

Cunninghame House,
Irvine.

17 March 2016

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 23 MARCH 2016** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes (Page 5)

The accuracy of the Minutes of meetings of the Committee held on 2 March 2016 and 9 March 2016 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. Kilbirnie and Beith

Submit report on the following application:

15/00778/PPM: Site to east of West Bankside Farm, Kilbirnie (Page 19)

Erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces (copy enclosed).

- 4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997:96 Greenock Road, Largs, KA30 8PG (Page 37)**
Submit report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of an unauthorised timber clad container housing biomass boiler and fuel store (copy enclosed).
- 5. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT (Page 45)**
Submit report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP) (copy enclosed).
- 6. Draft Planning Delivery Advice: Housing and Infrastructure (Page 51)**
Submit report by the Executive Director (Economy & Communities) on the Council's response to the Draft Planning Delivery Advice: Housing and Infrastructure (copy enclosed).
- 7. Urgent Items**
Any other items which the Chair considers to be urgent.

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
2 March 2016

Irvine, 2 March 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, Ian Clarkson, Ronnie McNicol and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bruce, Joe Cullinane and Tom Marshall.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to take Agenda Item 3.1 (15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry) as the last item of business.

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as the Chair of the Liaison Committee, declared an interest in Agenda Item 3.1 (15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry) and left the meeting for that item.

3. Minutes

The accuracy of the Minutes of meeting of the Committee held on 20 January 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Kilbirnie and Beith

4.1 15/00573/DCMS: Trearne Quarry, Gateside

William Tracey Limited has applied for a periodic review of the mining site at Trearne Quarry, Gateside. 18 objections have been received, as detailed in the report.

The Senior Manger Planning advised of a permission granted in 2004 for a waste disposal facility (02/00710/PP), subject to a number of conditions, including the construction of a roundabout at the junction of the B777 and A737 roads and the conclusion of a Section 75 agreement. This agreement has not been made and the permission has not yet been granted. It is the applicant's intention to withdraw the 002/00710/PP application, following completion of the Review of Old Mineral Permissions (ROMP) procedure.

Discussion took place on the constitution of 'soil forming materials' and whether this could include human waste and also the level of monitoring undertaken by SEPA in respect of these materials. It was considered that if the application was granted that a condition which required details of the soil forming materials should be amended to exclude the use of human waste from any 'soil forming materials'.

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

1. That only the continuation of quarrying and the importation of soil forming materials to create a soils growing medium for the purposes of site restoration shall be permitted by this planning approval, all in accordance with the planning application support statement. For the avoidance of doubt, the soil forming materials shall not include human waste.
2. That all quarrying operations at the site shall be discontinued within 7 years from the date of planning permission and the entire site shall be restored within a further 2 years in accordance with the approved restoration scheme (as required by condition 3 below) to the satisfaction of the Council, as Planning Authority.
3. That progressive restoration shall be undertaken across the site in accordance with the details contained within Section 1.11 of the Support Statement and Drawing OG104/ROMP/PA/F10 - The Conceptual Amenity Site Restoration Plan (Nature Conservation Area) to the satisfaction of the Council, as Planning Authority.
4. That a detailed aftercare plan for the entire site shall be submitted within 3 months from the date of planning permission for the written approval of the Council as Planning Authority. The aftercare scheme shall specify the works to be carried out as defined in Planning Advice Note 64 - Reclamation of Surface Mineral Workings.
5. All restoration and aftercare works shall be taken in accordance with the details and timescales stipulated within the approved restoration and aftercare plan and planning conditions 3 and 4 of this permission to the satisfaction of the Council, as Planning Authority.

6. In the event of quarrying operations on site ceasing for a period of 18 months, the Council as Planning Authority, shall deem site operations to have ceased permanently, and the area so occupied shall be progressively restored in accordance with Conditions 2, 3 and 4, or in accordance with such other restoration plan subsequently approved in writing by the Council as Planning Authority.
7. With the exception of water management, the site shall not operate outwith the hours stated below without the prior written approval of the Council, as Planning Authority.

Quarry Protection and Processing

07.00hrs to 19.00hrs (Monday to Friday)

Plant Maintenance

07.00hrs to 19.00hrs (Monday to Friday)

07.00hrs to 12.00hrs (Saturday)

Site Restoration

07.00hrs to 19.00hrs (Monday to Friday)

07.00hrs to 14.00hrs (Saturday)

Road Haulage

07.00hrs to 19.00hrs (Monday to Friday)

07.00hrs to 14.00hrs (Saturday)

8. That with respect to the control of noise resulting from the operations the site operator shall comply with the following;

During the hours of operation (07.00hrs to 19.00hrs Monday to Friday (inclusive) and 07.00hrs to 14.00hrs on Saturdays) the nominal noise limit from site operations including the manufacture and spreading of soils, at all assessed noise sensitive premises in the vicinity of the site, shall not exceed 50dB(A)LAeq, over any hour period.

9. Notwithstanding the terms of condition of above, that during soils stripping operations the normal daytime noise limit during the hours of operation shall be no more than 70dB(A)LAeq over any one hour period for a maximum of 8 weeks per year or for such time period to be agreed in writing with the Council as Planning Authority.
10. That effective silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery operating on site. Save for the purposes of maintenance, no machinery shall be operated with covers open or removed, all to the satisfaction of the Council as Planning Authority.
11. In the event of dust nuisances being created by operations on site, the operator(s) shall take all responsible remedial measures to minimise the transmission of dust as stated in Section 5.0 of the planning application, to the satisfaction of the Council, as Planning Authority.

12. If the prevention of dust nuisance by these means is not possible then the activities which are, in the opinion of the Council as Planning Authority, creating the nuisance shall temporarily cease until such times as weather/conditions allow.
13. That the site operator shall ensure that sufficient water is maintained on site, at all times to address the requirements of dust suppression. Water bowsters will be maintained on site and used to spray roads within the site.
14. That no blasting shall take place on site outwith the hours of 10.00hrs to 12.00hrs, Monday to Friday, unless otherwise agreed in writing with the Council as Planning Authority.
15. That levels of ground vibration, as a result of blasting operation shall not exceed peak particle velocity of 6mms-1 for 95% of blasts, with no individual blast exceeding a peak particle velocity of 12mms-1 when measured at any vibration sensitive property in the vicinity of the site.
16. That all laden vehicles entering or departing the site shall be sheeted before accessing from/to the public highway.
17. The site operator shall at all times be responsible for the removal of mud or other deleterious materials deposited on the public highway as a result of these operations.
18. That all suitable soils, peat and soil making materials shall be recovered where practicable during the stripping or excavation operations and separately stored on site for use during restoration.
19. That topsoil and subsoil either recovered and/or manufactured on site shall be replaced when it is suitably dry or friable condition in that it is not damaged by machinery passing over it except, with the prior written approval of the Council as Planning Authority.
20. All soils material deposited on site shall be seeded with a suitable low maintenance grass seed mixture in the first available growing season.
21. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner so as to avoid, so far as possible, the crossing of restored land.
22. The deposition of manufactured soils shall be restricted to 10 metres from existing quarry faces to leave exposed rock strata containing palaeontology as stated in section 11.0 of the planning application, to maintain continued access for educational purposes.
23. That no materials shall be worked or deposited in such a way that they may fall or be carried into any watercourses.

