



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

17 January 2013

### **Planning Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 23 JANUARY 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the previous meeting of the Planning Committee held on 5 December 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3. Irvine/Kilwinning**

Submit report on the following application:-

**12/00662/PP: Irvine: Riverside Business Park**

Erection of 1.8m and 1.2m high fencing along road verge

(copy enclosed).

**4. North Coast and Cumbraes**

Submit report on the following application:-

**12/00159/PPM: Fairlie: Castlepark Gardens: Site to North of Fairlie Primary School**

Formation of new access road and erection of 36 flats and 26 detached dwellinghouses

(copy enclosed).

**5. Urgent Items**

Any other items which the Chair considers to be urgent.

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## Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
5 December 2012

**IRVINE, 5 December 2012** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Joe Cullinane and Tom Marshall.

**In Attendance**

J. Miller, Senior Planning Services Manager (Development and Environment); J. Law, Solicitor (Corporate Services); and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

John Bell, Ronnie McNicol, Jim Montgomerie and Robert Steel.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the previous meeting of the Planning Committee held on 14 November 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Ardrossan, Saltcoats and Stevenston**

**12/00614/PP: Ardrossan: 8 Harbour Street**

Irvine Bay Developments Limited, 43 Ardrossan Road, Saltcoats, have applied for the renewal of unexpired planning permission N/08/00055/PP for alterations, partial demolition and extension to existing two storey building to form GP surgery and dental surgery with associated access and car park at 8 Harbour Street, Ardrossan.

The Committee agreed to grant planning permission subject to the following conditions:-

1. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: (i) the facing brick finish to the walls of the extensions hereby approved; this shall include displaying a sample panel of the chosen brick alongside the existing building; (ii) all hard surfaces including footpaths and parking areas; (iii) a method statement for all works to the fabric of the listed building indicating conservation/repair works; and (iv) the junction of the new street façade and the existing building indicating how the new façade reconciles with the cornices and string courses on the existing building.

2. That prior to the commencement of the use of the development hereby approved, the applicant shall: (i) submit for the written approval of North Ayrshire Council as Planning Authority proposals for the provision of a footway link from the development to Princes Street and the extension of the existing lay-by on Harbour Street adjacent to the development to create a dropping-off point; and (ii) implement the approved footway link and extended lay-by on Harbour Street, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That prior to the commencement of the use of the development hereby approved, the applicants shall (i) provide a yellow half box junction at the entrance to the development; (ii) erect appropriate pedestrian signs directing pedestrians/cyclists to the railway station, bus stops, taxis and national cycleway; and (iii) implement the recommendations of the Travel Plan submitted in support of the application, all to the satisfaction of North Ayrshire Council as planning authority.

4. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a revised scheme of landscaping, which shall take account of the comments of the Council's Countryside Liaison Officer in relation to the submitted landscaping proposals.

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

#### **4. Irvine/Kilwinning**

##### **12/00603/ADC: Irvine: 33 Kilwinning Road**

Poster Plus Digital Ltd, 53 Beresford Terrace, Ayr, have applied for planning permission for the erection of a double sided lightbox sign mounted on the monopole at 33 Kilwinning Road, Irvine.

The Committee agreed to refuse the application on the following ground:-

1. That the proposed advertisements would be contrary to Policy TC8 of the Approved Advertisement Policy, and criteria (a) and (b) of the Development Control Statement contained within the Adopted North Ayrshire Local Plan (excluding Isle of Arran) in that the illuminated signbox would have a significant detrimental impact on the amenity of the area by reason of its size, height and visual appearance when viewed from Kilwinning Road and the surrounding areas of housing.

#### **5. Notice Under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: 12 Crichton Street, Millport**

Submitted report by the Solicitor to the Council on the serving of a Repairs Notice under Section 43 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building at 12 Crichton Street, Millport, Isle of Cumbrae.

The Senior Planning Services Manager advised that further information had now been received from the owner of the property in relation to the disrepair and asked that the application be continued to allow Planning Officers to monitor progress.

The Committee agreed to continue consideration of this item.

#### **6. Notices Under Section 179 of The Town and Country Planning (Scotland) Act 1997**

##### **6.1 Beith: Land at 2-6 Mitchell Street**

Submitted report by the Solicitor to the Council on the serving of a Wasteland Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, in relation to land at 2-6 Mitchell Street, Beith.

The land comprises the site of the former 'Coach House' pub at the western end of Mitchell Street on its southern side. The land is situated within the Beith conservation area and has been vacant for several years. Demolition rubble from the building which previously occupied the site was removed early in 2011. Since that time, vegetation has grown and the dumping of refuse has taken place, resulting in an accumulation of refuse and litter on the land.

In 2009, a Wasteland Notice was served on the owner of the land in relation to demolition rubble and builders' refuse. This Notice was complied with by early 2011 and the last of the refuse was removed. There are 2 current Planning Permissions which have been granted for the development of the site for (i) the erection of 2 semi-detached townhouses (on 7 March 2008); and (ii) the formation of a car park (on 13 April 2011). Both permissions remain valid but neither has been commenced.

Complaints were subsequently received and a further inspection carried out on 21 June 2012. A letter was issued to the owner, care of their agent, on 26 June 2012 advising of the concerns regarding the state of the land and in particular in relation to the rubbish accumulating on the site. The letter requested the owner to take steps to remove the refuse and provide written confirmation of their intentions within 28 days of the date of the letter. No response was received. A further inspection, on 17 October 2012, revealed that no work had been carried out to improve the appearance of the land.

A letter dated 22 October 2012 was sent to the owner advising that the refuse dumped on the land remained in situ. The letter advised that if no response was received the Council would have no option but to consider formal enforcement action. No response was received. A further inspection of the site on 21 November 2012, revealed that the land had not been cleared and that the rubbish and refuse remained on site.

In order to improve the condition of the land at 2-6 Mitchell Street, Beith, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 giving the owner one month to secure the removal of all rubbish and refuse from the land.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, on the land at 2-6 Mitchell Street, Beith.

## **6.2 Beith: Land at 3-5 Mitchell Street**

Submitted report by the Solicitor to the Council on the serving of a Wasteland Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, in relation to land at 3-5 Mitchell Street, Beith.

The land comprises an 'L' shaped site on the northern side of Mitchell Street. To the west the land is bounded by the rear of 4-8 Wilson Street and a landscaped area, formerly 2 Wilson Street. To the east, the land is bounded by the 'Our Lady of Perpetual Succour' church.



The land is situated adjacent to the Beith conservation area, which ends on the southern side of Mitchell Street. The land is in the same ownership as 4-8 Wilson Street, which was served with a Wasteland Notice on 10 April 2008. Despite some of the works required by the 2008 Notice having been carried out, the condition of that property has deteriorated and that Notice remains extant. The land has been vacant for several years with building rubble refuse left on the site. A fence has been erected around the site which has, in part, broken down and this has allowed rubbish and litter to accumulate resulting in an accumulation of refuse and litter on the land.

Complaints were subsequently received about the condition of the land and an inspection carried out on 21 June 2012. A letter was issued to the owner at all known addresses on 26 June 2012 advising of the concerns and in particular in relation to the poor condition of the land, being covered in rubble. The letter requested that the land be cleared within 6 weeks of the date of the letter and that the fence be either repaired or removed. On 5 July 2012, a phone call was received from the owner stating that he planned to carry out works to both 3-5 Mitchell Street and the adjacent 4-8 Wilson Street during August 2012. The owner was asked to confirm his intentions in writing. No written confirmation was received.

An inspection of the land, carried out on 13 August 2012, revealed that no work had been carried out to improve the appearance of the land. On 16 August 2012 the owner was contacted and intimated that he had been ill and that it was his intention to continue with the development of 3-5 Mitchell Street and 4-8 Wilson Street. The owner was again asked to e-mail proposals and timescales and this correspondence was received on 20 August 2012 asking that the Regeneration Team contact him with regard to the redevelopment of the site.

An e-mail was subsequently sent to the owner on 22 August clarifying that the Council was concerned with the immediate condition of the building at 4-8 Wilson Street and the site to the rear, known as 3-5 Mitchell Street and that complaints had been received regarding the safety of the broken fence and asking that they be attended to immediately.

A further email dated 27 August 2012 was sent to the owner from the Regeneration Team regarding improvements to Wilson Street in terms of the Local Development Action Plan and asking that if he had any proposals for the future use of the properties, he would be able to discuss these in more detail.

A further inspection of the site on 17 October 2012, revealed that the land remained covered in rubble and litter. Further efforts to contact the owner by telephone failed and a letter was sent on 22 October 2012. A subsequent inspection on 21 November 2012 revealed that the land had still not been cleared and that the fence remained broken.

In order to improve the condition of the land at 3-5 Mitchell Street, Beith, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 giving the owner one month to secure the (i) removal of all building rubble and all other refuse and litter from the land; and (ii) repair and maintenance of the timber fence around the boundary of the land.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, on the land at 3-5 Mitchell Street, Beith.

The meeting ended at 2.10 p.m.

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

Planning Area

**23 January 2013****Irvine/Kilwinning**

Reference

**12/00662/PP**

Application

**28th November 2012**

Registered

Decision Due

**28th January 2013**

Ward

**Irvine West**

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

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**Location**Riverside Business Park  
Irvine**Applicant**Irvine Bay Regeneration Company  
43 Ardrossan Road  
Saltcoats  
KA21 5BS**Proposal**Erection of 1.8m and 1.2m high fencing along  
road verge

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**1. Description**

This is an application for the erection of fencing and guard rails in association with an overall landscape and improvement scheme associated to the re-branding of Riverside Business Park, as Irvine Innovation and Industry Park (I3). The application proposes a mixture of 1.2m high estate and guardrail fencing along sections of roadway and surrounding Shewalton roundabout and running towards Riverside roundabout. Offshoots along Shewalton Road return into Brewster Place and Cockburn Place.

