



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 23 February 2022 at 14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely 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 declaration of interest in respect to items of business on the agenda.

2 **Minutes**

The accuracy of the minutes of meeting of the Planning Committee held on 26 January 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 **21/01135/PPM: Site To Southeast Of Hunterston B Power Station, West Kilbride**

Installation of Synchronous Compensator and cable route with associated infrastructure.

4 **Design Brief: Kirkton Self Build Plots**

Submit report by the Chief Planning Officer on the Kirkton Design Brief that will inform all future self-build developments on the self-build site located on Golf Road, Millport (copy enclosed).

5 Housing Land Audit 2020/21

Submit report by the Chief Planning Officer providing an update on the delivery of new homes in North Ayrshire and the housing land supply (copy enclosed).

6 Notices under Section 127, Section 145/145A and Section 33A of the Town and Country Planning (Scotland) Act 1997: Tennox Farm, Kilbirnie

Submit report by the Chief Planning Officer, seeking authority to serve notices under Sections 127, 145/145A and 33A of the Town and Country Planning (Scotland) Act 1997 (copy enclosed).

7 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: No. 9 Sharlee Wynd, West Kilbride.

Submit report by the Chief Planning Officer seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 (copy enclosed).

8 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, 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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If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

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Planning Committee Sederunt

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

Chair:

Apologies:

Attending:

**Planning Committee
26 January 2022**

Agenda Item 2

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid

In Attendance

A. Craig, Head of Service (Democratic Services); J. Miller, Chief Planning Officer, I. Davies and A. Hume, Senior Development Management Officers, L. Dempster and K. Gee, Technicians (Planning) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and A. Little and C Stewart, Committee Services Officers (Chief Executive's Service).

Apologies

Ian Clarkson and Ellen McMaster.

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Planning Committee held on 1 December 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned at 2.15 p.m. to allow internet connectivity issues to be addressed. The meeting reconvened at 2.25 p.m. with the same Members and officers present and in attendance.

3. 21/01115/PP: Site To North Of Fairlie Bowling Club, Main Road, Fairlie, Largs

Mr David Castelvechi had applied for planning permission for the erection of a garden centre and restaurant with associated access, parking and landscaping at the site to the north of Fairlie Bowline Club, Main Road, Fairlie, Largs. Two objections and one submission of support were received and were summarised in the report.

Councillor Billings, seconded by Councillor Marshall, moved that the application be refused on the grounds outlined in the report.

As an amendment, Councillor McNicol, seconded by Councillor Barr, moved that the application be granted, subject to appropriate conditions, including future housing development on the site.

On a division and a roll call vote, there voted for the amendment, Councillors Barr, Larsen, Macauley, McNicol and Reid (5) and for the motion, Councillors Marshall, Billings and Foster (3), and the amendment was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. The use of the site shall be restricted to the ratio of floor area of garden centre to restaurant/café as shown on the approved drawings as identified on drawing 1934 / P04 D.
2. Prior to the commencement of the development, a Construction Management Plan shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement in conjunction with Transport Scotland. The development will thereafter be carried out in accordance with any Plan as may be approved.
3. Prior to the commencement of the development, the details of the access onto the A78 shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement in conjunction with Transport Scotland. The details shall include visibility splays and landscaping and no connection to the trunk road drainage shall be proposed. Thereafter the access shall be formed in accordance with any details as may be approved. The existing access shall be closed following completion of the new access and prior to the operation of the garden centre and restaurant.
4. Prior to the commencement of the development details of the amended core path and a minimum of 10 bicycle parking spaces shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be carried out in accordance with any details as may be approved and the amended path will be completed, and the bicycle parking spaces installed and available for use prior to the operation of the garden centre and restaurant.
5. A 1.8m high trespass proof fence shall be installed on the western boundary adjacent to the railway, to the satisfaction of North Ayrshire Council, as Planning Authority, prior to the operation of the garden centre and restaurant. Any fence installed shall thereafter be retained to the satisfaction of North Ayrshire Council, as Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended, no development shall take place in the area to the north of the post and wire fence as identified on drawing 1934/P02L.

7. Prior to the commencement of the development, details of the proposed planting for the northern boundary of the site shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any landscaping approved shall be carried out in the first planting season following completion of the building. Any landscaping 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.
 8. That the development shall operate only between 9am and 9pm Monday to Sunday.
 9. That prior to the operation of the restaurant/café details of any proposed external flues or cooking ventilation systems shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any details as may be approved shall be installed prior to operation of the restaurant/café and shall be maintained thereafter unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
 10. That prior to the operation of the development details of any proposed external lighting shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any details as may be approved shall be installed prior to operation of the development and shall be maintained thereafter unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
 11. That prior to the commencement of the development, details of surface water management including a soakaway system and porous landscaping shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be carried out in accordance with the details as may be approved.
 12. That prior to the commencement of the development, details of how at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation of low and zero-carbon technologies, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be carried out in accordance with the details as may be approved.
4. **Notices under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land to rear of 62 Main Street, Kilwinning; and Land to rear of 126 High Street, Irvine**

Submitted report by the Chief Planning Officer seeking authority to serve Notices under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the area of land to the rear of 62 Main Street, Kilwinning and the land to the rear of 126 High Street, Irvine for the abatement of the adverse impacts on the amenity of the local area

A report regarding considerable fly-tipping on privately owned land to the rear of 62 Main Street in Kilwinning had been received by Planning Services in December 2021. A fixed penalty notice had been served on the lessee of the adjacent (vacant) shop, and some of the fly-tipped materials had then been deposited onto the adjoining public car park, rather than being removed from to licensed waste or recycling facility. The majority of the waste remained on the private land which is visually prominent from the adjacent public car park and harmful to the amenity of Kilwinning town centre.

Waste had also been dumped within a rear yard beside a public car park at the rear of 126 High Street in Irvine. The bulky waste included various large items of furniture as well as several shopping trolleys. Contact had been made with the owner to request that the area is cleared and Streetscene offered their assistance to the owner and provided a quote to uplift the items for disposal. No action had been taken and the waste remained on the site, harming the amenity of Irvine town centre.

The Committee unanimously agreed (a) to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) on the respective landowner in each case to require:-

- (i) the removal of all waste materials to a licensed waste disposal or recycling facility from (i) the land at the rear of 62 Main Street, Kilwinning; and (ii) the land at the rear of 126 High Street, Irvine;
 - (ii) improved maintenance of both areas of land, to include regular checks for fly tipping and its prompt removal should it occur again; and
 - (iii) the timescale for undertaking such works should be no greater than 6 weeks from the date of the notice;
- (b) that the Head of Service (Democratic Services) make arrangements for a media message publicising the enforcement action being taken in order to preventing future fly-tipping; and (c) that the Chief Planning Officer provide to Members details of the cost to the Council to clear fly-tipping and to take action against owners of sites.

The meeting ended at 3.05 p.m.

NORTH AYRSHIRE COUNCIL

23rd February 2022

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/01135/PPM
Application Registered	1st December 2021
Decision Due	1st April 2022
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Site To Southeast Of Hunterston B Power Station West Kilbride Ayrshire
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Applicant	TINZ Programme 1 ProjectCo 2 Ltd
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Proposal	Installation of Synchronous Compensator and cable route with associated infrastructure
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1. Description

Planning permission is sought for the installation of a synchronous compensator, a cable route and associated infrastructure. The synchronous compensator would be sited on a portion of land some 5850sqm in area in the south-west corner of the former Hunterston Coal Yard. The cable route would travel approximately south-west from this site, a distance of some 1.9km, to a sub-station to the south-east of Hunterston B Power Station. The total development area is some 8.8ha.

A synchronous compensator is plant that can facilitate efficient and stable operation of electricity in a network. Given the total area of the development, it is classed as a 'major' under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations.

The synchronous compensator plant would comprise a generator and flywheel building, a transformer with associate fire walls, circuit breakers, electrical containers, cooler banks and switchgear. The plant would be surrounded by a 3m high palisade fence. The building would be some 693sqm in area and be 13m in height. The exact details of the external finishes have not been confirmed but they would likely be metal cladding. The fire walls would be some 9m in height and the rest of the plant would be between approximately 2m and 10m in height.

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

Planning Statement

This statement summarises all the submitted documents received with the application. Those documents are summarised below.

Pre-Application Consultation (PAC) Report

This report sets out the details and findings of the pre-application consultation carried out with the local community. There was an online event, as permitted by current regulations, and a website, which was visited by 17 people. Issues discussed included construction traffic, drainage, trees and noise.

Design Statement

This report sets out the need for synchronous compensators in the wider electricity grid network. It appraises the specific site features and details of the proposal and summarises the other information submitted.

Landscape and Visual Impact Assessment

This assessment identifies the designated landscapes and character of the landscapes in the area. It appraises the potential views towards the proposed site and how prominent, or otherwise, the development would be. It concludes that the development would be viewed in the context of the industrial area and that it would be screened by existing woodland.