24. That the deposition of manufactured soils shall be restricted to 10 metres from any water channel. That only soil materials recovered on site or soils that may be imported to the site shall be placed within this zone.
25. That prior to quarrying operations and ground preparation works advancing to within 50 metres of any known barn owl nest site during the enhanced statutory bird breeding protection period between April and October a pre-start check must be carried out for this species by a suitably qualified person in accordance with the recommendation made in the Protected Species Survey accompanying the planning application.
26. That prior to any ground preparation works being carried out during April - July a walkover check shall be carried out for evidence of breeding birds or dependent young and works suspended during this period as appropriate within a distance of 50 metres from the nest location.
27. That prior to future quarrying operations advancing to within 30 metres of any trees (T5-T17) identified in the Protected Species Survey, section 7.0 of the planning application, two dusk and one pre-dawn bat roost survey must be completed between June and August to determine the presence of any bat roost. In the event that a roost was found then any works within 30 metres and any works with a significant vibration or noise impact within 100 metres may require licencing following consultation with the SNH Species Licensing Team
28. Prior to any restoration works commencing on site a Water Management Plan, as agreed with SEPA, shall be submitted to the Council, as Planning Authority.
- 5. Planning Application (Ref: 14/00337/PPM) - Proposed continuation of recycling and in-filling works, including creation of landscape feature, signage and retrospective workshop, portacabins and siting of associated machinery at site to the north, east and west of Irvine Car Spares, Shewalton Road, Riverside Business Park, Irvine**

Submitted report by the Executive Director (Economy and Communities) seeking approval to amend Condition No. 4 of the previous decision of the Planning Committee on 22 October 2014 which granted planning permission for the continuation of recycling, in-filling works, including the creation of a landscape feature, signage, retrospective workshop, portacabins and siting of associated machinery at the WH Malcolms Ltd site at Shewalton Road, Irvine, subject to a number of conditions.

The Committee agreed to grant the application, subject to (a) the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site entrance (ii) secure a restoration bond for the Eastern and Western area of the site and (b) to the following conditions:-

1. The recommendations within the Environmental Assessment, submitted with the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted and approved in writing by North Ayrshire Council as Planning Authority, demonstrating the implementation of these undertakings and/or programming of these recommendations.
2. That within two months from the date of this consent a schedule of works for the restoration and landscape feature within the Eastern Area of the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the schedule of works shall include timescales for the restoration and a future maintenance programme.
3. That within one month from the date of this consent, full details of the existing external lighting within the site shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include the lighting type and position within the site.
4. That within one month of the date of this consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for road improvement works along Shewalton Road. Thereafter, the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
5. That within six months of the site becoming redundant or the cessation of the operation, the equipment and associated structures shall be removed and the site reinstated to the satisfaction of North Ayrshire Council as Planning Authority, in accordance with the terms of a restoration scheme as may be approved by North Ayrshire Council as Planning Authority.

6. Clydeplan - Proposed Strategic Development Plan

Submitted report from the Chief Executive on the Council's proposed response to the Clydeplan. Clydeplan is the Strategic Development Plan for the Glasgow and Clyde Valley Region (GCVR). It sets a 20 year vision for the development of GCVR, dealing with region-wide issues such as the scale of housing and the transport connections needed to support future growth. Following approval by Scottish Ministers, the plan will be implemented at a local level by subsequent Local Development Plans for each of the eight local authorities.

Appendix 1 to the report outlined the proposed response to the Clydeplan in respect of a number of the consultation question, including:- Clydeplan Spatial Development Strategy, visitor economy, supporting positive environmental action and supporting sustainable travel.

The Committee agreed to the submission of the response to Clydeplan.

Councillor Barr left the meeting of the next item of business, returning to hear the Committee's decision.

7. Kilbirnie and Beith

7.1 15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry

Breedon Aggregates Scotland Ltd have applied for (1) Variation of Condition No. 2 of Planning Permission (ref. 05/00290/PP) to extend the period of operations for a further 10 years until 31 March 2026 and Variation of Conditions 1,3, 6, 12, 13, 15, 19 & 20; and (2) Variation of Condition No. 1 of Planning Permission (ref.N/10/00841/PP) to extend the period for asphalt operations for a further 10 years until 31 March 2026 at Swinlees Quarry, Dalry. No objections or representations were received.

The Committee agreed to (a) grant application 15/00749/PP, subject to the following conditions:-

1. That the restoration of hedgerows along the northern and eastern site boundaries, including the addition of Scots Pine trees and the plating of Scots Pine trees in the area immediately east of the asphalt plant, as outlined in 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015, will take place in the first full planting season following grant of this permission.
2. The development hereby permitted shall be discontinued and the land restored, as outlined in 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015, at or before 31st March 2026 unless, prior to the recommencement of the operations at the site, full details of restoration and after-use of the site, including programming, are submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority and the development discontinued and the land restored in accordance with the approved details at or before 31st March 2026.
3. The prior to the recommencement of operations at the site a plan showing the proposed programming of work, including the position of equipment and stockpiles as progresses, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the use hereby permitted shall operate only between the hours of 0700 hours and 1900 hours Monday-Friday, 0700 and 1300 hours Saturday and shall not operate on Sundays or public holidays unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation. There shall be no movement of vehicles into or out of the site outwith the permitted hours. Essential maintenance works may be carried on outwith these times provided they do not result in noise intrusion at any noise sensitive properties.

5. That noise levels generated by the quarry operations and other noise on site measured 3.5metres in front of the most exposed façade of any noise sensitive property shall not exceed 55dB LAeq (1 hour), to the satisfaction of North Ayrshire Council as Planning Authority.
6. That prior to the recommencement of operations at the site details of measures to be taken to minimise the emission of dust from the site shall be agreed in writing with North Ayrshire Council as Planning Authority and implemented thereafter throughout the working life of the quarry.
7. That adequate wheel washing facilities shall be provided, and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious materials on public roads.
8. That each blast shall be designed, and the maximum instantaneous charge controlled, so that the air pressure is minimised and the peak particle velocity of the ground vibration shall be less than 8.5mm per second for at least 90% of the proposed blasts. No blast shall give rise to a vibration that has a peak particle velocity in excess of 12.7mm per second.
9. That compliance with the standards in Condition 8 shall be determined by calculation in advance of any proposed blast or by objective monitoring of each blast within any vibration sensitive premises. Blast vibration calculations and monitoring data shall be made available to Environmental Health. No blasting shall take place outwith the period 1000 hours to 1600 hours Monday to Friday. Where practicable each blast shall be scheduled to take place at the same time of day.
10. That there shall be no more than three blasting operations each week and no more than one blasting operation in any day.
11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on site, all to the satisfaction of North Ayrshire Council as Planning Authority.
12. That prior to the recommencement of operations at the site the operator shall submit for the written approval North Ayrshire Council, as Planning Authority, a management plan/method statement for pollution prevention and environmental management of the site in accordance with SEPA's Pollution Prevention Guidelines. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

13. That prior to the recommencement of operations at the site the operator shall submit for the written approval of North Ayrshire Council as Planning Authority details of measures to minimise the effects of blasting on groundwater, to protect Swinlees Burn from dewatering as the quarry extends towards it, and to monitor, report and carry out remediation works in relation to the effects of operations, including blasting, on groundwater. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.
14. That the proposed settlement lagoons shall be lined, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to their formation.
15. That prior to the recommencement of operations at the site details of the composition and terms of constitution of a site liaison committee involving local land and property owners shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented and maintained throughout the life of the quarry, to the satisfaction of North Ayrshire Council as Planning Authority.
16. That no works relating to the stripping of overburden from the proposed extension area shall take place between April and June inclusive in any year.
17. That the translocation of the waxcap fungi within the overall site shall be carried out following the advice of Scottish Natural Heritage, to the satisfaction of North Ayrshire Council as Planning Authority.
18. That no development shall take place within the approved extension area 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, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
19. That the progressive landscaping and screening of the site shall be carried out in accordance with 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015 unless, prior to the recommencement of the operations at the site, full details of progressive landscaping and screening of the site are submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

20. That all planting, seeding or turfing comprised in the details of landscaping approved in accordance with Condition 19 shall be carried out in accordance with the submitted scheme. Any trees which, within a period of five years from the completion of the planting works 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.

and (b) application 15/00750/PP, subject to the following conditions:-

1. That the development hereby permitted shall be discontinued and the land restored in accordance with the approved details at or before 31st March 2026 all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the use hereby permitted shall operate only between the hours of 0700 hours and 1900 hours Monday-Friday, 0700 hours and 1300 hours Saturday and shall not operate on Sundays or public holidays, other than on 4 specified dates of no more than one week duration in any calendar year, unless the prior written approval of North Ayrshire Council, as Planning Authority, is obtained for any variation. There shall be no movement of vehicles into or out of the site outwith the permitted hours.