A 1.8m high timber screen fence would also be erected at the southern end of Cockburn Place, to form a defined boundary and to restrict access to Dundonald Burn. Landscaping works including planting of White Stemmed Birch, beech hedging and other associated improvement works are also to be undertaken in these areas, but do not require planning permission.

The Irvine Innovation and Industry Plan is located 2km south east of Irvine Town Centre and is dissected by the B7080 (Long Drive) and bound to the north by the A71 dual carriageway. The Greenwood Interchange is the main entrance into the park of Long Drive acting as the road corridor to the campus node roundabout at Riverside Roundabout. There is dense mature woodland structure planting and hedging on either side of Long Drive.

The applicant, Irvine Bay Regeneration Company (IBURC), is seeking to promote the I3 as a "premier large inward Investment location" and to strengthen the branding profile of the site. Supporting information as part of previous submissions, see below, advised that the overall purpose of the landscaping scheme is to improve the park's image, quality and market appeal through the establishment of a distinctive and contemporary landscape setting. Works have been undertaken in recent months which include improvements to the Long Drive corridor, between the Greenwood Interchange and Riverside Roundabout, including fencing and signage. (Ref: 11/00713/PP - Dec 11 & 12/00026/ADC - March 2012).

The application site is allocated for industry as identified in the Adopted North Ayrshire Local Plan (Excluding the Isle of Arran). Site specific policy IND2 (Strategic Industrial and Single User Sites) relates. IND2 identifies the site as being a strategic business location, within which Use Classes 4 and 5 are appropriate and Class 6 use is restricted. The site at Greenwood Interchange is also allocated for leisure and commercial uses to serve the business park, which complies with Policy IND14. All applications also require to be assessed against Development Control Statement contained within the local plan, where the relevant criteria would be: (a) siting, design and external appearance and (b) amenity.

## **2. Consultations and Representations**

The standard neighbour notification has been issued and the application was also advertised in a local newspaper on the 21 December 2012 for neighbour notification purposes and no representations have been received to date.

**Roads Services :** No objections. The fences should be located outwith the road boundary and not interfere with any existing sightlines.

*Response: Noted. A condition could be imposed to address this issue. The applicant could also be advised through an informative to contact Roads Services for advice on this matter.*

### **3. Analysis**

The application site is allocated for industry, as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). Given that the proposal is for general improvements associated to the re-branding of the park, the proposals can be considered ancillary to the wider allocation and there are no land use implications. The proposal therefore stands to be assessed against the DCS, where the relevant criteria would be (a) siting, design and external appearance and (b) amenity.

With regards to criteria (a) and (b) there is existing 1.2m high post and wire fencing along the road verge at Riverside Way and Long Drive and sections of this fencing would be removed, as it is advised that they are no longer required. It is considered that the proposed fencing would be acceptable with large sections erected behind and screened by the proposed landscaping. It is considered that the proposed fencing and guardrails are of an acceptable form and appearance. It is considered that the proposal is part of an overall landscape plan, which would improve the amenity and character of the park and as such would accord with the relevant criteria of the DCS. There are no other material considerations.

It is therefore recommended that planning permission is granted subject to a condition to address the roads issue.

### **4. Full Recommendation**

See Appendix 1.



**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
3 January 2013

For further information please contact Mrs Fiona Knighton, Planning Officer , on 01294 324313.

FK/JW



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00662/PP**

Grant subject to the following conditions:-

1. That the fences hereby approved shall be located outwith the road boundary and not interfere with any existing sightlines.

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

1. To meet the requirements of North Ayrshire Council as Roads Authority.

Reason(s) for approval:

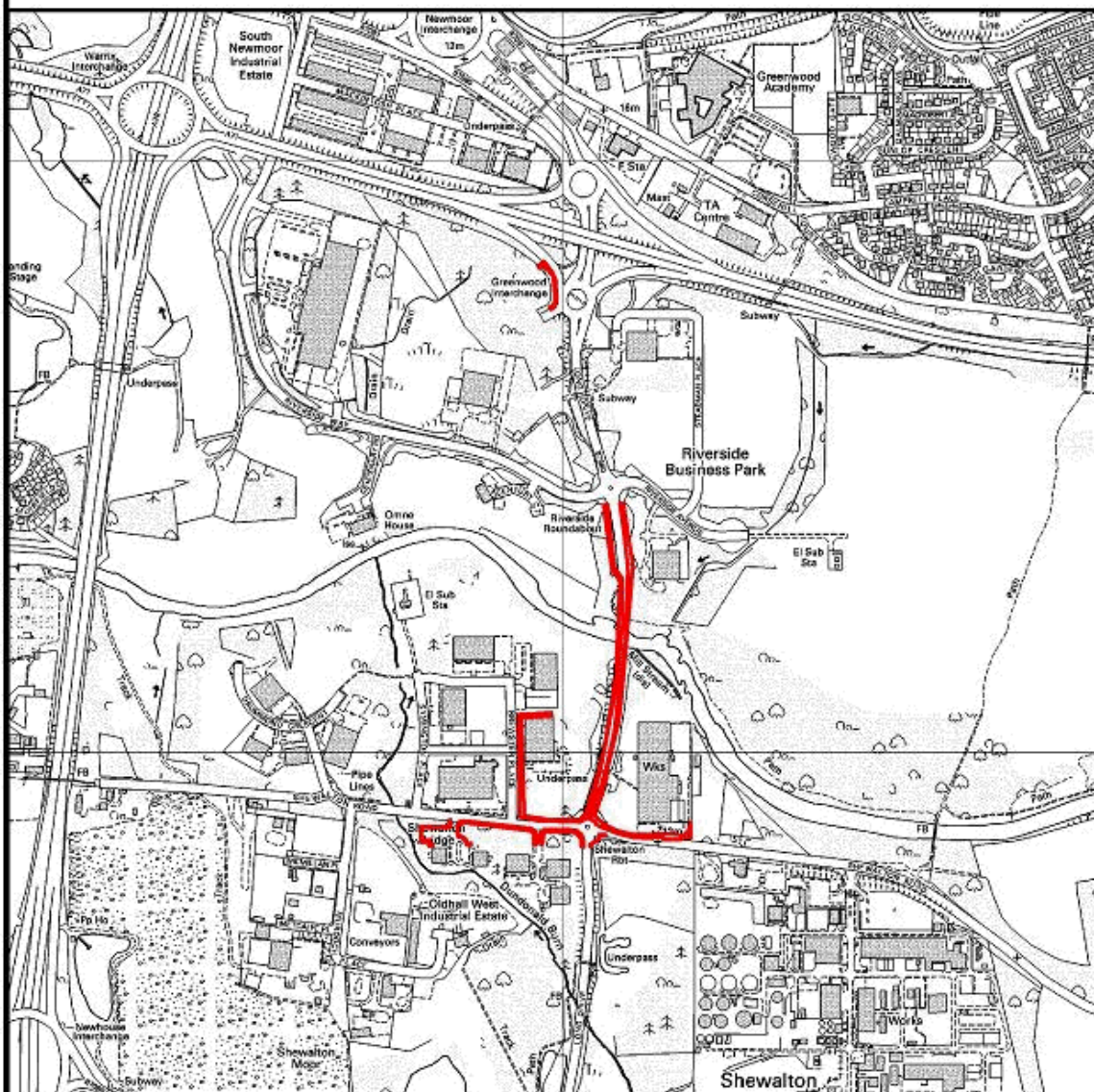
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

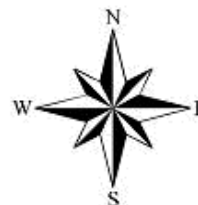
12/00662/PP



**NORTH AYRSHIRE  
COUNCIL**

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**Not To Scale**





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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4**

Planning Committee

**23 January 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**12/00159/PPM**

Application

**28th March 2012**

Registered

Decision Due

**28th July 2012**

Ward

**North Coast and Cumbraes**

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<b>Recommendation</b>	<b>Agree to grant subject to (i) the applicants entering into a Section 75 Agreement to ensure that the agreed Financial and Business Plan and the Open Book Accounting Statement are implemented and to ensure that all proceeds, other than a reasonable developers profit of 10.79%, are channelled into The Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre; and (ii) the conditions contained in Appendix 1</b>
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<b>Location</b>	Site to north of Fairlie Primary School Castlepark Gardens Fairlie
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<b>Applicant</b>	Dawn Homes Limited 220 West George Street Glasgow G2 2PG
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<b>Proposal</b>	Formation of new access road and erection of 36 flats and 26 detached dwellinghouses
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## **1. Description**

As the proposal is for more than 50 residential units it constitutes 'major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application therefore falls to be determined by the Planning Committee.

The site adjoins the east side of the A78 trunk road immediately south of a petrol filling station and residential properties in Kelburn Avenue and Keppenburn Avenue. Fairlie Primary School adjoins to the south while undeveloped countryside lies to the east. The Largs/Glasgow railway line and residential properties lie to the west beyond the A78.

The western part of the site adjacent to the A78 is low lying and a prominent rocky escarpment, Fairlie Craig, rises to the south. Towards the eastern part of the site ground levels climb relatively steeply. The Keppen Burn flows through the site close to the northern edge and passes under the A78 in culvert.

The site has an area in excess of 5 hectares. It is part of a larger development site which continues from the south-east corner of the current site along the east side of Castlepark Drive as far south as Fairlie Castle in respect of which a Development Brief has been prepared and where policy RES2B applies (see below).

The proposed residential units would be deployed over two distinct areas. The flats and two detached dwellinghouses would be constructed in the lower part of the site adjacent to the trunk road. Each flat would have a lounge, two bedrooms, bathroom and kitchen while the two detached villas would comprise seven apartment units with four bedrooms.

The flats would be contained within two 3 storey "L" plan blocks on either side of the proposed vehicular access to the site. The design of the flats incorporates corner features with pyramid roofs, short projecting bays with parapet roofs, Juliette balconies, vertically proportioned windows and hipped roofs. The proposed external finishes are reconstituted buff stonework to ground floors and entrance bays, white dry dash render to the upper floors and slate grey concrete tiles to the roofs.