The proposal was subject to EIA Screening under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, on the 1st June 2021 and found not to require an EIA. However, any application was to be accompanied by; a Noise Report, Tree Report, Traffic Management Plan, Surface Water Management Details and a Phase 1 Habitat Survey. These have been submitted and are summarised as follows:

Noise Impact Assessment

The assessment concludes that predicted noise ratings are below background at all noise sensitive receptors assessed.

Flood Risk/Drainage Assessment

The site is assessed to be at low risk of coastal flooding, including coastal. The site is above the current and future 1 in 200 and 1 in 1000 year predicted sea levels. There are no significant surface water pathways crossing the site. There could be some run-on from adjacent land which would be accounted for in site drainage.

Preliminary Ecological Appraisal

The habitats on the site include semi-natural broadleaved woodland, semi-natural mixed woodland, scattered trees, standing water, running water and ephemeral/short perennial vegetation. Protected species were not identified within the site. However, there is some potential for roosting bats in trees on site. Two badger sets were identified in woodland to the east. There is not a requirement for any protected species license at the time of the survey.

Within the site and wider area are suitable habitats for foraging bats, transient otter and other mammals, birds, invertebrates and fish. There are invasive species, including rhododendron, Himalayan balsam and Japanese rose. The appraisal suggests actions which could be carried out to protect/enhance habitats. These measures include a plan to manage surface water, tree protection areas, where necessary, and production of a plan to manage invasive species.

Tree Survey

This survey identifies trees which will either have to be removed or have tree protection measures installed during construction.

The application site is identified by the Local Development Plan adopted 2019 ("the LDP") as part of the Hunterston Peninsula Business and Industry Location. Part of the cable route would pass through an area between the Industry Location and the Hunterston power plants which is identified as countryside. It is also part of the wider Hunterston Development Area. It is largely within the Hunterston House Tree Preservation Order. Given that the cable would be underground and connect existing electricity plant with the allocated Industry Location, it is not considered that the Countryside Objective of Strategic Policy 1 is relevant.

It is considered that the relevant policies of the LDP are Strategic Policy 2: Placemaking, Strategic Policy 3: Hunterston Strategic Development Area, Policy 18: Forestry, Woodland, Trees and Hedgerows and Policy 29: Energy Infrastructure Development.

The Council approved a development framework for Hunterston PARC, which includes the location of the proposed synchronous compensator. The development framework is considered to be a material consideration for this application.

Relevant Development Plan Policies

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.

Strategic Policy 3:

Strategic Development Areas

We will support the development of the Strategic Development Areas identified in this section, in line

with the guidance set out in the following pages.

Proposals must demonstrate they do not adversely impact on the environmental quality of North Ayrshire by way of adverse impact on soils, water, air, population, human health, cultural heritage, material assets, climatic factors, landscape and biodiversity (flora and fauna).

Proposals may require to be the subject of an environmental impact assessment.

Where masterplans have been approved by us we would expect subsequent detailed proposals to align with them.

We will give consideration to masterplans submitted in support of development proposals where they have not been formally approved by the Council as planning authority, however the information attached to any such masterplan will generally be considered for information only. Masterplans prepared by, or on behalf of North Ayrshire Council, may be subject to strategic environmental assessment.

Where alternative uses are proposed, we will determine the acceptability of the proposals on the basis of whether they can positively contribute towards delivering strategic objectives namely the social, economic and environmental implications of alternative uses in helping us achieve the vision for a healthier, working, safer and thriving North Ayrshire.

Our Capital Investment Strategy (see schedule 8) and Action Programme will be critical to delivering the strategic development areas, and we will work with partners to demonstrate how and when development will take place.

Detailed Policy 18 - Forestry, Woodland

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where

there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 29 - Energy Infrastructure 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.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. There has been one representation received from EDF which owns the land which the cable route passes through and operates the adjacent Hunterston B power station. The representation can be summarised as follows:

1. EDF does not object to the principle of the proposal, however, would wish for the cable route to be realigned to the south-east of the proposed route. Hunterston B is being decommissioned and EDF is not clear if the land for the proposed route will be required for associated operations. This matter has been communicated to the applicant. If the land is not used for works associated with decommissioning, EDF may wish to use it for other development in the future.

Response: The cable route submitted must be considered on its own merits. Whilst the potential for use of the land for works associated with decommissioning are noted, the cable route is not within the operational land of the power station. The area in question is identified by the LDP as countryside. Any future development of this land would have to be subject of planning applications and considered on its own merits. Notwithstanding, it is noted that EDF is the landowner, which the applicant has confirmed within the application form. Regardless of any planning permission, the consent of a landowner must be granted to carry out development. It is a private legal matter.

2. On a day-to-day basis, any development in the area must be mindful of the needs of the power station. It is suggested that an Abnormal Load Route Assessment for construction traffic be undertaken, which should include the safe protection of the Towns Water Mains, which serve Hunterston B.

Response: Noted. A condition requiring such an assessment could be attached to any permission, including the need to consult with EDF in the carrying out of any assessment.

3. Any developer must ensure measures are put in place to protect staff, including construction, and other visitors in terms of emergency planning; which would have to be agreed with the Council who is responsible for the Hunterston B off-Site Emergency Plan.

Response: Noted. This concern would not be a material planning matter. Any developers would need to meet the requirements of any nuclear license including emergency planning. The applicant has been advised of these comments.

4. The Scottish Nuclear Site License Provisions Agreement (SNSLPA) requires the applicant to provide further details of the proposed equipment for the connection to the transmission system.

Response: Noted. This matter would be between any developer, EDF and any other relevant body. The applicant has been made aware of this concern and the other EDF comments. The Office for Nuclear Regulation does not advise against the development.

Office for Nuclear Regulation (ONR) - no objection. The proposed site development does not present a significant external hazard to the safety of the nuclear site. ONR does not advise against this development.

Response: Noted.

NAC Environmental Health - No objections to the principle of the development. Any permission should be subject to a condition that the noise level should not exceed background noise level at the curtilage of any noise sensitive premises existing or consented at the date of any permission.

Response: Noted. Such a condition would also prevent the development from sterilising the rest of the Strategic Development Area from future development. The applicant has submitted information that the plant will be able to operate at that level.

NAC Active Travel and Transportation - Suggest that given the numerous proposals in the area, a cumulative transportation assessment should be carried out. Any construction vehicles should avoid the following routes - C26 and local unclassified roads, B780/B781, any route through Fairlie.

Response: The suggestion of a cumulative assessment is noted. However, it is not considered necessary or proportionate in respect of this application. A development framework for the site has been approved and as plans develop, cumulative assessments may be required. The applicant has confirmed the named routes can be avoided. A Construction Management Plan could be required by condition which would reflect this.

West of Scotland Archaeology Service (WoSAS) - The site is within a rich archaeological landscape. A condition should be attached to any permission requiring a scheme of investigation to be agreed prior to commencement and then carried out.

Response: Noted. The site of the plant is within an existing former coal yard. However, the cable route would pass through an area of countryside. As such a suitable condition relating to archaeology could be attached to any permission, if granted.

West Kilbride Community Council - WKCC acknowledges that the proposal is energy related and makes representations that the disturbance to wildfowl should be kept to a minimum. Any major deliveries of structural items should be delivered by sea.

Response: As a condition of any permission, the developer could be required to adhere to the recommendations of the submitted Habitat Survey which includes provision for minimising impact on birds. A condition could be added to any permission to agree a Construction Management Plan, including Abnormal Load Route Assessment, with the Council which could address any potential abnormal loads.

Fairlie Community Council - No comments

Response: Noted.

3. Analysis

Strategic Policy 3, in respect of Hunterston, recognises the strategic national importance of Hunterston and sets out the type of development which will be supported, which includes energy sector development. The Policy states that a masterplanned approach is required.

On the 1st of December 2021, the Planning Committee approved a development framework for Hunterston PARC, which includes the location of the proposed synchronous compensator. The development framework identifies this location as suitable for development. It identifies that a wide range of industrial and associated uses would be suitable for this location. The wider area is envisaged to be a hub for energy technologies and allow various types of industry benefit from the energy linkages of the site.

The proposal is for plant which regulates the flow of electricity to the wider grid network. It would link to existing energy infrastructure. The proposed above ground site is some 0.5ha in area which equates to roughly 0.5% of the Strategic Development Area, not including the areas identified as Hunterston Nuclear or Marketable Employment Land in the LDP. The proposal is for the installation of plant, relating to the energy sector, on an existing hardstanding within a larger vacant coal yard. The cable route would be sited underground, primarily through land not identified as directly suitable for any above ground development. The proposal could be operated, and controlled by condition, at background noise level when measured at the nearest receptors. It is considered the proposal accords with the identified suitable uses for the area and would not interfere with any wider redevelopment proposals. Therefore, the proposal accords with the development framework. It is noted that permission exists for a synchronous compensator on a site immediately to the south (ref: 20/00942/PP) and an energy consent for a synchronous compensator and battery storage

has been granted by the Scottish Government, to the south-east of the cable route (ref: 21/00855/CON).