Notification of the 4 specified dates shall be given in writing to the Planning Authority at least 14 days in advance and shall be accompanied by an operational statement which will explain the operation of the plan such that it will minimise impacts on sensitive properties, both in relation to the operation of the plant and traffic related to it. Between 1900 hours and 0700 hours the following day, on the 4 specified dates, any operational and/or vehicle movement noise on-site (including the access road) shall not exceed 42dB LAeq(1 hour) when measured under free field conditions at any noise sensitive premises, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

Essential maintenance works may be carried on outwith these times provided they do not result in noise intrusion at any noise sensitive premises.

3. That noise levels generated by the quarry operations and other noise on site measured 3.5metres in front of the most exposed façade of any noise sensitive property shall not exceed 55dB LAeq (1 hour), to the satisfaction of North Ayrshire Council, as Planning Authority.
4. That the area around the mobile plant, and bitumen tanks in particular, shall be bunded to prevent liquid contamination spreading to the satisfaction of North Ayrshire Council, as Planning Authority.

5. That adequate wheel washing facilities shall be provided, and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious material on public roads. Any material deposited on the road by vehicles exiting the site shall be removed and the road cleaned to the satisfaction of North Ayrshire Council, as Planning Authority.
6. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

The meeting ended at 2.30 p.m.

Planning Committee
9 March 2016

Irvine, 9 March 2016 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 1.30 p.m.

Present

Matthew Brown, John Bruce, Robert Barr, Ian Clarkson, Ronnie McNicol.

Also Present

Alex Gallagher.

In Attendance

J. Miller, Senior Manager (Planning) and R. Middleton, Senior Development Management Officer (Economy and Communities); A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

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

2. Call In Request: 16/00124/PP - site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Gallagher, Reid, Hill, McLean and McNamara that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"The application raises issues of significant Public Interest and also that the area is of environmental interest being within a Local Nature Conservation Area."

Councillor Gallagher addressed the Committee in support of the call in request. Councillor Gallagher referred to the level of public interest in the application locally and to concerns expressed about the location within a Local Nature Conservation Area. He also commented on the proposed scale of the application in relation to the size of the island. Given the level of public interest, the application would merit consideration and determination at a public meeting of the Planning Committee, rather than by officers under delegated powers.

Thereafter, Members asked questions in relation to the call in request.

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

As an amendment, Councillor Barr moved that the Committee agree not to call in the application and that instead it be determined by officers under delegated powers. There being no seconder, the amendment fell. There being no amendment, the motion was declared carried.

The Committee agreed that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

The Meeting ended at 1.40 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

23 March 2016

Planning Area

Garnock Valley

Reference

15/00778/PPM

Application

21 December 2015

Registered

Decision Due

21 April 2016

Ward

Kilbirnie and Beith

Recommendation**Grant with Conditions contained in
Appendix 1**

Location

Site to east of West Bankside Farm, Kilbirnie

ApplicantMuir Homes Limited
Muir House
Belleknowes Industrial Estate**Proposal**Erection of 200 dwellinghouses including the
formation of associated roads, footpaths, SuDS
pond and open spaces

1. Description

This application seeks planning permission for the erection of 200 dwellinghouses including associated roads, footpaths, SuDs pond and open spaces. The dwellings would feature a range of houses, including 2 bedroom terraced; 3 bedroom semi-detached and detached to 4 bedroom detached, all of which would be 2 storeys in height. The proposed layout incorporates a loop road network of varying widths creating a hierarchy for primary and secondary routes, with direct frontage to all properties. The proposed areas of open space within the development would all be overlooked by dwelling frontages.

The application site relates to an irregular triangular shaped site of approx. 8.9ha on the north western edge of Kilbirnie adjacent to Largs Road (A760). The site is bounded to the south by Largs Road, beyond which is Kilbirnie Place Golf Club and several housing estates which have been built over the past 25 years. In addition, the site is bounded to the east by School Road beyond which is Garnock Academy, Moorpark Primary School and Moorpark House. The site is bounded to the west by agricultural fields, beyond which is an existing group of housing in the countryside at Geirston Road. In terms of landform, the site has a sloping topography with a south easterly aspect. The lowest ground levels are at Largs Road and School Road. Core Path Route GV6 runs along the eastern boundary of the site at School Road.

In terms of the adopted Local Development Plan, Policy RES 2 (Additional Housing Sites) allocates the application site for housing development with an indicative capacity of 200 units. Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of development.

Policies PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), PI 8 (Drainage, SuDS and Flooding), PI 13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

The allocation of the site for housing was promoted through the LDP in 2011. There is no history in terms of previous development or planning permissions, although the site was subject of a public local inquiry for a housing development which was refused permission during the early 1990s. At that time, the site was protected as an area of countryside. The outcome of the public local inquiry was to dismiss the appeal on the grounds that housing development would have been contrary to the Garnock Valley Local Plan which was then in place. The release of the site for housing development through the LDP, which was adopted in 2014 following external examination by Reporters appointed by the Scottish Government, takes precedence over the planning history of the site.

The following supporting documents form part of the application:

Consultation Process with North Ayrshire Council

This report summarises the applicant's engagement with the Council prior to the submission of the application. The pre-application process included a Design Workshop, meetings and feedback sessions with key consultees.

Pre-Application Consultation (PAC) Report

A PAC report is required by the Development Management Regulations for all major planning applications. The submitted report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant in finalising the proposals.

Design and Access Statement

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

Other supporting documents include a water impact assessment, transport assessment, coal mining report, drainage and a flood risk assessment. tree survey and arboricultural report.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in a local newspaper on 13 January 2016 for neighbour notification purposes. 17 letters of representation were received, which can be summarised as follows: -

1) The proposed development could lead to flooding, particularly the properties in Rosebery Court and Largs Road. Field drains have been known to block in the area and cause flooding. The removal of trees could also lead to problems, therefore drainage has to be addressed appropriately. There is also no sewage capacity to cope with the additional dwellings and the SuDs pond could also be a danger.

Response: A Flood Risk Assessment (FRA) was submitted with the application which includes a surface water drainage strategy and recommendations to ensure that the site and surrounding area would not be at an unacceptable risk of flooding. SEPA and the Council's Flooding Officer were also consulted in this regard, and have no objections (see below). An appropriate condition could be imposed with respect to the recommendations contained within the FRA. The applicant has also confirmed that SuDs pond is also designed with relatively shallow margins and gradual gradients at the pond edges. The pond would also be positioned at the site entrance and would be overlooked by a number of properties. In view of the above it is considered that the pond has been carefully designed with natural surveillance to help mitigate safety concerns. Although there is no response from the Scottish Water consultation on this application, no objections were offered during the preparation of the LDP when the release of the site was proposed.

2) The proposed development would result in an increase level of vehicular movement, particularly at Largs Road which could be dangerous to other road users. The speed limit should be reduced to respect the increase level of traffic.

Response: A Transport Assessment was also submitted with the planning application which concludes that road safety issues would not arise from the proposed development. NAC Transportation (Roads) was consulted and have no objections. Traffic calming measures on Largs Road would also be required as part of the Road Construction Consent process. The issue of reducing speed limits is also matter for the police to consider.

3) The proposed development would have adverse impacts on the privacy of existing dwellings, particularly those on Largs Road which adjoin the site boundary. The introduction of bungalows on the site could mitigate privacy issues as they are lower in height.

Response: The average distance between the rear elevations of the proposed dwellings at the eastern edge of the site and the existing properties on the west side of Largs Road ranges between 33-37m. It is considered that the proposed layout has been carefully considered to ensure that there are no significant privacy issues to existing dwellings or plots within the site. With regards to the lack of bungalows, the applicant's agent has confirmed that the proposed housetypes are based on the current housing market and viability and the proposal is designed to meet current local market needs.

