



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 24 August 2022** at **14:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior arrangement, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Declarations of Interest

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

2 Minutes

The accuracy of the minutes of meetings of the Planning Committee held on 8 and 29 June 2022 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 22/00094/PPM: 1 - 5 Crompton Way, North Newmoor, Irvine

Erection of 60 dwellinghouses including the formation of access roads, open space, landscaping and ancillary works

4 22/00135/PPPM: Site To North East, South East, And East Of Nethermill, 59 Knoxville Road, Kilbirnie

Planning permission in principle for residential development to include the upgrading of Knoxville Road, provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7)

5 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site To North Of 4 Greenhead Holding, Stevenston

To seek approval 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 a caravan

6 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - All Meetings

Please note: this meeting may be recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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Planning Committee Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

Irvine, 8 June 2022 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Amanda Kerr and Chloé Robertson.

In Attendance

J. Miller, Chief Planning Officer (Planning); J. Law, Solicitor (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Apologies

Davina McTiernan, Jim Montgomerie and Ian Murdoch.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. 22/00163/PP: 120 - 122 Irvine Road Largs Ayrshire

GHG Holdings Ltd, have applied for an amendment to planning permission 21/00247/PP to include 4 additional dwelling flats at 120-122 Irvine Road, also known as Walkerstone House, Largs. Four objections and one representation were received and summarised in the report.

Discussion took place on parking charging points and it was considered that a condition to ensure these were provided would be appropriate.

Councillor Foster, seconded by Councillor Davidson, moved that the application be granted, subject to conditions, including parking charging points. There being no amendment, the motion was declared carried.

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

1. That prior to the date of commencement of the development a Preliminary Bat Roost Assessment, dated between May and August in the year of the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the recommendations of any Assessment as may be approved.

2. Prior to the commencement the proposed means of access to the A78 shall be constructed in accordance with drawing 5822-R-3B . The type (and method) of construction to be approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Roads Authority, before the development is commenced. For the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.
3. That prior to the commencement of the development, details of tree protection measures for the trees identified as to be retained on approved drawing 5822-R-3B shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter commence in accordance with any details as may be approved.
4. The trees identified as to be retained on approved drawing 5822-R-3B shall not be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed except with the written permission of the Council, as Planning Authority.
5. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping. Any landscaping scheme as may be approved shall be carried out in the first planting season following completion or first occupation of the development, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
6. That prior to the commencement of the development, details of the surface water attenuation shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter the development will be carried out in accordance with any details as may be approved.
7. That prior to the commencement of the development details of the bin stores shall be submitted to the Council, as Planning Authority, for written approval. Any details as may be approved shall be implemented prior to the occupation of the relevant block.
8. That prior to the commencement of the development, details of the external finish materials for the blocks shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter commence in accordance with any details as may be approved.
9. That prior to the commencement of the development details of the eastern boundary treatment shall be submitted to the Council, as Planning Authority, for written approval. This must include visibility splays from the vehicle access as shown on drawing 5822-R-3B . In a vertical plane, nothing shall obscure visibility measured from a driver's eye height between 1.05m and 2m

positioned at the set back dimension to an object height of between 0.26m and 1.05m along the y dimension. Any details as approved must be implemented prior to the occupation of the first property.

10. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
11. That prior to the commencement of the development, details of obscure glazing for the southernmost elevation windows of Block 1 and Block 3, northernmost elevation windows of Block 2 and Block 4, and side elevations of all balconies shall be submitted to the Council, as Planning Authority, for written approval. Any glazing, as may be approved, shall be installed prior to occupation of the relevant flat and retained thereafter.

3. 22/00187/PP: 82 Main Street, Largs

TSA Properties , have applied for planning permission for the erection of a single storey building for use as a hot food takeaway at 82 Main Street, Largs. One objection was received and summarised in the report.

Councillor Billings, seconded by Councillor Inglis, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. Prior to commencement of development, details of all external finished to be submitted to North Ayrshire Council, as planning authority, for written approval. The development will then be carried out in accordance with any details as approved.
2. That the hot food takeaway use hereby approved shall operate only between the hours of 08:00 and 23:00 hours Sunday to Thursday and between the hours of 08:00 and 0:00 (midnight) Friday and Saturday to the satisfaction of North Ayrshire Council as Planning Authority.
3. The rated noise level, from the operation of all plant/equipment associated with the premises including extraction system and associated flues etc, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive premises.
4. That the mechanical ventilation system in the kitchen shall be designed and installed to be suitable for the type of cooking to be undertaken and be capable of operating without causing nuisance to neighbouring properties

due to cooking odours or noise. The system must incorporate suitable means of filtration (e.g. grease and charcoal filters) and be suitably isolated from the structure of the building. Fan units positioned in a ducted system should be isolated from the ducting by means of flexible connections, all to the satisfaction of North Ayrshire Council as Planning Authority.

4. 22/00150/PP: Site To South Of 25 Marine Parade, Millport

Mr Colin McGregor has applied for planning permission for the erection of a detached dwelling house at the site to the south of 23 Marine Parade, Millport. One representation was received and summarised in the report.

Councillor Davidson, seconded by Councillor Robertson, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, full details of the proposed finishing materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.
2. That prior to the commencement of the development hereby approved, full details of the proposed boundary treatments shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Any treatments as may be approved shall be fully implemented prior to the occupation of the house.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of 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.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. That prior to the commencement of the development hereby approved, full details of the surface water drainage arrangements shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the

development shall progress in accordance with such details as may be approved.

6. That prior to the commencement of the development hereby approved, full details of the proposed low and zero carbon generating technologies to be used shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.
7. That the first 2 metres of the access, 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.

5. 22/00216/PP: 16-18 Dockhead Street, Saltcoats

Albion Douglas Ltd, have applied for the removal of condition 1 of planning permission 21/00233/PP to allow the permanent use of the external seating area to the rear of the public house at 16-18 Dockhead Street, Saltcoats.

Councillor Inglis, seconded by Councillor Kerr, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. That the boundary fence and gates shall be retained in perpetuity to the satisfaction of North Ayrshire Council, as Planning Authority.

6. 22/00295/PP: Site To the East Of 1 Kirkland Crescent, Dalry

Bradagh Interiors have applied for planning permission for the erection of 3 single storey terraced dwellinghouses to include associated garden ground, parking and boundary treatment at the site to the east of 1 Kirkland Crescent, Dalry. One representation was received and summarised in the report.

Councillor Davidson, seconded by Councillor Robertson, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. That details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter any such details, which may be agreed, shall be implemented prior to the occupation of each house and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority.

6. Planning Performance Framework

Submitted report by the Chief Planning Officer on the Planning Performance Framework (PPF) for the period April 2021 to March 2022. The Planning Performance report was attached at Appendix 1 and captured key elements of the planning service's performance and reported on a range of qualitative and quantitative indicators.

The Committee commended the Planning Service on the excellent work in maintaining and improving determination timescales, despite a significant increase in the number of applications, over the past year.

The Committee agreed to (a) note the content of the latest Planning Performance Framework report, attached at Appendix 1; and (b) approve its submission to Scottish Government.

The meeting ended at 3.15 p.m.

Irvine, 29 June 2022 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Jim Montgomerie, Ian Murdoch and Chloé Robertson.

In Attendance

A. Craig, Head of Democratic Services and R. Lynch, Senior Manager (Legal Services; J. Miller, Chief Planning Officer (Planning) P. Brennan, Environmental Health Officer, Protective Services (Place) and A. Little and D. McCaw, Committee Services Officers (Chief Executive's Service).

Also In Attendance

J. Bailey, RPS Group, D. Kelly and A. Mathers, (XLCC); R. Holmes, Dr. J Pearson and L. Grainey (representing Fairlie and Cumbrae Community Councils); and Councillor Alan Hill.

Apologies

Amanda Kerr and Davina McTiernan.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. 22/00133/PPPM Former Coal Terminal Hunterston West Kilbride

XLCC have applied for planning permission in principle for the erection of a high voltage cable manufacturing facility, including detailed planning permission for the construction of a 185m high extrusion tower with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system, at the former coal termination, Hunterston, West Kilbride. Five objections and two representations in support of the application were received. Following the applicant holding public meetings, in May, Fairlie Community Council (FCC) provided 21 more objections from members of the public, all of which were summarised in the report.

The Chair advised that he had accepted a request from Fairlie Community Council to address the Committee in terms of their objections to the application. Fairlie Community Council were represented by Rita Holmes (Chairwoman) and Dr. Jackie Pearson, accompanied by Linda Grainey. Cumbrae Community Council had requested that Ms Holmes also represent them at the Committee. XLCC, as the applicant, had been invited to respond to the objections raised. Alan Mathers and David Kelly (XLCC) and Jim Bailey (RPS Group) were in attendance.

Ms Holmes addressed the Committee in support of the Community Council's objections and circulated three documents in support of the oral submission: illustrations of the scale of the tower, a number of questions by local residents and a statement by Ms Grainey who had researched both WHO and ECHR issues. Ms Holmes expressed the view that the development and its 24/7 operation posed a potential and serious threat to local residents' health and wellbeing. She raised concerns that the applicants had failed to prove their assertion that ships using the jetty for loading cables would be noise-free. Community consultation undertaken had not been meaningful or effective, the objections raised by Fairlie Community Council had not been adequately represented in the report to the Planning Committee and the application was being rushed through.