Policy 29 of the LDP states that support will be given to energy infrastructure development where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors in this instance are considered to be impacts on residential amenity by way of noise, landscape and impact on trees and habitats. Policy 18 of the LDP states that development will only be supported when it would not result in the loss or deterioration of long-established plantation or semi-natural woodland. Strategic Policy 2 of the LDP sets out the qualities of a successful place including the visual and amenity considerations for a development.

The plant would be used to facilitate efficient provision of electricity to the National Grid and as such it is considered it would contribute to a low carbon economy. The development would utilise part of an existing yard. The cable route would potentially require tree works including the potential removal of some trees within the Hunterston Tree Preservation Order Area ("the TPO").

The TPO is some 68ha in area. The proposed cable route provides scope to microsite the cable within the route and as such it is not known how many trees would be affected. However, the tree survey information suggests the requirement to remove some 15 trees with another 26 or so requiring protection measures. Such measures could be required by condition as could the final confirmation of the trees to be removed. Notwithstanding, given the context of the TPO and the relatively small number of trees, it is not considered the amenity of the TPO would be significantly affected, subject to micro-management measures. The proposal would not result in any significant loss or deterioration of the woodland. The Council would retain control over the trees within the TPO.

It is also not considered there would be any significant impacts on habitats. Any permission could be conditioned to ensure construction is carried out in accordance with the relevant recommendations of the submitted Habitat Survey.

In terms of residential amenity, the nearest residential property is approx. 370m to the east. The settlement of Fairlie is some 1.9km to the north-east. The applicant has submitted a Noise Report which states the development would not operate above background noise level. Environmental Health has no objection, and a condition could be added to any permission controlling the noise levels. Environmental Health also has powers to control any statutory noise nuisance. A condition could also be added to any permission to agree a Construction Management Plan to minimise potential disruption during the construction period.

The development would have a utilitarian appearance, as may be expected in an industrial area. The proposed heights of the building and fire walls are similar to surrounding trees and a similar scheme, which was permitted on an adjacent site. The development would not be prominent in an industrial area. A condition could be attached to any permission to confirm the external finish of the building. The site of the plant is screened by mature trees to the west, south and east. To the north of the site is the remainder of the former coal yard which extends for some 1.5km. The development would be largely screened from public viewpoints. Any parts which may be visible would be viewed in the context of the industrial land and as such it is not considered there would be any adverse visual impact from the developments.

The development is for energy infrastructure development. It is not considered that the development would have any unacceptable environmental impacts. The proposal therefore accords with Strategic Policy 2, Policy 18 and Policy 29 of the LDP. The proposal also accords with the aims of Strategic Policy 3 for the development of Hunterston. It is recommended that planning permission can be granted subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. Prior to the commencement of the development a scheme of archaeological investigation shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement. The development will thereafter be carried out in accordance with any scheme as may be approved by North Ayrshire Council, as Planning Authority.

Reason

In recognition of the cable route passing through an area of archaeological interest.

Condition

2. Prior to the commencement of the development a Construction Management Plan (CMP), including an Abnormal Load Route Assessment for construction traffic, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be carried out in accordance with any details of the Assessment, as may be approved by North Ayrshire Council, as Planning Authority. For the avoidance of doubt construction traffic shall avoid the C26 and local unclassified roads, the B780/B781, and any route through Fairlie. The safe protection of the Towns Water Mains shall be assessed, and submitted to North Ayrshire Council, as Planning Authority, for written approval..

Reason

To ensure appropriate management and routing of construction traffic in the interest of road safety and the requirements of the Hunterston B nuclear facility.

Condition

3. Prior to commencement of the development details of the finish material of the convertor building 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 by North Ayrshire Council, as Planning Authority.

Reason

To ensure an appropriate finish to the building in the interests of visual amenity.

Condition

4. Prior to the commencement of any works on the cable route, hereby approved,, details of works required to trees, including protection measures, shall be submitted to North

Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be undertaken in accordance with such details as may be approved by North Ayrshire Council, as Planning Authority.

Reason

In recognition of the Tree Preservation Order and in the interests of visual amenity.

Condition

5. The development shall be undertaken in accordance with the recommendations on Pages 27 and 28 of the Habitat survey dated October 2021 prepared by Envirocentre which was submitted as part of this application, all to the satisfaction of North Ayrshire Council, as Planning Authority.

Reason

In recognition of the habitats identified and to mitigate any impact during construction.

Condition

6. The rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the proposed plant must not exceed the background noise at the curtilage of any noise sensitive property.

Reason

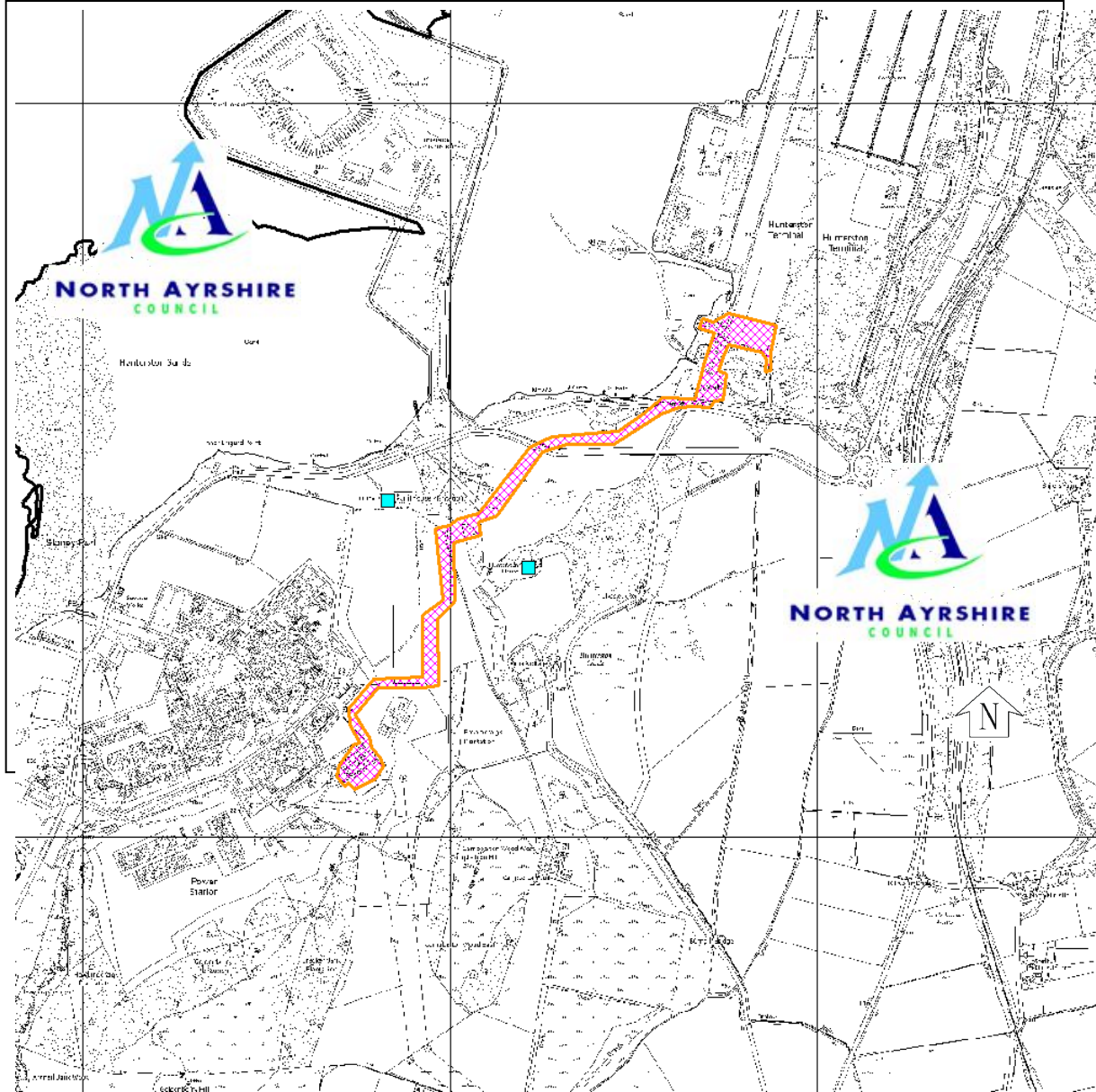
To ensure appropriate noise levels in the interests of amenity.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL
10th March 2022**Planning Committee**

Title: **Design Brief: Kirkton Self Build Plots****Purpose:** To inform members of the drafted Kirton Design Brief and seek approval of the guidance so it may replace existing guidance.**Recommendation:** It is recommended that the Planning Committee approves the updated design brief provided in Appendix 1, which will become a material consideration in the determination of any future planning applications relating to the self-build site located on Golf Road, Millport.