4) At the public event held by the applicants, it stated that approximately 25 houses would be built per year. This would result in the site being in construction stage for 8 years which would have a detrimental impact on the environment both those who reside within proximity to the site and Kilbirnie as a whole.

Response: The applicants have confirmed that as part of the development proposals, a Construction Management Plan will be prepared which would address issues arising from the construction phase. As part of this exercise, any matters raised by Environmental Health, such as noise and pollution control, would be addressed. To further address potential amenity impacts, it is also considered appropriate to impose a condition with respect to a development phasing plan.

5) Current infrastructure within Kilbirnie just manages to cope with the present population. The additional dwellings would put additional pressure on current services.

Response: The application site is an allocated housing site within the LDP where the potential impact on local infrastructure was taken into account through the Local Development Plan Process. It is considered that the supporting information submitted with the application demonstrates that there would not be an unacceptable adverse impact on infrastructure.

6) There is discrepancy between the application boundary and some of the properties which adjoin the site, and there is concern that the boundary of existing dwellings may be encroached upon.

Response: The applicant has confirmed that the development would not encroach onto the curtilage of any surrounding properties and that the red line boundary reflects the legal title of the site. Notwithstanding this, the issue of any boundary encroachment would be a private legal matter between the developer and the parties concerned.

7) The loss of agricultural land should be considered, particularly as there are other brownfield sites nearby, such as Garnock Academy which could made be available for development in the near future once the new Garnock Community Campus is complete.

Response: The application site is an allocated housing site within the LDP. The site does not relate to a farming unit and is wholly within the ownership of the applicant. The development of the site would therefore have no detrimental effect on the viability of a farming unit.

8) Kilbirnie has been in decline for a number of years and the housing market is particularly slow. When the market is slow it can lead to private lets which could lead to anti-social problems.

Response: It is considered that the proposed development could be an opportunity to provide a new residential opportunity which would have a positive impact on the vitality and viability of Kilbirnie.

9) The development of 200 dwellinghouses within the site appears to be excessive.

Response: The site has an indicative capacity of 200 units within the LDP.

10) The development could have a detrimental impact on trees within the site and along the boundary with School Road.

Response: The applicant has submitted a tree survey and arboricultural report. The trees along School Road would largely be retained, however there would be some tree removal to provide access to the site. Following discussions with the case officer, the applicants agreed to amend the positions of plots 53-63 to ensure that they are further outwith the tree root protection zone at the northern boundary with the residential property at Hillhead. It is also considered appropriate to attach a condition with respect to tree protection measures throughout the course of the development including the submission of an arboricultural impact assessment.

11) There is lack of information with respect to boundary enclosures for some of properties at the northern edge of the site with Hillhead.

Response: Details of full boundary enclosure can be clarified through the imposition of an appropriate condition.

12) There is no provision for affordable housing or any developer contributions.

Response: There is no requirement within the LDP for the provision of affordable housing within the Garnock Valley. This reflects relatively low demand in comparison with the available supply of existing properties and land for development. In order to for the proposed development to be viable, the housebuilder would, as a matter of course, take the local housing market into account in terms of the price structure for the properties to be built. The proposed development does not require any developer contributions for the upgrading or replacement of existing infrastructure in the area, and there is understood to be adequate capacity at the local schools (see Education response, below).

Consultations

Environmental Health:- No objections. Comments with regards to appropriate construction and demolition times, waste disposal and other Environmental Health matters have been issued to the applicant.

Response: Noted. It is also considered appropriate to attach an informative to advise the applicant to contact Environmental Health with this regard.

The Coal Authority: - No objections. The site falls within the defined Development High Risk Area. A report on site investigations was submitted in support of the application which identifies that there is an ironstone mine shaft within the site. The report concludes that any ironstone workings within the site would be unlikely to present a stability risk to the development. The recorded mineshaft is also within a triangular section of land in the southwest corner of the site which would be left undeveloped as agricultural land.

Response: Noted.

NAC Transportation (Roads): - No objections. Road Construction Consent will be required for the development which should include crossing points and refuse islands on the A760 and new road markings. Standard conditions should also be attached within regards to driveways and parking provision for the housing plots.

Response: Noted. This advice could be covered with the imposition of appropriate planning conditions. An informative could also be attached to advise the applicants to contact NAC Transportation with respect to the Roads Construction Consent.

SEPA: - No objections. The site appears to lie outwith the fluvial SEPA Flood Map, however, it is adjacent to various watercourses and consequently may be at risk of flooding. A Flood Risk Assessment has been submitted in support of the application which assesses the risk of pluvial flooding. The updated SEPA / Planning Authority Protocol on Planning and Flooding specifies that water quantity aspects of surface water drainage are a matter for the local authority to consider.

Response: Noted. The Council's Flooding Engineer has been consulted on the application and offers no objections to the proposal (see below).

NAC Flooding Officer: - No objections. The development would have a small but not significant increase on the Pundeavon Burn/River Garnock. The surface water flow should also be less than the greenfield runoff.

Response: Noted. This could be addressed by the imposition of an appropriate condition.

West of Scotland Archaeology: - No objections. A condition should be imposed to secure the implementation and implementation of a programme of archaeological works.

Response: Noted. This advice could be addressed by a planning condition.

NAC Arboricultural Officer: - An arboricultural impact assessment should be submitted to demonstrate how the development would impact on existing trees, particularly along School Road. A methodology statement for working around the trees should also be submitted for consideration.

Response: Noted. This could be addressed through the imposition of an appropriate planning condition.

NAC Access Officer: - The site is in close proximity to Core Path GV6. The proposed layout incorporates paths linking the site to Largs Road and School Road and provides connections between the two. This connects the site to Core Path GV6 and ensures that the proposal accords with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. These connections are therefore welcomed and should be constructed to a multi user and all abilities access standard. This will ensure that the proposal accords with Policy PI 1 Walking (Cycling and Public Transport) of the LDP, which requires that the needs of walkers and cyclists are taken account in the development to facilitate active travel to and from the site.

Response: Noted. A condition could be imposed to ensure that connections are constructed to a multi user and all abilities standard.

NAC Education: - No objections. The proposal would not have any capacity issues on education provision.

Response: Noted.

3. Analysis

The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES 2, which identified an indicative capacity of 200 units. Policy RES 2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. The LDP Action Programme lists the following as indicative requirements:-

- (a) Securing foot and cycle links to Core Path and School Road and contributions toward regeneration fund;
- (b) Agree traffic calming on Largs Road and off-site improvements to School Road;
- (c) Undertake a Flood Risk Assessment,
- (d) Secure provision of substantial landscaped buffer on western boundary. Landscaping to tie in with existing mature woodland.
- (e) Ensure units on the boundary with School Road face onto School Road and are sited to reflect existing boundary line. Similarly, units on the boundary of Largs Road must also face onto Largs Road and follow the building line.

In relation to the above Action Programme points, (a) the site is bounded by the A760 Largs Road to the south which provides the primary vehicular connection into the development. There is also secondary accesses proposed from School Road. As discussed above, pedestrian and cycle routes have been incorporated into the development to provide connectivity to the surrounding neighbourhood and local facilities. There is no requirement for developer contributions for West Bankside, any contribution for a regeneration fund would be a discretionary, voluntary contribution.

In relation to (b) traffic calming measures will be required through Road Construction Consent. With regards to (c), a Flood Risk Assessment was undertaken and submitted with the application. SEPA and NAC Flooding Engineer have no objections to the proposal, as noted above. In relation to (d), landscaping is indicated along the western boundary, the details of which could also be addressed by an appropriate condition. With regards to (e), there is a line of mature trees on each side of School Road. The trees are important to the character and amenity of School Road. Consequently, it was not considered appropriate to front dwellings onto School Road as this would require the removal of a substantial group of mature trees to the detriment of amenity. The houses which face onto Largs Road would respect the existing building line.

In view of the above, and with the imposition of appropriate planning conditions, it is considered that this application for residential development would comply with both Policy RES2.

