

Cunninghame House,
Irvine.
29 July 2016

North Ayrshire Council (Determination Meeting)

You are requested to attend a Special Meeting of North Ayrshire Council for the purposes of determining planning applications in terms of Section 38A(2) of the Town and Country Planning (Scotland) Act 1997 to be held in the Council Chambers, Cunninghame House, Irvine on **MONDAY 8 AUGUST 2016** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. North Coast and Cumbraes

Submit report on the following application:

16/00397/PPPM: Lawhill Farm (Page 5)

Planning permission in principle for residential development.

3. Isle of Arran

Submit report on the following application:

16/00467/PPM: Site to West of Clachaig Farm (Page 25)

Proposed development of a new distillery, visitor centre and bonded warehousing, associated landscaping, infrastructure, access and car parking.

North Ayrshire Council (Determination Hearings)

Sederunt:	Joan Sturgeon Robert Barr John Bell Matthew Brown John Bruce Marie Burns Ian Clarkson Joe Cullinane Anthea Dickson John Easdale John Ferguson Alex Gallagher Willie Gibson Tony Gurney Jean Highgate Alan Hill John Hunter Elizabeth McLardy Grace McLean Catherine McMillan Peter McNamara Ronnie McNicol Tom Marshall Jim Montgomerie Alan Munro David O'Neill Irene Oldfather Donald Reid Robert Steel	(Provost) (Depute Provost)	Attending:
			Apologies:
			Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 2

North Ayrshire Council (Determination Meeting)

8 August 2016

Planning Area

North Coast and Cumbraes

Reference

16/00397/PPPM

Application

04.05.2016

Registered

Decision Due

04.09.2016

Ward

Dalry and West Kilbride

Recommendation**Refuse for the reasons contained in
Appendix 2.**

LocationSite To South East Of
41 Tarbert Avenue
West Kilbride**Applicant**Mr Robert MacMillan
Lawhill Farm
Lawbrae
West Kilbride
KA23 9PA**Proposal**Planning permission in principle for residential
development

1. Planning permission in principle is sought for a residential development at Lawhill Farm, West Kilbride. The application site, which comprises of approximately 9.7 hectares, is located to the East of Tarbert Avenue extending to the south towards Ardrossan High Road. The site is bounded by residential properties to the north and west and countryside to the south and east (see attached location plan). The application site is outwith the boundary of the settlement of West Kilbride. The site sits on the lower slopes of Law Hill which overlooks West Kilbride from the east. The site slopes mainly from east to west. The site is partially bound on the western boundary by trees with hedging marking the remaining boundaries. Land cover is dominated by grass with the site being used for grazing.

Within the adopted Local Development Plan (LDP), the majority of the application site lies within an area of Countryside, where Policy ENV 2 (Housing in the Countryside) applies. A part of the site is allocated for affordable housing where Policy RES4 (Affordable Housing) applies. The following policies are also applicable to the consideration of the proposal:

LDP Vision and Spatial Strategy

Policy PI 1 - Walking, Cycling and Public Transport

Policy PI 8 - Drainage, SuDs and Flooding

General Policy.

The application site formed part of a larger allocation of residential within the finalised LDP, however at the Examination, the Scottish Government Reporter amended the allocation to that presently identified as a RES4 affordable housing site. The proposal has been subject to pre-application discussions with Officers, where the applicant has been advised that any submission for the site would be contrary to the LDP, and would not be supported. The proposal falls within the category of "major" development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, pre-application consultation (PAC) was required, and a notice (ref. 15/00783/PREAPM) was submitted on 22nd December 2016. The PAC initiated the statutory pre-application procedures.

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

Pre-application consultation (PAC) report

One public event using a 'drop-in' format was held at West Kilbride Community Centre on Thursday 21st January 2016 between 2.30pm and 7.00pm. A PAC report has been prepared and submitted with the proposal. The PAC report notes the pre-event publicity measures, which were undertaken and the methods used at the public event to inform those attending. The report states that around 48 members of the public, or representatives for interested bodies, attended the event. 28 comments were received as follows:

- Insufficient infrastructure to accommodate the development i.e. doctors, school
- Traffic access within the village
- Traffic congestion at Tarbet Avenue
- Traffic into site from Ardrossan High Road
- Concerns regarding construction traffic
- Land drainage from the site
- Foul drainage from the site.

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

Transport Assessment

The applicant submitted a Transport Assessment previously provided in 2012 for the LDP. To update this report, a statement has been provided by the applicant's traffic engineer with traffic count data, and junction capacity assessments. The 2016 update concludes that the 2012 assessment is still relevant and that there has been no significant change in traffic numbers or regime, which would alter the conclusion that the proposed traffic numbers for the development could be accommodated within the road network.

Supporting Planning Statement

The planning statement summarises the background to the site and the relationship between the existing RES4 (Affordable Housing) site and the remaining market housing proposed. The report indicates that due to topography and limited access to the RES4 site the affordable housing classification is undeliverable. The statement addresses certain issues raised by the Scottish Government Reporter's conclusions, including: Quality of Farmland; Landscape Impact; Extension of the built up area; access and viability. The report includes letters of support from Cunninghame Housing Association, Kenneth Gibson MSP and a confirmation from the Macaulay Institute for Soil Research that the application sites soils classification is 'Less Favoured Area'.

Landscape Visual Impact Assessment (LVIA)

The applicant submitted a LVIA previously provided in 2012 for the LDP. The document provides a summary of the methodology for assessment, the context of the site, photographic survey and probable visual impact of housing on the site. The report concludes that development should be kept off higher ground below the 110m contour, landscape buffers should be used at higher areas to limit visual impact, pedestrian and cycle links should be developed on site into the existing network and detailed topographical information should be used in order to design road systems and housing layout to ensure best fit within the landscape. The applicant's supporting statement briefly to this LVIA and considers that development of this site would be set below with 100m contour line. No further assessment specific to the development has been provided.

Flood Risk Assessment

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

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, and included the publication of an advertisement in a local newspaper for the purposes of neighbour notification and development contrary to the development plan on 11 May 2016. A total of 8 members of the public have submitted objections about the proposal, which can be summarised as follows.

1. Impact on infrastructure. The proposal would impact on road safety with regard to the access to Tarbert Avenue. The proposed scale of the development would result in a significant increase in residents and vehicles putting pressure on existing community facilities, schools and road network which are all at capacity, particularly where many of the roads are in poor condition. The submitted Transport Assessment refers to a new vehicle access proposed at Tarbet Avenue as part of the previous LDP proposal. This most recent application proposes that the access to Tarbet Avenue is for emergency use only. The TA is therefore out of date and not relevant for the current proposal. Emergency vehicles could be blocked at peak times. The site is steeply sloping and somewhat isolated from the wider road network which would encourage car use. Access to the site would be difficult and would not be accessible for the elderly or those without vehicles.

Response: It is agreed that the initial transport assessment was out of date. The applicant has subsequently provided an updated assessment on road junctions and a transport statement which confirms the recommendations of the original transport assessment. The traffic and transport issues associated with the proposed development have been assessed by the Council's Transportation Officers, who offer no objections, subject to conditions (see consultation response, below). Further work would be required to identify and improve the pedestrian routes to the proposed site, which could be addressed within a more detailed application.