Ms Holmes considered the images provided by the applicant to be misleading and that they did not accurately reflect the true visual impact of the structures. Illustrations, circulated by Fairlie Community Council at the meeting, depicted Fairlie Community Council's assessment of the scale of the proposed tower in relation to a person standing in front of it and one showing the extrusion tower at Karlskrona in Sweden alongside the proposed tower. She continued that the location of the main jetty was only 900m from Fairlie and the development and operation of the facility would destroy the amenity of the village and surrounding area.

Ms Holmes stated that XLCC was a new company with no experience or track record and she questioned the piecemeal nature of the applications for the whole development. She cast doubt on the claim that 900 jobs would be created and the demographics of a suitably skilled workforce in the area. On behalf of both Fairlie and Cumbrae Community Councils, Ms Holmes requested the application be deferred or rejected until a noise monitoring assessment had been undertaken.

Mr Kelly, of XLCC, then addressed the Committee on behalf of the applicants in response to the objections raised. He provided background information on the site selection that included the connectivity of the site, availability of staff, availability of land and the deep draft of the port required for the development.

Mr Bailey, RPS Group, acknowledged there would be some temporary noise during construction; however, once the factory was operational the level of noise would be minor. He stated that Environmental Health had agreed with these findings and had also agreed with the findings that the manufacturing process would not result in any significant emissions.

Mr Bailey noted that, in terms of the visual impact, the Landscape and Visual Impact Assessment (LVIA) accepted the tower would be prominent in some views. Whilst difficult to mitigate, visually breaking up the scale and mass of the tower by the use of various colours and textures would be agreed with the Council prior to the start of the development. There would be a low risk of flooding and SEPA has no objection to the project. Construction and HGV traffic would be required to use roads to the south of the project site to avoid going through Fairlie as detailed in the Traffic Management Plan and use of rail and sea transport to the facility would be encouraged.

Mr Alan Mathers, XLCC, provided technical information on the cable manufacturing process that required the tower to be 185m high. The hybrid cable laying vessel, powered by methanol with an upgrade path to hydrogen, would be the most advanced in the world. It would run on electric power when coming in and out of port to minimise noise. The ship would come into Hunterston for a 7 day period, 8 times a year. The two carousels for the cable will be located under the deck of the ship to minimise noise and it is aimed to load the cable in 3 days. He advised that the facility would create 900 full time jobs and approximately 2,500 – 3,000 jobs throughout the wider supply chain across Scotland. Around 200 apprenticeship and 150 graduate placements will be available every year and materials have been provided to North Ayrshire colleges to help train the future workforce.

Members then asked questions of the objectors and applicant's representatives and received further information on the following:-

- The application for planning permission in principle for the whole proposal, that also included detailed permission for the construction of the extrusion tower;
- The design process that is underway and construction that would commence at the end of 2022;
- The provision of digital models showing the facility, rather than 3d models;
- Photo montages that illustrated the options for different finishes for the tower and would be prescribed by conditions;
- The process for waste, including waste from lead that is returned to the lead supplier;
- On-site power generation via rooftop solar panel on the west and east elevations;
- 900 jobs that will be created, on a shift basis to allow for 24/7 operation of the facility;
- A Noise Impact Assessment that had been submitted to the Council and demonstrated the facility could operate within the appropriate legislative noise levels and that noise levels would be subject to planning condition;
- The commissioning of a ship that would enable the use of electric motors, when docking at the jetty, thereby reducing noise;
- The transmission of the cables along an on-shore carousel of Teflon rollers to the ship, to protect the cables and also minimise noise;
- That the tower would be constructed from concrete and the foundations on bedrock;
- The tower would not be illuminated but given the height and position of the tower, there is a requirement for omni-direction red aviation warning lightings in accordance with the Civil Aviation Authority Air Navigation Order 2016;

- A Construction Management Plan that would stipulate the route of construction and facility related traffic; and
- A range of community engagement that XLCC undertaken, including online sessions during the Covid restrictions, public meetings held in the local area and written responses provided to supplementary questions submitted.

The Chief Planning Officer then outlined the terms of the planning report.

He advised of a letter from Katy Clark, MSP in which she stated “ XLCC is also willing to make a commitment to a carbon offset scheme to reduce the carbon footprint that the factory will generate, this is likely to be by tree planting rather than other programmes.”

He referred to a representation from Councillor Hill and Collier that requested a delay in consideration of the controversial and complex application until after the summer recess.

He further advised that an objection in respect of the visual impact of the proposal had been withdrawn following the provision of further landscape visual impact appraisals provided by the applicant.

Members had the opportunity to ask further questions and received clarification on the following:-

- ongoing noise monitoring that would be considered in further applications;
- the submission by the applicant of noise management data to Environmental Health for the first 12 months of operation of the facility, to demonstrate the plant was operating within the required measures;
- independent noise monitoring that could be undertaken by Environmental Health if required;
- loading/unloading of the ship on 8 separate weeks a year and normal activities at the port at all other times;
- a condition of planning permission in respect of the finish of the tower;
- a Visual Impact Assessment that had been undertaken;
- pre- application notice that had been lodged in August 2021 and consultation that followed thereafter;
- the option for the applicant to take the application to the Scottish Government for determination if the Council, as Planning Authority, failed to determine it within the statutory 4 month period;
- on-site power generation by rooftop solar panels only;
- the impact on tourism that had been assessed and considered to be negligible; and
- details of a financial bond to be secured with the landowner for the removal of the tower in the event of redundancy.

At the invitation of the Chair, Councillor Hill addressed the Committee on his, and Councillor Collier’s concerns relating to the application, in terms of the lack of detail within the application in relation to the operations within the tower, noise and emissions on the site and the manufacturing process. He considered that these details were already known to the applicant and should have been included in a full

application to Committee. A continuation of the application would allow further time for this information to be provided. In the event the Committee were minded to support the application, he recommended that the detailed planning permission for the construction of the high extrusion tower be granted, but that the In Principle application be refused, with the applicant making a detailed application for the rest of the site, buildings, factories and all processes within.

The Chief Planning Officer advised that the Committee was being asked to approve the principle of industrial development on the site. This had already been established through the Local Development Plan and Development Framework and the planning officer's recommendation was that the application accorded with both plans. All of the details would be subject to separate application and would ordinarily be delegated to officers for determination. However, given the interest and concerns raised, further applications could come before the Committee for consideration.

Councillor Inglis, seconded by Councillor Foster, moved that the application be granted, subject to the conditions outlined in the report and an additional condition, recognising the special justification for the tower and to retain control over the site and re-assess the need for the tower in the event of a different operation.

Councillor Murdoch, seconded by Councillor Davidson, moved that the application be deferred for a site visit and to allow for a range of further information to be provided, including total emissions research, comprehensive noise monitoring undertaken and the rest of the application has been lodged in detail.

On a division, there voted for the amendment 3 and for the motion 5, and the motion was declared carried.

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

1. That the permission is for a high voltage cable manufacturing facility with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system only and planning permission would be required for any other use within Class 5 of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended.
2. That the approval of North Ayrshire Council, as Planning Authority, with regard to the siting, design and external appearance of all building and external plant or machinery, including landscaping, means of access, internal roads, external lighting, sustainable travel plan and low and zero carbon technology, shall be obtained before the development permitted in principle is commenced.
3. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of on-site heat recovery and re-use, or a heat network infrastructure plan, or demonstrable evidence that such schemes have been explored but are not feasible for technical or economic reasons.
4. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Construction Management Plan and Code of Practice,

including details for monitoring and action against non-compliance. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle route network.

5. That further application(s) for approval under the terms of Condition 1 shall be accompanied by details of an appointed Ecological Clerk of Works (ECoW). The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved.
6. Prior to development commencing the applicant shall implement the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 9 Hydrogeology, Geology and Ground Conditions of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council, as Planning Authority
7. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Dust Management Plan. This shall include the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 13 Air Quality of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority
8. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of the details in terms of the rated noise level, as defined in 'BS4142:2014+A1:2019, from the operation of the facility. The assessment must demonstrate that the noise from the operation of the facility will not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application and include details of a monitoring scheme for the first 12 months of operation of the facility.
9. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat surface water arising from the or otherwise affecting the site, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.

Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded. In accordance with the recommendations of the submitted FRA, finished floor levels shall be set a minimum of 6m AOD, threshold levels shall be raised a minimum

of 150mm above external ground levels and all key external infrastructure shall be elevated by at least 150mm or protected by bunds

10. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a habitat survey dated not more than 1 year prior to the date of the submission of the application.
11. Prior to commencement of the development of the tower, details of a financial bond to be secured with the landowner for the removal of the tower in the event of redundancy shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any such bond shall be retained through the life of the development with confirmation to be provided to North Ayrshire Council, as Planning Authority, on a yearly basis following completion of the tower
12. Should the tower become redundant, it shall be removed within 6 months of redundancy. For the avoidance of doubt, redundancy means the factory not becoming operational within 3 years of construction of the tower or the factory ceasing to operate for a period of more than 1 year after first becoming operational.
13. The prior to commencement of the development of the tower, details of the external finish shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved and the tower maintained with those details unless otherwise agreed in writing with the Planning Authority.
14. The prior to the commencement of the development of the tower, a Dust Management Plan for the control of dust from the construction of the tower shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter the development shall be undertaken in accordance with any Plan as may be approved.
15. That prior to the commencement of the development of the tower, a Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter the construction shall be carried out only as approved by the Plan and Code of Practice. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.
16. That prior to the commencement of the development of the tower, details of an appointed Ecological Clerk of Works (ECoW) shall be submitted to North Ayrshire Council, as Planning Authority, for approval. The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved. The development will thereafter be undertaken only with the oversight of the appointed ECoW.

