rates and locations along with details of appropriate water quality treatment measures.

**Reason**

To ensure appropriate drainage of the site and to meet the requirements of NAC Flooding.

**Condition**

10. That within 6 months of the date of the completion of the houses on Plots 163 and Plots 181 respectively, footpath links to the core path network to the south of the site will be completed to the satisfaction of North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing.

**Reason**

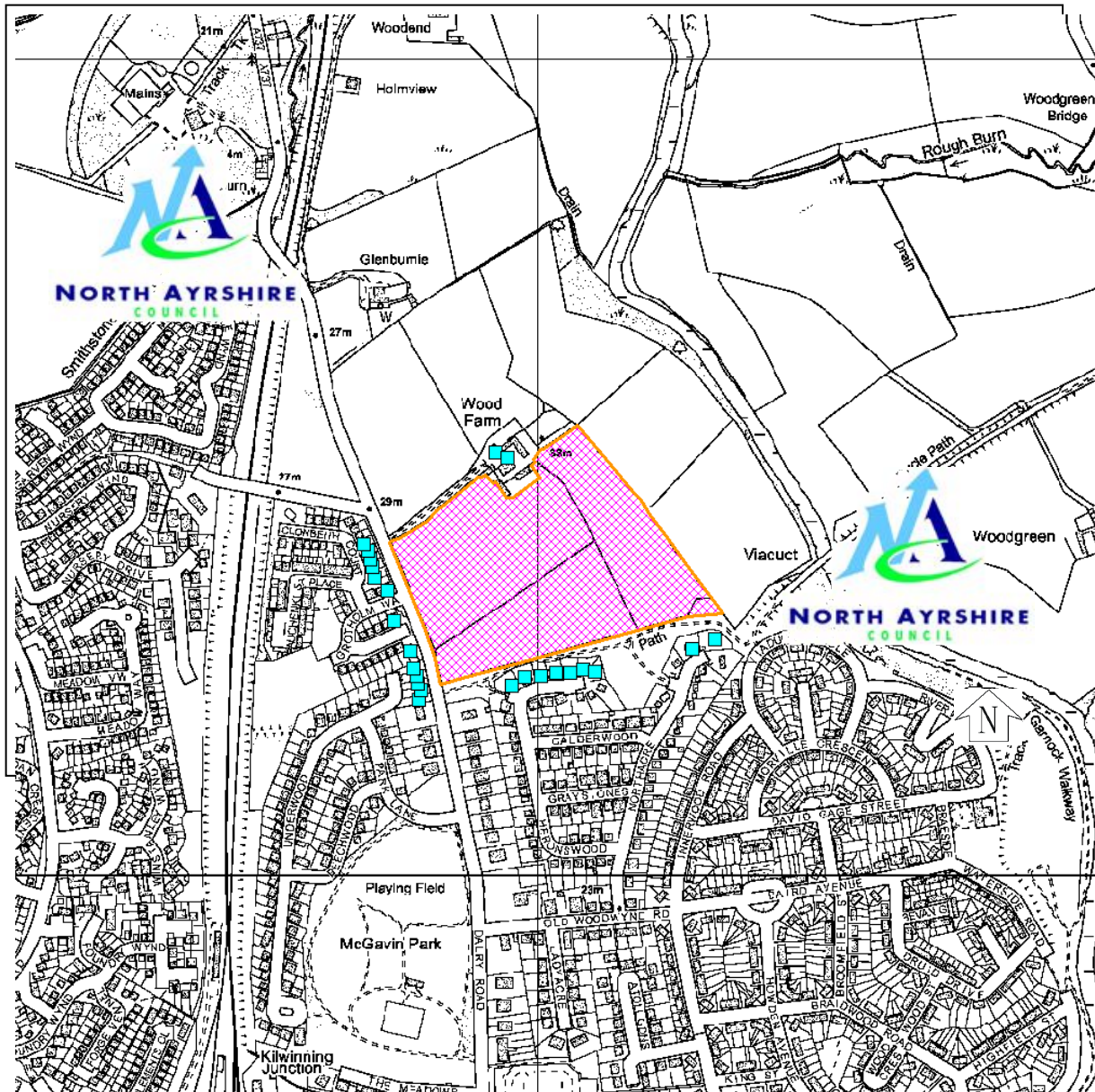
To ensure appropriate pedestrian links from the site to the south and to meet the requirements of NAC Active Travel and Transportation.

Russell McCutcheon  
Executive Director (Place)

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

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

4th December 2019

### Planning Committee

Locality	Kilwinning
Reference	19/00542/PP
Application Registered	19th July 2019
Decision Due	19th September 2019
Ward	Kilwinning

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Hullerhill Sand Quarry Kilwinning Ayrshire KA13 7QN
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<b>Applicant</b>	Hugh King & Co
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<b>Proposal</b>	Section 42 planning application to vary conditions 8 (hours of working) and 14 (noise limits) of planning permission N/14/00656/DCMS
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#### 1. Description

Planning permission is sought to amend conditions 8 and 14 attached to planning permission 14/00656/DCMS in order to enable increased working hours for the operation of the drying and mortar plants at Hullerhill Quarry, near Kilwinning.

It is not proposed to increase the working hours for mineral extraction operations or vehicle movements in relation to despatch. The proposal seeks only to allow the operation of the drying and mortar plants for a longer time period each day, and to introduce Sunday working, as follows:

- 2 additional working hours during Mondays - Fridays (from 1900 - 2100 hours)
- 8 additional working hours during Saturdays (from 1200 - 2000 hours)
- 13 new working hours for the drying/mortar plants during Sundays (from 0700 - 2000)

The proposal has been subject to the submission of a revised background noise survey which took until late October to conclude. The revised noise survey informed the proposed hours of operation, which differ to those originally applied for in July 2019. At that time, permission had been sought to operate the drying and mortar plants until 2200 hours on a

daily basis. This would have meant an increase of up to 3 hours on weekdays, 10 hours on Saturdays and for a total of 16 hours on Sundays (29 additional weekly hours in total).

It is now proposed that there would be up to 23 additional hours per week, with no working after 2100 hours on weekdays and a limit of 2000 hours during weekends. As such, the proposed additional hours for operating the drying and mortar plants during evening and night time periods has been greatly reduced as a result of the background noise monitoring which took place during the Autumn of 2019.

Under the terms of the current permission, Hullerhill Quarry has the right to undertake extraction, processing and despatch work between 0600 hours and 1900 hours on Mondays to Fridays, and 0600 hours to 1200 hours on Saturdays, with no Sunday working other than maintenance, emergency works, dust suppression, pumping and testing.

A supporting statement submitted with the application indicates that the company is finding it increasingly difficult to meet demand within the existing permitted hours as a result of the growing market for the quarry products of Hullerhill, which is located approximately 1.6km northeast of Kilwinning. The mineral resource at Hullerhill is sand, much of which is processed on site to form building blocks for the construction industry, as well as the production of refined sand for use in golf courses.

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

## **2. Consultations and Representations**

The application was subject to the statutory neighbour notification procedures. 3 letters of representation, all with objections to the proposal, have been received. The points raised can be summarised as follows:

1. The proposal would have an adverse effect on the amenity of the area. The Council has previously restricted the types of operation at the quarry to day time hours. Extending the hours of operation to the night time period will give residents no respite from the intrusive sounds generated by the plant and machinery and associated activities. The interests of the local community still need safeguarding. By allowing the change to be implemented, the Council would be contravening their own restrictions placed on the site.

*Response: The application has been amended since it was submitted in July which reduces the number of additional working hours, which would only apply to the operation of the mortar plant and dryer plant, as noted above. The applicant's agent has responded to this point as follows:*

*"the original planning permissions for Hullerhill had no restrictions on the hours of working or on the number of days; these restrictions were offered voluntarily by the operator in relation to the 2014 ROMP application, as at that time those hours were sufficient to allow the operator to carry out all necessary works. As circumstances have changed, the operator, is*

*seeking an appropriate change in the operational hours which would both allow the Company to operate efficiently whilst having no significant amenity impacts."*

2. The noise survey submitted with the application (July 2019) attracted concerns from the Council's Environmental Health Officer. Data from that survey shows that the operations at the site cannot comply.

*Response: Further to an initial consultation with Environmental Health, a further noise survey has been undertaken and the proposed increase to the working hours reduced. A further consultation with Environmental Health indicated no objection to the proposal.*

3. Constant, unpleasant noise, not necessarily loud noise, is worse than an intermittent one. The quarry noise is not faint and is going to be more dominant at night and on Sundays than at other times. Sometimes a noise does not have to be loud to be unpleasant, it can simply be the tonal quality.

*Response: Noted. See Analysis.*

4. The quarry has become larger and larger over the years and any continued expansion would have a detrimental effect, not only on the immediate community, but on the wider rural landscape of the area. The site buildings are clearly visible on the skyline. It also creates light pollution. This not only spoils the night sky, but there is proven scientific evidence to demonstrate that light pollution adversely affects certain types of wildlife.