1. Executive Summary

- 1.1 This report seeks approval for the Kirkton Design Brief. Should the document be approved by committee, the design brief will inform all future self-build developments on the site. The Design Brief will replace the current document published in 2007 and will be a public facing document made available through the Council's website.
- 1.2 The purpose of the design brief is to set out the parameters under which each of the individual plots within the Golf Road self-build site may be developed and to provide guidelines for the design of the houses. The Design Brief is the result of a planning condition for the self-build site that requires any new house to comply with the brief. It may be referenced by Planning Officers when assessing the merit of an application for housing on the site and will be a material consideration in decision making.
- 1.3 The draft Design Brief has been subject to a 21-day public consultation to inform the final guidance. No representations were received during this process.

2. Background

- 2.1 In 2005, a first phase of residential development, Golf Road, was granted planning permission for 22 residential plots (04/00684/PP). The second phase (Kirkton Crescent) was granted planning permission in 2007 and comprises of a further 15 plots (06/00854/PP). Both Planning Permissions require that any new house complies with a Design Brief.

- 2.2 The site is located off Golf Road, Millport providing the opportunity for 37 residential developments. Currently 24 plots have been developed and a further 3 have been awarded planning permission in full.
- 2.3 The existing Design Brief applicable to all new houses in the development dates from 2007. Currently, proposed developments that do not adhere to the design brief must be presented to North Ayrshire Council's planning committee for approval. The need to revise the document to reflect current development requirements has been identified.
- 2.4 Revising the Design Brief will enable future development proposals to be determined under delegated authority providing they comply with the new document. The brief aligns with the terms of the previous developments that were presented to planning committee for approval.
- 2.5 The Design Brief provides guidance on building lines and zones, plot access and parking, boundary treatments, landscaping, house constraints and materials.
- 2.6 Highlighted changes to the Kirkton Design Brief include;
- Landscaping: Requirement to plant a tree within the front garden has been removed. Landscaping proposals will be assessed on their own merit by Planning Officers.
 - House Constraints: Requirement for dormers to have pitched roofs has been omitted. Designs will be assessed on their own merit by Planning Officers.
 - Materials Constraints: List of acceptable finishing wall materials has been removed to allow wider scope for architectural innovation. Reference to specific roof tile and slate products has been removed. Material manufacturer is not deemed to be relevant providing the finishing material is in accordance with the design guide.
 - Demolition Method Statement has been omitted.
- 2.7 The draft Design Brief has been subject to a 21-day planning consultation to inform the final guidance. Neighbour notification letters were issued to neighbouring residential properties. No representations were received during this process.

3. Proposals

- 3.1 It is recommended that the Committee approves the Kirkton Design Brief provided in Appendix 1.

4. Implications / Socio-economic Duty

Financial

- 4.1 None

Human Resources

- 4.2 The design guide will assist Planning Officers when assessing the merit of an application for housing on the self-build site. This will be addressed with existing staff resources. Currently all applications relating to the site require being submitted to planning

committee for approval as they are not in accordance with the Design Guide due to the outdated nature of the existing document. The approval of this document will ensure staff time is saved as future applications will not need to be submitted for committee approval, providing they are in accordance with the new document.

Legal

- 4.3 There is a planning condition for applications *04/00684/PP* and *06/00854/PP* to ensure all self-build developments on the site accord with a design guide. The design guide is provided for applicants and developers to comply with that condition.

Equality/Socio-economic

- 4.4 None

Environmental and Sustainability

- 4.5 The design brief aligns with the Council's net zero carbon policy.

Key Priorities

- 4.6 The design brief aligns with many the Council's key priorities as set out in the Council Plan, including affordable, modern, and well-designed homes; vibrant, welcoming and attractive places; and new homes constructed.

Community Wealth Building

- 4.7 None.

5. Consultation

- 5.1 As noted in paragraph 2.7, a 21-day planning consultation was launched on the 17th January, with the brief published on the Council's website. Neighbour notification letters were issued to neighbouring residential properties. No representations were received.
- 5.2 Although no representations were received during the planning consultation, this is not regarded as problematic. Neighbours will be kept up to date regarding future developments via Neighbour Notification letters and will have the opportunity to comment on any future planning applications.

James Miller
Chief Planning Officer

For further information please contact **Rowan Carmichael, Assistant Planning Officer** on rowancarmichael@north-ayrshire.gov.uk.

Background Papers

None

Appendix 1

Kirkton Design Brief
North Ayrshire Council



Kirkton Design Brief

Residential Development

Golf Road, Milport, Isle of Cumbrae
March 2022 | V1



LOCAL
DEVELOPMENT
PLAN



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Introduction

The purpose of this Development/Design Brief is to set out the parameters under which each of the individual plots within the Golf Road self-build site may be developed and to provide guidelines for the design of the houses incorporating density, height restrictions and material choices.

In 2005, a first phase of residential development, Golf Road, was granted planning permission for 22 residential plots (04/00684/PP). The second phase (Kirkton Crescent) was granted planning permission in 2007 and comprises of a further 15 plots (06/00854/PP). Both Planning Permissions require that any new house complies with a Design Brief.

The original Design Brief was published in 2007, the need to revise the document to reflect current development requirements was identified. This Design Brief supersedes the original design brief.

Highlighted changes to the Kirkton Design Brief include;

- **4.0 Landscaping:** Requirement to plant a tree within the front garden has been removed. Landscaping proposals will be assessed on their own merit by Planning Officers.
- **5.0 House Constraints:** Requirement for dormers to have pitched roofs has been omitted. Designs will be assessed on their own merit by Planning Officers.
- **6.0 Materials Constraints:** List of acceptable finishing wall materials has been removed to allow wider scope for architectural innovation. Reference to specific roof tile and slate products has been removed. Material manufacturer is not deemed to be relevant providing the finishing material is in accordance with the design guide.
- **Demolition Method Statement** has been omitted.

Golf Road Self Build



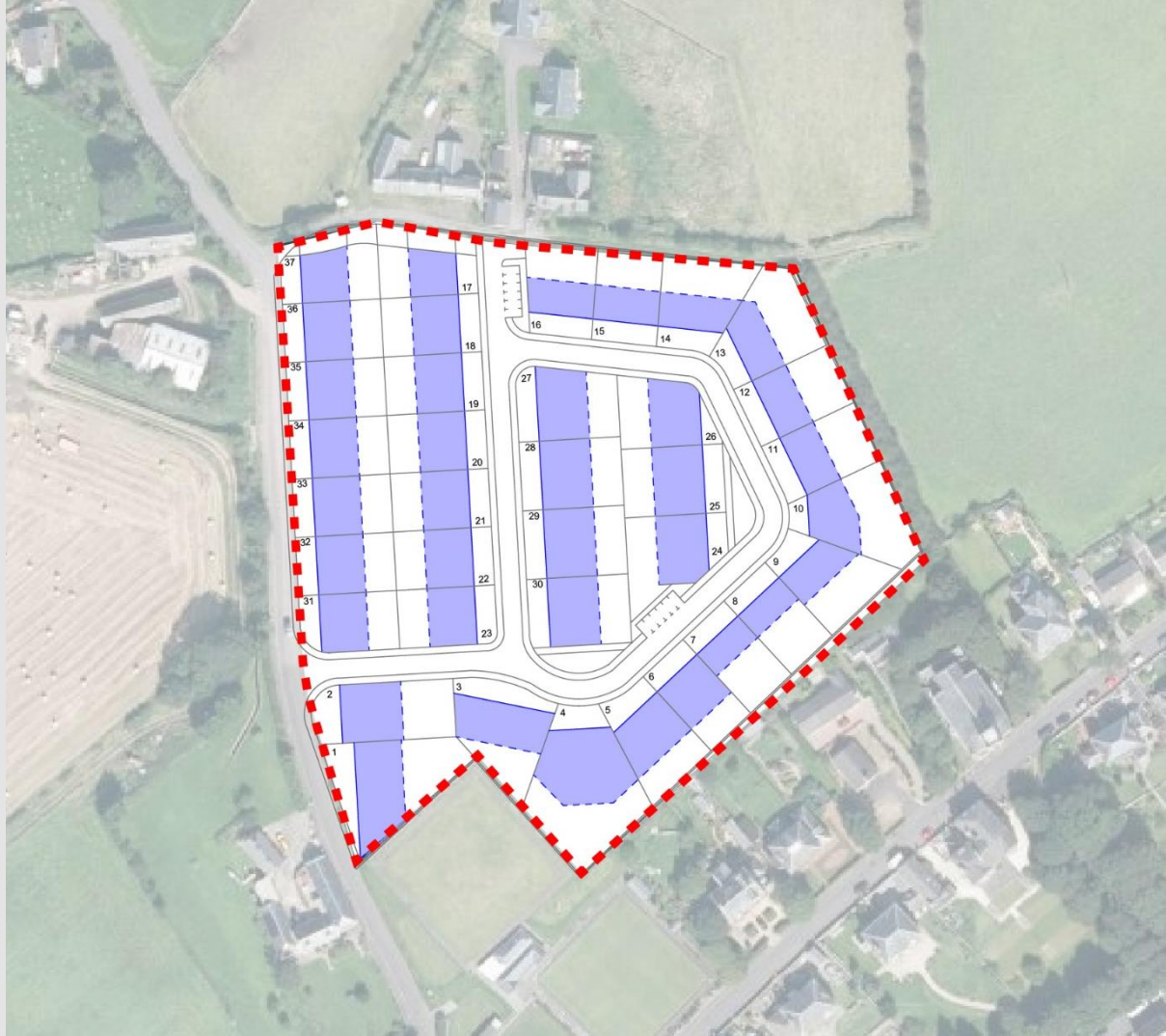
Context

The site is located off Golf Road, Millport, Cumbrae providing the opportunity for 37 self-build residential developments. At the time of writing 24 sites have been developed and a further 3 have been awarded planning permission in full.