Parking and a turning facility are proposed at the rear of both blocks of flats. The access to the north-most block of flats would also serve the two detached dwellinghouses which would be located further north, to the east of the petrol filling station.

An existing single track road leading from the A78 immediately south of the petrol filling station to high ground to the east of the site would be blocked off at the trunk road. Access to the track, which leads to Keppernburn Cottages and a rural path system known as Ladies Walk/Castle Walk, would be provided through the site, branching from the access to the proposed houses to the rear of the petrol filling station.

The proposed houses on Plots 1 to 24 would be located on high ground to the south-east of the flats. Vehicular and pedestrian access would be by way of the access road serving the flats which would continue in an easterly direction climbing, in cutting, through a stand of mature beech trees, protected by the Fairlie No. 1 Tree Preservation Order before levelling out. The access road would then turn south to lead to the area where the proposed 24 detached houses would be built. A row of 10 houses would be constructed adjacent to the north boundary of Fairlie Primary School while the remaining 14 units would be positioned to the north in a roughly semi-circular layout served by a loop road. A play area is proposed at the western end of the group.

Eight villa house types are proposed the majority of which have four bedrooms and an integral garage. Two houses would have five bedrooms. Proposed external finishes are buff coloured reconstituted stone block work/facing brick and white dry dash render to the walls. Roofs would be clad with slate grey concrete tiles.

A further Tree Preservation Order applies to ground adjoining the A78 at the south-west edge of the site; one tree would be felled in this area.

Substantial tree planting and landscaping are proposed by the developer which the applicants state would soften the impact of the development on the surrounding area and contribute to integrating the development into the landscape.

In the Adopted North Ayrshire Local Plan (excluding Isle of Arran) the site is located within a residential area. Policy RES1 states that proposals for residential development in areas allocated for housing on the Local Plan map shall accord with the Local Plan.

The adjoining land to the north-east is located within Clyde Muirshiel Regional Park, comprises part of the Historic Gardens and Designed Landscape of Kelburn Castle and is identified in the Local Plan as a Sensitive Landscape Character Area (SLCA). Policies ENV5, ENV5A and BE11 respectively are relevant. These policies essentially oppose development which would adversely impact on the Regional Park, Historic Gardens/Designed Landscape and SLCA.

Policy OS2 states that new housing development shall make provision for open space and children's play facilities in accordance with the approved North Ayrshire Council policy for provision and maintenance of landscaping, open space and play areas in new housing developments. Such proposals shall require to be located in such a way as to contribute to the establishment of "green corridor" networks in the interest of amenity, outdoor recreation, landscape and nature conservation.

Policy ENV17 (Urban Fringe and Countryside Development) requires the provision of substantial structure planting on any urban edge site as identified on the Local Plan map.

The eastern part of the site, some 24% of the site area, containing a section of the proposed access road and seven dwellinghouses, is located within an area where Policies RES2B and RES3 apply.

The preamble to Policy RES2B affirms that while a number of sites are allocated for housing to address the shortfall identified in the Local Plan, there is substantial community benefit to be gained by allocating a site for housing to pay for a programme of restoration and subsequent maintenance of Kelburn Castle and improvement to the Country Centre.

Policy RES2B requires any proposed development to satisfy the following criteria:

- (1) Conformity with an approved Development Brief prepared by the Council;
- (2) The submission of a detailed, fully verifiable, financial and business plan for the overall development showing that all funds raised from the sale and development (except a reasonable developers profit as detailed in criterion 6) are to be channelled into the conservation and subsequent maintenance of Kelburn Castle and the enhancement of Kelburn Country Centre to secure their ongoing use;
- (3) Historic Scotland agrees to the proposed restoration of Kelburn Castle and Country Centre;
- (4) The developer can demonstrate that sufficient financial assistance is not available from any other source;

- (5) The extent of any new build while restricted to the minimum necessary to facilitate the restoration of Kelburn Castle and the appropriate enhancement of Kelburn Country Centre occupies the whole site with any additional funds arising being channelled to a Maintenance Trust;
- (6) Open book accounting on both land and development sales which would allow for a reasonable developer's profit only (indicatively 12% as advised by Historic Scotland) with all other proceeds being channelled to the development to be enabled;
- (7) Provision shall be required for a developer contribution to Education Services should the scale and rate of development so require;
- (8) Vehicular access to the site (except for any necessary emergency access) shall be taken direct from the A78(T) between the petrol station and the Manse by means of a new access road; and
- (9) Evidence of a Trust or other legal arrangement ensuring that all monies from the development will be used for the restoration and subsequent maintenance of Kelburn Castle and improvements to the Country Centre and for no other purpose.

The policy further states that any permitted enabling development will be subject to an appropriate Section 75 Agreement regarding the phasing of construction and other design and layout matters and regarding a Trust or similar legal arrangement to ensure that monies are only used for the restoration and subsequent maintenance of Kelburn Castle and improvement of the Country Centre.

With regard to any planning applications, concurrent submissions including phasing of works shall be required.

It should be noted that Policy B6 facilitates the restoration of exceptional listed buildings by allowing limited new build enabling development subject to certain criteria.

Policy RES3 (Urban Fringe Sites) states that the Council shall require that development proposals for the urban edge site at Ladies Walk shall include appropriate native tree planting, retain any existing natural features and incorporate proposals for future maintenance.

All development proposals require to be assessed against the relevant criteria of the Development Control Statement.

With regard to the Modified Local Development Plan (LDP), the site is located within a residential area and Policy RES1 states that proposals for residential development in areas allocated for housing on the LDP Maps shall accord with the LDP. As above the eastern part of the site containing a section of the proposed access road and seven dwellinghouses, is located within an area where Policy RES3 : Kelburn Castle, Fairlie applies; the wording of this policy is identical to that of RES2B of the current Local Plan.

A Development Brief for Ladies Walk was approved by the Council in September 2011. The brief examines the site and context and identifies key design and layout principles. It proposes an indicative site layout and phasing, considers built form, materials, open space and play provision, landscape character and views and landscape strategy. It identifies 6 development areas and the type of development that would be appropriate for each. For areas 1 and 2, the subject of the current application, it indicates that 2 three storey apartment buildings (36 flats) and 31 two storey houses in total would be acceptable. The long term vision for Ladies Walk can, it notes, "deliver planned growth and create a contemporary development of lasting quality".

The brief confirms that a number of common finishes will be utilised throughout including grey tiled roofs in a variety of roof styles and pitches to minimise repetition and create interest from different view points. Walls would be in a variety of pale colours to reflect the predominant finishes in Fairlie where they are generally painted or harled. In Ladies Walk, the main areas of walls will be white dry dash render on a light cream background. Feature areas would be a maximum of two colours/types of stone/facing brick. Doors and windows would be traditional in style.

The application was accompanied by a Planning Statement which contends that the proposed development complies with national, strategic and local planning policy. It concludes that the application should be approved as the site is allocated for residential purposes in the Local Plan, it is capable of contributing to the North Ayrshire housing land requirement and is an effective housing site and the design is compliant with standards relating to open space, gardens, separation distances etc.; the proposals are entirely in accordance with the Council approved Development Brief, there will be no adverse impact on neighbouring residential properties and a range and mix of house types will be built providing choice for the local market.



A Design and Access Statement has also been submitted setting out design conformity with the approved Development Brief. It acknowledges the principle aims of the Council's approved Neighbourhood Design Guidance which indicates that new development should be distinctive, neighbourly and environmentally friendly. It asserts that the design of the flats and house types ensures compatibility with the established character of developments in Fairlie and the housing areas close to the site. With regard to access, it notes that the site is well located for public transport, both bus services and railway station being located in reasonable proximity. The site would be fully accessible to cyclists while a temporary footpath in the first phase of the development is proposed from the south-east edge to Castlepark Gardens and the Primary School. The track to the south of the filling station would be retained and re-routed to provide informal access to Ladies Walk/Castle Walk to the east.

As the proposals are 'major' development, the requisite Pre Application Consultation (PAC) process was undertaken by the applicants. A PAC report was submitted with the application which gives details of the applicant's approach to community consultation including a public consultation event, advertising of the public event, consultation with the Community Council and notification of adjoining residents. The report details the numbers that attended the event and comments made by those attending as well as responses sent to the applicant's agents by email. The report also outlines how the applicants responded to the comments received.

A statement on Play Provision, detailed landscaping proposals, a Tree Survey Report, Flood Risk Assessment, statement on financial aspects of the development, Transport Assessment, foul drainage proposals, Drainage Impact Assessment and an Ecological Assessment were also submitted in support of the application. A Conservation Plan specifying the works to be undertaken to Kelburn Castle was received in advance of the planning application.

Outline planning permission was granted on 22 January, 1992 for the erection of 10 dwellinghouses on part of the current application site, to the north of Fairlie Primary School (ref. 91/00017/OPP). On 14 March, 2000 detailed planning permission was granted for 20 detached dwelling houses and formation of access roads on part of the current application site, also to the north Of Fairlie Primary School (Ref. 98/02134/PP).

## 2. Consultations and Representations

Neighbour notification was undertaken on 29 March 2012 and the application was advertised in a local newspaper on 4 April 2012 for neighbour notification purposes. Twelve letters of objection and one representation were received.

Grounds:-

- (1) Flooding - there have been several instances of serious flooding in recent years resulting in temporary closures of the A78 at this location. This has still not been resolved despite works carried out by the Council's Roads Services. The area proposed for flats is almost permanently water logged and flooded, often overflowing onto the A78 and railway line. There is substantial run off from the hillsides above Castlepark Drive. No surface water should be diverted into the Fairlie Burn to the south of the site. A Flood Risk Assessment should be completed.