2. Flooding. The creation of a new access on Tarbert Avenue and development within the fields would have an adverse impact on the existing water table and routes for drainage. Development in the upper slopes would put pressure on existing streams and drainage in the area which currently struggles to cope.

Response: The Flood Risk Assessment submitted in support of the development has been assessed by both SEPA and the Council's Flooding Officer, who offer no objections, subject to conditions (see consultation response, below). Detailed drainage and water attenuation features could be addressed as part of a detailed application.

3. Impact on amenity. The proposed location, scale and siting of potential housing would impact on residential amenity by way of overshadowing, daylighting and privacy. The development would result in the loss of countryside which bounds existing housing areas near the site. There would be significant impacts on the landscape setting of the area. and loss of open land. The proposed development would create visual intrusion, generate unwanted adverse noise and traffic, create disturbance and pollution, both during and after construction. The proposal would result in overdevelopment of the site when compared to recent residential developments within West Kilbride.

Response: Siting and design are more detailed design issues, such as house types, scale, location, boundary treatments, which could all be addressed within any subsequent application for Matters Specified in Conditions (MSC). It is accepted that the site extends beyond the existing built up area and development would constitute a significant extension of the built up area into the countryside. It is considered the development would be very prominent in local views from the existing roads and footpaths bounding the site. In addition the site is bounded to the north by the Clyde Muirshiel Regional Park, and special landscape area. It is agreed that the loss of countryside at this location to a large residential development would have significant landscape and visual impacts locally. Concerns regarding ongoing disturbance and pollution both during and after construction could be controlled through other legislation.

4. Contrary to the 2014 Reporter's decision. There is no need for the development as detailed within the Reporter's decision in 2014 on the LDP housing allocation for the site which included an assessment on need, environmental/landscape impacts and cumulative impact of the development on the settlement. Two areas zoned for housing in the West Kilbride are to be fully developed and include a significant number of dwellings, totalling 154 houses. The original proposal for the site was deleted from the LDP to prevent overdevelopment of West Kilbride and that reasoning is still valid. The Reporter identified significant environmental impacts from the proposed development at this site. There is no need for more affordable housing on the site or within West Kilbride.

Response: Agreed. The proposed development of the site would be contrary to the Reporter's decision and would have significant landscape, visual and infrastructure impacts. The Housing Market Supply for West Kilbride is considered to be sufficient and there is no need for the development. With regard to affordable housing, a portion of the site is allocated for affordable housing and the Reporter agreed that there is a need for affordable housing within the area, but no evidence has been provided to suggest that the current affordable housing site is not viable.

5. Affordable Housing - The SHIP contains the strategic aim: "All new projects will further maximise return on investment and value for money by considering build costs." The proposal is that the affordable housing be built first, requiring the reconstruction and widening or diversion of about a quarter of a mile of Ardrossan High Road. McMillan & Cronin stated in the pre-application consultation public meeting that those costs would make the RES4 project unviable on its own. It is unclear how the costs would be funded, other than by a Developer Contribution from the developers of the proposed RES2 housing, i.e. the project would require the RES2 housing to make the infrastructure costs worthwhile. There is no guarantee that such housing would be built at all, or in a reasonable period. The claim that two housing associations are in support of the proposal is not backed up by the correspondence from them, included with the application. Neither of them had evaluated the proposal enough to make any clear statement of interest or support.

Response: Agreed. Little evidence regarding the viability of the RES4 site has been provided. The Council's Transportation Officer offered no objections, subject to conditions (see consultation response, below). Those conditions include widening of Ardrossan High Road and the provision of traffic signals at the rail bridge on Meadowfoot Road. If granted consent these alterations would be subject to a legal agreement to ensure implementation. The funding of such works would be the responsibility of the applicant or developer. No phasing plan has been submitted with the proposal.

6. Other issues include the proposed development due to its location would impact on television reception, the provision of new and affordable housing on the site would impact on property values, concerns about undue disruption and stress caused by the development over what would likely be a number of years, and that there has been insufficient time to respond to the consultation.

Response: These concerns are not material planning considerations. The application has been subject to the standard 21 day neighbour notification and publication in the local press. Representations on proposals are accepted by North Ayrshire Council up to the date of determination.

NAC Transportation – With respect to Ardrossan High Road, in order to connect the proposed development with the surrounding neighbourhood, the developer should provide a new 2 metre footway that links to the existing footway at Cubrieshaw Park. The carriageway from the existing speed limit signs to the new proposed roundabout should be nominally 6 metres wide. The applicant has indicated pedestrian connection to Craufurd Avenue, Tarbert Avenue and Highthorne Crescent, which are acceptable and should be designed in accordance with relevant guidelines and not exceeding the maximum gradients. The applicant has indicated that on future expansion of the site a secondary emergency access / pedestrian / cycleway connection would be made to Tarbert Avenue, which should be designed in accordance with relevant standards not exceeding maximum gradients. Previous discussions required the inclusion of traffic signals to operate the traffic flow under the railway bridge on Meadowfoot Road. The applicant has indicated that traffic signals would be provided when the site is fully developed. If granted consent it is recommended that Ardrossan High Road to be upgraded with 2m footway and 6m carriageway and traffic signals to be provided at the rail bridge on Meadowfoot Road.

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

SEPA - SEPA considers the scope and approach of the Flood Risk Assessment (FRA) to be broadly acceptable. SEPA does not have any objection to the proposed development on flood risk grounds, subject to the following planning conditions being imposed:

- The two new culverts associated with the new roundabout access are confirmed as being able to convey the 1:200 year design flow of Stream 2 (as identified in the Kaya Consulting Ltd Flood Risk Assessment Report dated 17 June 2011).
- Land raising shall not take place within the functional flood plain of Stream 2 (as identified in the Kaya Consulting Ltd Flood Risk Assessment Report dated 17 June 2011) to facilitate the construction of the new roundabout access.

Response: Noted. Detailed drainage or SUDS plans have not been provided. A suitable attenuation feature would require careful design to ensure water is discharged into local watercourses at a greenfield rate and any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged. The design of drainage features could be addressed through any subsequent MSC application.

NAC Flooding Officer - no objection.

Response: Noted.

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

Response: Noted. The 70 units included within the roll projections refer to the 70 units proposed as part of the affordable housing allocation, in terms of Policy RES4 site at Lawhill Farm.

NAC Housing Services - Housing Services does not object to the provision of affordable housing on this site. Housing Services would also seek an affordable housing contribution for the remainder of the private site in line with the Affordable Housing Policy.

Response: Noted. This requirement would be subject to separate agreement if planning permission was granted.

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

Response: A condition could be applied in this regard.

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

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

West Kilbride Community Council (WKCC) – WKCC has serious concerns over the proposal for a secondary access to Tarbert Avenue. This narrow street is already difficult with residential parking. The access would also be located at the hammerhead turning point for Tarbert Avenue. The proposed additional access at Crauford Avenue/Highthorne Crescent is shown as a pedestrian access. WKCC was advised at pre-application that the secondary access would be controlled by bollards. No details of these have been provided. The main access to the site off Ardrossan High Road would alleviate the main traffic both residential and construction and as such would be the logical access.