KIRKTON DESIGN BRIEF



Design Brief



1.0 Building Lines / Zones

Each plot shall be developed within the front Building Lines set on the overall development plan and no house shall cover more than 30% of the plot area. The remaining area to be used for access, amenity, and private gardens.

KIRKTON DESIGN BRIEF

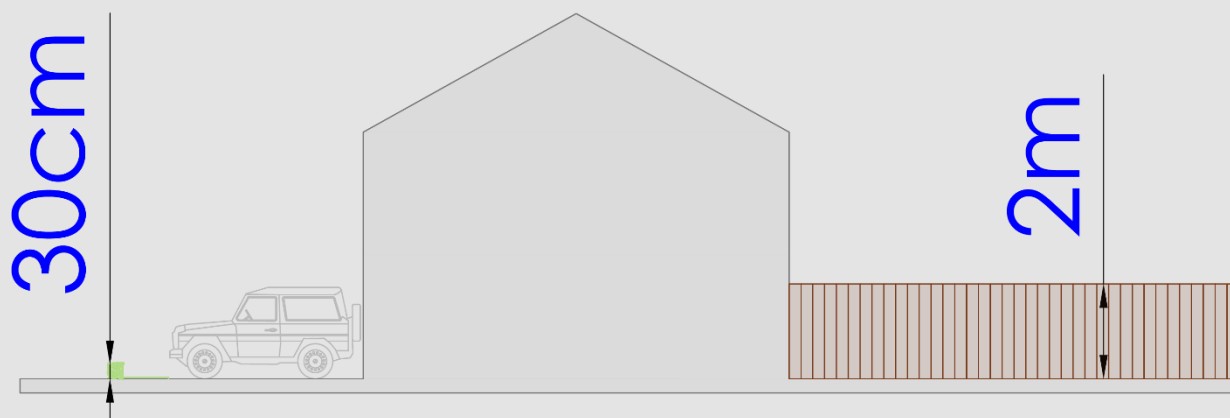


2.0 Plot Access and Parking

The first 2 metres of all private driveways shall be finished in a suitable hard material.

In every plot there shall be parking for a minimum of 2 cars. This may be in the form of a driveway or garaging either integral or detached from the house and of an appropriate size.

Dwellings with 4 or more bedrooms require three parking spaces within the curtilage of the site.



3.0 Boundary Treatment

Each plot shall form enclosures in line with the following guidelines.

In no case shall there be erected a fence or wall to any boundary in front of the front building line.

The boundary in front of the front building line shall be formed by landscape treatment in the form of low planting no more than 300mm high or by edge treatment of the driveway.

The side boundaries from the front building line to the rear of each plot may be enclosed by a fence up to a height of 2.0 metres in accordance with the attached details but this shall not preclude the planting of a suitable hedge which must not be Leylandi or equal fast growing conifer type.

It should be noted that there shall be no walls or fences erected beyond the side building lines on corner plots, namely plots 16, 24 and 26.

KIRKTON DESIGN BRIEF



4.0 Landscaping

In every case no plot owner shall cover any more than 25% of their plot area, after the construction of the house, with hard standing.

Plots 10 – 16 inclusive shall retain a 5-metre-wide structural planting zone to their north / northeast boundary and details of this shall be agreed with the Planning Department by the Developer and must be implemented by the developers of these plots.

Plots 7, 8 and 9 shall form a mature planting screen to their southeast boundary within 6 months of the occupation of the house and details of this planting shall be included in the developers Planning Application submission.

KIRKTON DESIGN BRIEF



5.0 House Constraints

No house shall be more than 1.5 storeys high, and each plot shall conform to the finished ground levels as indicated on the development plan.

KIRKTON DESIGN BRIEF



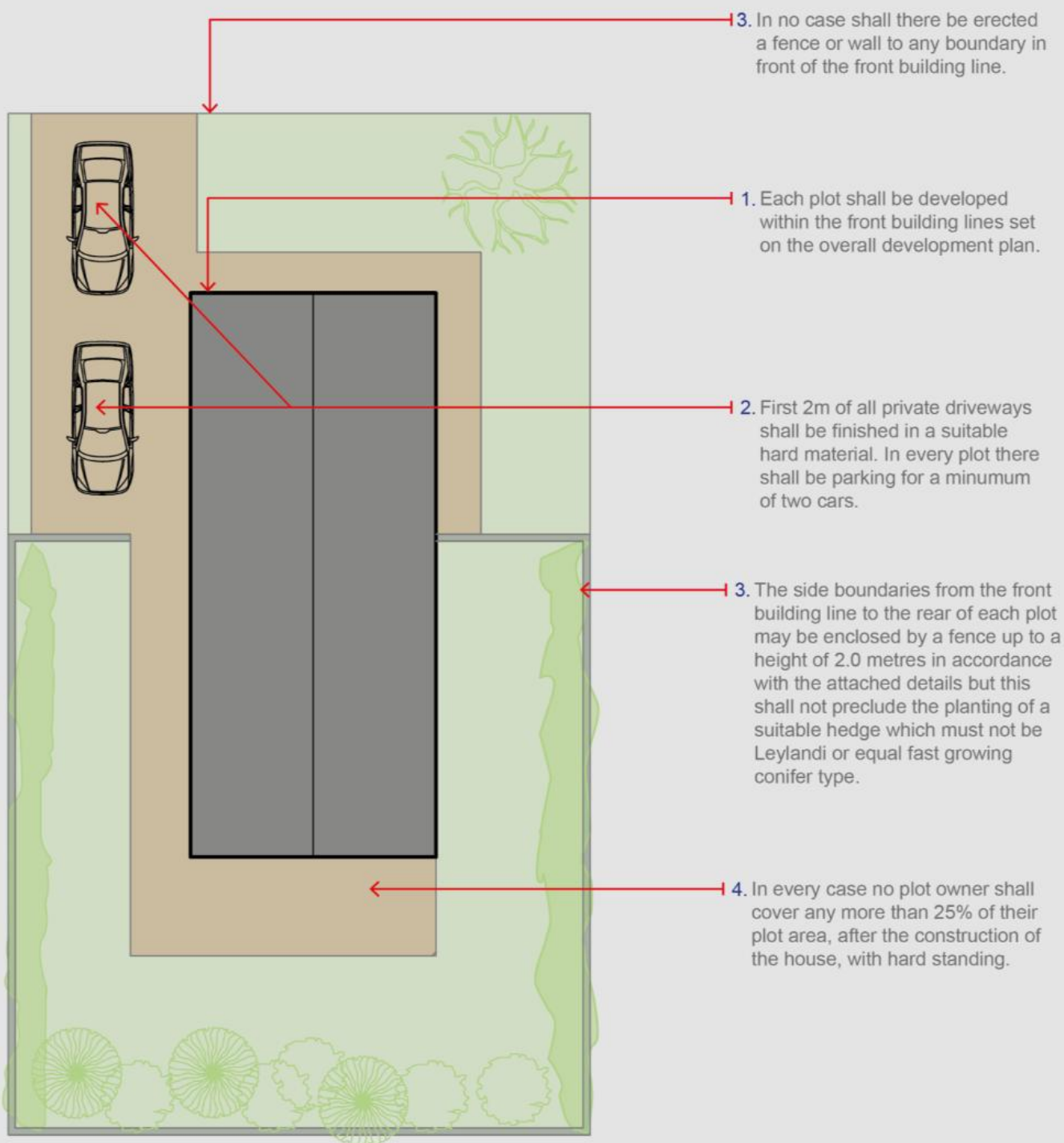
6.0 Materials

Each house shall be constructed / finished in materials conforming to the following guidelines.

Walls; No more than 90% of the external surface finished in any one material.

Roofs; All roofs shall be finished in interlocking concrete tiles or natural slate.

Example Plot



Planning Guidance

North Ayrshire Council's Local Development Plan (LDP) supports development that contributes to making quality places.

All future development must be sustainable and designed to high standards, based on a detailed assessment of the site and its surroundings. Proposals should be supported by Strategic Policy 2: Placemaking. The Council wishes to create high quality developments which are welcoming, safe and pleasant, resource efficient, distinctive, adaptable and easy to move around and beyond.

Should proposals be supported by Strategic Policy 2, proposals will need to accord with detailed policies within the Local Development Plan, namely but not limited to;

- Policy 22 – Water Environment Quality
- Policy 29 – Energy Infrastructure Development

In addition to LDP policies, the Neighbourhood Design Guidance sets out design principles and approaches to ensure the delivery of appropriately designed developments.