17. The rated noise level, as defined in `BS4142:2014+A1:2019, from the operation of the tower must not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application.
18. The prior to the commencement of the development of the tower, that a scheme to treat surface water arising from the or otherwise affecting the site of the tower, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter, the certified scheme shall be implemented prior to the completion of the development of the tower and maintained thereafter to the satisfaction of North Ayrshire Council, as Planning Authority.

Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded. In accordance with the recommendations of the submitted FRA, finished floor levels shall be set a minimum of 6m AOD, threshold levels shall be raised a minimum of 150mm above external ground levels and all key external infrastructure shall be elevated by at least 150mm or protected by bunds

19. Prior to the commencement of the tower, confirmation that the basement proposals are sufficiently flood resilient/resistant, including an accompanying certified flood management plan suitably addresses residual flood risk at the site from all sources of flooding, certified by a suitable qualified person, shall be submitted in writing for the written approval of North Ayrshire Council, as Planning Authority
20. In the event that the works to commence the tower are not undertaken within 1 year of the date of this permission, an updated habitat survey dated not more than 1 year prior to the date of commencement shall be submitted to North Ayrshire Council, as Planning Authority, for written approval prior to the commencement.
21. Prior to the commencement of the development, details of omni-directional red aviation warning lights to be fitted to the tower shall be submitted to North Ayrshire Council, as Planning Authority, for approval in consultation with Prestwick Airport, Air Traffic Control and the Ministry of Defence. The lighting will thereafter be fitted and retained thereafter in accordance with any details as may be approved;

and (b) that future applications relating to the site are presented to Committee for determination.

3. 22/00417/PP Site To North Of Albann Ltd, Third Avenue, Heatherhouse Industrial Estate, Irvine

Mr Daniel McKay applied for under Section 42 application to remove condition 1 of Planning Permission 14/00473/PP to remove control over the beneficiary of Planning Permission 22/00417/PP at the site to the north of Albann Ltd, Third Avenue, Heatherhouse Industrial Estate, Irvine.

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

1. That the mobile snack bar, and all materials, waste etc. associated with the business shall be removed from the site at the end of each day.

4. 22/00325/PP Units 1-5 Shewalton Sand Quarry Shewalton Road, Riverside Business Park, Irvine

Enva Scotland Ltd, applied under Section 42 to modify condition 5 of planning permission 10/00228/PP to allow the acceptance of general waste and glass (for waste transfer only), to increase the total quantity of waste permitted on site at any one time from 600 tonnes to 2000 tonnes and to increase operational hours to include Sundays from 08:00 - 16:00 hours, at Units 1-5, Shewalton Sand Quarry, Shewalton Road, Riverside Business Park, Irvine. Two objections were received and summarised in the report.

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

1. That the planning permission hereby granted shall permit the following categories of waste at the site for temporary storage, sorting and onward transfer for reprocessing off-site:
 - mixed residual civic amenity site waste;
 - wood, biomass wood and discarded packaging wood;
 - waste electrical and electronic equipment (WEEE)
 - paper;
 - demolition/building materials
 - bailed cardboard;
 - high and low density plastics;
 - used animal bedding;
 - green waste;
 - glass;
 - soil and stones;
 - construction and demolition materials;
 - general waste;
 - dry mixed recycling.

2. That, prior to the implementation of the amended condition governing the scope of waste types as hereby approved, a transport statement shall be submitted for the consideration of North Ayrshire Council as Planning Authority to establish if a junction analysis is required. The transport statement shall include a forecast of the increased number of HGV movements arising from the proposed increase of waste and additional opening hours at the waste transfer station together with recommendations to ensure the safe and efficient movement of traffic to/from the site. Thereafter, the site shall be operated only in accordance with the outcome of the assessment of the transport statement by North Ayrshire Council as Planning Authority, including the implementation of any mitigation measures as may be identified during a timescale to be agreed.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former Seafield School, Eglinton Road, Ardrossan

To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of the land for the abatement of the adverse impact on the local area.

The site was last used as a residential school but has been largely vacant since 2015. The main building, Seafield House, was the subject of a fire in 2017. This fire was largely contained in the eastern wing of the building, however, the roof of that section of the building had collapsed. The condition of the site has been causing concern to local residents with complaints being received since 2016. The site has previously been subject of an Amenity Notice.

Both Seafield House and Seafield Stables have been subject to vandalism and unauthorised entry. The windows in both properties have been smashed. A fence has been broken and the site has been dumped on including skips and containers. The condition of the land is considered to have an adverse impact on amenity. Since September 2020, the condition of the site has deteriorated. The owner has been requested to address these issues but has not done so to the satisfaction of the Planning Department.

It is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area, requiring (i) the removal of all litter and refuse, including skips and containers, from the site; (ii) the blocking all open ground floor windows and door openings in Seafield House with breeze block or similar; (iii) boarding all open windows and door openings on the first floor in Seafield House except for those openings on the first floor of the eastern wing of Seafield House, all openings to be boarded with exterior grade plywood or similar; (iv) boarding of all open windows and door openings in Seafield Stables with exterior grade plywood or similar; and (v) re-instatement of the timber fence to the front (south-west) of Seafield House and across the access to the western part of the playground from the Eglinton Road entrance immediately in front of Seafield House.

The meeting ended at 4.50 p.m.

NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Irvine
Reference	22/00094/PPM
Application Registered	9th February 2022
Decision Due	9th June 2022
Ward	Irvine East

Recommendation	Approved subject to Conditions
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Location	1 - 5 Crompton Way North Newmoor Irvine Ayrshire KA11 4HU
Applicant	Manse Irvine LLP Fao Mr Andrew Statham
Proposal	Erection of 60 dwellinghouses including the formation of access roads, open space, landscaping and ancillary works

1. Description

The application site relates to an area of approximately 1.98ha in the North Newmoor area of Irvine. The site is bounded by Crompton Way to the west, Arkwright Way to the south, the Amer Sports distribution warehouse to the east and housing development, which is under construction to the north. The character of the site is brownfield land. An industrial building previously occupied the site and there are the remains of a redundant car park.

The proposed development would be a housing estate comprising of 60 units. The housing would include detached, semi-detached, and terraced houses, with a total of six different designs (house types). All house types would be two storeys in height, and some would feature integral garages. The roofs would be gabled and finished with grey concrete tiles. The walls would be finished in a combination of facing brick and dry dash render.

The proposed layout of the site features a single vehicular access from Crompton Way in the northwest. There would be two pedestrian accesses onto Arkwright Way in the south. Internally the layout would feature two blocks and the houses on the perimeter of the development would face onto Crompton Way and Arkwright Way. A SuDS detention basin for the treatment and storage of surface water would be located in the northwest corner of

the site adjacent to the vehicular access. The houses facing Arkwright Way would be set back approx. 20m from the road to accommodate a gas main wayleave. In addition, the houses facing Crompton Way would be set back due to a change in levels. The majority of the parking would be in-curtilage parking with the exception of two small parking courts to serve some of the terraces.

The proposed vehicular access for the site is the current access to the Amer Sports Service Yard. The applicant owns the Amer Sports building as well as the application site and, independently of the development, would provide a new access to the Amer Sports Service Yard to the east of the application site from Arkwright Way. This proposal falls outwith the development area and could be carried out under permitted development rights, which are available to existing industrial and warehouse sites. A security fence/acoustic barrier would be erected along the eastern boundary of the application site where it bounds the proposed new access and existing service yard for Amer Sports. Within the site, rear gardens would be delineated by 1.8m high timber fences and front gardens would be open in character.

The application site is located in a General Urban Area land allocation in the adopted North Ayrshire Local Development Plan (LDP). It also comprises part of the North Newmoor Industrial Estate effective housing site. The relevant policies of the LDP to this proposal are:

- The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy
- Strategic Policy 2: Placemaking
- Policy 1: New Houses and Maintaining an Effective Housing Land Supply
- Policy 2: Regeneration Opportunities
- Policy 22: Water Environment Quality
- Policy 23: Flood Risk Management
- Policy 27: Sustainable Transport and Active Travel
- Policy 29: Energy Infrastructure Development
- Policy 31: Future Proofing for Heat Networks

The applicants initially approached North Ayrshire Council (NAC) Planning for pre-application discussions with regards to a residential development of the site in July 2021 (21/00705/PREAPP). They submitted their Proposal of Application Notice on the 4th November 2021(21/01066/PREAPM).

Significant design changes to the layout have been achieved via discussions between the applicant and North Ayrshire Council (NAC) Planning and NAC Active Travel and Transportation officers since the original submission. These include:

- re-orientation of houses in the south of the development to front onto Arkwright Way;
- increase in the number of houses with in-curtilage parking and reduction in size of parking courts including provision of in-curtilage parking for houses facing onto Crompton Way to prevent on-street parking;
- changes to internal road layout to reduce vehicle speeds;
- more even distribution of visitor parking spaces; and
- enhanced landscaping and street layout.

The following supporting information was included with the application:

Design and Access Statement (DAS)

The DAS contains an analysis of the site and details of the design proposals.