Response: The traffic and transport issues associated with the proposed development have been assessed by the Council's Transportation Officers, who offer no objections, subject to conditions (see consultation response, below). Further work would be required to identify and improve the pedestrian routes to the proposed site and could be addressed through a more detailed application. The drawings indicate that the proposed access to Tarbet Avenue would be for emergency use only. How this is controlled could be a matter for consideration at detailed design stage.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. The North Ayrshire Local Development Plan (LDP) was adopted in May 2014. Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire through the allocation of land and infrastructure to deliver 7,500 new homes, while creating opportunities for new employment, shopping and leisure facilities. Policy STRAT2 states that the LDP would contribute to the Council's aim of creating new jobs by 2020 by safeguarding key business and industrial sites. Policy STRAT3 states that physical, social and economic regeneration, including the need for transformational change in our towns and villages is a key issue for the LDP.

The spatial strategy which underpins the above strategic policies identifies providing housing land to stimulate population growth. The LDP requires to allocate sufficient land to meet need and demand for housing over the 10 year period following adoption. The land supply provides a generous range of sites in a variety of locations to meet the anticipated need and demand. Within West Kilbride this allocation included Ardrossan Road, Seamill (124 units), Ardrossan High Road, West Kilbride (30 units) and Lawhill Farm, West Kilbride (70 affordable housing units).

Through the LDP process, the selection of land for future housing development is carefully considered, taking into account a range of criteria including factors such as sustainability, infrastructure, settlement patterns, transportation, landscape and visual impact. A key issue in North Ayrshire remains the legacy of vacant and derelict land within and on the fringes of settlements, as evidenced in Policy STRAT3 which seeks "transformational" change in North Ayrshire's settlements in order to regenerate communities physically, socially and economically.

From the LDP strategy and the associated spatial strategy, it is considered that, in terms of housing need and demand, there is not any requirement for additional housing land. The proposal is therefore contrary to the development plan and requires to be assessed in terms of any other material considerations. The key issue is whether or not other material considerations would outweigh the provisions of the development plan. 'Windfall' sites can supplement the established housing land supply, particularly where existing housing land allocations are in development or windfall sites would provide a type of development not available in the immediate area. The application site is located on the boundary of the settlement and in close proximity to two existing housing land allocations. The development of Ardrossan Road, Seamill is currently being considered as part of a separate application, Planning Reference 16/00561/PPM. An application, in relation to the neighbouring site at Ardrossan High Road, has not to date been submitted.

The applicant contends that the delivery of affordable housing within West Kilbride is an urgent requirement and that the current RES4 allocated site at Lawhill Farm is undeliverable due to the topography of the land. They state that the cost of introducing necessary road geometry and servicing infrastructure is significant and would require general market housing to offset the cost. An indicative masterplan has been provided which indicates that the affordable housing allocation be moved towards a proposed access from Ardrossan High Road to allow quick and independent delivery.

The applicant has provided an extract from the Council's Strategic Housing Investment Plan, which includes delivery of the RES4 site at Lawhill Farm, and a letter from Cunninghame Housing Association confirming that in their opinion the site was unviable. There has not been any other information submitted. The application has been submitted on behalf of the landowner.

In summary, it is considered that insufficient information has been submitted in order to demonstrate that the proposed development would have positive regeneration and economic benefits that would support the implementation of key Local Development Plan strategies. The proposed development would be contrary to the recent decision of the Scottish Government Reporter on the removal of the wider housing allocation at Lawhill Farm. It is considered that the contended viability of the current RES4 allocation has not been substantiated. The application would be contrary to the LDP Vision and Spatial Strategy.

In the examination report of March 2014, the Reporter removed the wider housing allocation at the application, allocating only a proportion of the site for affordable housing. The reporter was satisfied that the deletion of this site from the LDP, in conjunction with the modifications recommended was consistent with the scale of the housing land allocations provided in the plan and was sufficient to enable the housing requirements identified through the Council's housing need and demand assessment to be met.

Scottish Planning Policy (SPP) has a presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained. The SPP sets out a series of principles whereby development could be considered to be sustainable. For this application the most relevant are: giving due weight to net economic benefit; responding to economic issues, challenges and opportunities, as outlined in local economic strategies; making efficient use of existing capacities of land; and, supporting delivery of accessible housing. As the development is submitted in principle the tests against principles of avoiding over-development, protecting the amenity of new and existing development and supporting good design and the six qualities of successful places are not applicable.

The site is located within the Countryside and there has not been any evidence submitted to suggest that the development would support town centres and regeneration priorities of the Council. It would undermine the adopted plan-led settlement strategy which focuses on redevelopment of long established brownfield sites, and the development of greenfield sites in sustainable locations. These locations have been established as being Ardrossan Road, Seamill and Ardrossan High Road.

Scottish Planning Policy also states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times. The LDP was adopted in May 2014 and is therefore up to date. The application site is located on the boundary of the settlement and in close proximity to two existing housing land allocations, both of which would include an affordable housing allocation when developed. The LDP provides an effective housing land supply.

For these reasons, and confirmation of an effective five housing land supply, demonstrate that the development is not in accordance with the SPP presumption of favour of sustainable development.

The proposal also requires to be considered in terms of the following LDP policies: ENV 2 – Housing Development in the Countryside; RES 4 – Affordable Housing; Policy PI 1 - Walking, Cycling and Public Transport; Policy PI 8 - Drainage, SUDs and Flooding; and the General Policy.

In terms of Policy ENV 2, there is a presumption against the development of the rural landscape in order to protect it from insensitive housing development, however the LDP recognises that there are opportunities for individual or small scale housing development in certain locations. The policy has three main criteria; single houses in rural areas; small scale growth of existing rural housing groups; and, housing for workers engaged in a rural business. Given the scale of the development proposed the application would fail to meet these criteria. The application has also been submitted in principle where the policy states that no applications for planning in principle shall be accepted for development. The proposal therefore fails to comply with Policy ENV 2.

In terms of Policy PI 1, which relates to all development proposals which would result in significant trip generation, applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users. A transport assessment has been submitted with the application, which considers the various issues and methods to promote active travel, use of public transport and impact on the road network. The assessment considers that the proposed traffic numbers for the development could be accommodated within the road network. The creation of new access points through the site would ensure that the development could link into existing pedestrian and cycle routes and that frequent public transport services are within walking distance of the site. In summary, whilst the location of the site is not fully satisfactory in regard to its location within the countryside, the site is well located for ensuring the provision of multi-user links to West Kilbride.

Policy PI 8 is relevant due to the scale of the proposed development. The application has been subject to a flood risk assessment, which highlights that there are no major water courses close to the site although three streams flow through or along the site boundary. The report states that the site is not at risk from flooding but there is risk that development of the site would result in water run off. A suitable attenuation feature would require careful design to ensure water is discharged into local watercourses at a greenfield rate and any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged. Both NAC Flooding and SEPA have not raised any objections and the design of drainage features could be addressed by condition.

Policy RES 4 requires all proposals for residential development to make a contribution to affordable housing provision. For the North Coast sub-market housing area, a contribution of 25% is required and should be provided in line with the Council's supplementary guidance. The application site does include an existing RES4 allocation as such any contribution would be required in addition to the 70 units proposed in the LDP. The remainder of the contribution against the private housing allocation site, in line with the Affordable Housing Policy, could be addressed by condition.