Development proposals must adhere to the Local Development Plan and Design Brief.

Links to the policy documents referred to are linked below;

- North Ayrshire Council [LDP2](#)
- North Ayrshire Council [Neighbourhood Design Guidance](#)

Contact

Should the developer/applicant wish to contact North Ayrshire Council to discuss the contents of the Design Brief further, the relevant bodies for advice are listed.

Development Management | For pre-application enquiries

Planning Services | Economic Development & Regeneration | Place
North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE

Email | epanning@north-ayrshire.gov.uk

Telephone | North Coast (West Kilbride, Fairlie, Largs, Cumbrae,
Skelmorlie): 01294 324794 or 01294 324320

Three Towns (Ardrossan, Saltcoats, Stevenston):
01294 317285

Isle of Arran: 01294 324316

Irvine: 01294 324318

Kilwinning & Garnock Valley (Dalry, Kilbirnie, Beith):
01294 324313

Development Planning | For policy advice

Planning Services | Economic Development & Regeneration | Place
North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE

Email | ldp@north-ayrshire.gov.uk

Telephone | 01294 324 763

Ends.

NORTH AYRSHIRE COUNCIL

23 February 2022

Planning Committee

Title:	Housing Land Audit 2020/21
Purpose:	To provide the Committee with an update on the delivery of new homes in North Ayrshire and the housing land supply.
Recommendation:	To note the contents of the report.

1. Executive Summary

- 1.1 The annual Housing Land Audit (HLA) for North Ayrshire – covering the period April 2020 to March 2021 – has been finalised. The audit provides an overview of housing delivery, the housing land supply and the housing market in North Ayrshire. It is an important exercise in tracking the performance of the Local Development Plan, the delivery of new housing and forecasting future service demand.
- 1.2 The most recent audit shows there was a reduction in overall housing completions during the last monitoring year (2020/21), which can be attributed to the impact of coronavirus on the delivery of affordable housing. The impact of the pandemic on delivery and an apparent strengthening of the private housing market in North Ayrshire means a significant number of new homes – over 2,300 – are expected to be completed over the next four years.

2. Background

- 2.1 Housing Land Audits (HLA) are prepared by planning authorities, usually annually, to monitor housing completions and are used to programme future house building. Members will be aware that, through the Strategic Housing Investment Plan (SHIP) and Local Development Plan 2, a proactive approach has been taken to increasing the delivery of both market and affordable housing in North Ayrshire in recent years. The HLA is key to tracking progress against this aspiration.
- 2.2 The following paragraphs set out the main results from North Ayrshire's most recently agreed Housing Land Audit, which covers the period April 2020 to March 2021. This period coincides with the coronavirus pandemic which has had both direct and indirect impacts on the housebuilding sector, from the closure of construction sites to issues around the availability and increased cost of labour and materials.

Completions

- 2.3 There were 226 housing completions on Housing Land Audit sites during the period April 2020 to March 2021, of which the majority (187) were in the private sector. The number of private completions increased from 179 in the previous year, despite building sites being closed between March and June 2020. In contrast, coronavirus had a significant impact on delivery of affordable homes during 2020/21, with an 82% decrease on 2019/20. The overall trend remains one of increasing completions over the past five-years for both tenures, demonstrating a strengthening in the private housing market within North Ayrshire alongside our ambitious programme of delivering new affordable housing.

Table 1 – Housing Land Completions (Units)

	2016/17	2017/18	2018/19	2019/20	2020/21
Private	137	83	222	179	187
Affordable	34	136	188	220	39
Total	171	219	410	399	226

Consents

- 2.4 There has been a significant increase in the number of new homes granted Planning Permission since the adoption of LDP2. Planning Consents were granted for 612 new dwellings during 2020/21 and a Certificates of Lawful Use or Development (CLUD) were issued for a further 353 affordable homes to be delivered by North Ayrshire Council. The previous year saw 892 new homes approved, a figure boosted by Planning Applications for two of five new housing sites allocated by Local Development Plan 2 at Woodfarm, Kilwinning (198 units) and Mayfield Farm, Saltcoats (392 units).

Programming

- 2.5 Alongside recording housing completions, the HLA programmes future completions. Based on discussions with landowners and developers, current/previous build rates and recent Planning Consents, completions on all housing land sites are forecast over a seven-year period. Focusing on private sector completions, the programming indicates a total of 1709 units will be delivered over the next seven years at an average of 244 per year, which would be an increase of c.80 units per annum on the most recent five- year average.
- 2.6 A significant level of delivery of housing built by the Council and Housing Associations is also programmed over the next four years, reflecting the most recent Strategic Housing Investment Plan and committed Scottish Government and local authority funding. Delivery of many of these new affordable units has been pushed back from 2020/21 to this and subsequent years. In total, the SHIP is expected to deliver 1568 new affordable homes over the next five years.

Table 2 – Housing Programming (Units)

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Private	179	221	305	309	281	235	179
Affordable	357	380	358	264	0	0	0
Total	536	601	663	573	281	235	179

Housing Land Supply

- 2.7 The 2020/21 Housing Land Audit indicates North Ayrshire has 79 effective housing sites with a total capacity of 4697 units. Furthermore, 78 sites classified as Longer Term (e.g. non-effective) have a capacity of 3698 units. Through the HLA process, we are committed to continuing to review our effective and non-effective housing sites to give a true reflection of the potential of the land supply to deliver new housing.
- 2.8 The full Housing Land Audit report and previous year's reports are published on the Council's website. The Housing Land Audit is a cornerstone in our monitoring of the Local Development Plan, which set a housing target of 4071 new homes between 2019- 2029; has informed a revised target as set out in the draft Local Housing Strategy (2022- 2027) and will also inform the next Local Development Plan. Audit information is also used across the Council to inform forecasts of future service demand, for example for school capacity and waste collection, and also Council Tax revenue.

3. Proposals

- 3.1 The 2020/21 Housing Land Audit is brought to the attention of the Planning Committee for information only. The recommendation is to note the contents of the report.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

Legal

- 4.3 None.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 The delivery of new housing has a key role to play in carbon reduction, climate change mitigation, and alleviation of fuel poverty. A key element of the Council's house building programme is that new homes are sustainable and that project design, building materials and component parts maximise energy efficiency and reduce running costs.

Key Priorities

- 4.6 The provision of affordable, modern and well-designed homes that meets residents' needs is one of the Council's key priorities. New housing will support a place-based economic recovery and contribute to tackling depopulation.

Community Wealth Building

- 4.7 New housing, particularly where delivered by the Council, is one way of making the best use of our land and assets to support community wealth building. This includes by ensuring local fair employment and training opportunities are created and supply chains are supporting during the construction phase.

5. Consultation

- 5.1 Consultation is undertaken with the house building sector via industry body Home for Scotland on the programming element of the Housing Land Audit.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

0

NORTH AYRSHIRE COUNCIL

23rd February 2022

Planning Committee

Title:	Notices under Section 127, Section 145/145A and Section 33A of the Town and Country Planning (Scotland) Act 1997: Tennox Farm, Kilbirnie
Purpose:	<p>To seek authority to serve notices under Sections 127, 145/145A and 33A of the Town and Country Planning (Scotland) Act 1997 requiring:</p> <ol style="list-style-type: none"> 1. the clearance of all materials and restoration of the grazing land to the northwest of the Tennox Farm; 2. the compliance with conditions attached to planning permissions granted during 2021 for developments at Tennox Farm; and 3. the submission of a planning application for the erection of unauthorised buildings (including their associated curtilages) at Tennox Farm that have been erected since 2020
Recommendation:	Agree that authority be given to serve Notices under Sections 127, 145/145A and 33A of the Town and Country Planning (Scotland) Act 1997 in respect of the unauthorised land uses, breaches of conditions and development at Tennox Farm

1. Executive Summary

- 1.1 The Council has received a number of reports in recent years that land at Tennox Farm near Kilbirnie has been developed with a number of unauthorised buildings as well as formation of a large yard area. In addition, numerous lighting schemes have been installed on the land, resulting in significant light pollution in the surrounding rural area.
- 1.2 An enforcement notice under Section 33A of the Act was served on the owner of the land in February 2019. The notice required the submission of a planning application in respect of an unauthorised riding arena, a metal shed with blockwork porch and a stable block (ref. 18/00019/ALTS). Since that time, two planning applications have been made and permission has now been granted, subject to conditions, for the unauthorised works (ref. 21/00104/PP and 21/00105/PP).
- 1.3 To date, conditions that were attached to the above planning permissions have not been complied with, despite regular contact having been made by officers.

- 1.4 In addition, complaints have been received about further unauthorised works at Tennox Farm dating back to 2020. The owner has been advised on the need for planning permission on a number of occasions. An application was made for the yard area to the west of the steading but was subsequently withdrawn. No applications have been submitted for the more recent building works that are subject of complaints.

2. Background

- 2.1 As noted above, an enforcement notice was served on the owner of Tennox Farm in 2019 in relation to unauthorised building works. Whilst the matters raised at that time have since been addressed through the submission of applications and subsequent grants of planning permission, it is noted that several of the conditions have been breached.