Policy PI 1 (Walking, Cycling and Public Transport), requires that account has been taken of the needs of walkers, cyclists and public transport, including a demonstration that the proposals reflect the principles of Designing Streets.

As noted above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout, which has been refined several times since November 2014. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. Connectivity to the existing network of streets has also been taken into account and adequate provision would be made in this regard. It is considered that the proposal meets the requirements of Policy PI 1.

PI 4 (Core Path Network), requires that development within close proximity of the Core Path network should provide suitable links to the Core Path Network where appropriate. As noted above the site is in close proximity to Core Path GV6. The proposed layout incorporates paths linking the site to Largs Road and School Road and providing connections between the two. This connects the site to Core Path GV6 and ensures that the proposal accords with Policy PI 4.

Policy PI 8 (Drainage, SUDS and Flooding) has been comprehensively considered and consultation has taken place with SEPA and NAC Flooding Engineer. A Flood Risk Assessment has been submitted in support of the application which adequately assesses the risk of pluvial flooding. Surface water would also be attenuated with surface filter trenches in accordance with the SuDs Manual runoff and discharge to a nearby watercourse (Pundeavon Burn) and not into the Scottish Water sewer system. A SuDs pond is also proposed in the south east corner of the site at the access point with School Road. It is considered that the proposal meets the requirements of Policy PI 8.

Policy PI 13 (Carbon Emissions and New Buildings) states that all new buildings must reduce CO2 emissions above or in line with building standards. Whilst a separate building warrant application would be required to assess insulation standards and energy efficiency, the planning process can assist in the reduction of CO2 emissions in respect of passive energy efficient measures. In this regard, the siting and orientation of buildings can have an important effect on the use of lighting and heating systems within buildings. Careful consideration has been given by the applicant and by planning officers to ensure that orientation favours as much natural light and solar gain within the development as possible. A significant number of houses would feature generously sized front windows to capture as much daylight/sunlight as possible. The applicant has also confirmed that the houses will be developed to incorporate the use of highly insulated , energy efficient timber-frame construction, high quality window design with hermetically sealed double glazing units, detailed to limit infiltration and thermal bridging, energy efficient central heating systems and low energy

lighting apparatus, all to fully comply and exceed the latest government Building Standards Regulations. It is considered that the proposal meets the requirements of Policy PI 13.

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims, as noted above in respect of Policy PI 1.

With regards to the relevant criteria of the General Policy: -

(a) Siting, Design and External Appearance, the proposed layout incorporates a loop road network of varying widths creating a hierarchy for primary and secondary routes, with direct frontage to all properties. Open space areas within the development would all be bounded by dwellings with a facing frontage. As discussed above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach, between the applicant, planning and transportation officers, has resulted in the submitted layout, which has been refined several times since November 2014. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. Connectivity to the existing built-up area has also been taken into account and adequate provision would be made in this regard.

The proposed mix of 2 storey dwellings are considered to be satisfactory in terms of siting, design and external appearance. Conditions could be imposed to ensure a final check of materials prior to the commencement of building operations. It is considered that the proposal is satisfactory in terms of criterion (a).

(b) Amenity

The proposed development would have a satisfactory standard of amenity and open spaces for children's play and recreation. As discussed above, there would be sufficient separation distance (33m - 37m) between the proposed dwellings and existing housing, which would mitigate any significant impacts on neighbouring housing. The proposal is therefore satisfactory in terms of criterion (b).

(c) Landscape Character

The site is on the western edge of Kilbirnie, and currently has a semi-rural character. Whilst the proposed development would result in the loss of the open, agricultural land, generous areas of open space would be provided and the edges of the site would be retained either as open space or enhanced with new planting. The majority of the mature trees along the boundary with School Road would be retained to retain the more rural character of School Road. Landscaping is proposed along the western boundary, the details of which could be addressed by condition.

(d) Access, Road Layout, Parking Provision

As noted above, consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. Off site traffic calming would also be required through Road Construction Consent. It is considered that the proposal is satisfactory in terms of criterion (d).

(g) Infrastructure and Development Contributions

The proposed development would connect onto the existing network of streets at Largs Road and School Road. There is no requirement for developer contributions towards infrastructure provision. In respect of play facilities, there would be a well connected, centrally located, on-site equipped play area. Other areas of open space would also be provided to ensure a reasonable balance of development and open space. The proposal would therefore accord with criterion (g).

It is considered that the proposal accords with the provisions of the LDP and would offer a positive development for Kilbirnie, resulting in the development of new housing within a well-designed layout following site release through the LDP process. The application should therefore be granted subject to the conditions listed in Appendix 1.

4. Recommendation

Grant with conditions as per Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
21 January 2016

For further information please contact Fiona Knighton, Planner , on 01294 324 313

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00778/PPM

Grant subject to the following conditions:-

1. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
2. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space landscaping and SuDs pond within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 1 above.
4. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SUDS, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
5. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.
6. That no development shall take place within the development site as outlined in red on the approved plan 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, agreed by the West of Scotland Archaeology Service, and approved by the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.
7. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for

the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:

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

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

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). For the avoidance of doubt, this shall include calculations to demonstrate a reduction in surface water flow from the development below the green field run-off rate for the written approval of North Ayrshire Council as Planning Authority. 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.

9. That, during the implementation of the development hereby approved all recommendations contained within the report titled " Proposed Residential Development Largs Road, Kilbirnie Flood Risk Assessment and Drainage Strategy " by Dougall Baillie Associates dated March 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

10. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

11. That the first 2 metres of the driveways, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

12. That prior to the occupation of the dwellinghouses hereby approved, a minimum parking provision of 2 spaces for two/three bedroom houses and 3 spaces for four/five bedroom houses; shall be provided within the curtilage of the site and thereafter retained to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, a garage will constitute 1 parking space and should be retained as such unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

13. That the paths connecting the site with School Road and Largs Road shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

14. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, sections through the site to demonstrate both details of finished floor levels and ground levels within the development.