*Response - The applicant is aware of the flooding history at this location and accordingly a Flood Risk Assessment was submitted in support of the application. This identifies a risk of flooding at the north-west corner of the site when flood waters in the Keppen Burn are unable to enter the culvert under the A78 due to blockage. It states that the culvert under the A78 and a number of culverts downstream are under capacity. Transport Scotland and Network Rail, the report notes, wish to address the flooding issues in the area. Modelling work undertaken indicates that a new culvert of appropriate size would be able to pass the estimated 200 year flow in the Keppen Burn and another stream that passes through the site as well as un-attenuated flows from the development site. A suspensive condition could be imposed to ensure that the development does not commence until the flooding issue has been resolved. See SEPA and NAC Flooding Officer responses below. There is no proposal to divert water into the Fairlie Burn to the south which is outwith this phase of the development.*

- (2) Surface water foul and sewerage systems in the area would not be able to cope with an additional 150 houses. Scottish Water in their response identify major uncertainties that should have been resolved prior to the application being submitted.

*Response - Scottish Water did not object to the proposed development (see below). Conditions could be imposed to ensure that drainage from the development is connected to the public sewerage system and that surface water is dealt with appropriately.*

- (3) The type and number of houses are not in harmony with the local area. The scale of development will alter the village character of Fairlie with a considerable loss of amenity for walkers and ramblers. The visual impact of the flats due to their height and proximity to the A78 and Fairlie Craig would be unacceptable; they would be dominant and detrimental to the local landmark feature. The flats should be two storeys in height and aligned with the houses to the north in Kelburn Avenue. The flats would block views to the countryside to the north east and Fairlie Craig. There are no flats on the east side of the A78. The number of houses should be reduced. The application seeks to maximise the number of units and developer profit. This is a typical development by the applicants and the house types proposed would be more suited to an urban location. The house types are bland, monotonous, and there is insufficient landscaping. They are not in keeping with other houses in Fairlie which form the basic character of Fairlie. The development would not be integrated into the landscape rather it would dominate it. Stone from the existing boundary wall should be re-used and incorporated into the development.

*Response - The scale of development, height and number of flats and houses correspond with the brief approved by the Council for the site. While there are no three storey developments on the east side of the A78, a former manse and garage building which until recently occupied the lower part of the site were of two storey construction. The proposed dwellinghouses to the north of the flats would be of 2 storey construction thereby 'stepping down' to the single and two storey neighbouring houses to the north. Furthermore there are three and four storey flatted buildings in Fairlie, albeit on the opposite side of the A78. It is considered therefore that the proposed flats would be compatible with the scale and character of development in Fairlie.*

*The flatted blocks would adopt a similar building line to the petrol filling station to the north and therefore their siting relative to the trunk road is considered to be acceptable. Views of Fairlie Craig from the A78 would be obscured for a short distance when level with the proposed flats travelling north to south. Once the flats are passed the rock face would not be obscured. The design of the proposed flats is relatively traditional with vertically proportioned windows, traditional wall finishes and colours and a dark grey, steeply pitched roofscape.*

*The proposed dwellinghouses would be situated further from the trunk road, the nearest some 60 metres distant and on higher ground to the east of Fairlie Craig. From the A78, they would be screened largely by existing land form and the proposed flats, the majority of the houses being in excess of 100 metres from the road. The houses would be relatively isolated from existing developments in Fairlie, particularly older more traditional buildings. It is considered therefore that the proposed development would not have a significant adverse impact on the character or appearance of older traditional properties in Fairlie.*

*The proposed house types are considered to be of satisfactory design and appearance and the layout is such that a satisfactory living environment would be created for the occupants of the houses. As indicated before substantial tree planting and landscaping is proposed by the developer which would soften the impact of the development on the surrounding area and contribute to integrating the development into the landscape. The existing boundary wall furthermore would be retained and the stone wall returned around the radius of the junction into the new access road. Stone piers, from the driveway of the manse that once occupied part of the site, would be re-used at the wall ends.*

- (4) Impact on traffic flow on the A78 - The submitted Traffic Statement is based on a 2004 survey. Current traffic volumes, including traffic from Hunterston, are much higher and the A78 would be unable to cope with additional traffic from the development. It also neglects difficulties of joining and exiting School Brae from the A78. Glen Road is not suitable for access to the site. The land at Ladies Walk should be retained for a Fairlie by-pass road. The proposed access to the A78 is at a dangerous bend. It is difficult for pedestrians to cross the A78 and pavements on the trunk road are often narrow. A traffic light controlled access and traffic light controlled pedestrian crossing should be provided at a number of points including the access to the development site. The major part of the development, being situated on a hill top would not be suitable for the less able to walk to the main road or station due to steep gradients. Feeder buses would be required. A cycle route should be incorporated into the development. The existing junction with the track to Ladies Walk should be removed. Not all houses and flats have garages. The road layout should have good access for snow gritters as the high ground at Castlepark Gardens is affected by snow and ice most winters. A footpath link should be provided to the Primary School.

*Response - Following the submission of initial transportation information, a Transport Statement was lodged by the applicants and passed to Transport Scotland and NAC Roads for comment. Neither objected in relation to the proposed road layout, parking provision or ability of the trunk road to accommodate traffic from the development. The proposed development would not affect traffic joining and exiting School Brae given it would be some 450 metres distant from the proposed site access. The site would not be accessed from Glen Road. The site is not reserved as a route for a by-pass of Fairlie. While the road bends to the south of the proposed access, the sightlines indicated by the applicants satisfy the standard required by Transport Scotland for a development of this scale and nature. Transport Scotland are also satisfied that there is no requirement for traffic light controls at the junction of the proposed site access road and the A78 nor is there a requirement for a traffic light controlled pedestrian crossing. An existing pedestrian island to the south of the access is available for this purpose though it may require to be repositioned. It should be noted however that the planning permission for the proposed garden centre some 400m to the north of the site includes a requirement for the provision of a pedestrian crossing. The provision of light controlled pedestrian crossings throughout the settlement is a matter for the consideration of Transport Scotland.*

*The location of the development on a hilltop would be no different to other areas of Fairlie such as at Castlepark Drive with regard to access for less able and steepness of gradient. The requirement for feeder buses would be a matter for Strathclyde Partnership for Transport to consider. Revised proposals have been submitted by the applicants indicating a combined cycle route and footpath adjacent to the proposed access road. As noted above the existing track to the south of the petrol station would be closed off.*

*NAC Roads did not object to the development in relation to parking provision; 165% parking is proposed for the flats while each house would have exclusive parking as well as visitor parking nearby. The access road would require to be built to adoptable standards which would allow access for all vehicles including snow gritters. The submitted plans indicate that a temporary footpath/cycle path would be formed from the site to Castlepark Gardens enabling a direct access to be formed to the primary school from the development site; it would also serve the housing areas to the north of the application site.*

- (5) The design of the road layout is unimaginative and an engineering solution more suitable to an urban area. Rather than a straight line, it should reflect the contours which would minimise the impact on the entrance to the village. The layout should comply with the Designing Streets.

*Response - A gas pipeline that runs along the northern boundary of the site is a significant constraint to the layout as there is an exclusion area which cannot be built upon nor can the pipe be moved. This dictates the location of the site access road and that it has to cut through a stand of mature trees protected by a TPO. Following discussions with the developer, the site access road has been designed to be less formal. Originally it comprised a 5.5m wide road with 2m wide pavements on either side. It now contains narrowed sections and a single, wider (3m) joint footpath and cycle way separated from the access road by a drainage swale. Furthermore the road layout in the upper part of the development site has been revised to incorporate the aims of Designing Streets thus making it less formal. Two house types were specifically introduced to suit the more informal layout.*

- (6) Local services including the primary school and Largs Academy would be unable to cope with the additional population. There are no amenities in the village, all food stores/newsagents and the post office have closed and have been converted to houses. The site should be used for a modern shopping facility as well as other public facilities.

*Response - Education Services were consulted on the proposed development and had no objection to offer in terms of school capacity (see below). It is not accurate to say that Fairlie has no community facilities. It has a library, village hall, garage/shop, pub/restaurant and hot food takeaway. Planning permission for a garden centre with restaurant facilities to the north of Fairlie bowling club has been granted subject to a S75 agreement, while an application to replace the existing outdated bowling clubhouse with a new fit-for-purpose clubhouse was granted on 30/10/12 (Ref. 12/00503/PP). The additional population created by the development would it is considered assist in supporting these facilities. With regard to alternative uses, the site is allocated for residential purposes in the adopted Local Plan and the current proposal to develop the site for residential purposes accords with the plan in principle.*

- (7) Loss of a stand of 150 year old beech trees protected by a Tree Preservation Order. The trees should be retained by realigning the access. The proposed landscaping is inadequate. Tree felling should be limited to the absolute minimum. The risk to the remaining trees should be assessed to ensure that they do not become unstable.

*Response - While it is regretted that trees within the TPO area would be lost due to the construction of the access road, as noted above this is unavoidable due to the presence of the gas main. The approved Development Brief indicates that the access road would be formed in the position proposed by the applicant. The trees, mainly beech, are of significant height and have little branch growth at lower levels, the predominant growth being confined to the raised canopy. The plans indicate that just over half of the trees, 18 of a total of 35, would be felled from the centre of the group leaving a small group on either side of the access road.*

*Detailed landscaping proposals have been submitted comprising native woodland planting to the rear of the south-most block of flats and within the TPO area; approximately 1,000 trees and 1,300 shrubs are proposed in total. This would, the applicants state, extend existing wooded areas and improve the diversity of woodland planting on the site. Substantial hedgerow planting is proposed around the edges of the gardens of the flatted properties, while individual specimen trees are proposed to the rear of the flats and within the gardens of the detached dwellinghouses. Shrub planting is also proposed throughout the site. In conclusion it is considered that the landscaping proposals submitted in relation to the development are significant in extent and would adequately compensate for the loss of trees from the TPO area.*

*It is agreed that tree felling should be limited to the absolute minimum; the submitted plans indicate that the tree felling proposed would be the minimum required to form the access to the site. It would be the responsibility of the appointed grounds maintenance factor to regularly monitor the condition of the trees to ensure that they are stable and do not pose a risk to safety.*

- (8) Access to Ladies Walk should be considered a priority with footpath links between the houses and increased recreational areas.