*Response: The application does not seek to extend the size of the quarry, nor its buildings, nor extend its lifespan. The application does not seek permission to work late into the night, nor any earlier in the morning. Whilst Sunday working is proposed, this would apply only to the operation of the mortar and dryer plants, not the entire operation.*

5. There is medical evidence of the detrimental impact that noise pollution can have on the health and well-being of individuals. It can also have a wider impact, in also affecting wildlife and domesticated animals. The Government recognises that noise from mineral workings can significantly affect the environment and the communities that live nearby, and has legislated in order to control noise pollution.

*Response: Noted. However, the additional 2 hours per week night until 9pm is not considered to be an excessive increase. Saturday afternoons/evenings and Sunday working would be limited to only the operation of the mortar and dryer plants, for a lesser number of hours as was first proposed, as noted above.*

6. The methodology of the noise survey was flawed and should be repeated. Taking into account the methodologies that are recommended by PAN50 in conducting surveys and the lower dB LAeq limits recommended for the countryside, and for the adverse impact of the noise to be taken in context with the surrounding area, it is the view that the operator would not be able to comply with the limits, particularly in the real world, and as a consequence, the application should be refused.

*Response: The application has been subject to further noise surveys and assessment, as noted above. The applicant's agent has responded to this point as follows:*

*"Environmental Health has ensured that appropriate background monitoring has been undertaken so that individual locations can be assessed. The noise limit proposed by Environmental Health is actually more stringent than the lowest limits suggested in PAN 50 so, if operations were to be approved, North Ayrshire Council would clearly be ensuring that there was no unreasonable impact on the amenity of the local community."*

7. There would be increased traffic from the quarry arising from the proposal.

*Response: It is not proposed to extend the period of time during which despatch operations can take place.*

9. Living in a rural area is generally very quiet and peaceful. One objector has stated that "I knew the operating hours of the quarry when I bought my house so I anticipated and can accept the level of noise generated during the working week. What I would not find acceptable is any increase in noise during the weekends."

*Response: The proposal has been modified to take the concerns of nearby residents into account whilst also recognising the need to support the long-term growth and viability of the quarry. See Analysis.*

## **Consultation**

**NAC Environmental Health** - no objections to the modified proposals subject to a condition that the rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the plant and equipment, must not exceed the background noise level by 10dB(A) or more at the curtilage of any noise sensitive property over a reference period of 1 hour during the hours to which this application relates (1900-2100 hours Monday to Friday, 1200-2000 hours on Saturday and 0700-2000 hours on Sunday). The applicant has commissioned an appropriate background noise assessment to be undertaken and its results demonstrate that the above noise limit will be complied with during the proposed hours as outlined above.

*Response: Noted. See Analysis.*

## **3. Analysis**

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

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

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

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

- Precision
- Reasonableness

The Countryside Objective seeks to "encourage opportunities for our existing rural communities and businesses to grow" whilst protecting the countryside and promoting sustainable development. The proposed variation to two planning conditions which govern the operation of Hullerhill would enable a long-established quarry business to grow. As such, the proposal would accord with the Countryside Objective.

Policy 33 'Responsible Extraction of Mineral Resources' supports the conventional extraction of sand, gravel, coal and peat, subject to meeting a range of criteria. As Hullerhill Quarry has been established for the past 100 years or more, there is no requirement to justify the principle of development in this case. There is already a suite of planning conditions in place, approved by the Council in 2014, which provide the basis for the regulation of day to day operations in accordance with modern working practices as well as a site restoration and aftercare plan. The current proposal seeks to modify the wording of two planning conditions which would extend working hours for a limited and very specific range of operations (ie. drying plant and mortar plant), and takes account of potential noise and amenity impacts.

The Placemaking Policy aims to safeguard, and where possible enhance environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. Informed by the evidence base of an up to date background noise survey, together with the consideration of concerns expressed by neighbouring residents, the consultation process with Environmental Health has led to a reduction in the proposed additional operating hours for the drying and mortar plants. Whilst the hours of operation would be extended into late evening hours, there would be no working after 2100 hours (and earlier at weekends). This would prevent unacceptable adverse noise impacts on local residents. It is considered that this outcome would achieve an appropriate balance between the need to ensure the economic viability of the quarry and the protection of residential amenity in the rural area around Hullerhill.

In applying the Circular 4/1998 tests for conditions to the proposal, it is considered that the proposed variations to conditions 8 and 14, as amended, would meet all six tests.

There are no other material considerations. Accordingly, it is considered that planning permission could be granted subject to the revised wording for conditions 8 and 14 as has been agreed with the applicant following consultation with Environmental Health.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That no extraction, aggregate processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. The operation of the drying plant and mortar plant is permitted during the hours of 06.00 to 21.00 Monday to Friday, 06.00 to 20.00 on Saturdays and 07.00 to 20.00 on Sundays. Outwith these hours, activities shall be limited to maintenance, emergency works,

dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To safeguard the amenity of the surrounding area.

**Condition**

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

**Reason**

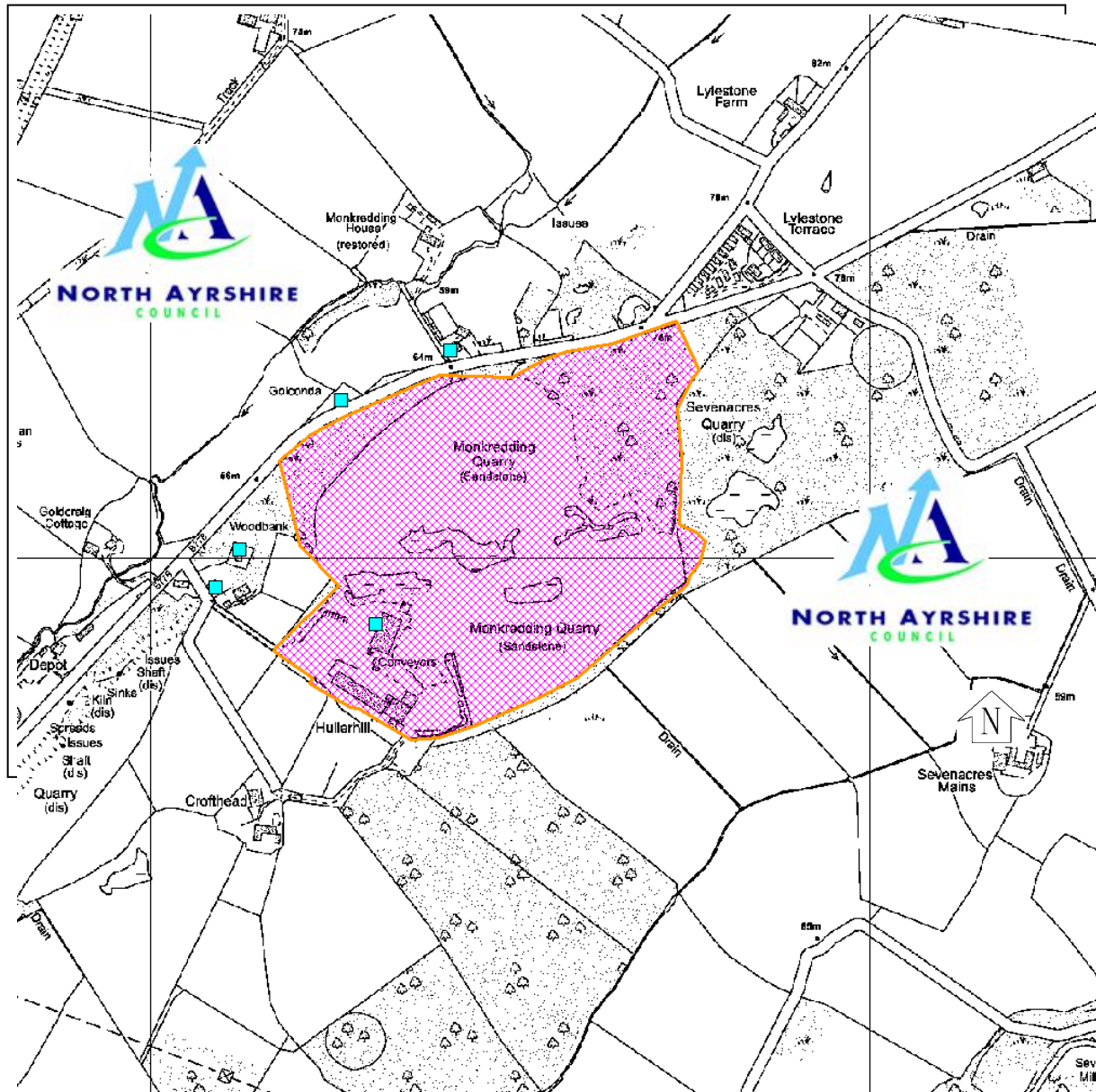
To limit the impact of noise on neighbouring properties.

Russell McCutcheon  
Executive Director (Place)

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

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

4th December 2019

### Planning Committee

Locality	Three Towns
Reference	19/00523/PPM
Application Registered	24th July 2019
Decision Due	24th November 2019
Ward	Saltcoats And Stevenston

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To West Of Mayfield Farm Mayfield Road Stevenston Ayrshire
<b>Applicant</b>	Persimmon Homes Fao Mr Kevin Murphy
<b>Proposal</b>	Residential development comprising of 392 dwellings (comprising 368 houses and 24 flats) to include associated roads, paths, open space and landscaping

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### 1. Description

Planning permission is sought for a major residential development on an area of agricultural land at Mayfield Farm between Stevenston and Saltcoats. The site lies to the north of Priest Hill View/Gooding Crescent, Stevenston; east of Ailsa Road/Middlepart Crescent/Fleck Avenue, Saltcoats; to the north of A378 High Road/Mayfield Filling Station and south of James Reid School, Saltcoats.