- 2.2 In respect of planning permission ref. 21/00104/PP, which relates to the erection of a general-purpose storage shed, condition 2 states:

That, within 2 months of the date of this planning permission, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a revised scheme of lighting for the building and its approach road from the B780, the aim of which shall be to significantly reduce the adverse visual impacts and glare of the existing lighting scheme on the night sky in the rural area around Tennox Farm. Thereafter, the revised lighting scheme shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority within three months of the approval of such details.

Reason: In the interest of the amenity of the area.

- 2.3 In respect of planning permission ref. 21/00105/PP, which relates to the erection of a stables building with riding arena, condition 3 states:

That, prior to the recommencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the proposed external lighting scheme for the building and associated riding arena. The details shall include measures to significantly reduce the adverse visual impacts and glare on the night sky in the rural area around Tennox Farm. Thereafter, any scheme that may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the development coming into operation.

Reason: In the interest of the amenity of the area.

- 2.4 The failure of the owner to comply with the above conditions is proving harmful to the amenity of the rural area, resulting in light pollution and further complaints from local residents. Due to the elevated position of Tennox Farm, as well as the higher ground to the west and on the opposite (east) side of the Garnock Valley, the visual impact of the lighting scheme is affecting a very wide area. Inspections by officers have confirmed that the current lighting schemes at Tennox Farm are excessive, with considerable light spill beyond the immediate confines of the site, due to the number of lights, their brightness levels and their open-sided design. The owner has continued to operate and install more lighting despite the limitations and requirements set out in the above conditions.

- 2.5 With regard to the land to the northwest of the main steading at Tennox Farm, a small yard has been significantly extended since 2019. The extended yard, which has an area of approximately 1 hectare, has been formed by scraping the topsoil from a field and forming a bund to its western edge. The land has been surfaced using compacted aggregates and is being used to store construction materials and what appears to be waste from building operations. The yard is particularly visible when viewed from the B784 road to the west. The B784 is at a higher ground level and provides views over Tennox Farm and the surrounding rural area. A retrospective planning application (in conjunction with the unauthorised storage shed) was submitted during 2020 (ref. 20/00446/PP). However, with no clear purpose for the yard in the submission, the application was withdrawn pending further discussion on the suitability of it being retained, or alternatively, restored to grazing land. To date, no further application has been made and the yard remains unauthorised.
- 2.6 Further building works which have taken place at Tennox Farm since 2020 include the erection of a substantial single storey building of domestic design and appearance together with an associated curtilage and several smaller scale outhouses. The domestic building is L-shaped on plan and is located at the eastern side of the steading. An application for Planning Permission has not been made and the buildings and its curtilage are therefore unauthorised. The building is partially visible from the B780 to the east of Tennox Farm as well as being wholly visible from the B784 to the west.
- 2.7 As noted, Tennox Farm is within a rural area of North Ayrshire. The impact of the unauthorised land uses and developments are considered to be harmful to the amenity of the countryside. In addition, the scale of the developments are now such that the planning policy considerations associated with the more recent works would be potentially contrary to Strategic Policy 1, The Countryside Objective, of the adopted North Ayrshire Local Development Plan.

3. Proposals

- 3.1 It is recommended that Notices under Section 127, 145/145A and 33A of the Town and Country Planning (Scotland) Act 1997 (as amended) are served on the land owner(s) of Tennox Farm as follows:
1. **Under Section 127:** The clearance of all materials and restoration of the grazing land to the northwest of the Tennox Farm;
 2. **Under Section 145/145A:** The compliance with conditions attached to planning permissions granted during 2021 for developments at Tennox Farm (references 21/00104/PP and 21/00105/PP);
 3. **Under Section 33A:** the submission of a planning application for the erection of unauthorised buildings (including their associated curtilages) at Tennox Farm that have been erected during or since 2020.
- 3.2 In these circumstances, the timescale for compliance with the notices should be no greater than 6 weeks from their date of service.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 The proposed Enforcement Notices would be served in accordance with statutory procedures. Non-compliance with Enforcement Notices is an offence which the Council could report to the Procurator Fiscal.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 The proposed Enforcement Notices would address the ongoing matter of unauthorised development and use of land at Tennox Farm, Kilbirnie in the interests of safeguarding the amenity of North Ayrshire's rural area.

Key Priorities

4.6 The proposed Enforcement Notices would support the Council Plan priority: "Vibrant, welcoming and attractive places"; and the adopted Local Development Plan Spatial Strategy and in particular The Countryside Objective.

Community Wealth Building

4.7 Any direct action taken under the Planning Acts can support progressive procurement.

5. Consultation

5.1 None.

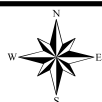
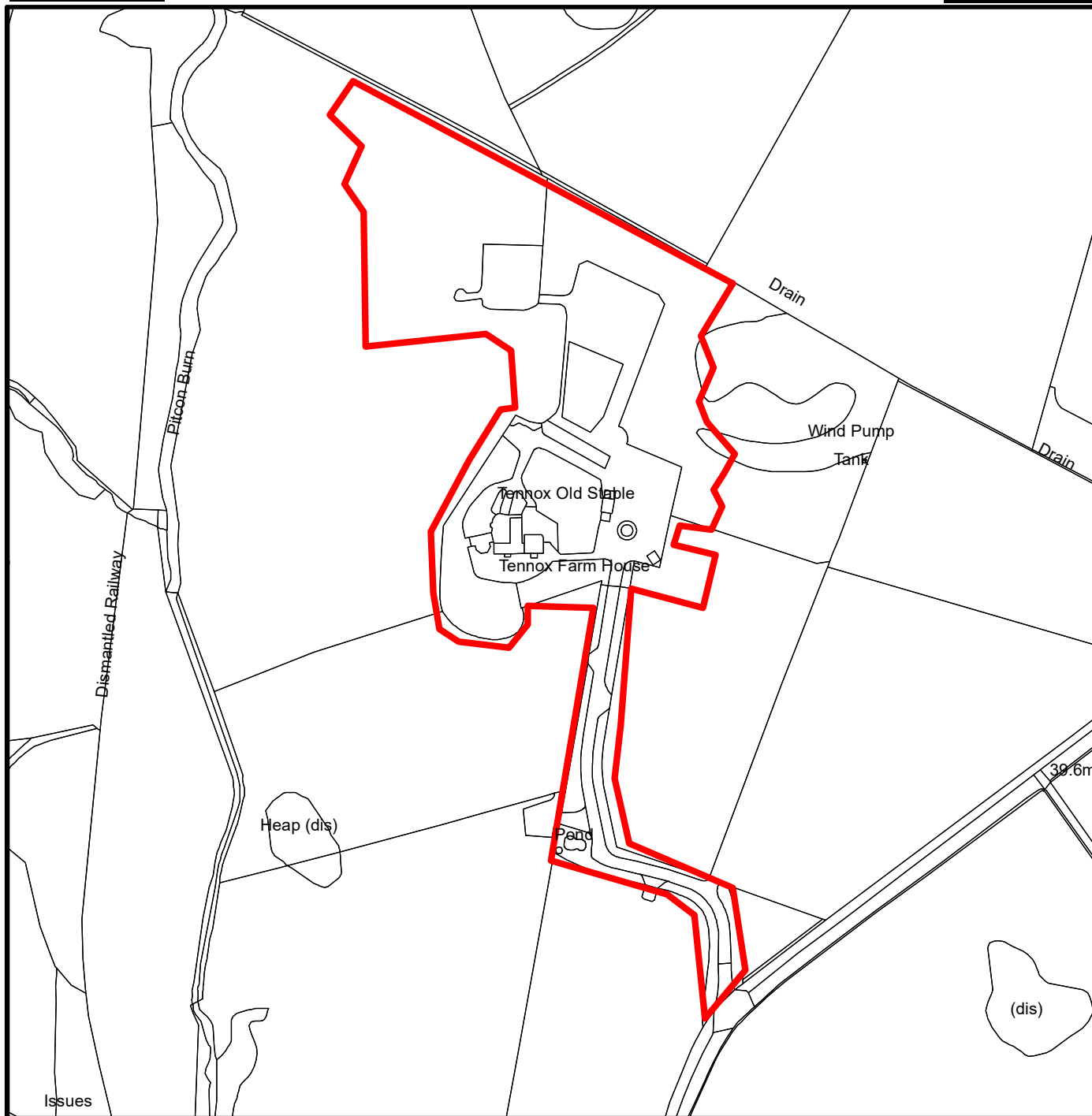
JAMES MILLER
Chief Planning Officer

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

Background Papers

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Notices under Section 127, Section 145/145A and
Section 33A of the Town and Country Planning
(Scotland) Act 1997: Tennox Farm, Kilbirnie



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NORTH AYRSHIRE COUNCIL

26th January 2022

Planning Committee

Title: **Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: No. 9 Sharlee Wynd, West Kilbride.**

Purpose: To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the cessation of the use of a rear garden extension, removal of structures that have been sited therein, and the restoration of the site to its previous condition at No. 9 Sharlee Wynd, West Kilbride.