*Response - As noted above access to Ladies Walk/Castle Walk would be retained through the site. The approved Development Brief shows a number of footpath links from Ladies Walk to the proposed housing areas including areas of open space. These would require to be incorporated into proposals for subsequent phases of the overall development site.*

- (9) The proposal would lead to coalescence of settlements.

*Response - The site is located on the east side of the settlement and would not create the potential for coalescence of settlements.*

- (10) Adverse impact on Keppernburn Cottages and Castlepark Gardens.



*Response - The proposed access road would be some 70m from Keppenburn Cottages which occupy rising ground to the east of the site while the nearest of the proposed dwellings would be in excess of 100m distant. The development would not therefore significantly impact on the amenity of Keppenburn Cottages. Similarly the houses proposed in this phase of the development are relatively distant from Castlepark Gardens, the nearest being some 80-90m to the south, separated by the primary school. The proposed development would not therefore adversely impact on the amenity of existing residential properties in Castlepark Gardens.*

- (11) Loss of fields to the east and north of Castlepark Gardens would not be mitigated by the open space in the existing application.

*Response - The site is allocated for residential purposes in the adopted Local Plan and therefore in principle the development of the fields has been established. The extensive tree planting and landscaping proposals as noted above are considered to be satisfactory in terms of integrating the development with the landscape. The approved Development Brief indicates that subsequent phases in the development of the site would incorporate further landscaping and areas of open space. The level of open space for the overall development is therefore considered to be acceptable.*

- (12) Planning permission was previously refused by the Council and granted by Scottish Ministers on appeal. The Planning Department should protect the interest of the village and refuse the application.

*Response - Planning permission was not previously refused by the Council. Following a public inquiry however, the site at Ladies Walk was allocated for residential purposes despite NAC's objection to the allocation. As noted before, the site is allocated for residential purposes in the adopted Local Plan and therefore the principle of development has been established.*

- (13) The suggestions submitted at the pre-application consultation stage have been ignored and the proposals have not been changed as a result.

*Response - Circular 4/2009 - Development Management Procedures explains that the objective of pre-application consultation is for communities to be better informed about major and national development proposals and to have an opportunity to contribute their views before a formal planning application is submitted to the Planning Authority. It further states that the prospective applicant is under no obligation to take on board community views or directly reflect them in any subsequent application. Communities and individuals however can follow up their interests in a proposal through to the planning application stage which provides the statutory opportunity for them to make representations on proposals.*

- (14) It is unlikely that there would be a need for the additional houses given the lack of employment opportunities in Fairlie.

*Response - This is a market rather than a land use planning consideration. The applicants are satisfied that there is a demand for the type of residential units proposed by them.*

- (15) Two houses are proposed between the petrol filling station and an electrical sub station. Is this a suitable location? This part of the site could be used for retail, industrial or public facilities.

*Response - The submitted plans show a 15m wide landscaped buffer between the petrol filling station and the nearest of the two proposed houses. Boundary fencing would separate the east-most of the two houses from the electricity substation. The proposed residential units would also occupy sizeable plots and would have a south facing aspect. It is considered therefore that the occupants of the houses would enjoy a reasonable standard of amenity. The siting of the units within this area is in keeping with the approved brief. The decision to include the type of residential units proposed was made, the applicants advise, on commercial grounds and envisaged sales within the Fairlie area.*

- (16) Who will maintain areas of open space?

*Response - The applicants confirm that all open spaces throughout the development will be maintained by a factor whose details will be included in the Deed of Conditions for each property. A condition could be imposed to ensure that appropriate landscaping maintenance and management arrangements are secured.*

- (17) A pond area is indicated to the south-west of the development site which could constitute a danger to children.

*Response - The pond would not be formed within in the current phase of the development. The use of Sustainable Urban Drainage System ponds is a relatively standard feature in modern housing developments. The provision of the pond would be included in a subsequent development phase and full details of the pond would be provided at that time when an assessment of the pond including the safety aspect would require to be made.*

- (18) The application is lacking with regard to information which the approved Development Brief states should accompany an application for planning permission, e.g. business plan, drainage impact assessment, flood risk assessment, transport assessment, etc.

*Response - The supplementary information that the brief stipulates should accompany a planning application has been submitted by the applicants; an analysis of the potential visual impact on the setting of Fairlie Castle was not required by Historic Scotland at this stage (see below). The supplementary information furthermore makes reference to the applicants contributing to the provision of a third all-weather facility at Fairlie Tennis Club. The applicants state that they have approached the Tennis Club on several occasions but to date have had no reply.*

## **Consultations**

**Environmental Health** - Noisy construction work should be limited to 0800 -1800 hours Mondays to Fridays and 0800 -1300 hours on Saturdays. Plant and machinery should be operated to minimise nuisance from noise and vibration. Provision of electricity by a generator is not appropriate between 2300 and 0700 hours. Construction work must not cause noise or nuisance to neighbouring properties due to excessive noise or dust. Appropriate arrangements must be made for the removal and proper disposal of waste materials off site. Burning of waste is not permitted unless exempted by SEPA. Prior to the commencement of the development the applicants should undertake a desk study of the application site to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment.

*Response - Noted. The applicants could be advised to contact Environmental Health with regard to their requirements in relation to these matters. A condition could be imposed with regard to undertaking a contamination assessment.*

**Scottish Water** - No objection. It should be noted that any planning approval granted by the Council does not guarantee a connection to Scottish Water's infrastructure. Greenock Water Treatment Works has capacity to serve the proposed development. The water network that serves the proposed development may be able to supply the new demand. A totally separate drainage system will be required with surface water discharging a suitable outlet. Scottish Water requires a Sustainable Urban Drainage System (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

*Response - A condition could be imposed to ensure that drainage from the development is connected to the public drainage system and that a mains Water Supply is provided for the dwellinghouses. A condition could also be imposed to ensure that foul and surface water are on separate systems and that surface water discharges to a SUDS system. The applicants could be advised by note to contact Scottish Water with regard to connecting to its infrastructure.*

**Historic Scotland** - The site lies to the south of the A-listed Kelburn Castle and its associated landscape. However it is not considered that it will have an adverse impact in this particular case. Furthermore it is unlikely to impact on the setting of Fairlie Castle which lies 1km to the south-east.

*Response - Noted. Should the Council propose to grant planning permission there would be no requirement to refer the application to Historic Scotland.*

**Education** - Having looked at school roll projections, the proposed housing development would result in a manageable impact on the rolls at all catchments schools.

*Response - Noted.*

**West of Scotland Archaeology Service** - The application lies in an area of archaeological potential based on the presence of recorded sites and finds in the surrounding landscape of all periods. There is a recorded archaeological site within the site but the proposed development should not affect it as planned. Archaeological issues raised by this application can be addressed through the attachment of a suitable condition to any consent should the Council be minded to grant.

*Response - Noted. A condition could be imposed in this regard.*

**Scottish Gas Networks** - There is SGN apparatus within the site. The applicants should adhere to SGN's advice in relation to working in the vicinity of the apparatus.

*Response - Noted. The applicants could be advised by note to contact Scottish Gas Networks with regard to these matters.*

**Office for Nuclear Regulation** - No comment.

*Response - It is noted that ONR did not object to the proposed development.*

**Scottish Wildlife Trust** - recommends that a green link is retained through the site from the countryside to the other village green spaces, retention of some of the whorled caraway marshland habitat, possibly by making a feature out of it as a managed wildlife area, the incorporation of existing mature trees into the wildlife area, all mature trees to be surveyed for bats prior to felling, ensuring there is a plan in place for protecting any bats discovered and finally any habitat removal taking place outwith the bird breeding season.

*Response - The applicants state that a green link would be retained through the site by virtue of retention of elements of semi-natural habitat and creation of the access road. A condition could be imposed with regard to securing proposals for the maintenance and management of the open space areas throughout the site which could include proposals for retaining whorled caraway marshland, a section of which the applicants state would remain to the north of the access road. Surveying trees for bats before felling is recommended in the ecology report. A condition could be imposed in this regard together with a condition restricting vegetation clearance to outside the bird nesting season.*

**Network Rail** - No objection in principle provided the development is undertaken in a safe manner which does not disturb the operation of the neighbouring railway.

*Response - Noted.*

**SEPA** - No objection provided a condition is imposed to secure verification of discharge capacities identified in the Flood Risk Assessment and confirmation that flood management measures recommended therein are adopted. Foul drainage should be connected to the existing public sewerage system.

*Response - Conditions could be imposed with regards to these matters.*

**Arboricultural Officer** - Construction of the road through the group of beech trees will have a huge and negative impact on this particular part of the landscape. It may result in the remaining trees to the north of the group being more exposed to prevailing winds from the south-west. It will also affect the hydrology of the site which may restrict the water supply available to the trees. The siting of the houses to the east of the beech trees should accord with BS5837:2012 to ensure that the works do not extend within their root zone. Prior to their removal the trees should be surveyed for bats by appropriately qualified persons. The line of mature beech trees to the north of Castlepark Primary School should be retained which offer a degree of value to the school as they provide a natural screen and wind break. The gardens of the former manse contain a number of trees including a semi-mature western red cedar, an English yew, two semi-mature Irish yew and what appears to be a mature maritime pine. Although not rare these trees are uncommon to this particular area and probably have historical significance via association with the former manse. They are of amenity value being visible from the main road.