In relation to the General Policy of the LDP, criterion (a) and (b), the applicant has provided an indicative layout and LVIA. These matters would be assessed within any subsequent applications for MSC, if the principle is approved through this application.

With respect to criterion (c) Landscape Character, the applicant has provided an LVIA. This assessment concludes that in terms of its landscape character, the site is pastureland and should not be considered a sensitive landscape character area and that the gradients are not prohibitive to development. Visual constraints are identified, with the highest parts of the site being the most visually prominent within 2 kilometres, and it is stated that beyond this distance visual impacts would be minimal indicating that development would appear as a continuation of the existing town and that the topography and built form would screen views from all but the highest parts of the site. The LVIA recommends that any development should be below the 110 metre contour line to limit any visual impact.

Notwithstanding the micro siting of housing which may limit any long range impacts, the site extends well beyond the existing built up area and the development would constitute a significant extension of the built up area into the countryside. Furthermore, the site slopes steeply upwards from Ardrossan High Road to the minor road to the wind farm. It is therefore highly prominent in local views from the existing roads and footpaths bounding the site. In addition the site is bounded to the north by the Clyde Muirshiel Regional Park, and special landscape area which is also prominent in the local landscape, and is highly sensitive to development. Landscape impacts could be mitigated to some extent by the provision of structured landscape planting, however, in overall terms, the current use of the site as countryside contributes to the landscape setting of the eastern edge of West Kilbride and notwithstanding that there is a line of mature trees along the eastern boundary of the site, the development of the site for housing would have a significant adverse impact on the landscape setting of West Kilbride which would not be significantly mitigated through a detailed landscaping plan. It is considered that the loss of countryside at this location to a residential development would have significant landscape and visual impacts locally.

Criterion (d) relates to access, road layout and parking provision. The Council's Transportation does not object to the proposed development. Appropriate conditions would be required to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents.

In summary, it is considered that insufficient information has submitted in order to demonstrate that the proposed development would have positive regeneration and economic benefits that would support the implementation of key Local Development Plan strategies and justify a development in the Countryside, which is contrary to the LDP. Insufficient evidence has been provided to confirm that the current RES4 site is not deliverable. Furthermore the development is speculative and given the siting of two existing Housing sites within the West Kilbride boundary is not needed.

Furthermore the proposed development would conflict with the recent decision of the Scottish Government Reporter in the removal of the wider housing allocation at Lawhill Farm whom in their examination report of March 2014, removed the wider housing allocation at the application proposing to allocate only a proportion of the site for affordable housing. The reporter concluded the deletion of this site from the LDP, in conjunction with the modifications recommended was consistent with the scale of the housing land allocations provided in the plan and were sufficient to enable the housing requirements identified through the Council's housing need and demand assessment to be met.

For these reasons, whilst the concerns regarding design, layout and flooding could be addressed in any MSC application or by condition, the principle of development on the site is not supported and confirmation of an effective housing land supply by the Scottish Government demonstrates that the development is not in accordance with the SPP presumption of favour of sustainable development. There are no other material considerations that indicate otherwise. Accordingly, it is recommended that the Council refuse planning permission for the reasons contained within Appendix 2.

4. Full Recommendation

See Appendix 2



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
29 June 2016

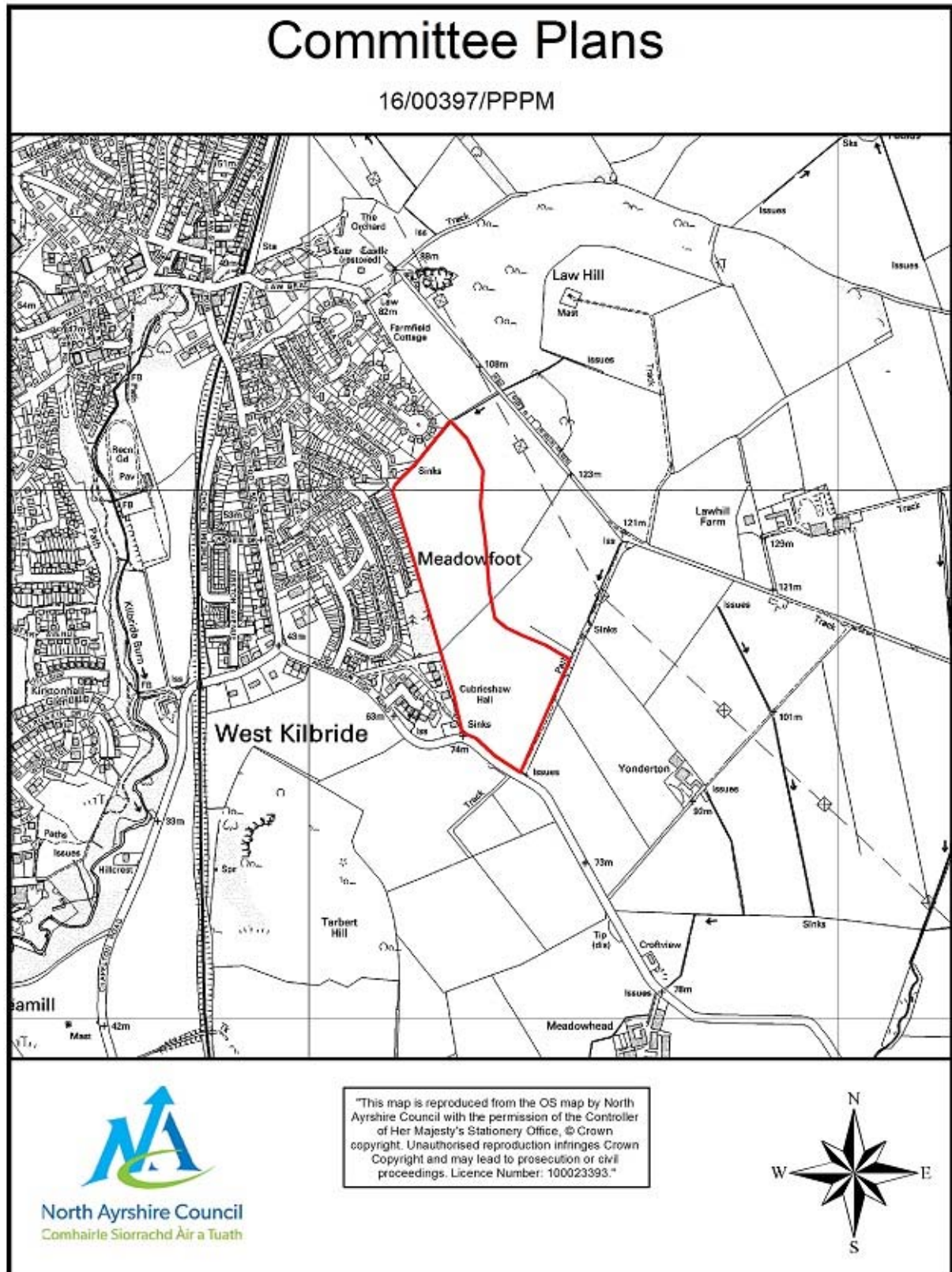
For further information please contact James Miller, Senior Planning Manager , on telephone number 01294 324315

APPENDIX 2

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00397/PPPM

Refuse on the following grounds:-

1. That the proposed development is contrary to Policy ENV2 of the North Ayrshire Local Development Plan in that the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.
2. That the proposed development is contrary to Policy RES1 and RES2 of the Adopted North Ayrshire Local Development Plan, as there is an adequate supply of allocated housing land both within North Ayrshire and in the North Coast & Cumbraes' Sub-Housing Market Area. The approval of this development would prejudice the current housing land supply and the proper planning of the area.
3. That the proposed development by reason of its scale and location would be contrary to criterion c) of the General Policy of the Local Development Plan, as it would result in the loss of countryside and would be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.