The ground slopes uphill from south to north, extends to some 14.22 hectares and is currently used as sheep grazing land by Mayfield Farm. It is proposed to erect a total of 392 dwellings, consisting of 368 houses and 24 flats.

The proposed houses would all have two storeys and would consist of a mix of terraced, semi-detached and detached designs. A full breakdown of house types is illustrated on the submitted site plan. The 24 flats would be developed as four storey blocks each containing 12 flats.

The proposed development includes all associated access roads, footpaths, open spaces, children's play facilities, public utilities infrastructure and a sustainable drainage system (SuDS) in the form of a large detention basin. Landscaping is proposed on open spaces

throughout the site. The development would include remediation works for former coal workings below the ground as well as the capping of several abandoned mine entries and an airshaft.

The first three phases of 273 houses and the 24 flats would connect onto the proposed access from High Road, immediately west of Mayfield Filling Station. The street layout would take the form of a series of interconnected street blocks, based on the principles of Designing Streets. The first three phases would be served off a single access point from the existing public road network. Houses would be orientated to face onto their associated street, in most cases, and would provide front in-curtilage parking with garden ground to front (where space is available) and private garden ground to the rear. Visitor parking would be provided throughout the site. The 2 blocks of flats would each have an associated car park for residents and visitors, as well as some landscaped communal garden space.

The (indicative) final phase of 95 houses would be accessed from Ivanhoe Drive. The option to connect through the James Reid School site (once it has closed) has also been noted on the site plan as a future potential link. The indicative layout for this final phase would have a similar interconnected street block system with pedestrian links and an emergency vehicle access to the first three phases.

A total of 17 house designs have been included in the development, providing a variety of sizes and configurations. The house designs are already widely used in other developments by the applicant both locally and elsewhere. The flats would each have 2 bedrooms and would be sited with adequate separation distance from the nearest housing in order to protect privacy and sunlight/daylight. One of the flatted blocks would be positioned at the main access into the development adjacent to High Road to create a 'gateway' for the development; the other would be sited just north of the greenfield land to the north of the Tesco supermarket. As a result of their siting, both blocks of flats would have an open outlook. Discussions have taken place with the applicant to modify the colour and texture of the external finishes so that the Mayfield development relates well to the surrounding residential areas.

As noted above, the site slopes uphill from south to north. The level difference from south to north is 15.3m (32.2m AOD at High Road, and 47.6m AOD at the site boundary with James Reid School). This equates to a gradient of 3% across the site, with localised variations due to undulations in the land. The level difference from west to east is around 1m, with the ground marginally higher at the eastern side (where there is a telecoms mast) in comparison with the west (near to Fleck Avenue). The ground level near to the proposed SuDS pond, at the south east corner of the site, is around 40m AOD.

The site is identified in the Local Development Plan (adopted November 2019) as an Additional Housing Allocation.

The proposal is classed as major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 20th June 2018 (ref. 18/00577/PREAPM).

The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Council, as Planning Authority, adopted the screening opinion that given the nature, scale and location

of the proposed development, an Environmental Impact Assessment (EIA) would not be required.

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

### **PAC report**

The PAC report notes the publicity measures undertaken and a public event was held on 23rd August 2018. The report notes there were 25 attendees at the event. Comments raised include; access should not be taken from the Barratt development (Priesthill View/Gooding Crescent), with some concern over access from Fleck Avenue; a request was made for bungalows and smaller homes; the development should provide its own recreation facilities, views from existing houses should be maintained and pedestrian access links should be provided; concerns were raised about drainage, especially because of previous drainage issues nearby. The PAC report outlines applicant's response to the matters which were raised.

### **Design and Access Statement**

The document appraises the site in terms of landscape, linkages, and the wider settlement character. It then goes on to outline the principles behind the proposed design of the site, drawing on the above characteristics and public consultation. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place, taking account of national planning policies on Designing Places and Designing Streets.

### **Health Impact Assessment: Sustainable Location Statement**

The focus of this document is on active travel links from the site to the surrounding area. Commentary is provided on the range of local facilities which can be easily reached from the site on foot or other modes of transport. The report considers that, despite being on the edge of the built-up area, the site is within easy range of a wide range of local services, including schools, that are close enough to encourage residents to walk or cycle, thus supporting a healthier lifestyle.

### **Flood Risk Statement and Drainage Strategy Report**

This four-part document considers current greenfield drainage conditions and provides a strategy which considers the risk of flooding from all sources. The report concludes that the site is not at risk of coastal or fluvial (watercourse) flooding. Localised undulations currently contribute to some rainfall gathering in parts of the site, which would be resolved by the construction of a formal system of drainage and SuDS features. A SuDS detention pond has been proposed to attenuate surface water flows in excess of site discharge limits. The report concludes that, by implementing the recommendations it contains, the proposed development would not be at risk of flooding, would not increase the risk of flooding elsewhere, and that the development can be drained in a sustainable manner.

### **Ecological Assessment**

The report was prepared following a Phase 1 Habitat Survey. The report notes that the site consisted of improved grassland used for cattle and sheep grazing. There are no trees on the site and only some hedgerows provide some relief. The hedgerows were regarded in the assessment as 'defunct' and the grassland has no plant diversity. The proposed development, through the landscaping and SuDS works, may offer some potential for increasing biodiversity on the site.

## **Site Investigation**

The report and its 16 appendices set out potential contamination risks from historical land uses and ground conditions. No toxic contamination was recorded in any of the samples analysed. The main issue raised in the site investigations was the presence of shallow mine workings. These areas of the site are potentially unstable and would require remediation through drilling and pressure grouting before the development takes place. Two mine shafts, two adits and an air shaft were identified on a mine abandonment plan. Stabilisation would be required in order to remove the risk of surface instability. A revised site plan was received on 9th October 2019 which shows the mineshaft and adit locations left undeveloped and retained as open space. The only invasive plant identified on the site was cotoneaster, adjacent to the northern boundary. This common garden plant can become invasive, but only if left unmaintained and undisturbed. All surface vegetation would be removed as part of the proposed site clearance and preparation works.

## **Transport Assessment**

This report considers the potential trip generation and distribution characteristics of the development. The report considers that the development would be accessible by sustainable transport, with bus routes near to the site and a railway station within 1 mile. The development would be within walking distance of the existing public transport network and would have footpath links to the surrounding area. The site can be safely accessed by private vehicles and would not compromise the safety or efficiencies of existing road users. With regard to the final phase of development, Area 4, the precise access arrangements remain to be agreed and would make use of land owned by North Ayrshire Council. Any traffic calming measures required for the adjacent street network would be addressed as part of the Road Construction Consent (RCC) process which would follow the planning stage.

## **Energy Statement**

This report considers heat and power sources and whether the development could be served by a district heat network. There are currently no heat sources in the locality which could provide a relatively low density housing development on this scale with heat. As such, a district heating network is not considered to be feasible. However, each house would be highly insulated and would have double glazing. Orientation of the housing is also designed to take advantage of solar gain, with sufficient windows to provide adequate levels of daylight inside each house or flat. Each dwelling would be provided with a high efficiency gas boiler. All of the houses would be provided with solar PV panels.

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

The relevant policies of the Local Development Plan (LDP), adopted November 2019, are as follows:

Strategic Policy 1: Spatial Strategy - the Towns and Villages Objective;  
Strategic Policy 2: Placemaking;  
Policy 1: New Homes and Maintaining an Effective Housing Land Supply;  
Policy 22: Water Environment Quality;  
Policy 23: Flood Risk Management;  
Policy 27: Sustainable Transport and Active Travel and  
Policy 31: Future Proofing for Heat Networks

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised in a local newspaper in accordance with statutory procedures. A total of 77 neighbours were notified. In response, 9 objections and 2 representations were received. The matters raised are summarised as follows:

1. Overlooking, loss of sunlight/daylight and loss of boundary hedge with neighbouring residential properties at Ailsa Road

*Response: There would be a 14m separation distance between corner of the nearest house on Ailsa Road and the gable end of a terraced block within the development. The gable elevation of the terraced house near the boundary would have one side small window at the stairhead landing which would not result in unacceptable overlooking. A 1.8m boundary fence would be provided on the edge of the development, and it is noted that existing field hedgerows have already been removed in various places. Clarification on the future of all hedgerows on the site would be sought through condition.*

2. Overlooking of gardens at Priest Hill View.

*Response: In places, the ground levels on the site are higher where it adjoins the existing housing on Priest Hill View. The level difference is up to 2 metres. However, there is an existing buffer strip of trees to the north of Priest Hill View, which is presently at an immature stage in its growth. Trees are at varying heights, with the highest currently being equivalent to the height of a single storey building. However, only six houses in the proposed development would back on to Priest Hill View, with a minimum of 24m separation distance between the rear elevations of existing housing and the rear of the proposed housing, which is considered adequate. The intervening corridor of trees and proposed boundary treatments within the development would also filter any views between the houses. The gable elevation of the nearest terraced block to the site boundary in relation to the rear elevation of the closest house on Priest Hill View would be around 18m. The gable of this terrace would have one side small window at the stairhead landing, which would present no significant adverse impact on privacy.*

3. Reassurance is sought that the detention basin would not be subject to flooding and that water would not become stagnant.