*Response - It is accepted that the group of beech trees is a significant landscape feature, protected by a TPO. The principle of development has been established however and other constraints mean that the access road cannot be located to avoid affecting the beech trees. The landscaping proposals aim to mitigate the effect as far as possible through replanting and establishing a green corridor across the site which would provide a link to green space and tree cover outside the site boundary. The applicants accept that the risks to the remaining trees would increase if trees are lost from the group and therefore that the long-term future of the group is uncertain. As noted before the applicants would appoint a factor to manage the areas of open space within the site and it would be the factor's responsibility to monitor and ensure the safe condition of any trees within the landscaped areas.*

*The applicants advise that the siting of the houses to the east of the beech trees accords with BS5837:2012 and that a bat survey would be undertaken prior to any tree felling taking place.*

*In recognition of the value of the trees adjacent to Fairlie Primary School, the layout has been altered to allow the trees on the boundary to be retained. The trees can be viewed from residential areas to the north of the site in Fairlie and their retention would contribute to the setting of the development and its integration with the surrounding landscape.*

*It is accepted that the trees within the garden of the former manse do have some amenity value. The approved Development Brief indicates however that this area would be used to accommodate the south-most block of flats which would involve their removal. The applicants' landscape consultant states that the woodland and tree planting mix proposed for the site aims to mitigate the loss of trees and extend the tree cover and diversity woodland species mix, using mainly native species. Some non-native and ornamental individual trees are also proposed to add interest and amenity to the development.*

#### **Fairlie Community Council**

1. Flooding - FCC is aware of the history of flooding from the Keppen Burn which affects the A78 trunk road, the Largs - Glasgow railway and commercial property on the west side of the A78. FCC notes the submitted Flood Risk and Drainage Impact Assessments and also the applicants' proposal to discharge surface water from the site to the Keppen Burn. The development of the lower lying area will result in the loss of a volume of potential flood water storage and therefore FCC supports the proposal by the applicant that no work should be undertaken on the site until sufficient flow capacity is provided below the A78 and on to the sea to compensate for the additional inflow and loss of storage during a 200 year return period event as might occur in the future.

*Response - A suspensive condition could be imposed to ensure that the flooding problem is resolved prior to works starting on site.*

2. A78 junction - FCC accepts that the Traffic Impact Assessment does not support the need for a signalised junction. In all discussions relating to the Development Brief, FCC has emphasised its wish for a signalised junction related to pedestrian safety, particularly the provision of a safe means of crossing the A78. FCC objects to the application as it does not provide a safe means of crossing the A78. A condition should be imposed to secure a light controlled pedestrian crossing at some location on the development frontage to the A78.

*Response - As noted above Transport Scotland did not consider that a traffic light controlled pedestrian crossing would be required. They say that an uncontrolled carriageway crossing located close to the proposed access would require to be retained and included in the design of the improved junction layout. As noted above, the developers of the proposed garden to the north are required by Section 75 Agreement to provide a pedestrian crossing.*

3. Access to Fairlie School - A lit pedestrian link should be provided from the site to the primary school in Castlepark Gardens.

*Response - The applicants propose to construct such a link on land outwith the site but in their control and a condition could be imposed in this regard.*

4. Pedestrian access from Kelburn Avenue - In discussions with the applicant it was suggested that pedestrian access from Kelburn Avenue should be considered.

*Response - The land is outwith the site and creation of such a link would require agreement with the owners of the petrol filling station or the nearest property in Kelburn Avenue. The applicants advise that the link could be formed through the open space area at the north edge of the site and that they would be prepared to form such a link if the owners were prepared to allow this to happen.*

5. Trees - The Community Council objects because of the number of trees that would be felled. If the Council is minded to approve the application a condition should be imposed to ensure that the absolute minimum number of trees are felled.



*Response - The principal loss of trees would be through the construction of the access road and the block of flats within the garden of the former manse both of which accord in the approved Development Brief. It is agreed however that the absolute minimum number of trees should be felled and that a condition as recommended by the Community Council should be imposed.*

6. Visual Impact - The Community Council objects to the inclusion of three storey flats on the north side of the proposed access road. Flats are not a feature of this part of Fairlie and the great majority of local residents believe that if they are to be consented they should be restricted to the south block only. FCC is disappointed about the lack of imagination and the initiative shown by the applicants in the first phase of the development in relation to the design and layout of the proposed residential units. Greater effort should have been made to create a development that blends in with the existing housing and landscape.

*Response - The issue of the scale and design of the flats has been addressed above as has the road layout which has been revised to reflect the aims of Designing Streets.*

7. Cycle Path Through Site - The dedicated cycle path should be formed parallel to main access road through the site - a condition should be imposed in this regard. This would extend the coastal cycle path through the village joining the existing cycle route to the north and south and remove the need to cycle along the A78.

*Response - The road layout has been revised to incorporate a cycle path parallel to the main access road.*

8. RES2B requirements - All conditions under Policy RES2B should be satisfied prior to commencement of any construction on the site.

*Response - Noted. See Analysis with regard to compliance with Policy RES2B.*

**NAC Roads (Flooding)** - There is no objection to the development on flooding grounds. There have been a number of flooding events in recent years however in close proximity to the development site caused by localised high intensity rainfall events. The Flood Risk Assessment submitted by the applicant is considered to be comprehensive. The site is not considered to be within the flood plain of any water courses running through the site; however small parts of the site adjacent to water courses could be at risk from channel blockages. A condition should be imposed regarding the installation of silt traps on the Keppen Burn to avoid channel blockages, the location of which should be agreed with North Ayrshire Council. A cut-off drain should be built along the east side of the development to collect surface water from the adjoining high ground. The cut-off drain and land drainage network in general should be maintained regularly by a factor and designed in such a way that access can be achieved to maintain the cut off drain and burns. The additional volume of water collected by the cut off drain should be managed as part of the surface water design.

*Response - Conditions could be imposed with regard to these matters.*

**Transport Scotland** - No objection. Conditions should be imposed to secure sightlines of 4.5 metres x 70 metres on each side of the access, a suitably designed junction at the trunk road and to ensure that no drainage connections are made to the trunk road drainage system.

*Response - Conditions could be imposed with regard to these matters.*

**NAC Roads** - Consultation has taken place with the applicants to amend the layout to accord with the requirements of national guidance contained in "Designing Streets". The flats and two dwellings to the north should be served by a short road built to adoptable standards. Internal junction radii require to be designed to accommodate general service vehicles and driveways should have a minimum length of 6 metres from the rear of the service strip. Transport Scotland should be consulted on matters relating to the A78 trunk road.

*Response - Conditions could be imposed regarding internal junction radii, driveway lengths and the standard of road serving the flats and houses to the north of access road. As noted above Transport Scotland were consulted in relation to the proposed development.*

**Access Officer** - One of the two footways from the A78 to the site should be designated as a shared use path with a width of 3 metres to provide for both walkers and cyclists. The Design and Access Statement advises that a temporary footpath is proposed from the south-east edge of the site to the Primary School. Such a link is essential to provide access to and from the school. It should however provide for shared use by both cyclists and walkers to facilitate travel to and from the school.

*Response - The plans have been revised to indicate the provision of a 3 metre wide shared use path for walkers and cyclists. This would offer wider benefits to the local community as it would provide opportunities for walkers and cyclists travelling between local communities as an alternative to following the A78. A condition could be imposed to ensure that the temporary footpath is provided for shared use by both cyclists and walkers.*

**Environment Services (Streetscene)** - Although the site offers significant grassed area for play there should be provision for an equipped play area. 5 different types of play equipment should be provided together with seating and a receptacle for litter. Due to the close proximity to the road, it is suggested the play area should be fenced to a height no greater than 1.2m high and have two gated points of access/exit to reduce the risk to children from vehicular traffic at this site. All equipment and safety surfacing supplied and installed at the play area must meet with the current European & British Standard for Play Equipment – BS EN1176. The play area will form part of the development and as such North Ayrshire Council will not adopt or take ownership of it. It is recommended that provision should be made by the developer or the residents to have the play area inspected weekly with an annual independent inspection carried out. In addition to the weekly inspection the play area needs to be kept clean and free of litter. The benefit of the equipped play area and the green play spaces within the development is that they are in close proximity to the houses and will give some reassurance/ peace of mind to parents and guardians that their children are playing in a safe place.

*Response - A condition could be imposed to secure a play facility as recommended. The maintenance arrangements for the play area would be a matter for the factor to determine.*

### **3. Analysis**

The site is located within an area allocated for residential purposes in the adopted North Ayrshire Local Plan (excluding Isle of Arran). The main determining issues are whether the proposals accord with the relevant policies, namely, RES1 (Development within Settlements), OS2 (Open Space and Play Provision), BE11 (Designed Landscapes and Historic Gardens), ENV5 (Sensitive Landscape Character Areas) and ENV5A (Clyde Muirshiel Regional Park). Approximately one quarter of the site area, the eastern most section, is located within an area where Policies RES2B and RES3 (Urban Fringe Sites) apply and the proposals therefore require to be assessed against these policies. Policy ENV17 (Urban Fringe and Countryside Development) is also relevant.

The application also requires to be assessed against the relevant Development Control Statement criteria and the approved Development Brief for the site.

As the proposal is for residential development in an area allocated for housing on the Local Plan map, it accords with Policy RES1.

With regard to Policy OS2, the area of open space within the proposed housing layout would substantially exceed that required by under the terms of the policy - the number of units proposed (63) would generate a requirement 0.3 hectares of open space whereas the undeveloped and landscaped areas within the application site would extend to around 3 hectares. A local equipped play area is proposed adjacent to the proposed houses where it is most likely to be needed. Furthermore the layout and landscaping programme for the site would contribute to establishing a green corridor which would be beneficial to amenity, outdoor recreation, landscape and nature conservation.

In relation to Policy BE11, the proposed houses would be situated a minimum of 100 metres from the southern extent of the Designed Landscape of Kelburn Castle and separated by landscaped ground. The historic buildings at Kelburn lie approximately 1 kilometre to the north. The impact on the historic landscape and Kelburn Castle and its associated buildings would not therefore be significantly adverse. As noted above Historic Scotland did not object to the proposed development. The proposed development would therefore accord with Policy BE11.

Clyde Muirshiel Regional Park (CMRP) and the Sensitive Landscape Character Area (SLCA) identified in the Local Plan adjoin the eastern and northern edges of the site but would be separated from the nearest houses by the proposed access road with landscaped ground on either side. Given the substantial planting and landscaping proposed and that the site would have a backdrop of a steeply rising hillside and woodlands, the proposed impact on CMRP and the SLCA would not be significantly adverse. The proposals therefore accord with Policies ENV5 and ENV5A.