NORTH AYRSHIRE COUNCIL

Agenda Item 3

North Ayrshire Council (Determination Meeting)

8 August 2016

Planning Area

Isle of Arran

Reference

16/00467/PPM

Application

19 May 2016

Registered

Decision Due

19 September 2016

Ward

Ardrossan and Arran

Recommendation

**Grant with Conditions contained in
Appendix 1**

Location

Site to West of Clachaig Farm
Kilmory
Isle of Arran

Applicant

Isle Of Arran Distillers Ltd
Offices 4 & 5
Touch Business Park
Touch Estate
Stirling
FK8 3AQ

Proposal

Proposed development of a new distillery, visitor centre and bonded warehousing, associated landscaping, infrastructure, access and car parking

1. Description

The application site is located on the southern coast of Arran immediately to the west of Clachaig Farm, Kilmory, to the south of the C147. It is an undulating site bounded to the north by the public road and to the east, south and west by agricultural land. There is agricultural land beyond the public road. The boundaries to the site consist of hedgerow and wire fence to the north, hedgerow and trees to the east, drystone wall to the south and hedgerow and watercourse to the west. The site extends to approximately 8.66 ha and comprises predominantly open fields with some tree cover in the north-east of the site along the boundary. The land has been used for agriculture.

It is proposed to develop a new distillery and visitor centre contained in a single building with an overall floor area of approximately 2635 squared metres, 6 no. warehouses with a combined floor area of 6000m² and other works including utilities, a new access road from the C147, landscaping and formation of parking for cars, coaches and bicycles. This proposal constitutes a major planning application and has been subject to a Planning Processing Agreement and pre-application consultation.

The distillery building would be positioned within the centre of the plateau, to allow sufficient circulation space to the north and event space to the south, with the distillery and visitor centre as a backdrop and maximising south facing views. The scale of the distillery is determined by its function requiring approximately 1200m² and having a minimum depth of 26 metres and a height of 9 metres. When combining this with the accommodation requirements in the form of a two storey visitor centre, office accommodation and functional plant, the total floor area would be approximately 2600m². The emphasis of the building is heavily influenced by the proposed roof design. The distillery building would be finished in natural stone, timber/composite cladding and a sedum blanket roof; the windows would be powder coated aluminium.

The warehouses would be adjacent to the west boundary of the site, whilst the distillery building would be located toward the south of the site. The design of the warehouses is dictated primarily by function. Each warehouse would be 1000m² in area and a practical height limit of 9.5 metres to ridge level, which allows stacking of whisky casks to a safe height. The security lighting for the bonded warehouses would take the form of low impact downlighters in order to minimise the impact of light pollution. The warehouses have been carefully positioned, utilising the lowest plateau to minimise the warehouses height. The warehouses would be finished in metal cladding (green and brown) to ensure that they blend in with the distillery building and the surrounding landscape.

The applicant has confirmed that water supply would be from a borehole on site, liquid effluent would be removed from the site by tanker and would be spread on fields at the southern end of the island under licence from SEPA (there would be no discharge of effluent to the sea or watercourses) and an onsite treatment system would be installed for foul sewage from the distillery and visitor centre. The water supply and waste management aspects of the proposals would be regulated under separate licence by SEPA. The SUDS pond would be in the south-west corner of the application site.

A new access would be formed from the C147, which would be designed to accommodate HGV movements and coaches. The junction would be supported by visibility splays of 4.5 x 120 metres to the west and 4.5 x 90 metres to the east. It is proposed to provide approximately 100 parking spaces, which would cater for both staff and visitors and would include at least 5 disabled spaces. Cycle parking spaces would also be provided. The applicant has confirmed that surveys would be undertaken before and after construction of the adjacent road network and any damage attributable to construction traffic would be rectified; and a Construction Management Plan would be agreed with North Ayrshire Council before construction activities commence on site.

The indicative phasing of the development at the site is related to the operation of the component parts and also the lead time for ordering distillery equipment. The applicant proposes to develop the site in 3 phases:

- Phase 1: warehouses 1-3 construction (indicative dates - October 2016 to April 2017);
- Phase 2a: distillery building works (indicative dates - February 2017 to April 2018);
- Phase 2b: distillery fit out (indicative dates - January 2018 to July 2018);
- Phase 3: warehouses 4-6 (dates to be confirmed).

The applicant anticipates that the construction of the phase 1 warehouses would be tied to the construction of the distillery and visitor centre by condition and/or legal agreement. The applicant has confirmed that the indicative phasing is related to the operation of the component parts and also the lead time for ordering distillery equipment. Lead times of up to 2 years for the distillery equipment mean that it is not feasible to construct the distillery first. The bonded warehouses are required now to meet an existing need and the applicant is willing to accept a planning condition to tie the two elements together.

The following supporting documents form part of the application:

- (i) **Pre-Application Consultation (PAC) Report:** a PAC report is required by the Development Management Regulations for all major planning applications. The submitted report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant in finalising the proposals. A public exhibition was held on the 22nd March 2016 at Kilmory Village Hall, which provided an opportunity for the public to review and comment on the development proposals and also to raise any issues of concern with the developer and members of the design team. On the 23rd March, an exhibition space was established in the foyer of the distillery at Lochranza displaying the proposals and inviting comments from the public.
- (ii) **Design and Access Statement:** a Design and Access Statement is required by the Development Management Regulations for all major planning applications. The submitted Statement describes the design process followed by the applicant in formulating the proposal, with reference to various design principles.

Other supporting documents include an architectural design statement, drainage impact assessment and flood risk assessment, ecological appraisal, economic and tourism impact appraisal, heritage assessment, planning statement, transport statement, landscape appraisal and landscape proposals.

The applicant has submitted correspondence from Barclays Bank PLC, regarding the finances for this proposal.

The application site is located within an area of countryside as identified within the adopted Local Development Plan (LDP).

Policy ENV1 of the LDP relates to new development in the countryside (excluding housing), which states that proposals for new development within the countryside (excluding housing) shall not accord with the LDP unless the following criteria can be satisfied:

- (a) the development is necessary non-residential development associated with agriculture, forestry operations or other established rural businesses and is of a scale proportionate to the operational need of the rural business it is associated with; or
- (b) the development is a small-scale business falling within Class 4 that has a specific locational need to be located on site; or
- (c) the development is essential public infrastructure that has a specific operational need to be located on site or where a range of alternative sites have been examined within settlements and no suitable site can be made reasonably available; or
- (d) the development is within an existing village on mainland North Ayrshire, Arran or the Isle of Cumbrae, and would not constitute ribbon, backland or sporadic development; or

- (e) the development is a tourism proposal acceptable under Policy TOU1; or
- (f) the development is outdoor sport and recreation with a specific operational need to be located within the countryside.