*Response: Detention basins of this type have been widely used in Scotland for the past 20 years. The water level would change due to seasonal variations in rainfall. Provision has been made in the drainage design to ensure that the detention pond does not overtop. The developer has confirmed that "the basin will be at a level that accommodates flooding on site up to the 200 year event, and due to the depth will have additional banking at a higher level." The regular inflow and outflow of water would ensure that the pond does not become stagnant. Water in the pond would be drained to the public sewer or, in the event of a flood event, to the Quarrel Burn.*

4. Siting of proposed terraced housing and flats to northwest of Priest Hill View

*Response: One of the proposed flatted blocks has been relocated further away from Priest Hill View, increasing the separation distance to approximately 100m. The gable of the nearest terraced block to the objector's property would be around 30m.*

5. 4 storey flats would be out of place and would be an eyesore for the surrounding area. The flats should be replaced with houses

*Response: Not agreed. Whilst four storey flats are not a feature of the existing townscape in this part of Saltcoats or Stevenston, it is considered that there would be adequate separation between these two blocks and existing housing in the locality. The flats would provide opportunities for smaller households at locations close to the southern edge of the site nearest to local services without adversely impacting on the amenity of existing or proposed housing. The flats would also provide an element of distinctiveness within the development.*

6. Traffic volumes on High Road would increase as a result of the development.

*Response: The transport statement demonstrates that High Road could accommodate the additional traffic generated by the proposed development without undue impact on the safety and efficiency of the route.*

7. The development would have too many houses and they would be "crammed in".

*Response: Not agreed. Taking account of open space provision, the density would be 28 houses per hectare, which is considered acceptable and comparable with the density of the existing housing to the west of the site. See Analysis.*

## **Consultations**

**NAC Education** - no objections. The site is within the catchment for both Mayfield and Glencairn primary schools, as well as St Anthony's Primary and St John's Primary, which are located in Saltcoats and Stevenston, respectively. A roll projection was undertaken. Based on the development taking place over a ten year period (as provided by the applicant), the local primary schools have capacity to accommodate the projected increase in pupil numbers which the development may result in. The local secondary and ASN schools would also have sufficient capacity.

*Response: Noted. The proposed development would cater for a wide range of households, including single people and retired couples as well as families. In addition, the housing would be built over a number of years. As such, no requirement has been identified for a financial contribution to any of the local schools.*

**SEPA** - No objections. Advice has been provided in relation to flood risk, foul drainage, surface water drainage, and request that consideration is given to district heating, low or zero carbon heating networks as part of the development. SEPA also advise that consultation should be undertaken with the Council's Flood Protection Officer and SEPA in relation to the management of drainage impacts from all sources, including rainfall, watercourses and waste water.

*Response: As noted above, a number of technical studies and assessments have been undertaken by specialist consultants on behalf of the applicant. The outcome of these*

*studies has informed the drainage strategy and design in order to ensure that the proposed development can be satisfactorily drained in accordance with SuDS principles and waste water connected into the public sewer. The studies conclude that "the development site is at little or no risk of fluvial [watercourse] flooding due to a combination of the plan distance and vertical separation from the flood source". Consultation has been undertaken with the relevant bodies who have no objection to the proposal on flooding and drainage grounds.*

*With regard to district heating, low or zero carbon heating networks, the applicant has prepared an energy statement. Whilst this rules out a district heating network on the grounds of cost and viability, the proposed development would ensure that a high standard of insulation is provided for each dwelling through a 'fabric first' approach. In addition, each dwelling would have a high efficiency gas boiler fitted with flue gas recovery alongside smart/interactive controllers. In addition, solar PV panels would be fitted to each house as standard. Whilst the above measures would mean that heat sources for the homes would still largely rely on a carbon based fuel source (i.e. natural gas), the fabric first measures adopted in the proposal would help reduce consumption. In addition, the provision of solar panels would help to reduce reliance on electricity sourced from the national grid (which supplies electricity from a variety of both renewable and non-renewable sources). Given that each house would have, on average, 4 solar panels, this would mean that almost 1500 solar panels would be provided within the development. As such, the use of solar energy means that the application has taken into account low carbon energy sources, albeit not from a system primarily designed for heating purposes.*

*The applicant has also stated that, due to the potential for new climate emergency legislation over the lifespan of the construction phase of the development:*

*"Future legislation that may affect the Mayfield's development could see the incorporation of a combination of low carbon heat sources and/or renewables such as:*

- Waste Water Heat Recovery*
- Flue Gas Heat Recovery*
- Hydrogen Gas Boilers*
- Electrical Boilers*
- Ground Source Heat Pumps*
- Air Source Heat Pumps*
- PV diverters moving energy to hot water cylinders when hot water is required, and the PV is generating*
- MVHR Mechanical ventilation with heat recovery*

*Persimmon Homes are proactively reviewing all of the above technologies and have several test bed developments where some of the above technologies have already been incorporated into designs and construction specifications. This experience will enable us to assess the technology in terms of Primary Energy consumption, CO2 emissions, savings to our customers energy bills and capital cost to us as a developer."*

**NAC Flooding Officer** – in terms of the initial submission, notes the lack of supporting information on the following:

- i. Priesthill Culvert - identification and mitigation of impacts arising from the development;
- ii. SuDS pond overflow device and details of a flow path;

- iii. The provision of separate land drainage systems for area of known ponding/flooding in three identified locations;
- iv. Revisions to flood risk and drainage strategy to incorporate all comments/issues raised by flooding officer.

It is recommended by the flooding officer that the comments raised in the consultation response are addressed in a revised Flood Risk & Drainage Strategy with the outcomes and findings shown on a revised issue of the drawings.

*Response: The matters raised were sent to the applicant for comment, and a comprehensive response was received to address the queries raised. A condition could be attached to ensure the findings of the submitted/updated flooding and drainage studies are implemented during the final design stages for the drainage system, certified on behalf of the developer by an appropriately qualified person and submitted for the written approval of the Council as planning authority.*

**Scottish Water** - No objections. However, the response does not confirm that the proposed development can currently be serviced. Advice has been provided in relation to the following:

**Water:** A strategic water impact assessment has been carried out for this site and the developer should continue to engage with Scottish Water as they will be responsible for contributing to the network mitigation required to support the site.

**Foul:** A strategic drainage impact assessment is scheduled to be carried out for this site. The developer should continue to engage with Scottish Water as they may be responsible for contributing to any network mitigation required to support the site. The applicant should be aware that Scottish Water is unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly. Finally, the development proposals impact on existing Scottish Water assets. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

*Response: Noted. The applicant has been in regular dialogue with Scottish Water with respect to all matters relating to water supply and waste water infrastructure to serve the proposed development.*

**The Coal Authority** - Historic mining records indicate that there are abandoned mineworkings below the site, as well as mine entries. Initial objections raised by the Coal Authority have been withdrawn and resolved through amendments to the site layout and commentary relating to further intrusive investigations of ground conditions. The exact form and extent of intrusive site investigations need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. These intrusive site investigations should be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures. In addition, it would be prudent if consideration was also afforded to the risk posed by mine gas to the application site and proposed development. A condition is recommended to secure the recommendations of the Coal Authority.



*Response: Noted. A condition could be attached to address the matters raised by the Coal Authority.*

**West of Scotland Archaeology Service** - The application site is situated in an area of recognised archaeological potential on the Ayrshire coastal plain and is large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. In this case, because it is unlikely that any buried remains surviving the past agricultural use of the land would be so well preserved that they would warrant preservation in situ, it is unnecessary to request prior archaeological evaluation for the current planning application. In these circumstances, the West of Scotland Archaeology Service would instead advise the Council to consider attaching an archaeological condition. Such a condition would be implemented as a staged process, the first stage of which will be an intrusive archaeological evaluation of an 8% sample of the undisturbed parts of the application area to illuminate the possibilities for buried remains surviving on site. This will serve to investigate the nature and significance of any surviving buried archaeology. It will involve hiring a professional archaeologist to undertake the evaluation and to excavate a series of trenches to be agreed. The relevant levels can then be inspected by the archaeologist retained by the developer to identify any in situ archaeology. Any such discoveries will have to be excavated before their destruction by construction through a staged series of further works, including further full excavation and any post excavation analyses and publication, as required.

*Response: Noted. A condition could be attached to address the matters raised by the Archaeology Service.*

**NAC Active Travel and Transport** - no objections subject to conditions relating to the access arrangements for Area 4 (originally proposed via Fleck Avenue, but subsequently amended). There are also some issues that will require to be addressed at construction consent stage. These will generally relate to:

1. Materials used for surfacing with a desire to reduce the length of block paving;
2. Potential using materials to highlight the changes in street types via transition zones (for example lengths of block paving or different surfacing);
3. Where vehicles can pass each other on the "shared" narrow streets;
4. Need to ensure there is a continuous service strip.