The eastern part, approximately one quarter of the site area, as noted above, falls within an area identified in the Local Plan map where Policies RES2B and RES3 are applicable. The proposed development therefore requires to be assessed against both policies. With regard to RES2B an assessment against the various criteria follows:

- (1) Conformity with approved Development Brief - the siting, design and appearance, access and landscaping proposals accord with the approved Development Brief. The actual number of residential units however varies slightly. The brief indicates that 67 units would be provided in areas 1 and 2, namely, 36 flats, 19 detached, 8 semi-detached and 4 terraced units whereas the current proposal as noted above is for 62 units, comprising 36 flats and 26 detached units. The Development Brief is a guide and it is considered that the number and type of units proposed accord with the Brief.
- (2) Submission of a detailed, fully verifiable Financial and Business Plan showing that all funds raised from the sale and development of the land are channelled into the conservation and subsequent maintenance of the Castle and Country Centre - The applicants have provided an indicative Cost Plan and a Business Plan Cashflow in a format previously used, they advise, with other authorities in similar situations detailing indicative sales revenues, build/marketing/finance and general overhead allowances along with a developer return of 10.79%. The development surplus would be the cumulative amount that will be periodically transferred to a Trust account (The Kelburn Castle Restoration Works Trust) as a means of funding the restoration works to Kelburn Castle.

Having consulted with the Council's Finance and Property Services and Economic Development Service, the format of the Cost Plan and Business Plan Cashflow appears reasonable.

- (3) Agreement of Historic Scotland to the proposed restoration works - Historic Scotland has approved the Conservation Plan which sets out the works to Kelburn Castle and Country Centre and how they will be phased.
- (4) Demonstration that sufficient financial assistance is not available from any other source - an affidavit has been received from Lord Glasgow certifying that insufficient financial assistance is available from his lender. An application for grant funding from Historic Scotland has been lodged. It is understood that an indicative offer of £250,000 has been made on the basis of the Trust expending £500,000 in an approved scheme of works. The Trust and Historic Scotland are in the process of finalising the detail of this scheme. Sufficient financial assistance from any other source is not available to complete the project.
- (5) Extent of new build while restricted to minimum necessary to facilitate the restoration, occupies the whole site - the applicants state that they intend to develop the entire site in accordance with the Development Brief and that their overall Phasing Plan is as follows:

Phase 1 : 24 units at the upper level as applied for;  
Phase 2 : Block of flats to south of entrance;  
Phase 3 : Block of flats to north of entrance;  
Phases 4,5 & 6 : remainder of site, subject to separate applications and divided into approximately 3 phases of equal number. Phasing could change, they advise, subject to market conditions at the time.
- (6) Open book accounting on land and development sales - A Statement on 'open book accounting' has been submitted. It notes that upon agreement of the format of the Cost Plan with NAC, the applicants would undertake to competitively tender all sub-contract work and generate a "benchmark budget build cost for the development". Furthermore, a sales market analysis will be undertaken to ensure that the proposed selling prices are at "a level commensurate with the development and at a level that is commercially viable".

It points out that the Trust account has already been set up and the initial payment from the applicants has been made in order to allow restoration works to commence. Future payments would be made periodically, with monitoring cost reports being prepared bi-annually and issued to the Council for review and update.

The proposals also make provision for the resolution of any dispute/disagreement.

Having consulted the Council's Finance and Property Service and Economic Development Service in this regard, the Statement appears to be reasonable.

- (7) Provision for developer contribution to Education Services if required - Education Services have indicated that existing school rolls can accommodate pupils generated by the development.
- (8) Vehicular access to be taken directly from the A78 - the submitted plans show that vehicular access will be taken from the A78 and therefore this criterion is satisfied.
- (9) Evidence of a Trust or other legal agreement to ensure funds are used for restoration and subsequent maintenance of Kelburn Castle and Country Centre - the Trust is now in place and therefore this criterion is satisfied.

The policy also states that any enabling development will be subject to a Section 75 Agreement regarding the phasing of construction and other design and layout matters and regarding a Trust or other similar legal agreement to ensure that monies are only used for the restoration and subsequent maintenance of Kelburn Castle and improvement of the Country Centre. A construction phasing programme has been provided and the submitted application gives details of the design and layout of areas 1 and 2; subsequent applications for planning permission would be lodged for areas 3 to 6 inclusive which would deal with matters of design and layout at that stage. It is considered therefore that a Section 75 Agreement is not required in relation to these matters, but would be necessary to secure that the Financial and Business Plan and the Open Book Accounting Statement are implemented and that all proceeds, other than a reasonable developers profit of 10.79%, are channelled into The Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre.

Finally, the policy states that with regard to any applications, concurrent submissions including phasing of works shall be required. The applicants do not interpret this as meaning that a single application for the whole development is required nor that there is a prohibition on any application being made for part of the site. They point out that the Development Brief approved by the Council alludes to the site being the subject of more than one planning application and makes reference to phasing and developable areas of the overall site. Their interpretation of "concurrent submissions" is that it requires synchronised applications, which they say is exactly what is being delivered through the mechanism of the Adopted Brief and the Local Plan.

Having regard to the scale of the development and current economic climate, it is considered reasonable to accept that the site can be developed in a number of phases by means of more than one application for planning permission. It is considered therefore that the current proposal would not conflict with this aspect of the policy.

In view of the foregoing it is considered that the proposed development accords with Policy RES2B.

It should be noted that Policy BE6 makes provision for restoration of exceptional listed buildings by allowing limited new build enabling development subject to certain criteria. Policy RES2B however was specifically designed to secure enabling development at Ladies Walk to facilitate the restoration of Kelburn Castle and Country Centre. Policy BE6 is not therefore relevant in this particular case. The criteria for assessing listed building restoration under Policy BE6, it should be noted, are similar to the criteria listed under Policy RES2B.

Policy RES3 also applies to the eastern part of the site and states that developments in such locations shall make provision for substantial structure planting to ensure an effective boundary between town and country. The proposals as submitted make provision for a substantial landscaped gap between the houses and the edge of the settlement; the development therefore accords with Policy RES3. The aims of Policy ENV17 (Urban Fringe and Countryside Development) are similar to those of RES3 and therefore the proposed development accords with ENV17.

With regard to the Development Control Statement, an assessment of the criteria as follows:



- (a) **Siting, Design and External Appearance** - the siting of the flats and dwellinghouses accords with the indicative layout shown on the Development Brief. The proposed flats would occupy the most prominent part of the site adjacent to the A78. However it is considered that the siting of the development is acceptable in relation to the existing streetscape and in relation to the impact on views of Fairlie Craig. The more distant siting of the houses on the upper level to the east of Fairlie Craig would minimise the impact of this part of the development on views from the A78.

The scale and relatively traditional style of the flatted blocks would be compatible with scale and character of developments in Fairlie. The proposed houses to the north of the flats would step down in scale to reflect the single and 2 storey dwellinghouses in Kelburn Avenue and Keppernburn Avenue to the north. The upper housing area contains a mix of house types, albeit that all are detached villas. Eight different house types are proposed. The houses are also relatively traditional in form with steep, dual pitch roofs finished in grey concrete roof tiles and white dry dash rendered walls and facing brick detailing at ground floor level. All house types are gabled and many incorporate feature projecting bays. The design and appearance of the proposed houses are therefore considered to be satisfactory. The proposed houses and flats would enjoy a satisfactory standard of outlook, area of garden ground and amenity space and the occupants of the residential flats would it is considered enjoy a satisfactory standard of amenity. Accordingly the siting, design and external appearance of the development are considered to be acceptable.

- (b) **Amenity** - The siting of the units and distance to neighbouring residential properties mean that the proposed development would have no adverse impacts on residential amenity by reason of loss of privacy, sunlight or daylight. The impact on residential amenity would therefore be acceptable. Given the satisfactory siting, design and appearance of the buildings and landscaping proposals, there would not be any significant adverse implications for visual amenity.

- (c) **Landscape Character** - The site is located within the settlement of Fairlie. It is currently undeveloped however and is a break in the developed frontage along the A78 in Fairlie. The land rises relatively steeply to the elevated eastern part of the site beyond which it continues to rise into the hills forming the backdrop to Fairlie. While the flats would result in a relatively significant change to the streetscape at this part of Fairlie, the overall impact on the wider landscape would not be significant. As noted above the impact on the landscape feature at this location, ie., Fairlie Craig, would not be significantly adverse.
- (d) **Access, Road Layout and Parking Provision** - The proposals have been assessed by Transport Scotland and NAC Roads neither of whom objected to the development, subject to conditions as noted above.
- (e) **Water and Sewerage** - Scottish Water did not object to the proposed development. Conditions could be imposed to ensure that the development connects to Scottish Water's infrastructure.
- (f) **Safeguarding Zones** - The site is identified as being within the Hunterston 5 mile safeguarding zone. ONR as noted above did not object to the proposed development.
- (g) **The Precautionary Principle** - Consultation responses and representations received in relation to the proposals indicate the need, prior to development commencing on site, to resolve the flooding issue at the north-west corner of the site where the Keppen Burn passes below the A78 . The applicants recognise the need to resolve this problem and their engineers are in discussion with Amey Highways, Railtrack and the Council's Flooding Engineer to produce a co-ordinated approach to overcoming the problem. They have suggested that a suspensive condition be imposed on any grant of planning permission requiring that the flooding issue at the A78 be addressed prior to works commencing on the development. They have also indicated that they would allow access to other parties to carry out works within the application site for this purpose. A suspensive condition could therefore be imposed which would prevent development commencing, including tree removal or ground disturbance, until the flooding problem has been resolved to the satisfaction of all relevant parties.

In view of the foregoing the proposals accord with the Development Control Statement criteria.

The proposed development accords with the relevant Local Plan policies and Development Control Statement criteria and as indicated above the approved Development Brief for the site. Planning permission can therefore be granted subject to the applicants entering into a Section 75 Agreement to secure that the Financial and Business Plan and the Open Book Accounting Statement are implemented and that all proceeds, other than a reasonable developers profit of 10.79%, are channelled into The Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre and subject to the conditions in Appendix 1.