Drainage Strategy Report

There is not a water course which runs through the site, with the nearest watercourse, the Annick Water approx. 450m to the south of the site. The proposed SuDS solution would include porous paving and a detention basin. Foul water drainage would connect to the existing Scottish Water foul network at the junction with Crompton Way.

Flood Risk Assessment (FRA)

The SEPA flood map indicates low risk of fluvial flooding but small areas of potential pluvial flooding. Surface water may enter the site from the northeast and could pool. The FRA recommends that finished floor levels for the houses should be raised above the adjacent ground levels and requirements for SuDS should be discussed and agreed with Scottish Water.

Environmental Noise Assessment

Noise is likely to come from two primary sources: road traffic noise associated with the A78 to the west, and noise from fixed plant associated with adjacent industrial activity. Mitigation for the road noise would include insulation in the form of double glazing and trickle vents for properties affected. Mitigation for the fixed plant at the warehouse is suggested to be a 3-4m high acoustic barrier and a close window strategy at plots 40-42.

Ground Investigation Report

The ecologist noted the presence of invasive species such as cotoneaster and horsetail. No remediation is required, however, these should be cleared in a controlled manner. The coal mining risk assessment did not identify any coal mining hazards.

Planning Statement

The applicant considers that the proposal complies with the relevant policies of the LDP and offers an assessment of the proposal against these policies.

Pre-application Consultation Report

The applicant engaged in pre-application consultation discussions with north Ayrshire Council Planning Service. A Proposal of Application Notice (PAN) was submitted on the 4th of November 2021. A virtual exhibition was held on the 25th of November 2021. The website was visited 24 times and no feedback was received.

Transport Assessment

There is a footbridge to the west of the site which crosses the A78 Irvine Bypass. The streets to the west of the A78 provide access on foot to Irvine town centre approx. 1.5km away. Irvine train station is an approx. half hour walk from the site. The nearest bus stop is on the Broomlands Busway approx. 400m from the site. An analysis of the impact of the proposed development on the nearby roads junctions was undertaken and it was concluded that all junctions would continue to operate satisfactorily when the additional traffic resulting from the development was taken into account.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective

Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 1 -New Homes/Land Supply

Policy 1:

New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

Detailed Policy 2 - Regeneration Opportunities

Policy 2:

Regeneration Opportunities

In principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. In particular, we support the re-use of sites shown in schedule 4 for a range of urban uses which would contribute to the placemaking agenda, subject to their impact on the surrounding established amenity, assessment against the Placemaking Policy and in particular their impact on utility and service capacity.

Note that proposals for significant footfall generating uses considered against this policy should accord with the Town Centre First Principle and must not undermine the vitality or viability of town centres or the delivery of the effective housing and industrial land supplies except where they would support the principle of sustainable development.

We will support development of the regeneration opportunities for a range of integrated urban uses including:

- o Residential.
- o Local-scale community and leisure uses.
- o Other local employment uses like shops, banks, cafes, workshops, garages, and small offices (including working from home).

We will also support alternative solutions which would improve the amenity or economic outlook of the surrounding area such as

- o Greening (Woodland planting, allotments etc.)
- o Renewable Energy Generation
- o Protection and enhancement of green and blue networks

There may also be instances in the plan period where new regeneration sites are identified. In principle we will support proposals which are innovative, contribute to our placemaking agenda and align with our vacant and derelict land strategy.

Detailed Policy 22 - Water Environment Quality

Policy 22:

Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
 - o No other practical option exists that would allow the watercourse to remain open; and
 - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

Detailed Policy 23-Flood Risk Management
Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

- o contributes to an integrated transport network that supports long term sustainability
- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such

as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.

- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.

Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Heat Networks

Policy 31:

Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory requirements, and the application was advertised in local newspaper. One letter of objection was received, the points raised in which are summarised below:

1. The red line boundary of the application site includes land used as the car park for the neighbouring sporting goods distribution warehouse.

Response: Following discussion with the applicants and their agent, the red line boundary has been adjusted so that it only includes the residential development and not any part of Amer Sport's site. The site area has been slightly reduced to exclude the route for the private access which is to be formed independently of the planning application under permitted development rights.

2. The proposed residential development would be located close to neighbouring sporting goods distribution warehouse which could lead to conflict between these two neighbouring land uses. In particular the sporting goods distribution warehouse operates 24 hours a day so there could be noise concerns for residents of the proposed development.

Response: An acoustic barrier would be provided along the boundary between the proposed residential development and Amer Sports.

Consultations

NAC Active Travel and Transportation: Initially objected due to the proposals for houses to face directly onto Crompton Way with no in-curtilage parking. It was considered that this would have led to excessive on-street parking on Crompton Way and potential road safety issues. In addition, it was not considered that the initial internal roads layout complied with Designing Streets. Following several discussions with the applicants, the above issues were addressed and the layout amended, and NAC Active Travel and Transportation has therefore removed the objection. A number of small remaining issues can be addressed at the Roads Construction Consent phase.

Response: Changes have since been made to the layout to address the concerns of NAC Active Travel and Transportation.

NAC Environmental Health: No objections, however there are reservations with regards to the impact of the effect of the noise from existing commercial undertakings on the proposed development. Environmental Health recommend a number of conditions relating to noise, remediation, contamination and air quality.

Response: Such conditions could be applied to any planning permission which may be granted.

NAC Flooding: No objections, subject to conditions relating to the surface water drainage system.

Response: Such conditions could be applied to any planning permission which may be granted.

NAC Education: No objection. The proposal is for 60 units in the catchment of Glebe and St John Ogilvie primary schools. It is expected that this would generate up to 19 children and this is within the capacity of these schools.

Response: Noted.

The Coal Authority: No objections, however, recommend an informative be placed on any planning permission with regards to coal mining hazards.

Response: Such an informative could be applied to any planning permission which may be granted.

Glasgow Prestwick Airport: No objections.

Response: Noted.

Scottish Environmental Protection Agency (SEPA): The proposal does not meet the threshold for SEPA consultation.

Response: Noted.

Scottish Water: No objections

Response: Noted.

West of Scotland Archaeological Service (WOSAS): The land has previously been developed and there is therefore unlikely to be significant archaeological remains. No objection.

Response: Noted.

3. Analysis

Strategic Policy 1 (Towns and villages objective) of the LDP states that the Council wants to provide the right new homes in the right places. Policy 1: New Homes and Maintaining an Effective Housing Land Supply, of the LDP states that we will in principle support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b of the LDP. The site is part of the North Newmoor Industrial Estate housing site as listed in Schedule 2b of the LDP. The site has an indicative capacity of 260 units.

There have been two consented developments in the North Newmoor site, one of which is completed (17/00581/PPM) and one of which is being developed (19/00908/PPM). The proposed development would occupy the final part of the North Newmoor housing site. The total number of units already consented is 290 and the proposed development would bring the total number of units in North Newmoor to 350, which would be some 90 units above the indicative capacity. It is not however considered that the proposed development would be overdevelopment of the site as the density of the site would be approx. 30 dwellings per hectare, which is considered to be an acceptable density for a suburban housing site. The previously consented developments were similarly not considered to be overdevelopment. The proposed development accords with Policy 1: New Homes and Maintaining an Effective Housing Land Supply and The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy.

Strategic Policy 2: Placemaking states that all development proposals must meet the qualities of successful places as outlined in the policy. The proposed development incorporates 6 house types including terraced, semi-detached, and detached houses. All the houses would have two storeys with gabled roof designs. The housing developments to the north consist of similar house types with similar finishing materials. The design of the proposed development is consistent within the immediate context. It is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

The development layout consists of a network of small, interconnected blocks which would promote a pedestrian friendly environment and provide attractive enclosed streetscapes. The street layout would be similar to the other developments to the north and would create consistency for the entire North Newmoor development. Unfortunately, whilst the case officer sought to create a pedestrian link from the proposed development to the development to the north, this was not agreed by the developer of the site to the north. Notwithstanding, it is considered that the proposed layout has adequate connectivity with the surrounding streetscape and would create an environment that is easy to move within and beyond. The case officer secured design improvements to ensure that the houses on the perimeter of the development face onto Crompton Way and Arkwright Way. This layout would ensure that the development aligns with the existing streetscape and provide an attractive and welcoming frontage to existing streets.

No significant areas of amenity space have been proposed within the development site itself. There would be open space at the SuDS basin and over the gas main wayleave. There would be a small area of amenity space in the north of the development as well as a playground across the bridge over the A78 approx. 200m from the site. All houses within the development would have private gardens enclosed by 1.8m high timber fences. Given this locational context, the site is considered to be well served for open and amenity spaces. Full details of landscaping and boundary treatments could be ensured via a planning condition.

The layout of the site has been designed in order to ensure that the houses would not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. An acoustic barrier would be provided along the eastern boundary of the site with Amer Sports. Full details of the design of this barrier would be required via a planning condition. All houses would be provided with two parking spaces, the majority of which are located in-curtilage. Visitor parking would be spread evenly throughout the site. In

conclusion, the proposed development meets with the qualities of successful places and therefore accords with Strategic Policy 2: Placemaking.