*Response: Throughout the planning process, discussion has taken place on a collaborative basis between the planning authority, roads authority and applicant on the submitted layout and access arrangements. As there remains some uncertainty as to the precise access arrangements for the final phase (Area 4), it is considered more appropriate to grant planning permission in principle for this part of the site. This would be secured via a suitably worded condition. For the avoidance of doubt, access to Area 4 would not pass through Fleck Avenue as originally proposed.*

No comments have been received from NAC Environmental Health, Saltcoats Community Council and Stevenston Community Council.

### 3. Analysis

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

*"We recognise that building new homes will be important to growing our population and we have planned for more than 4,000 new homes being built in the next 10 years. Our focus is on the deliverability of these sites."*

Strategic Policy 1 of the LDP states that the Council wants to direct the right development to the right place. Policy 1 states that residential development will be supported in principle on Housing Sites. The site has an indicative capacity for 300 homes in the LDP. The applicant's reasoning for proposing an increased number - 392 - is based on the significant costs associated with the ground stabilisation works that are required to deal with the legacy of historic coal mining below the site. There are also 24 flats in the proposal as well as a significant number of smaller terraced houses, all of which would increase the density of the development beyond the original figure envisaged. As noted above, it is not considered the development would have a density greater than the existing housing to the west of the site. The applicant has identified a demand for the mix of houses and flats proposed in the Three Towns area. Taking these factors together, it is considered that the proposal for 392 houses and flats on a 14 hectare site is not excessive. The density would therefore be 28 houses per hectare, which would help to create a walkable neighbourhood within easy reach of nearby services. The layout of the proposal is assessed below. The proposal is considered to accord with Strategic Policy 1 and Policy 1 of the LDP and principle of development for residential purposes is therefore acceptable.

Strategic Policy 2 will be considered at the end of this assessment.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management.

Taking both of these policies together, it is noted that, other than field drains, there are no watercourses within the site. The nearest watercourse, the Quarrel Burn, is situated some 390m to the east. This is considered to be a more than sufficient buffer to reduce impacts on the water environment. The proposed SuDS system would provide two levels of treatment, with all surface water being routed to a detention pond before discharge to the public sewer. An overflow for the pond would be provided, which would lead to the Quarrel Burn. The overflow would only be required during periods when the receiving sewer network is unable to accept storm water flows, and this mechanism is designed to prevent overloading of the sewer network (which can lead to surcharging downstream). The Quarrel Burn itself is a minor watercourse which drains the agricultural land to the northwest of Stevenston. It is a tributary of the Stevenston Burn. The Quarrel Burn does not pass through any residential areas, and follows a route along the northern edge of Stevenston. It flows along the edge of agricultural land to the north of the town and is situated within a gully where it passes under Kerelaw Road. SEPA was consulted and made no objection to the proposal. NAC Flooding made various comments in relation to the drainage arrangements for the site, as noted

above, the resolution of which has been addressed through the submission of further information, and their implementation achieved through a condition. The proposal is therefore considered to accord with Policies 22 and 23 of the LDP.

Policy 27 of the LDP relates to sustainable transport and active travel. This states that Council will support development which meets criteria including improving accessibility to amenities, mitigates adverse impacts of significant traffic generation, provides safe and convenient sustainable transport options, and takes a design-led collaborative approach to street design. Over a period of around six months, discussions on the layout have taken place with the applicant and the Council's transportation officers. The resulting layout and access arrangements represent the outcome of the collaborative process between the applicant and the Council. The proposal is considered acceptable in this regard. The development would provide footpaths and road links to the surrounding area. As noted above, the final phase of the development would be accessed from the existing housing estate in the northeast of Saltcoats. The access route for this phase would not pass through Fleck Avenue, as was originally proposed. The final access arrangements to serve the final phase would require to be clarified prior to its development, which is anticipated to be a number of years in the future. Given the timescales involved, this matter can be reserved by a condition which would restrict any housebuilding taking place in the final phase until access arrangements are submitted and approved by the Council. The proposal is therefore considered to accord with Policy 27 of the LDP.

Policy 31 of the LDP states that the Council will support proposals for the creation or enhancement of district heat networks. Proposals for 50 or more residential units which would not result in the creation or enhancement of district heat networks should include: provision for on-site heat recovery and re-use infrastructure; or a heat network generation and distribution infrastructure plan; or demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical or economic reasons.

The applicant has provided an Energy Statement which explores the potential for district heating and other low carbon heating systems. Whilst they have confirmed that a district heating network would not be feasible for a development of this type on the grounds that this is no heat source nearby which could be used, as well as a variety of other economic reasons, the homes in the development would be fitted with high efficiency gas boilers and solar panels as standard. As the development progresses during the years ahead, there is a likelihood of new legislation seeking to decarbonise heat and power systems in housing developments. Based on information published by the Scottish Government, the implementation of any new mandatory requirements in this regard would be addressed through the building standards. This would mean that later phases in the development are likely to be subject to more stringent low carbon heat and power systems than is required under current legislation. The proposal is considered to accord with Policy 31 of the LDP.

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

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

Whilst the proposed development would primarily provide a range of 17 'standard' houses which have been developed elsewhere by the applicant, discussions have taken place to ensure the external finishes (in terms of colour and texture) are compatible with the local area. To this end, agreement has been reached in principle on this issue and a condition requiring the submission of external finishes could be attached to ensure the final choice for external finishes is appropriate for this locality. This would ensure that the development provides visual interest and variety within an overall palette of compatible colours, textures and finishes.

The siting of a block of flats at the main access to the development would help to make the development distinctive within the townscape. The orientation of the flats and houses on the edges of the site at High Road would also help to make the development welcoming. Once inside the development, the emphasis is on the creation of streets which all have houses facing onto them, thus eliminating any obtrusive boundary fences onto streets. A range of landscaped open spaces and a children's play area, overlooked by the front elevations of the housing, would also contribute to a sense of welcome.

It is considered that the proposed development would create a safe and pleasant addition to the Three Towns by creating a new neighbourhood with generous landscaping and numerous open spaces which would provide open views towards the surrounding landscape and Firth of Clyde beyond.

The development would be resource efficient in terms of siting, design and heat/power systems, with access arrangements designed to enhance pedestrian links between the site and the surrounding area. For example, the development would result in a more direct pedestrian/cycle link between the northwest of Stevenston and the existing housing in the north of Saltcoats, without the adverse environmental impacts of any through vehicular traffic. This improved connectivity would provide additional walking and cycling opportunities in the Three Towns area. These linkages demonstrate that the development would be easy to move around and beyond.

In terms of adaptability, the proposed 14 hectare development would result in a single land use of housing with open spaces. It has not been designed as a mixed use area either now or for the future. Whilst individual houses would be adaptable and could be modified by the future owners, the neighbourhood would remain wholly residential in character throughout its lifespan and is unlikely to support any other uses. It is however considered that the development would help to support a wide range of other uses in the Three Towns area, including its town centres and the range of social and community activities.

There remains some uncertainty with regards the means of access to Area 4 within the development. However, as the principle of housing development within Area 4 accords with the LDP, a condition could be attached to require the submission of full details before this phase of the site commences. In effect, this would grant planning permission in principle for Area 4, with the specific details to be approved at a future date.

In summary, the application is considered to accord with the relevant policies of the LDP, and the development would secure the delivery of a major housing site that was identified and allocated through the development plan process. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

##### **Reasons for Decision**

###### **Condition**

1. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations, including the following:

- the submission of a layout plan which plots the precise location and zones of influence for the mine entries on site;
- the submission of a scheme of treatment for mine entries for approval as well as any necessary mitigation measures required;
- the submission of a scheme of remedial works for shallow workings for approval; and thereafter
- the implementation of all remedial, treatment and mitigation works prior to the commencement of the development,

all to the satisfaction of North Ayrshire Council as Planning Authority.

###### **Reason**

To ensure the safety and stability of the proposed development.

###### **Condition**

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

###### **Reason**

To secure the implementation of the recommendations contained in the supporting information.

###### **Condition**

3. That the developer shall secure the implementation of an archaeological watching brief for the site, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority. The first stage of the watching brief shall be an intrusive archaeological evaluation of an 8% sample of the undisturbed parts of the application area to illuminate the possibilities for buried remains surviving on site. This will serve to investigate the nature and significance of any surviving buried archaeology. Thereafter, the retained archaeological organisation shall be afforded access at all reasonable times during the groundworks phase of the development, and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief shall be supplied by West of Scotland Archaeology Service. The name of the archaeological

organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.

**Reason**

To make appropriate provision for investigating and recording any buried archaeological remains.

**Condition**

4. That, prior to the commencement of the development, the findings of the submitted/updated flooding and drainage studies shall be incorporated into the final design stages for the drainage system for the development, certified by an appropriately qualified person and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved.

**Reason**

To ensure the drainage arrangements are designed to safeguard the development and the surrounding area from the risk of flooding.

**Condition**

5. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments and in-curtilage ground surface treatments to be used in the development (i.e. driveways, gardens and any incidental open space). Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In the interest of the amenity of the area.