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

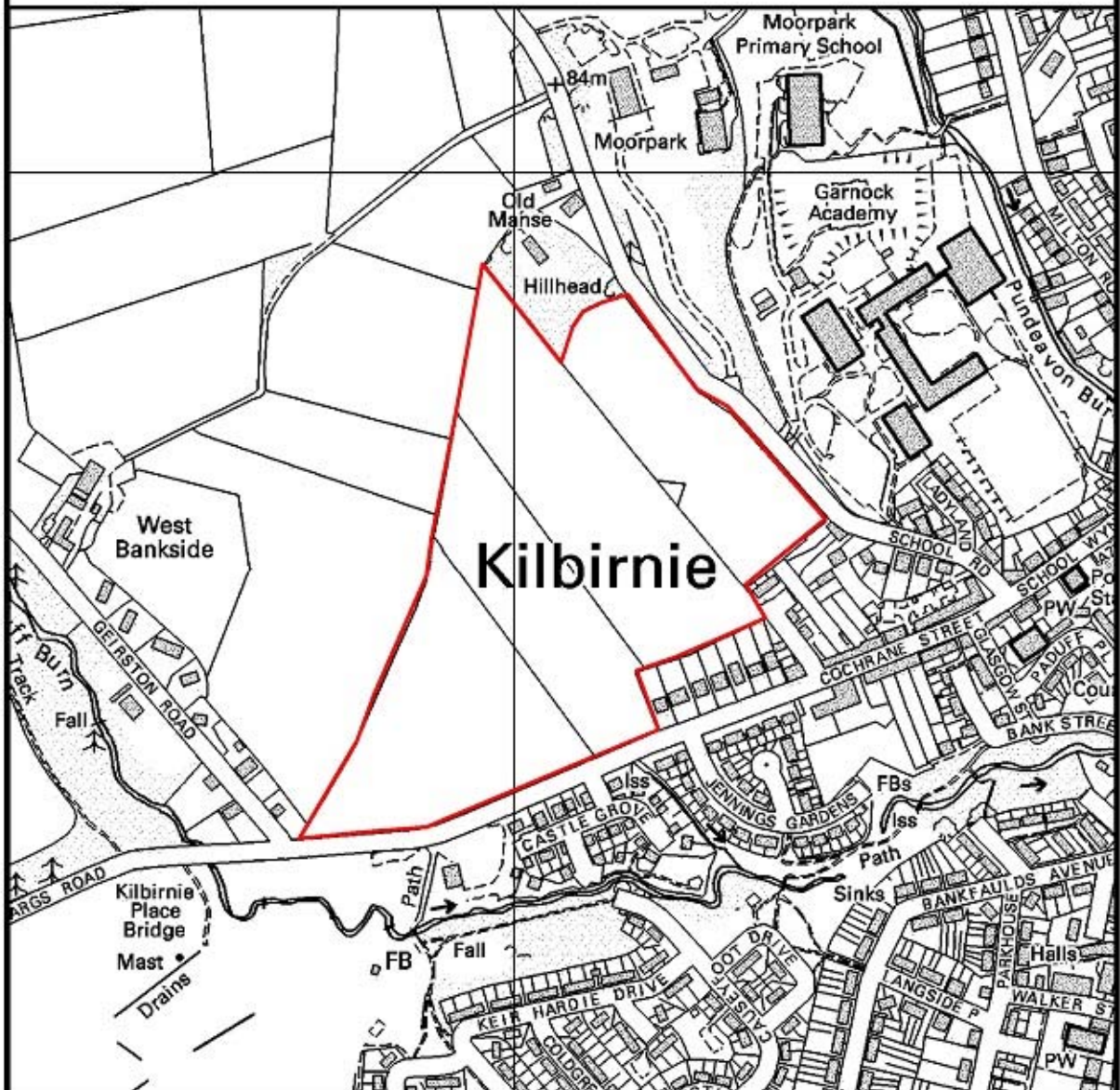
1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. In the interest of the amenity of the area.
6. To meet the requirements of the West of Scotland Archaeology Service.
7. To manage the treeworks and safeguard trees in the interests of the amenity of the area.
8. To demonstrate that the risk of downstream flooding arising from run-off has been taken into account in the SuDS scheme.
9. To protect existing and future residents from localised flooding.
10. In the interest of the amenity of the area.
11. To meet the requirements of North Ayrshire Council as Roads Authority.
12. To meet the requirements of North Ayrshire Council as Roads Authority.
13. To ensure that the development facilitates for active travel.
14. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

15/00778/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 4

23 March 2016

Planning Committee

Title: **Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997:96 Greenock Road, Largs, KA30 8PG**

Purpose: To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of an unauthorised timber clad container housing biomass boiler and fuel store.

Recommendation: Agree that the Committee grants authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of an unauthorised timber clad container housing biomass boiler and fuel store.

1. Executive Summary

- 1.1 An application for planning permission was received in October 2014 for the siting of a self contained biomass boiler and fuel store within a timber clad steel container located to the side of the hotel (ref: 14/00606/PP) at 96 Greenock Road, Largs, also known as the Willowbank Hotel. This application was withdrawn on 12th November 2014. Prior to the withdrawal of the application it was noted that the development had already been undertaken. The application had been the subject of both consultation and neighbour notification. Environmental Health had expressed serious reservations regarding the development. Four objections were also received from members of the public.
- 1.2 In the application, the applicants stated that they would re-submit a retrospective application addressing the concerns of Environmental Health. Despite repeated requests, a new application has not been received. The container with the biomass boiler and fuel store remains at the property. The container and in particular the chimneys protruding from the top, whilst sited to the side of the hotel, has an incongruous appearance, when viewed from the grounds of the neighbouring flats to the north. The boiler within the container exposes those flats to potential nuisance and disturbance.

- 1.3 Given the above and in particular, the adverse impact of the unauthorised development on residential amenity, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require cessation of the use of the land for the siting of the container and removal of the container including the boiler, fuel store and chimneys and the return of this part of the forecourt of the hotel to its condition, prior to the siting of the container on the land. The Enforcement Notice would take effect not less than 28 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be in full compliance within 28 days of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.

2. Background

- 2.1 The siting of the container with biomass boiler has commenced without the requisite planning permission and is therefore unauthorised. An application for the development was received but subsequently withdrawn following objections from Environmental Health. Environmental Health's concerns at that time can be summarised as follows;

(i) The boiler will likely cause nuisance from smoke, odour and potentially harmful combustion gases, because of the low chimney heights and the close proximity of neighbouring flats. It was considered highly likely that exhaust gases would enter directly into any open windows.

(ii) The site is very confined i.e. sandwiched between the hotel and a block of flats, and coupled with the low chimney heights suggest that it is highly unlikely that adequate dispersal and dilution of flue gases would be achieved. Dispersal and dilution are important in reducing pollutant effect of combustion appliances.

(iii) The properties surrounding the hotel are primarily blocks of flats or houses set at a higher level. The prevailing wind (from the sea) means combustion gases may cause nuisance to downwind buildings.

(iv) Biomass boilers, which are operated well, still produce noxious gases and odours which may cause nuisance and Environmental Health's experience of such boilers sited in close confines suggests complaints would be likely.

(v) No noise information has been submitted and as such it is not possible to determine if nearby residences are likely to be disturbed by noise nuisance.

- 2.2 Environmental Health has undertaken long term monitoring of the boiler, for a selected range of pollutants, inside and outside Woodbank Gardens (the nearest residential block of flats, sited approx. 5m to the north). The results of this monitoring have indicated no statutory nuisance or significant health hazard at the sampling sites. However, they continue to have reservations about the low chimney heights and further information would be required should a further planning application be made. Without such information it is not possible for Environmental Health to assess the development in terms of Local Air Quality Management and the Clean Air Act. Due to the dual chimneys and the chimney height being lower than the surrounding buildings, the normal screening tools for chimney height calculations and biomass screening used by Environmental Health are not effective in these circumstances. Therefore the developer would have to undertake an Air Dispersion Modelling, using a suitably qualified consultant, which could then be submitted to the Council to determine the correct chimney heights to safely disperse noxious gases.
- 2.3 Four objections from local residents were also received in connection with the application. The relevant planning objections can be summarised as follows; container is sited too close to the adjacent flats; noise, smell, dust and soot will not dissipate in a confined area; noise nuisance from operation of boiler and also delivery of fuel.
- 2.4 The unauthorised use is contrary to criteria (a) Siting, Design and External Appearance, and (b) Amenity of the General Policy of the Local Development Plan. Criterion (a) states that the siting of development should have regard to the relationship with existing building and visual effect of the development on the surrounding landscape. The development, particularly with regard to the metal chimneys protruding from the roof of the container, is held to relate poorly to the neighbouring buildings and has a negative visual effect on the surrounding area. Criterion (b) states that development should have regard to the impact on amenity of factors including smell, fumes, noise and any other environmental pollution. It is considered that, due to the low chimney height, the development could give rise to potential harm from non-dispersed of noxious gases. Noise arising from this development has the potential to have an adverse impact on amenity. The operator has been advised that should an application for permission which addresses Environmental Health's concerns not be made or made and refused, formal enforcement action would be considered. Despite assurances from the applicants to date, no such application has been made. Given the unauthorised development has been in situ in excess of a year and the potential impacts on neighbouring properties, it is considered expedient to take formal enforcement action.

3. Proposals

- 3.1 The use of the land for the siting of a container housing a biomass boiler and fuel store, which has occurred within the last 10 years without the benefit of planning permission, causes harm to local amenity by way of the visual appearance of the boiler chimneys and of potential noise and gas impacts; and is contrary to the Council's Local Development Plan, in particular criterion (a) and (b) of the General Policy. For these reasons it is recommended that an Enforcement Notice be issued requiring the following;
- (i) Cease the use of the land for the siting of a container housing a biomass boiler and fuel store by removing the container, boiler, fuel store and associated chimneys; and
 - (ii) Return the land on which the container is sited to its condition prior to the siting of the container upon it.
- 3.2 It is proposed that the time period for compliance be 28 days from the date that the Enforcement Notice takes effect.