Policy TOU1 (Tourist Accommodation and Facilities) of the LDP states that proposals to create or extend tourist facilities, hotels, boarding houses, bed and breakfast facilities and guesthouses, within Class 7, and managed units shall generally accord with the LDP where the proposed site is within a settlement boundary. Proposals for such development in the Countryside shall accord with the LDP provided:

- (a) the development is an existing building suitable for conversion; or
- (b) development can demonstrate a site specific locational need; and
- (c) there is a social and/or economic benefit to the area; and
- (d) it is of a scale and character which is not detrimental to the amenity and landscape of the area.

Policy IND7 of the LDP relates to Factory Shops, which states that development or change of use to form individual factory shops physically linked to manufacturing facilities shall accord with the LDP provided that it can be demonstrated that:

- (a) the retail use is clearly ancillary to the manufacturing operation;
- (b) goods sold are manufactured on the premises;
- (c) the scale of the outlet will not affect the vitality or viability of the existing town centres and complies with Policy TC4; and
- (d) the proposal is satisfactory in terms of parking, access and traffic generation.

Policy ENV6 of the LDP relates to Economic Development or Diversification in Rural Areas, which states that proposals for economic development or diversification in rural areas, not provided for by any other policy in the Plan, shall accord with the Plan where the development can demonstrate a site specific locational need and where development complies with the following criteria:

- (a) there is a demonstrable economic benefit to the area and such benefit, including any related social, community and educational advantages, outweighs any adverse environmental impacts of the development; and
- (b) the proposal can be suitably located in the rural area and is of an appropriate nature and scale; and
- (c) it is demonstrated that account has been taken of the possibility of locating a new building either on appropriate land within a settlement or on brownfield or derelict or degraded land, or of converting, rehabilitating or replacing an existing building in the countryside; and
- (d) the proposal is accompanied by a robust business plan which clearly demonstrates the viability of the proposal in the long term; and

- (e) consideration has been given to the potential for any future development and expansion; and
- (f) the proposal is not located within an area of 'sensitive countryside'.

Policy ENV9 of the LDP relates to Nature Conservation and Policy HE4 relates to Scheduled Ancient Monuments and Archaeological Sites. An Archaeological Appraisal of the site has been completed by Rathmell Archaeology.

Policy TC6 (Retail Development on Arran) states that proposals for retail development outwith settlements within Use Classes 1 Shops, Class 2 Financial and Professional Services and Class 3 Food and Drink shall accord with the LDP provided it can be demonstrated:

- (a) that it comprises a single planning unit with an established craft or tourist facility;
- (b) there is social and/or economic benefit to the island; and
- (c) it is of a scale and character which is not detrimental to the amenity of the locality.

The proposed development also requires to be assessed against the General Policy of the LDP.

The applicant (Isle of Arran Distiller's Ltd) has operated a distillery on the Island at Lochranza since 1995 and is seeking to expand the operation in response to increasing market demand. The Isle of Arran Distillers initially identified a short term need to provide additional warehousing to cater for the output at Lochranza, however this requirement expanded to deliver additional distilling capacity in order to meet forecast demand. The site selection process refocussed on finding an appropriate site for a distillery that could also accommodate warehousing.

The proposed development would be located at Kilmory on the south end of the island, away from the existing operation and with the intention of producing a distinctive heavily peated malt whisky that is different from the whiskies produced at Lochranza. The applicant ran a design competition for the new distillery, from which Denham Benn Architectural Design emerged as the winners. Their distinctive design is a departure from the traditional 'pagoda' style distillery buildings that are evident at many Scottish distilleries.

The application has been subject to a significant level of pre application discussion with Planning Officers, in conjunction with the Council's Business Development, providing guidance on the applicant's design competition submissions, and providing advice on site selection, site layout and building design. The submitted building design was the result of ongoing discussions with the applicant, encouraging a more contemporary approach to the buildings architecture.

2. Consultations and Representations

Neighbour/owner notification has been carried out and the application was advertised in the local press on the 27th May 2016. Four objections have been received and the grounds of objection can be summarised as follows:

1. This industrial building is not appropriate for this quiet rural area and is outwith the village envelope for local development. It would be difficult to screen the area in the short to medium term. The proposed storage units are large and numerous, with a capacity that is triple the eventual output of the proposed productive unit. Extensive tarmac, security lights and large storage sheds are not in keeping with the rural setting; the screening is inadequate. The development should be limited to a maximum of two storage units, of a lower profile and volume.
The road is inadequate.

Response: noted. Environmental Health has not raised any concerns regarding noise and disturbance, and there are not any immediate properties adjacent to the application site. The policy context for supporting this application in an area of countryside is discussed below. The site is undulating and the warehouses would benefit from natural screening in the short to medium term. The siting of the warehouses in the lowest part of the site, maximises the natural screening potential of the surrounding landform. The colour of the warehouses would also assist to integrate the warehouses with the local landscape character. The existing hedgerows and drystone walls would be retained around the perimeter of the site. The size of the warehouses are dictated by their type of use. The warehouses would also be used for storage in association with the existing distillery building at Lochranza. A planning condition could be imposed with regard to the lighting. The access road would be of tarmac, however the parking spaces would be of grasscrete.

2. There is no provision for treatment of the high organic content effluent on this site and it appears that export of such effluent would be by two road tankers each day from the facility to the new outfall near Pirnmill. This new facility would double the total pollution load to be discharged, which is unacceptable. One single anaerobic digestion plant should be located at either distillery. The company is putting its reputation at risk by proposing to discharge waste every day in full view of the increasing number of visitors to the island. The argument that it is too expensive to treat the effluent is insupportable.

Response: noted. These issues were considered under planning application 16/00117/PP for the outfall at Pirnmill. The applicant has confirmed that the new outfall is only for use by the existing Distillery. The applicant has advised that cost is only one factor in dealing with the treatment of waste - other issues including wet weather conditions, impact on local transport infrastructure, road safety issues, environmental impact and production levels also require to be considered. The concerns about the existing distillery are not material planning considerations for this planning application, and the issue of the reputation of the company is a private matter for the applicant.

NAC Environmental Health - no objections.

Response: noted.

NAC Transportation - no objections, subject to conditions to ensure that a condition survey of the C147 around the proposed access, to be carried out prior to work starting and once work complete, access to be hard surfaced for a minimum of 15 metres to prevent loose material being deposited onto the public road, no surface water shall issue from the access onto the public road and details of proposals for the bus stop to be submitted prior to construction. A Road Opening Permit would also be required.

Response: noted. An appropriate planning condition and informative would address these matters.

NAC Access Officer - there are not any Rights of Way (RoW) identified within the Catalogue of Rights of Way or Core Paths identified within the adopted Core Paths Plan in the site. It should however be noted that the Catalogue of Rights of Way does not provide an exhaustive list of RoW and as such routes may exist which meet the criteria necessary for designation. The site is however in close proximity to a claimed RoW SCU21 between the C147 and Cleat's Shore and the Arran Coastalway.