Policy 2: Regeneration Opportunities, states that we will in principle support and promote the development of brownfield land within our settlements where that development aligns with the placemaking policy. The site was formerly occupied by an industrial/warehouse building however this was demolished some years ago and therefore the site can be considered as a brownfield site. The North Newmoor area was formerly an industrial estate, however, with the recent residential development it is now a mixed-use area between residential and the remaining industrial/warehouse uses. As highlighted above, the development accords with the placemaking policy, and therefore it also accords with Policy 2: Regeneration Opportunities.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management. Taking both of these policies together, there are not any watercourses which run through or adjacent to the site, and the nearest watercourse is the Annick Water approx. 450m to the south of the site. The site is not considered to be at particular risk of flooding. The proposal includes a SuDS basin in the northwest corner of the site. Full details of the surface water drainage arrangements can be ensured via condition. Foul water drainage is proposed to tie in with the existing Scottish Water sewer at Crompton Way. The development accords with Policies 22 and 23.

Policy 27 relates to sustainable transport and active travel. The North Newmoor area is located in between two busy roads (the A78 and B7080). There are footbridges over these roads on either side, the footbridge to the west providing access towards Irvine town centre and the footbridge to the east providing access to Bourtreehill and Girdle Toll. In terms of public transport, the nearest bus stop is 400m away and Irvine train station is about 2km away. Overall, the site is reasonably well served by public and active travel links, and the internal design of the site has been reconfigured to enhance access to these linkages for the convenience of future residents of the area. Two parking spaces have been provided per dwelling plus additional visitor parking, and this level of parking provision is supported, given the suburban location. The proposal is considered to accord with Policy 27 Sustainable Transport and Active Travel.

Policy 29: Energy Infrastructure Developments, requires that all proposals for new buildings demonstrate that at least 10% of the current carbon emission reduction targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. No details have been provided by the applicant to demonstrate how this requirement will be met. It is considered that a suitably worded condition could ensure that any development would accord with Policy 29: Energy Infrastructure Developments.

Policy 31 relates to future proofing for heat networks. The proposed development would utilise modern building designs which would minimise the energy requirements for heating through modern insulation. The houses have been oriented to take advantage of solar gain where possible. The site is not considered to be a suitable candidate for a district heating system. The proposal accords with Policy 31.

In conclusion, the proposal is in accordance with the relevant policies of the LDP, and the development would entail the delivery of the final section of a major housing site, which has

been identified and allocated as part of the local development plan process. Accordingly, the application is recommended for approval subject to the conditions referred to in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

In order to ensure that the finishing materials are high quality and attractive; in the interest of the visual amenity of the area.

Condition

2. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

In order to ensure that the appearance of the boundary treatments is acceptable; in the interest of the visual amenity of the area.

Condition

3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of 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.

Reason

In order to ensure that the site is appropriately landscaped, in the interest of amenity.

Condition

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

Reason

In order to ensure that the approved landscaping is carried out and maintained, in the interest of amenity.

Condition

5. That prior to the commencement of the development, hereby approved, full details of the site's surface water drainage system, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development flood flow paths shall be submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the development would not lead to flooding.

Condition

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

Reason

In order to ensure that the development would not lead to flooding.

Condition

7. That prior to the commencement of the development hereby approved, the developer shall provide full details of the low and zero carbon generating technologies to be used in the development for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, at least 10% of the current carbon emission reduction targets set by Scottish Building Standards shall be met through the use of low or zero carbon generating technologies. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

In recognition of the climate emergency.

Condition

8. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed acoustic barrier to be erected between the development and the Amer Sports warehouse for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the barrier shall be erected in accordance with such details as may be approved prior to the first occupation of the development, and maintained in perpetuity unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the dwellinghouses hereby approved are not affected by noise from the neighbouring warehouse; in the interest of amenity.

Condition

9. The internal noise level from road traffic during daytime hours (0700-2300 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 16-hour 35dB. In addition, the internal noise level from road traffic during night hours (2300-0700 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 8-hour 30dB. If these levels cannot be achieved with an open window strategy, then alternative means of ventilation will require to be provided.

Reason

In order to ensure that the dwellinghouses hereby approved are not affected by road noise; in the interest of amenity.

Condition

10. The rated noise level, as defined in BS4142, from any existing or consented commercial undertakings at the time of consent (excluding noise from fixed plant or equipment during night hours), must not exceed the background noise level by 5dB(A) or more at the curtilage of any of the proposed dwelling houses. For the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".

Reason

In order to ensure that the dwellinghouses hereby approved are not affected by noise from commercial undertakings; in the interest of amenity.

Condition

11. During night hours (2300-0700 hours) the noise from fixed plant and equipment associated with existing or consented commercial undertakings must not exceed the levels specified in NR 25 as detailed in BS8233 in any habitable room within any residential property to which this consent relates. Compliance with this condition must be met with windows open in a typical manner for ventilation. For the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".

Reason

In order to ensure that the dwellinghouses hereby approved are not affected by noise from fixed plant; in the interest of amenity.

Condition

12. That prior to the commencement of the development, the applicants shall finalise the ground investigation report submitted in support of the application by JPB Reference Number VG190-18/SAG/MAK Draft Issue and dated December 2021 and submit a Remediation Strategy. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.

Reason

In order to ensure that the site is suitably remediated, in the interest of public health.

Condition

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

Reason

In order to ensure that any contamination is dealt with in an appropriate manner, in the interest of public health.

Condition

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

Reason

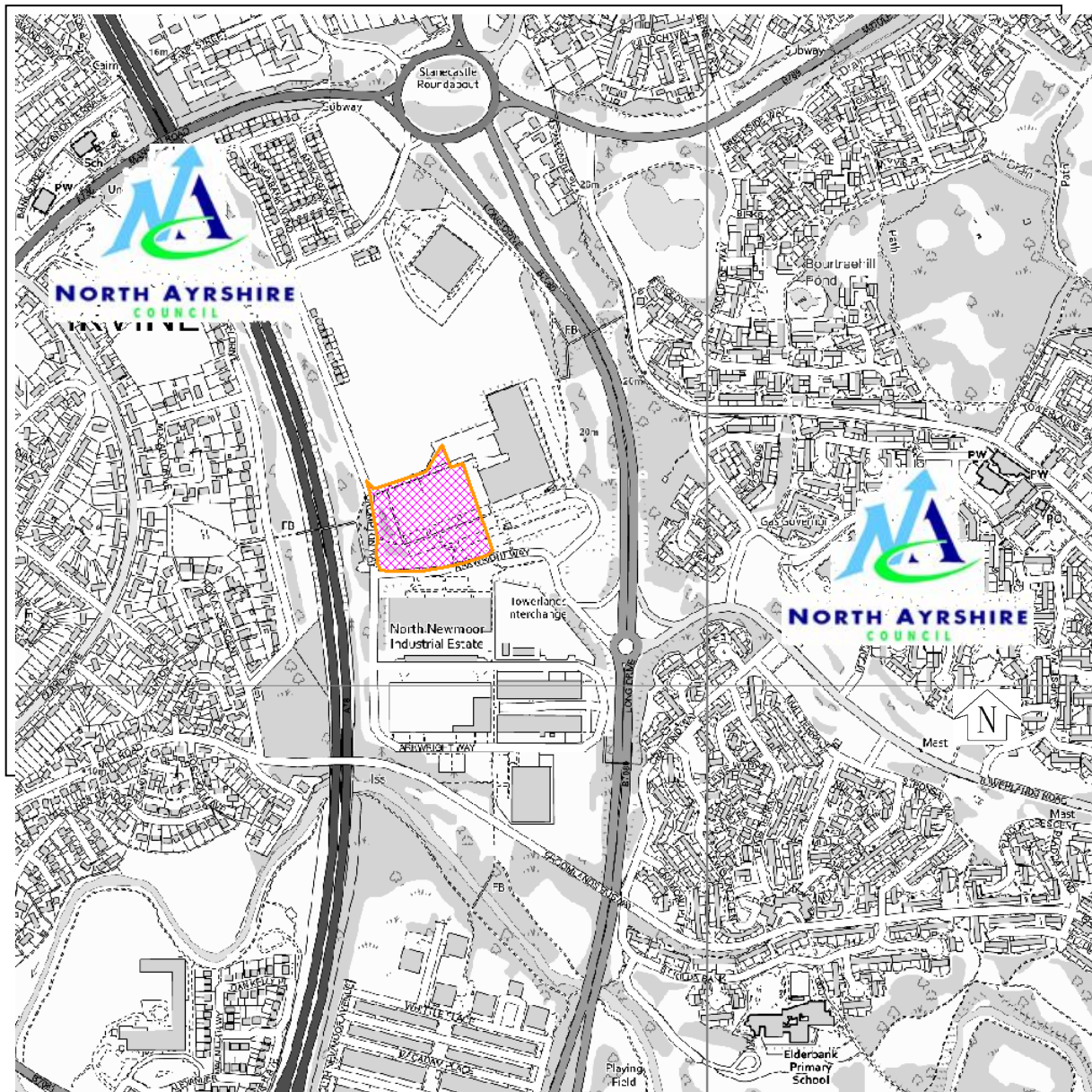
In order to ensure the development would not negatively affect the air quality in the area, in the interest of public health.