**Condition**

6. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the children's play area(s) to be provided within the development, inclusive of a summary of their future management and maintenance arrangements. Thereafter, the play area(s) as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To secure adequate provision for children's outdoor play.

**Condition**

7. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interest of the amenity of the area.

**Condition**

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

**Reason**

To secure an appropriate sustainable drainage system for the site.

**Condition**

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

**Reason**

To ensure appropriate action is taken in the event of contamination being uncovered following site clearance operations.

**Condition**

10. That within 6 months of the date of the completion of the houses within Area 2, a footpath link to all abilities standard into Priest Hill View to the south of the site shall be completed to the satisfaction of North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing.

**Reason**

To secure an adequate footpath link between the site and Priest Hill View.

**Condition**

11. That, notwithstanding the plans hereby approved, the approval of North Ayrshire Council as Planning Authority shall be obtained before the commencement of building operations to erect any housing within Area 4 as indicated in drawing PH-MFS-BR-01, with regard to the siting, design and external appearance of the dwellinghouses, landscaping and means of access. For the avoidance of doubt, there shall be no vehicular access to the development via Fleck Avenue.

**Reason**

To ensure that full consideration is given to the means of access to the development of Area 4.

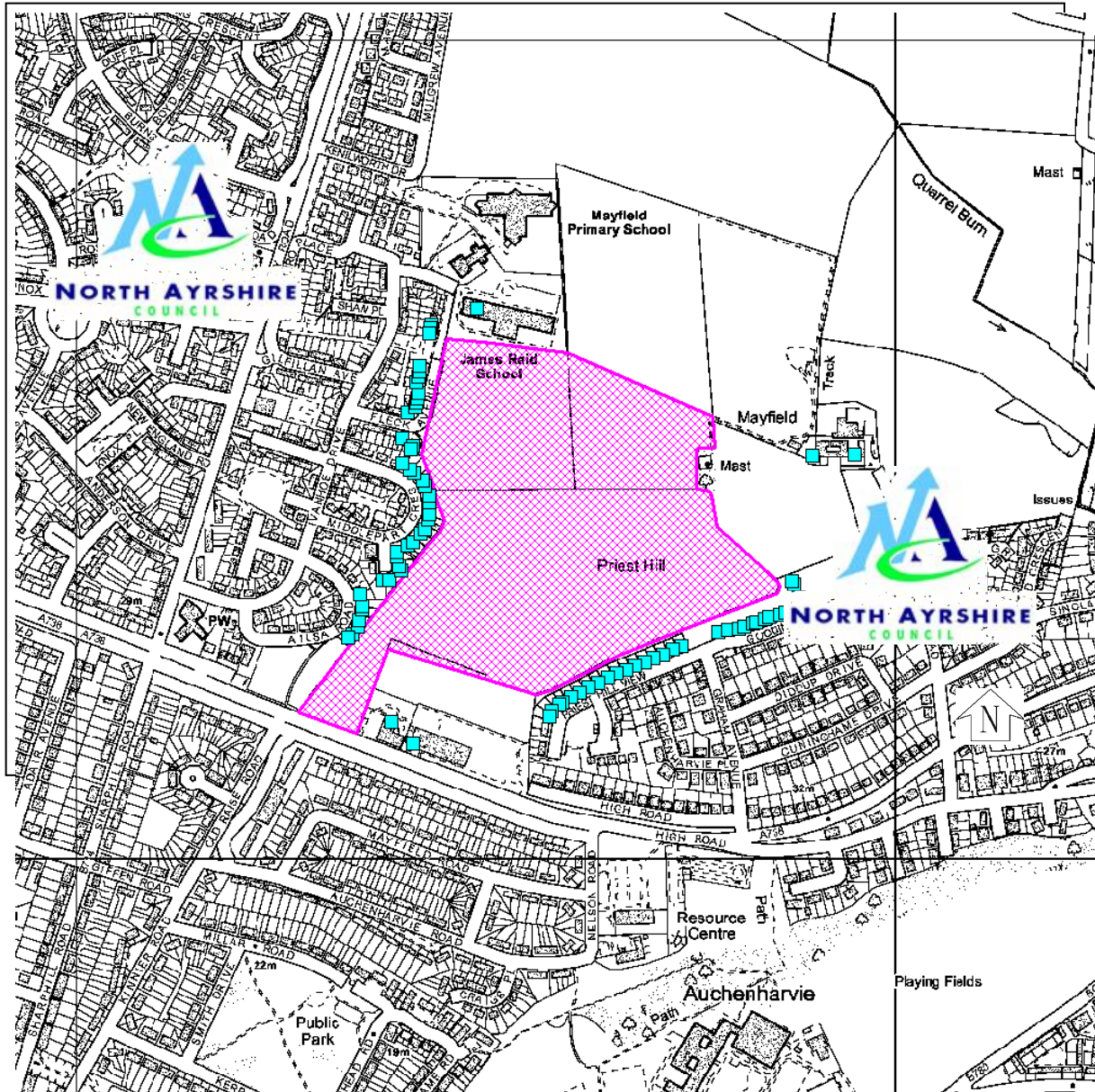
Russell McCutcheon  
Executive Director (Place)

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



## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

4th December 2019

### Planning Committee

Locality	Garnock Valley
Reference	19/00787/MSCM
Application Registered	17th October 2019
Decision Due	17th December 2019
Ward	Kilbirnie And Beith

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To East Of 7- 9 Beith Road Glengarnock Beith Ayrshire
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<b>Applicant</b>	JR Construction Scotland Ltd
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<b>Proposal</b>	Erection of 83 unit residential development, to include the modification of condition 5 of planning permission in principle ref. 17/00389/PPPM to remove any requirement for a 2m wide footway along the frontage of 3 - 10 Beith Road
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### 1. Description

Planning permission in principle (ref. 17/00389/PPPM) for residential development was granted subject to conditions on 14th June 2017. An earlier permission in principle for residential development on the site was granted on 23rd April 2014 (ref. 13/00501/PPPM). The earlier permission has now lapsed, whilst the 2017 permission remains extant.

This application seeks the approval of matters specified in conditions relating to the construction of 83 dwellings for social rent. The application relates to a number of the conditions attached to the planning permission in principle. The approval of this application would enable the development to proceed, subject to the approval of the outstanding conditions.

It is proposed to access the site from Beith Road at a position midway between Auchengree Road and Caledonian Road, which is the optimal position for sightlines. The existing hedgerow alongside the road verge would be removed and a new footway, 3m in width, would be formed. A second pedestrian/cycle access would be provided towards the

western part of the site, and a third pedestrian/cycle connection would be provided on the northeastern boundary of the site onto the existing Garnock Community Campus - Beith pathway.

The internal street layout has been designed to accord with the principles of Designing Streets, with a variety of shared surfaces and roads of varying widths based on a hierarchy approach. Open spaces and landscaping would be provided in various parts of the site, with a feature SuDS pond at the lowest point to the west, replacement hedgerow planting, new tree planting and a centrally located play area or 'amenity space' for children.

Parking provision has been designed to accord with the Council's standard for housing association developments, being typically 1 car parking space per dwelling, as well as visitor parking provision throughout the site. A total of 107 parking spaces are proposed (129%). Housing designs vary, based on a contemporary 'rural' typology featuring single storey cottages, two storey cottage flats, two storey semi-detached houses and two storey terraced houses. Each house would have in-curtilage parking and an associated area of garden ground. Some houses would have both front and rear gardens, others would just have rear gardens. External finishes would consist of light coloured renders with some brick feature panels and grey coloured roof tiles. Window frames would be grey in colour with grey banding around some of the larger 'feature' windows.

The application also seeks approval to modify condition 5 of the planning permission in principle to remove any requirement for the provision of a 2m wide pedestrian footway on the south side of Beith Road. This follows a review of the need for such a footpath, which would be remote from the development site, in light of the submitted development layout.

The greenfield site comprises an area of agricultural land to the north of Beith Road and southeast of Longbar, Glengarnock. The western portion of the site is generally level and is roughly at grade with the existing housing in Longbar Avenue to the northwest. The eastern part of the site has a more sloping character, with the ground falling in level from its southeastern boundary with Beith Road (B777). To the northeast, the site is bounded by a 3m wide foot/cyclepath which links Garnock Community Campus to Beith via Longbar. To the south of the site and on the opposite side of Beith Road is a row of existing housing of varying age and design. This grouping consists of both single storey and one and a half storey detached homes. The site is currently bounded with a hedgerow and an overhead electricity line, carried on timber poles, passes through the land from west to east.

In terms of the planning permission in principle, condition 1 (c) and (d) require the submission of a detailed flood risk assessment and drainage/surface water strategy, respectively. This information has not yet been submitted. As such, the matters specified in criterion (c) and (d) of condition 1 of the planning permission in principle require to be submitted for the approval of the Council at a future date. These matters would be dealt with under the scheme of delegation, rather than the Planning Committee.

In terms of the Adopted Local Development Plan (LDP), the site has a general urban allocation, having previously been released for residential development purposes in the LDP of May 2014.