Recommendation: Agree that authority is given to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in the interests of both the visual quality of the countryside around the village of West Kilbride and flood risk management in the area.

1. Executive Summary

- 1.1 A rear garden area has been extended over an adjacent wetland within a field that backs on to the property at No. 9 Sharlee Wynd, West Kilbride. The original rear fence had been partially removed and various structures have been erected within the extended site. Complaints have been received, forwarded by the Local Member, raising concerns about these matters.
- 1.2 From a site visit by the case officer, it was noted that a patio, hot-tub, timber outbuilding and other structures had been erected within the extended site.
- 1.3 As the unauthorised extension of the curtilage of No. 9 Sharlee Wynd is considered to be harming the visual quality of the countryside around the village of West Kilbride and because of the flood risk implications of the alterations to the small watercourse, it is considered necessary to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to remove all structures and to return the site to its previous condition.

2. Background

- 2.1 Planning permission for the residential development at Sharlee Wynd was approved with conditions on the 17th of December 2004 (ref. 04/00240/PP). The northern and eastern boundaries of the residential development mark the edge of the village of West Kilbride. The extended garden ground is located in an area of countryside, as defined in the adopted North Ayrshire Local Development Plan. The wetland within the field is part of the surface water system which was installed to serve the residential development at Sharlee Wynd. The surface water system introduced two culverts to a small watercourse that runs along the back of Nos. 9 – 23 Sharlee Wynd.
- 2.2 It appears to the case officer that the patio, hot-tub and outbuilding have been positioned on top of one of the culverts and over a section of the watercourse, which has either been culverted or filled in. This action is considered to have implications for surface water management that could affect the performance of the surface water drainage system, putting people and property at increased flood risk.
- 2.3 A report from an Elected Member regarding the unauthorised extension of the garden ground at No. 9 Sharlee Wynd was received by Planning Services on the 31st of August 2021. The main focus of the complaint was about how the use of the enlarged garden is affecting the amenity of surrounding residential properties. While the use of the enlarged garden is likely to be similar in scale and character to the uses that already occur within the Sharlee Wynd residential development, the enlarged garden is considered to harm the visual quality of the countryside around the village of West Kilbride.
- 2.4 In addition, the works to form the enlarged garden have altered an existing small watercourse that is part of the surface water drainage system for the Sharlee Wynd residential development. The nature of the alterations is not known but it is considered likely that the performance of the surface water drainage system has been affected, potentially putting people and property at increased flood risk.
- 2.5 A site visit by the case officer established that the rear garden of No. 9 Sharlee Wynd had been extended over an area of wetland within an adjacent field. The field is designated as countryside in the adopted North Ayrshire Local Development Plan while the wetland functions as part of the surface water system for the Sharlee Wynd residential development. The enlargement of the garden constitutes a material change of use which is required to be authorised by planning permission. As planning permission has not been sought, the unauthorised use and the associated garden development in the countryside are a breach of planning control.
- 2.6 As planning permission would be unlikely to be granted for the enlarged garden because of the reasons stated above, a letter was sent to the owner of No. 9 Sharlee Wynd on the 15th of September 2021. The letter advised the owner of No. 9 to remove all unauthorised development and to return the site to its previous condition within a 6-week timescale. Despite both the owner of No. 9 confirming that he was responsible for the unauthorised development and an agreement to a slightly extended timescale, to date no action appears to have been taken to remedy the matter.

- 2.7 Given the effect of the enlarged garden on the visual quality of the countryside around the village of West Kilbride and the likely flood risk implications of the unauthorised development, it is considered necessary to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the cessation of the use of the unauthorised rear garden extension, the removal of structures that have been sited therein, and the restoration of the site to the rear of No. 9 Sharlee Wynd, West Kilbride, to its previous condition.

3. Proposals

- 3.1 It is recommended that a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the landowner to require:
1. the cessation of the use of the unauthorised rear garden extension, the removal of structures that have been sited therein, and the restoration of the site to the rear of No. 9 Sharlee Wynd, West Kilbride, to its previous condition.
- 3.2 The timescale should be no greater than 6 weeks from the date of the notice.

4. Implications/Socio-economic Duty

Financial

- 4.1 Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as planning authority may enter the land and carry out such steps to achieve compliance. The Council may then seek to recover from the person(s) who was the then owner (or lessee) any expenses reasonably incurred during the carrying out of these works.

Human Resources

- 4.2 None.

Legal

- 4.3 The proposed Enforcement Notice would be served in accordance with statutory procedures.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 The proposed Enforcement Notice would protect the amenity of surrounding residential properties.

Key Priorities

- 4.6 The proposed Enforcement Notice would support the Council Plan priority: “Vibrant, welcoming and attractive places”

Community Wealth Building

- 4.7 Any direct action taken under the Planning Acts can support progressive procurement.

5. Consultation

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

James Miller
Chief Planning Officer

For further information please contact **Mr M. Miller, Assistant Planning Officer**, on **01294 317285**.

Background Papers

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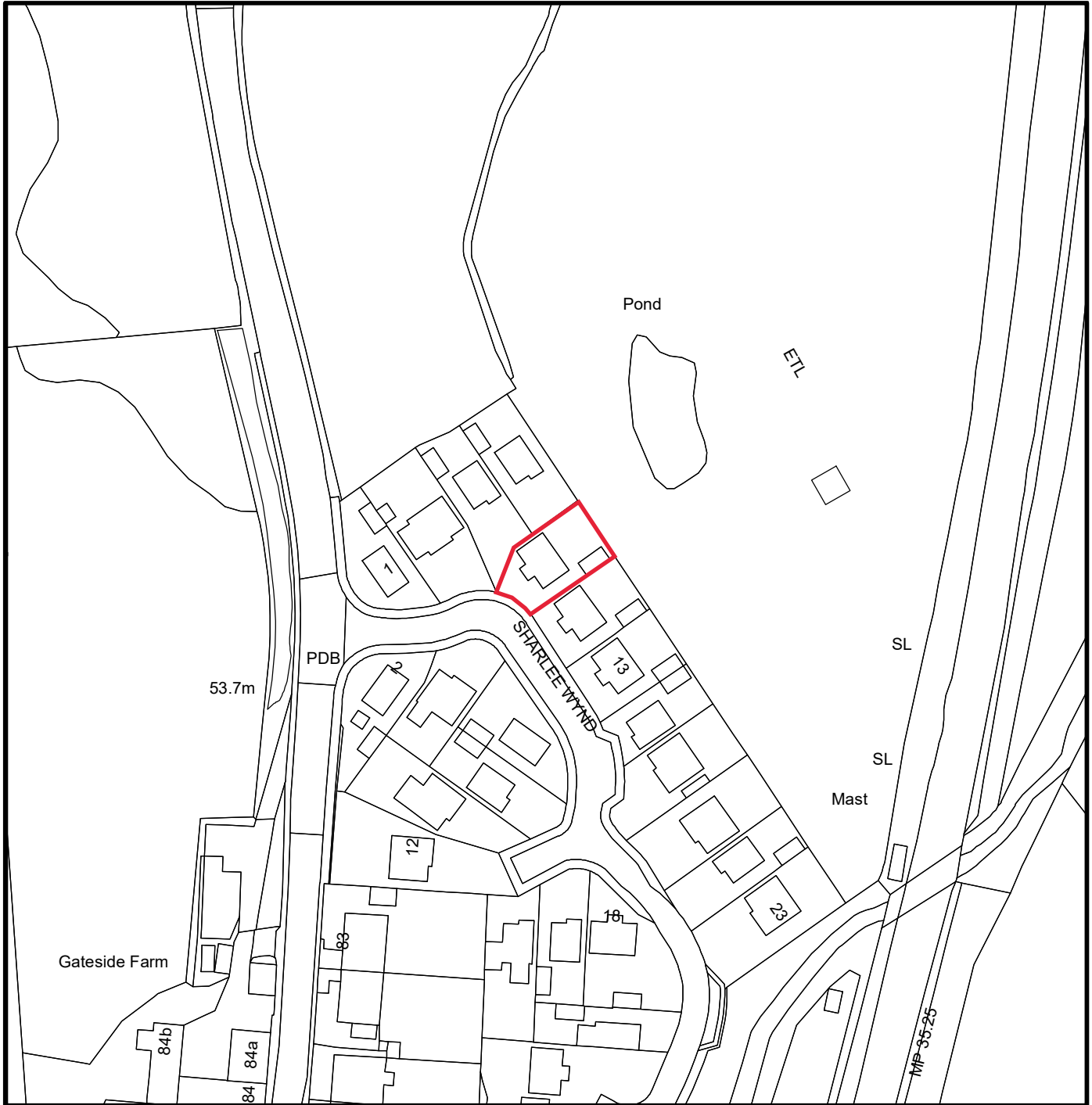


NORTH AYRSHIRE
COUNCIL

Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: No. 9 Sharlee Wynd, West Kilbride.



NORTH AYRSHIRE
COUNCIL



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