James Miller
Chief Planning Officer

For further information please contact Mr John Mack, on 01294 324794.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

24th August 2022

Planning Committee

Locality	Garnock Valley
Reference	22/00135/PPPM
Application Registered	23rd February 2022
Decision Due	23rd June 2022
Ward	Garnock Valley

Recommendation	Approved subject to Conditions
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Location	Site To North East, South East, And East Of Nethermill 59 Knoxville Road Kilbirnie Ayrshire
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Applicant	Chatham House Equities Limited
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Proposal	Planning permission in principle for residential development to include the upgrading of Knoxville Road, provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7)
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1. Description

The application site comprises of 3.52ha of land in the southeast of Kilbirnie. The site is irregular in shape and includes Knoxville Road, which provides access to the site. Knoxville Road is single track for most of its length. To the east the site is bounded by the GV1 Core path (NCN7 Woodgreen to Kilbirnie) which runs along a former railway line and to the west the site is bounded by a number of residential properties on Knoxville Road and Westfield. The southern boundary of the site corresponds to the course of the River Garnock. The site was formerly home to a mill and a slaughterhouse, and the Glengarnock Steel Works lay to the east, on the opposite side of the former railway. These buildings have long since been demolished and only remnants of them remain. In terms of its character, the site is now mostly covered in low woodland scrub with open patches of heathland.

Planning Permission in Principle is sought for a residential development on the site to include the upgrading of Knoxville Road, provision of open space, SuDS infrastructure and the realignment of NCN7 cycle path.

The application form states that the residential development would comprise of 62 houses ranging from 2 - 4 bedrooms. An indicative site layout has been provided which shows detached, semi-detached, and terraced housing arranged around two curving cul-de-sacs. The applicant proposed that 16 of the units would be affordable housing. As this is an application for Planning Permission in Principle, these details will not be considered in this Report, although they may form the basis of a future full Planning Application or Matters Specified in Conditions application.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a General Urban Area allocation. The site has also been identified as a long-term housing site (2024 -2029) with an indicative capacity of 47 houses in Schedule 3 of the LDP. The relevant policies of the LDP to this proposal are:

- The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy
- Strategic Policy 2: Placemaking
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply
- Policy 2: Regeneration Opportunities
- Policy 22: Water Environment Quality
- Policy 23: Flood Risk Management
- Policy 27: Sustainable Transport and Active Travel
- Policy 29: Energy infrastructure Developments
- Policy 31: Future Proofing for Heat Networks

Outline Planning Permission was granted in 2007 for a residential development on the site (07/00184/OPP). Details were then approved in May 2009 (08/00766/RMA). This permission has expired. The applicant contacted Planning Services with regard to a new application for a residential scheme in January 2019 (19/00074/PREAPP). The Proposal of Application Notice (PAN) was submitted in October 2021 (21/01048/PREAPM).

Supporting Information:

Pre-application Consultation Report (PAC):

A Proposal of Application notice was submitted to North Ayrshire Council on the 27th of October 2021 with details of the virtual public event to be held on the 9th of December 2021. A number of individuals and bodies were notified of the event including the local ward councillors, Members of the Scottish Parliament and the Kilbirnie and Glegarnock Community Council. A notice was placed in the Ardrossan and Saltcoats Herald on the 1st of December 2021. The virtual event consisted of a number of information boards as well as a virtual chat to allow members of the public to discuss the proposal with the development team. Feedback forms were provided and a total of twelve responses were received. Of the twelve respondents, two supported the proposal and the remaining ten raised issues. In summary, the main issues raised were the changes to the NCN7 cycle path, wildlife on the site, the proposed changes to Knoxville Road, flooding, and amenity issues.

Planning Statement:

The indicative capacity of the site is 47 units; however, it is believed that this is based upon the former Planning Permission for the site which were for self-build units. These require a larger plot size than the house types that are being proposed which means that the site has a higher capacity than previously envisaged within the LDP. The intention is to provide 25% of the units as affordable housing.

Flood Risk Assessment:

The site bounds the River Garnock to the south and a discontinued mill lade runs through the centre of the site. Small areas along the southern and western boundaries of the site are at risk of fluvial flooding from the River Garnock, in a 1 in 200-year flood event. There are also small areas of the site identified as being at risk of pluvial flooding. The area to be developed as part of the proposal would be located outwith the floodplain. It is recommended that finished floor levels (FFLs) within the proposed development, should be located above the maximum 1 in 200 year plus 20% plus 0.6m freeboard level of 39.95m AOD.

Archaeological Evaluation and Study (2007):

The Nether Mill which was located on site dated mainly from the 19th Century but was likely a remodelling of an older corn mill. All that was left by 1967 was the skeleton of a waterwheel and the lower courses of a sandstone building as well as parts of the lade and mill pond. Nine evaluation trenches were dug on the site and no significant features of artefacts were recovered.

Geotechnical and Geo-environmental Desk Study Report (2007):

There is potential for contamination to exist on the site in the soil or groundwater. An intrusive ground investigation should be conducted to identify whether remediation is necessary. Abandoned coal works are present at deep levels, however ground movement is expected to have ceased. Cored drilling is recommended to establish coal mining risk.

Transport Statement:

The primary vehicle and pedestrian access to the site would be along Knoxville Road which would require to be upgraded. The internal road layout would accord with Designing Streets. In curtilage car parking would be provided for the majority of the proposed homes, with the parking for the affordable homes provided in parking courts. Visitor parking would be provided throughout the site. The site has good linkages to the pedestrian and cycle path network including the NCN Route 7 which runs adjacent to the site and would be realigned as part of the proposed development. There are bus stops on Holmhead within 400m of the site with regular bus services and Glengarnock train station is within 1,600m of the site. It is considered that the predicted level of vehicle trips generated will only have a negligible impact on the local road network and therefore it is not necessary to undertake any additional traffic impact analysis or junction capacity assessments.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective

Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New

non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 1 -New Homes/Land Supply

Policy 1:

New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices

within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

Detailed Policy 2 - Regeneration Opportunities

Policy 2:

Regeneration Opportunities

In principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. In particular, we support the re-use of sites shown in schedule 4 for a range of urban uses which would contribute to the placemaking agenda, subject to their impact on the surrounding established amenity, assessment against the Placemaking Policy and in particular their impact on utility and service capacity.

Note that proposals for significant footfall generating uses considered against this policy should accord with the Town Centre First Principle and must not undermine the vitality or viability of town centres or the delivery of the effective housing and industrial land supplies except where they would support the principle of sustainable development.

We will support development of the regeneration opportunities for a range of integrated urban uses including:

- o Residential.
- o Local-scale community and leisure uses.
- o Other local employment uses like shops, banks, cafes, workshops, garages, and small offices (including working from home).

We will also support alternative solutions which would improve the amenity or economic outlook of the surrounding area such as

- o Greening (Woodland planting, allotments etc.)
- o Renewable Energy Generation
- o Protection and enhancement of green and blue networks

There may also be instances in the plan period where new regeneration sites are identified. In principle we will support proposals which are innovative, contribute to our placemaking agenda and align with our vacant and derelict land strategy.

Detailed Policy 22 - Water Environment Quality

Policy 22:

Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported

where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
 - o No other practical option exists that would allow the watercourse to remain open; and
 - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support

schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan

- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should

accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Heat Networks

Policy 31:

Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

2. Consultations and Representations

The standard neighbour notification was undertaken, and the application was advertised in the local press. Seven letters of objection and one letter of support have been received. A summary of the letters of objection is included below; the letter of support did not raise any issues.

1. The development would result in the loss of the privacy embankment which was built when the cycle path was installed. This would allow overlooking of neighbouring properties. There are also safety issues associated with having houses close to the cycle track which is unlit at night.

Response: This is an application for Planning Permission in Principle and so no details of the development are provided. Amenity issues such as overlooking, and loss of privacy would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. It is not considered that there would be any safety issues with houses being located close to a cycle path.

2. Loss of privacy in general for existing houses located close to the proposed development.

Response: Amenity issues such as overlooking, and loss of privacy would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

3. The loss of the trees and vegetation on site will mean a loss of habitat for local wildlife.

Response: Site clearance and landscaping would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

4. The site is contaminated due to former industrial uses.

Response: It is noted that the site could possibly have contamination issues, and North Ayrshire Council Environmental Health has suggested conditions which would allow the potential for contamination to be suitably assessed prior to any works taking place on the site.

5. The proposed development could lead to drainage and flooding issues.

Response: North Ayrshire Council Flooding and SEPA have not objected to the proposal on flooding grounds, subject to conditions. The full drainage proposals would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

6. The loss of the remnants of the old mill (in particular the water wheel) would constitute a loss of local heritage.

Response: The heritage implications of the proposal would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. While the water wheel is not listed, it is a unique feature, and it would be preferable if it could be used in the new development, possibly as a landscape feature.

7. Concerns over the upgrading of Knoxville Road which could lead to road safety issues and impact upon air quality. Additional concerns have been expressed relating to construction traffic.

Response: North Ayrshire Council Active Travel and Transportation has not objected to the proposal. The road safety and air quality implications of the proposal would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. Construction Traffic is not a material Planning consideration; however, all traffic would be expected to comply with traffic regulations.

8. Would the new houses be eco-friendly/sustainable?

Response: Under Policy 29: Energy Infrastructure Developments, of the LDP, all new buildings are required to demonstrate that at least 10% of the current carbon emission reductions standards set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The details of these low and zero carbon generating technologies would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: No objections. The indicative layout does not meet the requirements of Designing Streets and a Transportation Statement should be submitted with a future full Planning Application or Matters Specified in Condition Application.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

NAC Environmental Health: No objections, subject to conditions. These conditions would cover contamination, remediation, and air quality issues.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

NAC Flooding: No objections. As part of the site falls within the flood plain of the River Garnock, SEPA should be consulted. Unless it can be demonstrated that it no longer contributes to flood prevention, NAC Flooding would resist the removal of the mill lade. Any proposed SUDS basin or pond should not be located in the flood plain of the River Garnock. A number of conditions are suggested relating to the mill lade, adherence to the SuDS manual and details of finished floor levels.