## 2. Consultations and Representations

Neighbour notification was carried out in accordance with statutory procedures and the application was advertised in a local newspaper. There have been three letters of representation received. These can be summarised as follows:

1. The proposed footway on the south side of Beith Road on land to the front of existing houses is considered inappropriate since this would result in an intrusion to the privacy of existing householders. There is no need for a new pavement on the opposite side of Beith Road when the developer is proposing to construct a 3m wide pavement alongside the new development. In addition, parts of this footway would need to be constructed on land outwith the developer's ownership/control. The owners of the houses on the south side of Beith Road do not consent to their land being used for this purpose.

*Response: Following discussion with the applicant's agent, this requirement was deemed to be unnecessary since the provision of a footway on the opposite side of Beith Road would not serve any necessary access or planning purpose to enable the development to proceed. The land on the opposite side of Beith Road is outwith the application site, and many parts lie beyond the adopted road verge within private land. As such, this aspect of the development has been omitted from the proposal. As noted above, a new 3m wide footway would be provided along the frontage of development site. The new footway would provide a suitable pedestrian/cycle link between the site and Glengarnock/Beith, without the need for residents of the development to cross the road. In order to regularise matters, the applicant has applied to modify the condition of the permission in principle which set this requirement under Section 42 of the Planning Act.*

2. The proposed development of 2 storey houses along the Beith Road frontage is considered inappropriate at this semi-rural location and bungalows would be preferred. This could be achieved by switching around some of the houses within the development to place bungalows along the Beith Road frontage instead of 2 storey houses.

*Response: This concern was taken up with the applicant's agent who agreed to modify the layout such that blocks 14, 31 and 32 which face Beith Road would be single storey instead of 2 storeys. Blocks 33 and 34 would remain two storey, but as these buildings would be sited opposite a wooded area rather than directly across from existing housing, it is considered that a reasonable balance of single storey and two storey buildings would be achieved in the streetscape. The siting of single storey houses directly across from nos. 6 and 8 Beith Road would create a more sensitive frontage in terms of the visual impact on these existing houses, which are single storey and 1.5 storey in height, respectively. In addition, block 14, in single storey form, would be more sensitive to the more open character of the western part of the site in contrast to the taller 2.5 storey building which had been proposed originally.*

3. Traffic safety on the B777 would be compromised because of the driveway and access positions on Beith Road. Driveways within the site would be preferred, with rear gardens used for parking rather than front gardens. Headlights from vehicles leaving the site would shine into the houses across Beith Road, affecting privacy. There should be another road access nearer to Longbar.

*Response: The speed limit on this part of the B777 is currently 30mph. However, to reinforce driver awareness, it is proposed to form a 'gateway' feature on the B777 where the*

speed limit changes from 30mph to 40mph. It is considered that such a feature would help to achieve more effective speed reduction at the entry point to Glengarnock. The precise details of the gateway would be addressed as part of any forthcoming application for road construction consent. The existing houses on Beith Road have driveways directly onto the B777, an arrangement which is commonplace within built up areas, even on A and B class roads. The number of houses that would be directly accessed from the B777 is low - 6 out of a total of 83 in the development. The other 77 houses would all require to use the proposed access road. Concerns about car headlights shining into houses is not a material planning consideration. Furthermore, it is not considered that the proposed road access junction could be moved to another part of Beith Road without adversely affecting the sightlines. Moving the junction in either direction would place it closer to the bends in the road, both of which are near existing junctions with side roads (ie. Auchengree Road, Caledonian Road and the road to Tianna Falls alongside the Powgree Burn). For a development of 83 houses, there is no need to provide a second road access, particularly given the fact that the development would not provide a through-road beyond the site.

4. The proposed number of houses is far greater than was anticipated.

*Response: The indicative capacity noted in the adopted LDP is meant as a guideline only, and is not an upper limit on the potential of the site. The proposed development would provide a range of small to medium sized dwellings with adequate levels of garden ground set within generously landscaped open space. As such, the site would not be overdeveloped based on the detail of the proposal.*

5. The number of parking spaces is less than is required.

*Response: The number and distribution of parking spaces has been assessed by the Council's Transportation officers who made no objection to the proposal in this regard. The standards that are applied for housing association developments are typically lower in comparison with private developments.*

## **Consultations**

**Environmental Health** - no objections to the development in principle subject to conditions relating to further consideration in relation to air quality assessment, unsuspected contamination and a range of non-planning matters (which have been taken up directly with the applicants).

*Response: The application seeks approval of matters specified in conditions as set out in the permission in principle, chiefly in respect of access, siting and design. There is no opportunity to attach conditions to new issues that are beyond the scope of the current application and associated planning permission in principle. However, it is noted that the above points have been raised directly with the applicant by Environmental Health, who may then liaise directly with the developer on any matters which require further discussion.*

**NAC Regeneration (Active Travel and Transport)** - Following detailed discussions and consideration of various recommended changes to achieve a layout that accords with the principles of 'Designing Streets', the finalised design submission has addressed all requirements.

*Response: Noted. Any outstanding issues relating to the road and path design would be addressed at the road construction consent (RCC) stage.*

**West of Scotland Archaeology Service** - no objections. A programme of archaeological evaluation trenching was undertaken during August 2019. The evaluation did not identify any significant sub-surface archaeological material with the plot. As such, no further archaeological work is required in relation to the development of this site.

*Response: Noted. This field work and associated report has enabled the discharge of condition 4 of the planning permission in principle.*

### **3. Analysis**

Planning permission in principle was granted during 2014 and 2017 for residential development on the site at Beith Road, Glengarnock following the release of the land through the previous LDP of May 2014. This application seeks the approval of details relating to conditions 1, 2, 3, 7 and 9 as well as the modification of condition 5 to remove the provision of a 2m wide pedestrian footway on the south side of Beith Road. As noted above, the matters specified in criterion (c) and (d) of condition 1 have not been submitted as part of the current application. The remaining conditions would be the subject of further applications, as required. As the principle of residential development has already been established, the application requires to be assessed in relation to the Placemaking Policy of the adopted LDP.

Strategic Policy 1 - the Towns & Countryside Objective - of the LDP states that, in principle, the Council will support development proposals within towns and villages that "provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock." Following the approval of planning permission in principle (both in 2014 and in 2017), the site at Beith Road was marketed widely. No interest was expressed by any private housing developers during the five-year marketing period following the grant of permission in principle in 2014. However, the land has proved attractive to a developer who is now seeking to provide social rented housing for the area in partnership with a registered social landlord. The proposal has been drawn up on this basis and would therefore meet the requirements of Strategic Policy 1 in this respect.

In terms of Strategic Policy 2, the Placemaking Policy sets out the six qualities of a successful place which proposals are required to meet:

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

The proposed development would provide a range of houses which have been designed for this site, taking into account the semi-rural setting. To this end, a Design Statement has been prepared and submitted with the proposal which explains the rationale for the layout and house designs.

Amendments to the houses on some of the plots facing onto Beith Road have been submitted in response to concerns raised by both neighbouring residents and the case officer. This would introduce a number of bungalows along the frontage, as discussed above.

Discussions have also taken place as part of the design process to ensure the external finishes (in terms of colour and texture) are compatible with the local area. To this end, the submitted colour scheme and finishes are considered acceptable in principle. A condition requiring the submission of external finishes could be attached to ensure the final choice for external finishes is appropriate for this locality.

The orientation of the front elevations towards Beith Road would help to make the development welcoming. Once inside the development, the emphasis is on the creation of streets which all have houses facing onto them, again contributing to a welcoming streetscape. A range of landscaped open spaces and a children's play area, overlooked by the front elevations of the housing, would also contribute to a sense of welcome.

It is considered that the proposed development would create a safe and pleasant addition to the Longbar area of Glengarnock by creating a new neighbourhood with generous landscaping and open spaces which would respect the existing housing nearby, avoids any overlooking, overshadowing or other adverse amenity impacts. Importantly, the development would be designed to integrate with the surrounding area through new path connections and an outward facing layout.

The development would be resource efficient in terms of siting, design and heat/power systems, with access arrangements designed to enhance pedestrian links between the site and the surrounding area. For example, the development would result in a new 3m wide pedestrian/cycle link along Beith Road to complement the existing paths in the area. This would enhance connectivity for walkers and cyclists between Beith and National Cycle Network Route 7, which follows Auchengree Road southwards towards Highfield and beyond. This improved connectivity would provide additional walking and cycling opportunities in the Garnock Valley area. The site would also be linked, via this footpath, to Glengarnock Station. In addition, a traffic-free path link would be formed to provide a convenient link from site to the educational and leisure facilities at Garnock Community Campus. These linkages demonstrate that the development would be easy to move around and beyond, with an emphasis on walking and cycling. Beith Road is also a bus route, with the nearest bus stops being just west of the site.

In terms of adaptability, the proposed development has been designed to meet the needs of a range of households. As well as a variety of different sized general needs homes, the development would include 6 no. amenity houses and 2 no. wheelchair houses.

Finally, turning to the proposed modification of condition 5 in relation to the previously identified requirement for a 2m wide footway on the south side of Beith Road. This matter has been reviewed in light of the current proposal. It is concluded that there is no need for such footway provision, as adequate path connections are proposed between the site and the surrounding area, as discussed above. Since a footway on the south side of Beith Road is not necessary to enable the development to proceed, this requirement does not meet the tests for planning conditions as set out in Circular 4/1998. As such, the developer's request for the removal of this part of condition 5 can be accepted.