4. Implications

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

5. Consultation

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



KAREN YEOMANS
Executive Director (Economy and Communities)

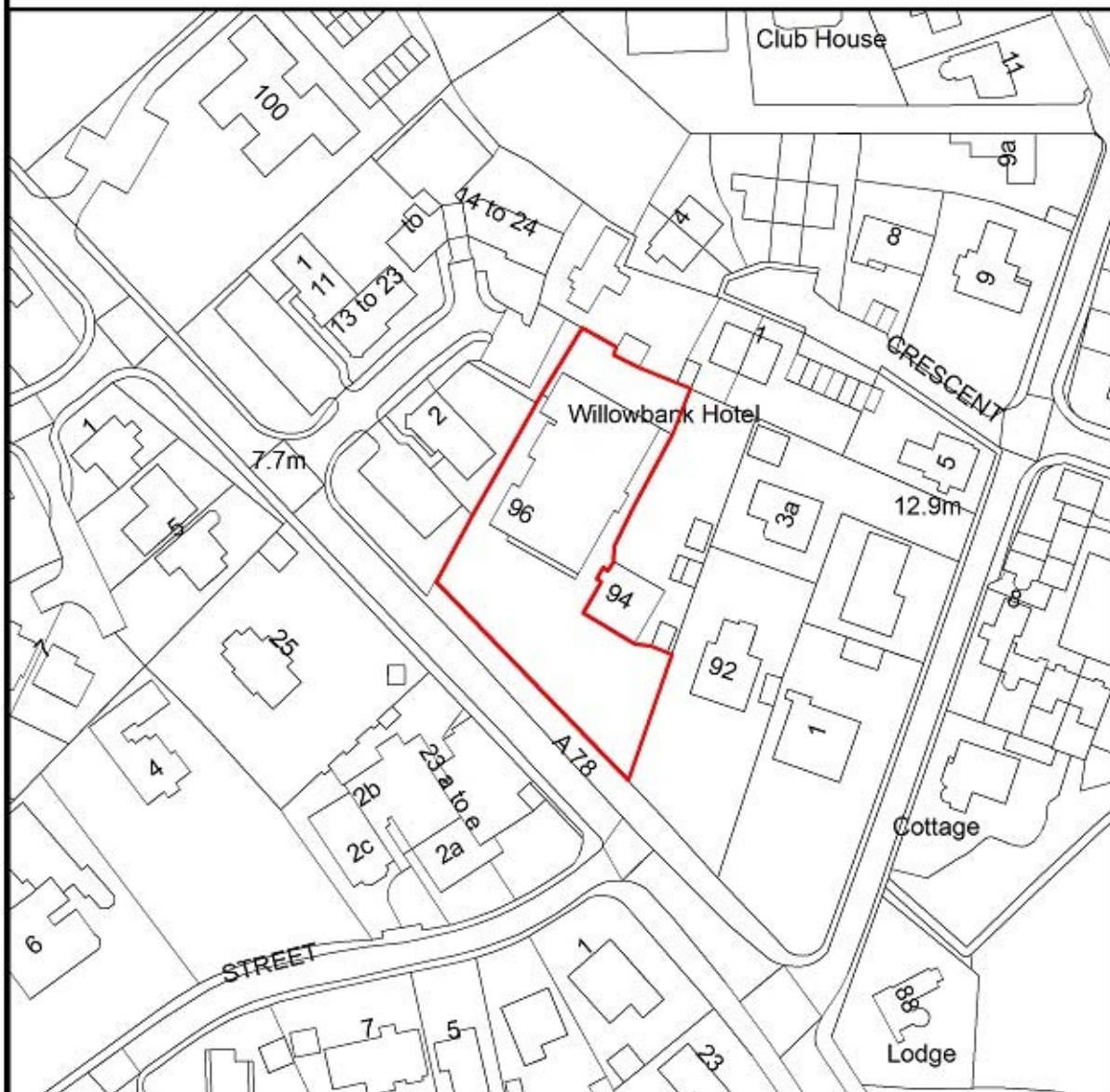
Reference :

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

Background Papers

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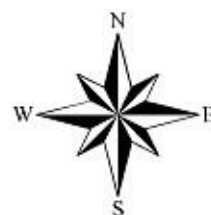
Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997
96 Greenock Road, Largs, KA30 8PG



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 5

23 March 2016

Planning Committee

Title: **Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT**

Purpose: To seek authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

Recommendation: That the Committee grants authority for the service of a Notice Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

1. Executive Summary

- 1.1. Planning permission was granted 17th June 2003 (ref: 03/00083/PP) for the erection of an extension to an existing garage/workshop to form a separate car repair business. The extension was erected and the separate car repair business use was commenced. The use is currently operated as Bank Street Auto Clinic. The permission was granted subject to several conditions including Condition 3, which requires that the garage business shall not operate between the hours of 6.00pm on any day and 8.00am the following day except on Sundays, when the business shall only operate between the hours of 10.00am and 6.00pm. The Council first received complaints that the condition was not being complied with in November 2012. Since that date there has been sporadic non-compliance with the condition. Therefore Condition 3 is found to be in breach.
- 1.2. The owner of the property has been written to and contacted on several occasions and requested to fully comply with the requirements of the condition attached to the planning permission. Whilst this action has resulted in periods of compliance, the Council continues to receive complaints that the business is operating outwith the permitted hours. The operators of the garage has admitted to Officers that they have been open beyond the permitted hours on occasions. They state this has mainly occurred where they have opened late to finish a repair following late receipt of parts. A summary of the operator's reasons for opening outwith permitted hours is given below.

- 1.3. A Breach of Condition Notice would require full compliance with the requirements of the condition. Compliance would be required within 6 weeks of the date of the issue of the Notice. There is no right of appeal against a Breach of Condition Notice. Anyone responsible for not complying with a Breach of Condition Notice is guilty of an offence, which can be reported to the Procurator Fiscal.

2. Background

- 2.1 The following condition attached to planning permission dated 17th June 2003 (ref: 03/00083/PP) has not been complied with and is therefore in breach.

Condition 3 - That the garage business shall not operate between the hours of 6.00pm on any day and 8.00am the following day except on Sundays when the business shall only operate between the hours of 10.00am and 6.00pm.

Complaints have been received that the garage is operating outwith the permitted hours. The garage operator has admitted that on occasion they have operated before 8.00am and after 6.00pm.

- 2.2. The Council first received a complaint that the condition was not being complied with in June 2009. The investigation into this complaint was closed following the owner of the property being advised of the need to comply with the condition. Another complaint was received in November 2012 and a letter was sent to the owner and occupier advising them of the need to comply with the condition. Further complaints were received between January 2015 and October 2015. The operator of the garage was both written to, and visited in May and October 2015. During the October visit the operators admitted they had been open until 7pm on a couple of days when they had been busy. The Council wrote to the operators and advised them that they had the right to apply to vary the planning condition for longer hours. There was no guarantee that any application would be granted and they must comply with the original hours of operation.

- 2.3 Following complaints received in January 2016, the Council wrote to the operators to confirm that authority for the issue of a breach of condition notice would be sought. The operators responded by letter dated 10th February 2016, within which they admitted to working after 6pm on occasion. This later opening was to ensure customer's cars were ready for pick-up where delays had been caused by late delivery of car parts. They did this to keep their customers satisfied and to ensure their business keeps running and employees kept in employment. The letter stated that they also opened their doors before 8am to allow their employees to get ready for an 8.30am start and remained open after 6pm to allow employees to clean up. They usually closed at 1pm on a Saturday and did not operate on Sundays, although they admitted they had been open on a Sunday to carry out works to the building and repair their own vehicles. They were a Small Business of the Year winner and had operated at the premises for 7 years. They endeavour to keep their work ethics to a maximum and strive to keep the business running, giving employment to local motor mechanics. They believed that the complaints arose from one source who complains about their business for different reasons. Officers responded by letter dated 17th February 2016, noting the occasions on which they had operated outwith the permitted hours. The letter restated that the operators could apply for permission to vary the hours of operation. However, given the continued breach of the current permitted hours, it remained the Council's intention to seek authority for the issue of a breach of condition notice.