The proposal includes parking facilities for 8 bikes. The cycle parking provision should accommodate 10% of the peak capacity of the facility and 10% of peak staffing levels for the facility. This should be secure and located in a visible and accessible location. Promotion and signage of the cycle parking may also be beneficial to the proposal in terms of attracting passing trade. It would also be beneficial for the applicant to consider how visitors travelling by bus to the site would access the site. The Transport Statement states that the 323 Brodick/Blackwaterfoot service stops in Lagg several times per day. It is unclear from the information provided whether or not the bus would stop at the distillery or if there is a route by which people can walk to/from the site.

Response: noted. The applicant has agreed to provide a total of 32 cycle parking spaces and a planning condition could be imposed with regard to their location and design. A bus stop is not currently proposed at the distillery and discussions have not taken place with the bus operator. The applicant is willing to accept a condition in this regard if the bus operator are amenable to the scheduling of an additional stop. A planning informative could be imposed with regard to the additional bus stop.

NAC Flooding & Structural Design - no objections on flooding grounds. Any proposed discharge of surface water to the water environment shall be in accordance with the principles of the SUDS Manual (C753), which was published by CIRIA in November 2015 and comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). A copy of the drainage strategy shall be submitted prior to the construction.

Response: noted. A planning condition could be imposed with regard to SUDS. The drainage impact assessment has been submitted.

Scottish Natural Heritage - in terms of designated sites, parts of four designated sites are located within c. 800 metres of the proposed development site – the Arran Moors Special Protection Area (SPA), the Arran Moors Site of Special Scientific Interest (SSSI), the South Coast of Arran SSSI and the South Coast of Arran Marine Protection Area (MPA). SNH accept the findings of the Ecological Appraisal in its consideration of potential effects on those designated sites, and its conclusion that it is unlikely that there would be any direct or indirect negative effects. SEPA would advise on the particular subject of emissions having possible effects on habitats within the designated sites.

In terms of protected species, SNH accept the findings of the Ecological Appraisal which reports that otters and badgers are not present on the site, although evidence of otter activity was found c. 50 metres outwith the site. It is recommended that all of the Good Practice Measures detailed in the Ecological Appraisal (sections 6.28 to 6.33) are included as conditions within any planning consent.

In terms of Landscape and Visual, SNH's advice is limited to potential effects on National Scenic Areas (NSA). The nearest two NSAs are the North Arran NSA, c. 12 km to the north of the proposed development site and the Fleet Valley NSA, c. 80 km to the south east. At this location it is considered that the proposal would not have any negative impacts on those NSAs or any others.

Response: noted. A planning condition could be imposed in this regard.

Scottish Environment Protection Agency - objected initially on the grounds of lack of information regarding implications under the PPC/COMAH Regulations, foul drainage, the proposed groundwater abstraction and engineering impact on the small watercourse as a result of the proposed farm track. Further information was requested from the applicant. SEPA in considering this new information, removed the objection and requested the imposition of a planning condition to require the developer to prepare and maintain a spillage management plan to ensure compliance with PPC/COMAH Regulations.

Response: noted. The proposed farm track has been removed from the plans as it is outwith the application site boundary. The issues with PPC/COMAH Regulations can be addressed through a planning informative which would advise the applicant to discuss a proposed spillage management plan with SEPA. A condition could be imposed regarding SUDS.

West of Scotland Archaeology Service - a planning condition should be imposed to secure the implementation of a programme of archaeological works.

Response: noted. A planning condition could be imposed in this regard.

Arran Community Council - no objections. The application is welcomed by the community at large and has received general support. It is anticipated that the distillery would be constructed in advance of any storage or other buildings.

Response: noted. Details on phasing have been submitted by the applicant (see above) and a planning condition could be imposed with regard to phasing.

Scottish Water - no comments.

Response: A planning informative could be imposed requiring the applicant to contact Scottish Water prior to commencing development.

3. Analysis

The application site is located within an area of countryside at a site to the west of Clachaig Farm, Kilmory. The proposal requires to be assessed against Policies TOU1, ENV1, TC6, IND7, ENV6, ENV9, HE4 and the General Policy of the LDP.

Policy TOU1 relates to tourist accommodation and facilities, which supports new tourism development in the countryside where it demonstrates a specific need for a countryside location, a social and/or economic benefit to the area and that it is of an appropriate scale and character to the amenity of the area. It is considered that there is a site specific locational need for the development, in terms of securing sufficient quality and volume of water to supply the production process. Furthermore, the coastal location would aid the maturation process and the proposal would provide a unique distillery building and a significant tourist attraction. The proposed and projected production volumes cannot be accommodated at the existing facility at Lochranza and as a result Isle of Arran Distillers have had to look further afield. A site selection process has been carried out by the applicant.

Socio-economic benefits are anticipated as the development would create economic and social benefit through job creation, support local construction businesses during the construction phases and attract additional visitors to the island and to the south of the island in particular. As a unique attraction, the proposal would improve the tourism offer of the area and attract more visitors to this part of the island. It would also attract a 'passer-by' trade. The estimated annual GVA increase also represents a significant boost to the Arran economy. The potential to attract circa 55,000 visitors to the new distillery would be a welcome addition to existing visitor numbers. The Landscape Visual Impact Assessment submitted demonstrates that the proposed development does not have any notably adverse landscape or visual impacts. The proposal accords with Policy TOU 1.

In terms of Policy ENV1 (new development in the countryside – excluding housing), the proposal, as development within the designated countryside, would, in principle, be contrary to ENV1. However criterion (e) of ENV1 supports development in the countryside where it is an acceptable tourism proposal under Policy TOU1. Criterion (e) of Policy ENV1 relates to a tourism proposal acceptable under Policy TOU1. As discussed above, the policy requirements of Policy TOU1 have been met.

For Policy TC6 (retail development on Arran) and IND7 (factory shops), the proposal includes a visitor centre in association with the distillery, which would include a shop, restaurant and visitor centre, as part of the single planning unit. The activities are considered ancillary and complementary to the development, which satisfy the policy. The visitor centre is small in comparison to the existing distillery at Lochranza and is not intended to replace the existing visitor centre. The proposed development therefore meets the requirements of Policy TC6 in that the cafe/bar would be located within a single established tourist facility; it would create economic benefit through job creation and through using local suppliers; and is an acceptable scale which would not impact upon the local amenity of the area. The visitor centre shop would provide visitors the opportunity to purchase whisky produced on site. This arrangement meets all the requirements of Policy IND7 as the retail element is ancillary to the main manufacturing operation; the goods sold are manufactured on site; the scale of visitor shop would not impact upon the viability of any settlement on Arran; and there would be sufficient parking provision provided to accommodate the visitor centre.

The proposal accords with Policy TC6 and IND7.

Policy ENV6 (economic development or diversification in rural areas) highlights a number of criteria which have to be met to accord with the LDP in terms of economic development in rural areas as follows:

- (a) the proposed development would create new jobs and investment in the south of Arran (outlined in the Economic and Tourism Impact Assessment). The south end of the island would benefit from increased visitor numbers to the area through increased spend in local businesses;
- (b) the Landscape and Visual Assessment confirms that the proposed development can be readily accommodated into the existing landscape, through appropriate siting of buildings and landscaping proposals, for example, the proposed warehouses would be positioned at the lowest point of the site and screened by landscape planting as illustrated in the LVIA;
- (c) the applicant has confirmed that there are no other suitable brownfield or derelict land sites which could accommodate the development on Arran. There are also no sites of a suitable size within any settlements on Arran. The 3 employment sites noted in Brodick in the LDP (Market Road, Home Farm and Cladach) are not big enough to accommodate the proposed development.