In summary, the application is considered to accord with the LDP. Subject to the approval of all outstanding matters specified in the conditions attached to the planning permission in principle, the development would secure the delivery of a housing site that was identified and allocated through the development plan process. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That, prior to the commencement of the development hereby approved, the matters specified in criterion (c) and (d) of condition 1 of the associated planning permission in principle (ref. 17/00389/PPPM) shall to be submitted for the written approval of North Ayrshire Council as Planning Authority.

##### **Reason**

These details have not been submitted, and will require to be approved before the commencement of the development.

##### **Condition**

2. That condition 5 of planning permission in principle (ref. 17/00389/PPPM) is hereby modified as follows:

"A 3m wide footway/cycleway shall be provided along the frontage of the site to the satisfaction of North Ayrshire Council as Planning Authority."

##### **Reason**

To reflect the outcome of the review of condition 5 in light of the circumstances of the submitted site layout.

##### **Condition**

3. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

##### **Reason**

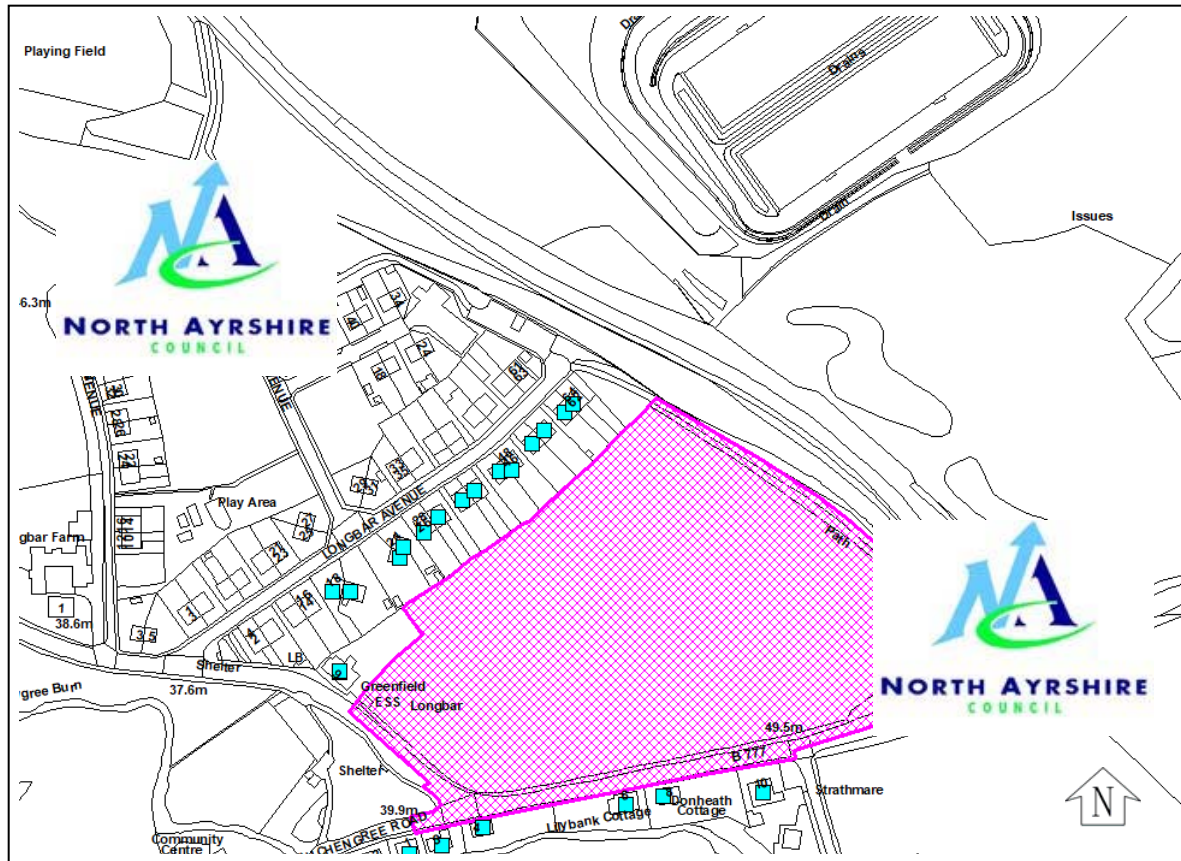
In the interest of the amenity of the area.

Russell McCutcheon  
Executive Director (Place)

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

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

4 December 2019

### Planning Committee

<b>Title:</b>	<b>The Planning (Scotland) Act 2019 Commencement Regulations</b>
<b>Purpose:</b>	To update the Planning Committee on the implementation of the Planning (Scotland) Act 2019.
<b>Recommendation:</b>	It is recommended that the Planning Committee notes the content of the report.

#### 1. Executive Summary

- 1.1 Following the enactment of the Planning (Scotland) Bill 2019 in July 2019, the Scottish Government is progressing with its post-bill work programme to implement the new Act. Each section of the Act will be brought into force by commencement regulations. Four commencement regulations have been laid in Parliament to date, giving effect to provisions for a new purpose for planning; the content and procedures for preparing the National Planning Framework; the 'Agent of Change' Principle, among others.

#### 2. Background

- 2.1 On 4 September 2019, the enactment of the Planning Bill was reported to the Planning Committee. At the end of September 2019, the Scottish Government published a post-bill work programme, 'Transforming Planning in Practice', setting out how it will move forward with implementing the legislation, which introduces a number of changes to the overall framework under which planning operates.
- 2.2 Each section of the Act will be brought into force by commencement regulations, the first of which came into force on 8 November 2019. Three further commencement regulations have been laid in Parliament. Where relevant, the commencement regulations incorporate saving and transitional provisions and only affect new applications or notices from a specified date.
- 2.3 The following provisions have been brought into force and are identified as directly relevant to local planning authorities:
  - All decision notices issued on or after 1 March 2020 must include a statement as to whether the authority consider the development is in accordance with the development plan, and their reasons for taking that view. (Section 30).

- A requirement to take account of the impact of noise from existing activities on new noise-sensitive developments – known as the Agent of Change principle – will have effect in relation to applications received from 20 December 2019 (Section 25). The planning authority must take particular account of whether the new development includes sufficient measures to “mitigate, minimise or manage” the effect of noise between the development and any existing cultural venues or facilities, dwellings or businesses in the vicinity.
- Requirement to notify Councillors, MSPs and MPs of applications for major development will apply to applications received from 1 March 2020 (Section 23).
- Removal of the requirement for full Council decisions on applications requiring a pre-determination hearing, for decisions taken from 1 March 2020 (Section 27).
- Section 53 brings into force, from 1 December 2019, the requirement for all planning authorities to prepare a forestry and woodland strategy.
- Increased fines for failure to comply with various types of planning control notices will apply to offences committed in relation to notices served from 20 December 2019 (Section 42).

### 2.3 Other notable sections of the Planning (Scotland) Act 2019 which have come into force include:

- Purpose of Planning – introduction of a purpose of planning: ‘to manage the development and use of land in the long-term public interest’, defined as contributing to sustainable development or achieving national outcomes (Section 1). This purpose applies in the context of preparing the National Planning Framework and local development plans but not development management.
- National Planning Framework – amendments to the content and procedures for preparing the National Planning Framework (Section 2). Early work has already begun on preparing the fourth National Planning Framework (NPF4), the long-term spatial strategy for Scotland to 2050. Scottish Government plans to publish a draft of NPF4 for public consultation in Q3 2020, following a period of extensive engagement earlier in the year.
- Sections on open space strategies, regional spatial strategies, local development plans, delivery programmes and local place plans have partially come into force for the limited purposes of enabling Scottish Ministers to make regulations and guidance to be issued, varied, published and revoked.
- From 1 December 2019, Scottish Ministers have the power to: appoint a National Planning Improvement Co-ordinator; make regulations to amend the requirements for certain large developments to include Changing Places Toilets (to align with those set out in the Building Standards Technical Guidance); plus amended powers to make regulations about planning fees, including the ability to introduce more discretionary charging, discounts, and a surcharge for retrospective applications.

## 3. Proposals

- 3.1 It is recommended that the Planning Committee notes the contents of the report. Further updates will be provided to inform Committee throughout the programme of implementation of the Planning (Scotland) Act 2019, which is expected to take two years.

#### **4. Implications/Socio-economic Duty**

##### **Financial**

- 4.1 None.

##### **Human Resources**

- 4.2 None.

##### **Legal**

- 4.3 New provisions relating to the processing and determination of planning applications are introduced by the Planning (Scotland) Act 2019, which the Council must adhere to.

##### **Equality/Socio-economic**

- 4.4 None.

##### **Environmental and Sustainability**

- 4.5 None.

##### **Key Priorities**

- 4.6 None.

##### **Community Wealth Building**

- 4.7 None.

#### **5. Consultation**

- 5.1 None.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Alistair Gemmell, Planning Officer**, on **01294 324021**.

#### **Background Papers**

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