Response: Noted: SEPA has been consulted and furthermore, if approved, appropriate Planning Conditions could address these matters

NAC Education: There are no capacity issues expected at local schools as a result of the proposed development.

Response: Noted.

West of Scotland Archaeology Service (WOSAS): Note the history of the mill complex on site as well as the previous archaeological investigations which were undertaken in 2007. Recommend a condition requiring further archaeological works.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

The Coal Authority: The site falls within a high-risk area for coal mining works. The Coal Authority concurs with the recommendations of the 2007 Coal Mining Risk Assessment which states that coal mining legacy poses a potential risk, and that instructive site investigation works should be undertaken prior to the commencement of any development. The Coal Authority does not object to the application subject to conditions.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

Scottish Water: No objections. Scottish Water's Strategic Asset Team note the presence of strategic assets close to the site boundary which would need to be protected during works.

Response: Noted, Scottish Water would be re-consulted on any future full Planning Application or Matters Specified in Condition Application and appropriate measures could be agreed upon to protect such assets.

Scottish Environmental Protection Agency (SEPA): Residual flows in the mill lade will arise from a small catchment area in the north of the site. It is likely a drain designed to accommodate these residual flows could be accommodated in the site layout. Further information is required detailing a suitable culvert design and this could be dealt with via condition.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

Kilbirnie and Glengarnock Community Council (K&GCC): is supportive of upgrading works to Knoxville Road and the NCN7 cycle path. The proposed houses are considered to be small in size compared to neighbouring properties. Sufficient car parking should be provided to ensure that the development does not lead to excessive on-street parking. The provision of a playpark is welcomed; however, a maintenance schedule should be put in place.

Response: The house sizes, parking provision and the playpark shown are indicative as this is an application for Planning Permission in Principle. Full details of houses sizes and parking would be provided and assessed as part of a future full Planning Application or Matters Specified in Condition Application.

3. Analysis

This application is seeking Planning Permission in Principle for a residential development. The site is allocated in the LDP both as within a General Urban Area and as an effective long-term housing site. The site has an indicative capacity of 47 units, and while no details

are included in this application, the applicant has indicated that the site can support 62 houses. As justification, the applicant considers that the indicative capacity was based on a previous application that included larger house types (07/00184/OPP). The applicant has provided an indicative site plan which shows that 62 houses could potentially be accommodated on the site, in addition to the required infrastructure. 62 houses on a 3.52ha site would result in 18 dwellings per hectare which is a comparatively low density. Notwithstanding, the layout would be a matter for a future application for Full Planning Permission or Matters Specified in Condition application. As the proposed residential development accords with the land use in the LDP, the proposed development accords with the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Policy 1: New Homes and Maintaining an Effective Housing Land Supply.

Strategic Policy 2: Placemaking, of the LDP, requires that all applications accord with the qualities of successful places. The details of the application would be required to be submitted in a future application for Full Planning Permission or Matters Specified in Condition application. The Matters Specified in Condition would address these requirements. The details required would be siting, design, finishing materials, landscaping, access, drainage, and renewables. Subject to such a condition, the application accords with Strategic Policy 2: Placemaking.

Policy 2: Regeneration Opportunities, of the LDP states that in principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. The application site is a former industrial site that has been vacant for many decades. The proposed development would utilise the brownfield land for a use which accords with the LDP and which, subject to conditions would accord with the placemaking policy. The proposed development would therefore accord with Policy 2.

Policy 22: Water Environment Quality states that we would not support any development that leads to a deterioration in the water environment. This would require that no development (including the SuDS basin) should be located on the Garnock flood plain. The indicative site plan appears to show the SuDS basin being located on the flood plain. This layout would however be a matter for a future application for Full Planning Permission or Matters Specified in Condition application. The proposal accords with Policy 22.

Turning to Policy 23: Flood Risk Management, NAC Flooding has identified the existing mill lade as a feature that may currently act to alleviate flooding. Therefore, any modification of the mill lade would be required to be approved in order to ensure it does not lead to flooding issues. It is envisaged that any future application would require the removal of the mill lade and the erection an alternative drainage system. This matter could be controlled via a Planning condition. In addition, details of finished floor levels and full details of surface water drainage would require to be provided by condition. Subject to these conditions, the proposal accords with Policy 23.

Policy 27: Sustainable Transport and Active Travel relates to access and transport issues. The proposal would require the upgrading of Knoxville Road which is single track and would not support a housing development of this size in its current form. Full details of this road upgrade would be required as part of a future application for Full Planning Permission or Matters Specified in Condition application. In addition, NAC Active Travel and Transportation has stated that the indicative site layout would not meet the requirements of Designing Streets and has therefore advised a planning condition to address this issue. It is

also proposed that the NCN7 cycle path be re-aligned as part of the development. Details of this realignment would need to be provided and approved as part of a future application. Subject to such further details, the proposal accords with Policy 27.

Under Policy 29: Energy Infrastructure Developments, of the LDP, all new buildings are required to demonstrate that at least 10% of the current carbon emission reductions standards set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The details of these low and zero carbon generating technologies would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition application, and subject to the approval of such details, the proposal would accord with Policy 29.

Policy 31: Future Proofing for Heat Networks requires that major housing developments consider the implementation of a district heat network. This would be a matter for a future application for full Planning Permission or Matters Specified in Condition application, and subject to such details, the application would accord with Policy 31.

The proposal accords with all of the relevant policies of the LDP, and therefore the principle of a residential development on this site is acceptable. There are no material considerations which would outweigh these considerations. Full details of the proposal would be required to be approved via a future full Planning Permission or Matters Specified in Condition application.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, full details of the development shall be provided via either a Matters Specified in Condition Application or a full Planning Application for the approval of North Ayrshire Council as Planning Authority. Such an application shall include details of:

- (i) Layout, house number, house types, siting and design,
- (ii) Landscaping and boundary treatments,
- (iii) Access, road layout and parking,
- (iv) Drainage and flood prevention, and
- (v) Low and zero carbon generating technologies

Reason

In order that these matters can be considered in detail.

Condition

2. That any application(s) submitted under Condition 1 shall include details of the condition of the existing water wheel and, if feasible, plans provided for its retention/salvage and incorporation into the proposed housing development as a piece of public art or heritage feature.

Reason

In the interest of preserving the industrial heritage of the area.

Condition

3. That the road layout for any future Matters Specified in Condition Application or full Planning Application shall accord with the requirements of 'Designing Streets'. A Transport Statement shall be submitted in support of any future application. Full details of the upgrading works to Knoxville Road and the realignment of the NCN7 core path shall be provided and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the development.

Reason

In the interest of road safety.

Condition

4. That any application(s) submitted under Condition 1 shall include a detailed flood risk assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which details a suitable culvert design and route, without 90-degree bends supported by catchment flow information and blockage scenarios for the 0.5% AEP flood event which demonstrates that the final drain route and design will not pose a flood risk to proposed and existing development. For the avoidance of doubt no buildings can be located on top of the culvert route.

Reason

In the interest of flood prevention.

Condition

5. That any application(s) submitted under Condition 1 shall include, full details of any modification of the existing Mill Lade within the site is submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

6. That any application(s) submitted under Condition 1 shall include confirmation in writing and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff affecting the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

7. That any application(s) submitted under Condition 1 shall include full details of the ground levels and finished floor levels of the proposed dwellinghouses shall be submitted

for the agreement of North Ayrshire Council as Planning Authority. The details shall demonstrate that the proposed dwellings are not at risk of surface water flooding when the capacity of the proposed surface water infrastructure is exceeded during the 1 in 200 year designed storm event (plus allowances for climate change and urban creep). Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

8. That any application(s) submitted under Condition 1 shall include a desk study of the application site (including a review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of public health.

Condition

9. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any material being used. In addition to this and in accordance with BS38882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source material and appropriate test results to demonstrate its suitability for use.

Reason

In the interest of public health.

Condition

10. Any cut and fill proposals or alterations to the existing ground levels should be clearly marked on any plans and accompanied by appropriate cross sections, Material Management Plan and be implemented in accordance with any SEPA waste/soil reuse guidelines, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of public health.

Condition

11. That any application(s) submitted under Condition 1 shall include details demonstrating that the increase in road traffic generated as a result of the development shall not have a detrimental impact on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be

exceeded at any location of relevant public exposure, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of public health.

Condition

12. That any application(s) submitted under Condition 1 shall include details of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant.

Reason

In the interest of preserving the heritage of the area.