- (d) the nature of the development is not a short term enterprise. The applicant has confirmed that this relates to a use-specific building, being designed as part of a long term plan and represents a significant commitment of time and capital for Isle of Arran Distillers. Regarding timescales, the applicant has advised that Scotch Whisky cannot be matured for less than 3 years and the Isle of Arran Distillers currently work to a minimum maturation age of 10 years before the whisky is bottled for sale. This proposal is not a new business; Isle of Arran Distillers have been a major employer, producer and attraction on the island for 21 years to date and the proposals represent their commitment to the future of whisky production on Arran.
- (e) the applicant has confirmed that there are no current plans for significant future expansion at the development site, however there is a further 2 ha of land within the site that could accommodate any further expansion, subject to planning permission.
- (f) the proposed development is not within an area of sensitive countryside.

The proposal accords with Policy ENV6.

In terms of Policy ENV9 (Nature Conservation) of the LDP, an extended Phase 1 Habitat Survey and otter and badger surveys were undertaken at the site of the proposed new distillery in March 2016. The surveys did not find any habitats of particular nature conservation interest. Otter activity was recorded along stretches of a watercourse between the site and the coast. There was not any signs of badger activity recorded, although the potential for reptiles and breeding birds was noted. Any potential adverse effects are not anticipated in terms of the adjacent Arran Moors SPA/SSSI and the South Coast of Arran MPA. The proposed development accords with Policy ENV9.

Policy HE4(b) of the LDP relates to Archaeological Sites. As discussed above, an Archaeological Appraisal of the site has been completed by Rathmel Archaeology. The West of Scotland Archaeology Service has advised that a planning condition should be imposed to secure the implementation of a programme of archaeological works; a planning condition could be imposed in this regard. The proposal accords with Policy HE4.

The proposal would also require to be assessed against the relevant criteria of the General Policy of the adopted LDP relating to siting, design and external appearance; impact on amenity; landscape character and access, road layout and parking provision.

The design of the distillery and visitor centre building is an exemplary proposal. The warehouses are of standard warehouse design dictated by the practicalities of their intended use. The warehouses would not significantly detract from the architectural quality of the distillery building and through careful siting, design and use of materials, the warehouses can be accommodated with limited visual impact to read as one cohesive development. The scale of the development is sympathetic to its location. The external appearance of the development has been carefully designed to fit into the existing landscape, through the natural contours of the site. A sloping modern green roof would be used on the distillery building to reflect local topography and minimise landscape and visual intrusion. An appropriate planning condition would ensure that exact details of external finishes are submitted for prior written approval.

With regard to amenity, it is considered that the proposed development would not have a significant adverse impact on the amenity of the area. Environmental Health has not objected in terms of noise and disturbance. Lighting would be minimal during the hours of darkness and any exterior lighting would be bollard lighting or mounted downlighters to reduce visual intrusion; a planning condition could be imposed in terms of lighting. Due to the location of the site, there would not be any significant adverse impacts with regard to overlooking, loss of privacy or overshadowing.

Regarding Landscape Character, for the above reasons, it is considered that the proposal would not have a significant adverse impact on any landscape features or the landscape character of the area. The proposed development would fit well into the existing landscape taking into account the topography of the site.

With regard to access, road layout and parking provision, NAC Transportation is satisfied with the proposals subject to matters of detail which can be addressed by condition.

The proposal would make a welcome and positive contribution to this rural area of Kilmory and accordingly, planning permission can be granted. Whilst the proposal is considered to be contrary to Policy ENV1 of the adopted LDP, from the assessment above, it is found that the proposal would deliver new development that accords with the LDP in terms of economic development, tourism and industry and protection of the environment. There are no material considerations which indicate otherwise. It is recommended that planning permission be granted subject to the conditions in Appendix 1.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
20 June 2016

For further information please contact Julie Hanna, Planning Officer , on
telephone number 01294 324330

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00467/PPM

Grant subject to the following conditions:-

1. That, the development, hereby approved, shall be completed in line with the approved phasing plan, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the Phasing Plan states that the site shall be developed in 3 phases as follows:

Phase 1: warehouses 1-3 construction (October 2016 to April 2017);
Phase 2a: distillery building works (February 2017 to April 2018);
Phase 2b: distillery fit out (January 2018 to July 2018);
Phase 3: warehouses 4-6.
2. That, in the event of any failure to carry out Phases 2a and 2b in accordance with the Phasing Plan as indicated within Condition 1, or through any amendment of the Phasing Plan, as may be agreed in writing by North Ayrshire Council as Planning Authority, any development undertaken in terms of Phase 1 shall be removed and the land restored to its former condition, in accordance with the existing context plan (Ref. 1562-PLA-014).
3. That, prior to the commencement of each phase of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.
4. That, prior to the commencement of the development, details of all external lighting, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
5. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015), shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of the development, details of the proposed cycle parking spaces (including number, location and design), shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. The approved details shall be installed prior to the coming into use of the distillery and visitor centre, hereby approved, and thereafter retained.
7. That, a road condition survey of the C147 in the vicinity of the proposed access, in conjunction with the Arran Local Office shall be carried out prior to the work commencing on site and after the work is completed. The development shall be completed in strict accordance with the approved Transportation Statement, to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the coming into use of the distillery, visitor centre or warehouses, hereby approved: (i) the access shall be hard surfaced for a minimum of 15 metres to prevent loose material being deposited onto the public road; and (ii) the access shall be designed in such a way that no surface water shall issue onto the public road, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That, no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation that has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority, in agreement with the West of Scotland Archaeology Service.
10. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the applicant shall construct and operate the development in accordance with the provisions of the application, the supporting reports (design and access statement, architectural design statement, drainage impact assessment and flood risk assessment, ecological appraisal, economic and tourism impact appraisal, heritage assessment, planning statement, transport statement, landscape appraisal and landscape proposals) and submitted plans and shall fully implement the mitigation measures contained within the submission to the satisfaction of North Ayrshire Council as Planning Authority. For clarification, the Good Practice Measures detailed in the Ecological Appraisal (sections 6.28 to 6.33) shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To ensure that the warehouses are developed in association with the distillery and visitor centre and to protect the visual amenity of the countryside.
2. To reflect the justification for the development and to ensure that the warehouses are not built in isolation.
3. In the interest of the amenity of the area.
4. In the interests of the amenity of the area in respect of visual intrusion.
5. To meet the requirements of the Scottish Environment Protection Agency.
6. To ensure adequate cycle parking provision is provided and maintained.
7. To meet the requirements of North Ayrshire Council as Roads Authority.
8. To meet the requirements of North Ayrshire Council as Roads Authority.
9. In recognition of the archaeological significance of the site.
10. To secure the proper completion of the development in the interest of amenity.

Reason(s) for approval:

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

Appendix: Location Map

Committee Plans

16/00467/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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