3. Proposals

- 3.1 In the interests of the amenity of the area, it is proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17th June 2003 (ref: 03/00083/PP);
- (i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3.
- 3.2 It is proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority - "Supporting all of our people to stay safe, healthy and active"
Community Benefits:	N/A

5. Consultation

Finance and Property Services has been advised of the report in terms of its budgetary provision.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Iain Davies, Planning Officer on 01294 324 320

Background Papers

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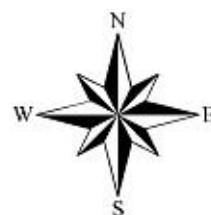
Committee Plans

Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997:
115 Bank Street, Irvine KA12 0PT



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NORTH AYRSHIRE COUNCIL

Agenda Item 6

23 March 2016

Planning Committee

Title: **Draft Planning Delivery Advice: Housing and Infrastructure**

Purpose: To obtain approval to submit this report to the Scottish Government as the Council's response to the Draft Planning Delivery Advice: Housing and Infrastructure.

Recommendation: Agree to submit this report as the Council's formal comments on the Draft Planning Delivery Advice.

1. Executive Summary

- 1.1 The Scottish Government directs Scotland's planning system through national policy and guidance. In February 2016, the Scottish Government invited planning authorities and developers to comment on a new draft advice document, 'Draft Planning Delivery Advice: Housing and Infrastructure'. This report provides a general background to the advice along with a proposed response to the consultation.

2. Background

- 2.1 Quality housing in the right places can positively transform an area, attracting people and investment, supporting employment and supporting the regeneration of our communities. However, the 2008 global financial crisis continues to have a profound impact on housing delivery. While there are positive signs of recovery, housing building activity across Scotland generally remains well below peak pre-recession levels. The planning system is, however, not the key factor. Access to finance remains the biggest challenge for most developers.
- 2.2 Increasing levels of house building continues to be a key priority for Scottish Ministers. The Scottish Government's ongoing Independent Planning Review is focusing on housing delivery as a key area for further planning reform. The review will result in a report of recommendations to be published Spring 2016. In November last year, this Council responded to the Review's 'Call for Evidence' consultation suggesting ideas for future reform.

- 2.3 The main purpose of this advice is to assist in the preparation of Local Development Plans (LDPs) "by helping to provide clarity on how housing and infrastructure requirements can be clearly identified and programmed for delivery". The advice is further to the Scottish Government's Planning for Infrastructure Research Project (August 2015) and the Joint Housing Delivery Plan for Scotland (June 2015).

3. Proposals

- 3.1 A summary of the draft advice is noted at 3.2, 3.4 and 3.6 respectively, followed by the proposed responses to the advice. It is recommended that the responses form the basis of the Council's submission to the Scottish Government on the 'Draft Planning Delivery Advice: Housing and Infrastructure'.

Development Plans That Deliver

- 3.2 The section recognises that planning has a key role in delivering good quality places and helping to increase the supply of housing. Effective partnership working, leadership, and a strong strategic vision of place are recognised as key to deliver quality housing development, and supporting infrastructure.
- 3.3 Response: These key messages are positive and welcomed, particularly reaffirming planning's significant role in creating better places for people and sustainable and inclusive growth. Figure 1 provides a useful flowchart showing how housing and infrastructure issues can be identified and considered through the development plan process. It helpfully maps the stages for the strategic planning of housing and infrastructure and how they chronologically relate to and inform key aspects of the process (e.g. Defining Housing Land Requirement, followed by Call for Sites, Main Issues Report and Proposed Plan). This advice is welcome and will help with LDP work programming and setting more realistic milestones for plan preparation in future Development Plan Schemes.

Planning to Deliver Homes

- 3.4 This section expands on the Scottish Government's Scottish Planning Policy (SPP) in terms of identifying a generous housing land supply. It provides guidance on determining the number of new homes to be delivered through the LDP, and on what information annual housing land audits should contain. These audits are prepared and used by planning authorities to understand the amount of land available for housing and also to demonstrate the availability of a 5 year effective housing land supply to satisfy SPP.

- 3.5 Response: The plan-making process is often dominated by debate on many new homes are needed, which can add significant costs and delay to plan preparation. Deriving housing figures is complex and open to interpretation and discussion. Clearer direction on calculating and presenting the housing land requirement in development plans is welcomed and should allow greater focus on housing and infrastructure delivery and place-making.

The advice encourages planning authorities to undertake a 'Call for Sites' to assist in identifying housing land. A Call for Sites is an early opportunity in the plan-making process for developers, and landowners to suggest new housing sites for potential inclusion in the LDP. Appendix 2 to the advice recommends what site specific information, including constraints, planning authorities should seek from developers and landowners when undergoing the Call for Sites exercise. It is considered that the advice contained within Appendix 2 would standardise the Call for Sites process, to deliver consistency in approach across Scotland. Nevertheless, sites tend to be promoted with little detail on delivery and effectiveness, making it difficult for planning authorities to establish both whether and when a site is likely to come forward and also plan for supporting infrastructure, in particular road and education provision. At the Call for Sites stage, and separately as part of the annual Housing Land Audit process, the advice should encourage site promoters to timeously provide sufficient information (e.g. on marketability of the area, funding, infrastructure and other constraints) to enable an assessment of effectiveness and establish viability. This information would help avoid skewing the housing land supply with unrealistic developer expectations as well as helping planning authorities to earlier identify interventions to make housing sites effective. Where a site promoter does not provide sufficient information for a site, the site should not be considered any further for inclusion within the development plan for residential purposes.

Planning for Infrastructure

- 3.6 It is recognised that infrastructure capacity and needs should be integral to plan preparation. Detailed guidance is provided in the form of annexes to establish infrastructure requirements for future housing development.
- 3.7 Response: This guidance will help standardise current practice. A significant issue to raise is the role of Key Agencies. The financial support of Key Agencies is needed in the context of their statutory participation in the plan-making process.

It is particularly challenging in peripheral housing markets. Low rates of housing building activity or viability issues can be such that the development industry cannot be expected by itself to fund significant infrastructure, requiring, in some cases, the planning authority to pay infrastructure costs even in constrained financial conditions. In the Capital Plan, the Council has committed £2M towards improving the A78(T)/A738(T) Pennyburn Roundabout, subject to demonstrable need, to support future housing growth facilitated by the North Ayrshire LDP. No funding has been offered by Transport Scotland to improve this major trunk road junction.

The advice recommends new tasks for planning authorities to undertake when preparing, implementing and monitoring local development plans. These tasks include more detailed assessments of housing land performance and infrastructure capacity (utilities, education and transport) as well as much more dialogue on housing and infrastructure delivery through working groups. It should be recognised that these tasks may be not feasible in terms of the resources available to smaller planning authorities.

4. Implications

Financial:	None.
Human Resources:	None.
Legal:	The advice, once finalised, will be a material consideration in the determination of relevant planning applications in North Ayrshire. It will also inform preparation of the Council's next Local Development Plan specifically in terms of work programming and planning for housing and related supporting infrastructure.
Equality:	None.
Environmental & Sustainability:	None.
Key Priorities:	Improved housing and infrastructure delivery can deliver multiple benefits to the area (better homes and quality of place for people, sustain local services, generate employment and so on). In supporting increased levels of housing, the advice is broadly aligned with the Council Plan 2015-2020 specifically 'growing economy, increasing employment regeneration our towns'.
Community Benefits:	None.

5. Consultation

5.1 No consultations were required for this report.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Andrew McNair, Planning Officer,
Strategic Planning & Infrastructure on 01294 324769

Background Papers

Independent Review of Scottish Planning System, Cabinet, 24 November
2015