Condition

13. That any application(s) submitted under Condition 1 shall include details of;

- (i) a scheme of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, and;
- (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, that have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

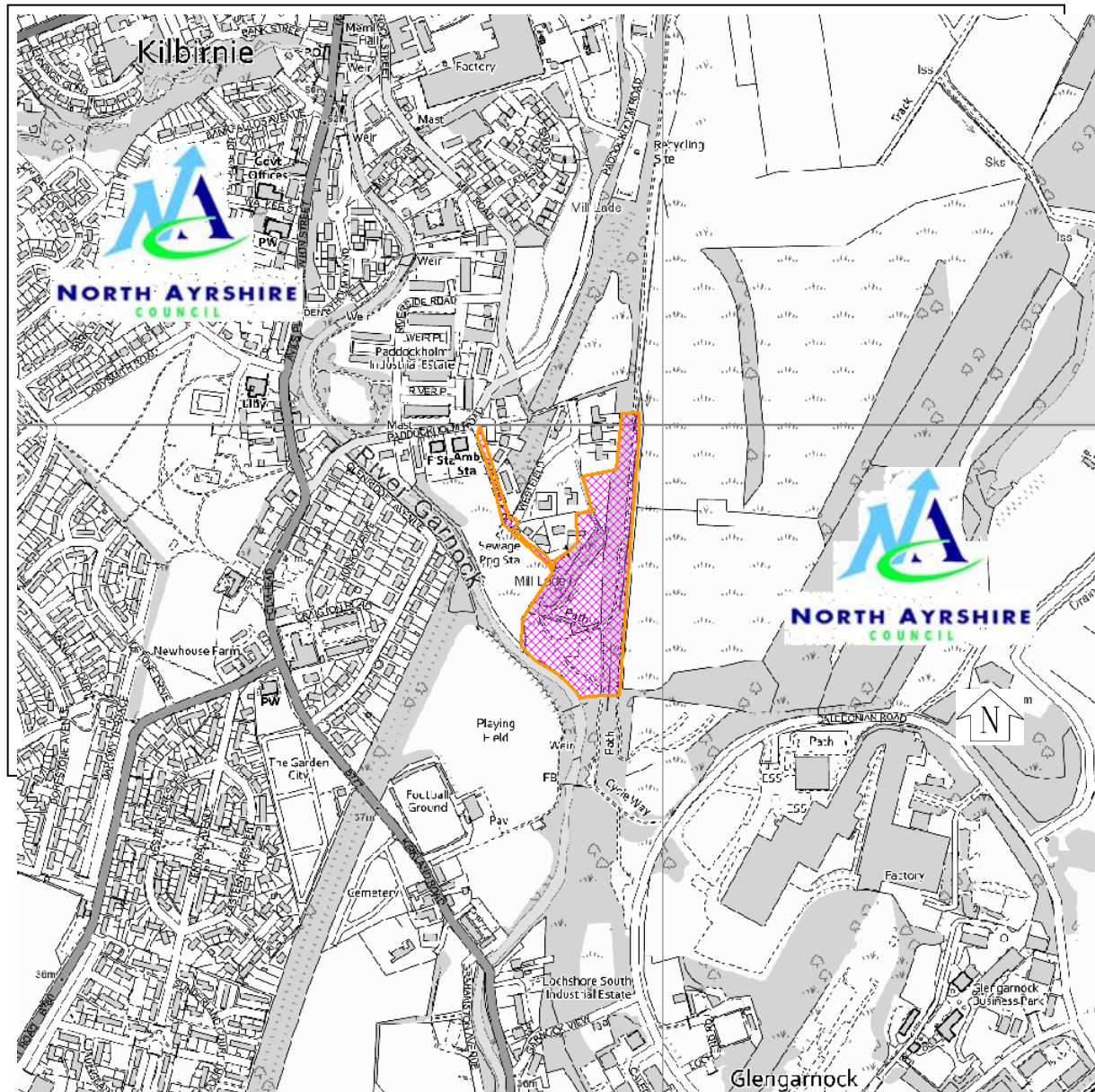
In the interest of public health.

James Miller
Chief Planning Officer

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

24th August 2022

Planning Committee

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site To North Of 4 Greenhead Holding, Stevenston
Purpose:	To seek approval 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 a caravan
Recommendation:	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 a caravan

1. Executive Summary

- 1.1 To seek authority to serve an Enforcement Notice requiring cessation of the use of the land for the siting of a caravan at a site to the North of 4 Greenhead Holding, Stevenston, which would include removal of the caravan from the land.
- 1.2 The site is a small agricultural unit, previously known as Hillside Nursery. There is already a caravan on the site which was investigated in 2018 and found to be immune from Planning control by virtue of having been sited for more than 10 years. The caravan was being used for comfort for those working on site and was not lived in. The unit was being used for farming of cattle at that time.
- 1.3 A second caravan was noted to have been placed on site in 2021. The owner of the site has not responded to any requests for information regarding the second caravan. However, it cannot have been placed on site before November 2018. The second caravan is not considered to be required ancillary development for an existing rural business. There is no support under the adopted Local Development Plan (LDP) for the siting of a caravan in this location for residential purposes. The second caravan is considered contrary to the policies of the LDP and there are no material considerations to the contrary.

2. Background

- 2.1 The site was previously a market garden, an agricultural use as defined by the Town and Country Planning (Scotland) Act 1997. A complaint was received in 2018 about the possibility of dog breeding taking place on the land. The issue was investigated, and

the land found primarily to be used to house cattle, and therefore remained in agricultural use. It was also noted that a caravan was sited on the land. The then owner and tenant confirmed that a caravan had been in situ for at least 10 years prior to 2018 and was used only for comfort of those working the agricultural unit.

- 2.2 The then owner and tenant were advised in writing in 2018 of the planning situation and confirming that planning permission would be required should the caravan be lived in.
- 2.3 In April 2021, the tenant bought the property and became the owner. The new owner wrote to the Council in May 2021 asking for an address for the caravan with the intention to live in it. The owner was advised by letter that Planning Permission would be required, as previously advised in 2018. The owner was also advised that Planning Permission would be unlikely to be granted for a residential caravan unless there was a site-specific need. As the site was some 250m from the Stevenston it was not clear that such a need existed. No response was received.
- 2.4 In August 2021 a complaint was received that two caravans were on site and that earth works were taking place. The owner was advised by letter to remove one of the caravans within 6 weeks. No response was received.
- 2.5. As no response was received to the previous correspondence and because it was difficult to view the full extent of works from outwith the site, a Planning Contravention Notice (PCN) was issued in January 2022. A PCN is a legal questionnaire which sought more information about the second caravan, its use and the other alleged works at site. Not responding to a PCN is an offence. No response has been received. Further correspondence to the landowner in the summer of 2022 has not elicited a response.
- 2.6 At some point between November 2018 and August 2021 a second caravan has been sited on the land. It has only been in situ for between 1 year and 3 years 9 months. Given the e-mail from the landowner of May 2021, it is likely that the second caravan was sited some time between May 2021 and August 2021 i.e., 1 year ago.
- 2.7 It has not been possible to gain access to the land to confirm the use of the caravan. Therefore, it is not clear if the caravan is being lived in or is being used as ancillary development to the agricultural use. The owner has ignored all opportunities to confirm the use.
- 2.8 The Council's LDP supports housing in the countryside only in exceptional circumstances. The second caravan does not meet these circumstances. A caravan by its nature is not an exceptional design, nor does the siting comprise a sensitive infilling of a gap site or comprise a sympathetic addition to a well-defined group of houses. The caravan may be being used as a housing for a worker engaged in agriculture but there is no evidence to support this point. It is not considered that there is a specific need for such housing on this site given the proximity to the settlement.
- 2.9 The Council's LDP supports ancillary development for existing rural businesses. The site has a lawful agricultural use and there is no evidence of the site not being used for agriculture. A caravan already exists for the comfort of any workers engaged in agriculture on the land. It is not considered that another caravan is required for that purpose. Therefore, it is not considered that the siting of the second caravan is

ancillary development. There are no permitted development rights in respect of siting a caravan on agricultural land.

- 2.10 Whilst the caravan is not readily visible from outwith the site, the cumulative impact of two caravans is considered to have an adverse impact on the visual appearance of the area. The siting of the caravan is inappropriate development in a rural area and is contrary to Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking of the LDP.
- 2.11 Given the above, 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 the cessation of the use of the site for the siting of the second caravan and the removal of the caravan itself from the land. The Notice would take effect not less than 35 days from the date on which it is served.
- 2.12 There is a right of appeal against such a Notice. However, an appeal cannot be made on the grounds that planning permission should be granted. The owner has been given opportunity to provide evidence as to why the caravan may be lawful but has failed to do so. The Council could report those responsible for complying with an Enforcement Notice to the Procurator Fiscal, should its requirements not be met. The Council could also enter the land and undertake direct action to ensure compliance with such a Notice.

3. Proposals

- 3.1 In the interest of the amenity of the area and to remove inappropriate development from a rural area, development which is contrary to Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking, that the Committee approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:
- (i) Cessation of the use of the land for the siting of a caravan and the removal of the caravan, as identified in the attached plan, and any associated structures, within 6 weeks of the date of the Notice taking effect.

4. Implications/Socio-economic Duty

Financial

- 4.1 Enforcement Notices give the Council the right to carry out direction action, if it sees fit, to seek compliance with any requirements of a Notice, should it not be complied with.

Human Resources

- 4.2 None

Legal

- 4.3 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/Socio-economic

- 4.4 None

Environmental and Sustainability

- 4.5 None

Key Priorities

- 4.6 The proposed Enforcement Notice supports the Council Plan priority – “Vibrant, welcoming and attractive places.”

Community Wealth Building

- 4.7 None.

5. Consultation




- 5.1 None

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

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	Version date	TITLE NUMBER	
	07/05/2021	AYR126596	
	BRITISH NATIONAL GRID EASTING/NORTHING		
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