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

See Appendix 1.

A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
9 October 2012

For further information please contact John Michel, Senior Planning Officer , on 324379

JM/FG



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00159/PPM**

Grant, subject to (i) the applicants entering into a Section 75 Agreement to ensure that the agreed Financial and Business Plan and the Open Book Accounting Statement are implemented and to ensure that all proceeds, other than a reasonable developers profit of 10.79%, are channelled into The Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre; and (ii) the following conditions:-

1. That no development, excavation or tree felling works shall commence until sufficient flow capacity has been provided to carry the 200 year plus climate change flow in the Keppen Burn to the sea from the application site, which capacity shall include compensation for the loss of flood water storage and surface water discharge; the design and location of the culvert works required to provide the required flow capacity shall be submitted for and shall have received the prior written approval of North Ayrshire Council as Planning Authority, prior to any works commencing on the site.
2. That the development hereby approved shall not commence until the applicants have provided the following information in relation to flood risk: (i) provision of model cross section data for review and verification along with the modelling approach and parameters used for the relevant hydraulic structures; (ii) confirmation of channel characteristic to enable verification of discharge capacities; and (iii) confirmation that the flood management measures recommended in the Flood Risk Assessment submitted in support of the application shall be adopted together with a programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That silt traps shall be installed in the Keppen Burn to avoid channel blockages, the location, details and timing of the installation of which shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of the development.
4. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority details of (i) proposals for the construction of a cut-off drain along the east side of the development site to collect surface water from the adjoining high ground; (ii) a programme for the installation of the cut-off drain; (iii) proposals for providing access to and for the regular maintenance of the cut-off drain by a factor; (iv) the proposed factoring arrangements for the maintenance of the cut-off drain; and (v) proposals for managing the additional volume of water as part of the surface water design, all to the satisfaction of North Ayrshire Council as planning authority.

5. That prior to the occupation of any of the residential units hereby approved, foul drainage from the development shall be connected to the public sewerage system.
6. 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 CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved 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.
7. That the development hereby approved shall be provided with a public mains water supply prior to the occupation of any of the residential units hereby approved.
8. That the proposed access shall join the trunk road at a new junction which shall be constructed by the applicants to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5. The junction shall be constructed in accordance with details that shall be submitted to and approved by North Ayrshire Council as Planning Authority, after consultation with Transport Scotland, before any part of the development is commenced.
9. That there shall be no drainage connections to the trunk road drainage system.
10. That visibility splays shall be provided and maintained on each side of the new access to the A78, to the satisfaction of North Ayrshire Council as Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centreline of the access road (the set back dimension) and the nearside trunk road carriageway measured 70m (the Y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the Y dimension.
11. That prior to the commencement of the development hereby approved revised proposals shall be submitted for the access to the flats and two dwellings to the north of the site access road, which shall be served by a short road built to an adoptable standard, all to the satisfaction of North Ayrshire Council as Planning Authority .

12. That driveways shall have a minimum length of 6m measured from the rear of the service strip.
13. That all internal junction radii shall be designed to accommodate general service vehicles, including vehicle tracking, to the satisfaction of North Ayrshire Council as planning authority.
14. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the design and alignment of the temporary footpath from the south-east edge of the site to Castlepark Gardens, which shall be of a standard to facilitate use by both pedestrians and cyclists, shall be lit and shall be provided prior to the occupation of any of the houses on plots 1-24, all to the satisfaction of North Ayrshire Council as Planning Authority.
15. That all tree planting, seeding or turfing comprised in the landscaping proposals hereby approved shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
16. That prior to the occupation of any of the flats or dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan which shall include retention of a green link through the site and the whorled caraway marshland north of the access road, long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.
17. That the minimum number of trees shall be felled; and no trees or hedges, other than those shown to be felled or lopped on the plans hereby approved, shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.

18. That prior to any tree felling taking place, the trees shall be surveyed for the presence of bats and a report shall be submitted for the written approval of North Ayrshire Council as Planning Authority detailing the findings of the survey and any measures required to be taken prior to the felling of the trees should the presence of bats be detected, all to the satisfaction of North Ayrshire Council as Planning Authority.
19. That all tree removal, ground and vegetation clearance works shall take place outwith the main bird breeding season, i.e. outwith the period March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority.
20. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: (i) all external finishes to the buildings; (ii) all hard surfaces including parking areas and footpaths; (iii) all boundary and internal enclosures; (iv) the proposed bin store enclosures; (v) the finished floor levels for the flats and dwellinghouses relative to existing levels; and (vi) details of proposals for excavating the embankment to accommodate the access road to the upper level of the site.
21. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed equipped play area which shall include the provision of 5 different types of play equipment, seating; details shall also be submitted with regard to the means of enclosure including 2 gated points of access/exit, surface finish, litter bin provision and maintenance and management arrangements. The approved play area proposals shall be implemented on completion of more than 75% of the houses on plots 1-24 inclusive, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
22. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted by the applicants, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.



23. That prior to the commencement of the development hereby approved, the applicants shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS 10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of the Environmental Health Service of North Ayrshire Council. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme acceptable to the Environmental Health Service of North Ayrshire Council. On completion of the proposed works written verification, detailing what has been done by way of remediation shall also be submitted to the Environmental Health Service of North Ayrshire Council.

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

1. To ensure that the development is not at risk from flooding and does not increase the flood risk elsewhere.
2. To meet the requirements of the Scottish Environment Protection Agency/minimise the risk of flooding within the site and elsewhere.
3. To minimise the risk of flooding in the application site and elsewhere.
4. To minimise the risk of flooding in the application site and elsewhere.
5. To meet the requirements of the Scottish Environment Protection Agency.
6. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
7. To ensure that the occupants of the dwellinghouses are provided with an adequate and wholesome water supply.
8. To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.
9. To ensure that the efficiency of the existing trunk road drainage network is not affected.
10. To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

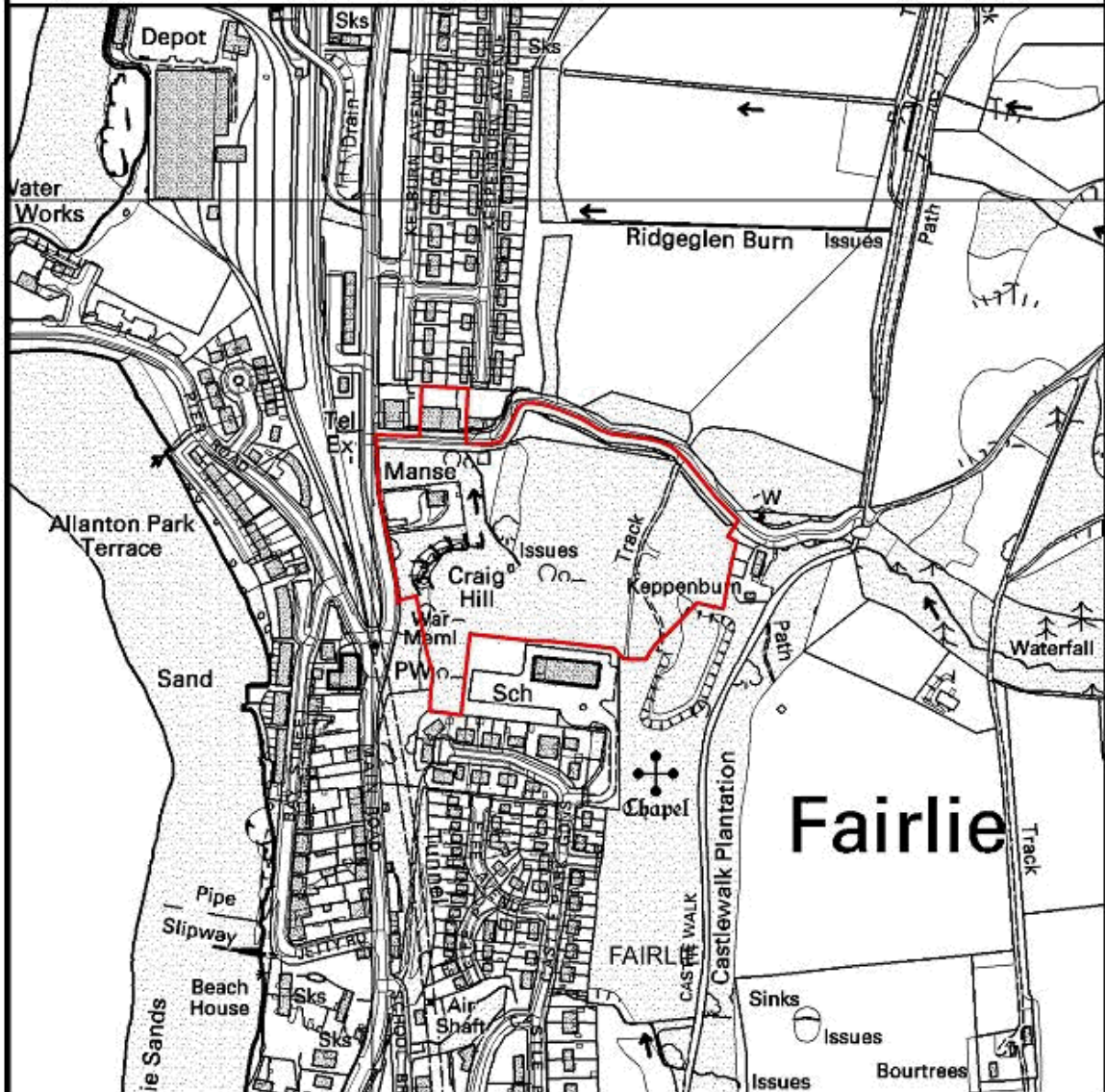
11. To meet the requirements of North Ayrshire Council as Roads Authority.
12. To meet the requirements of North Ayrshire Council as Roads Authority.
13. To meet the requirements of North Ayrshire Council as Roads Authority.
14. To facilitate access to and from the site for cyclists and pedestrians.
15. To secure the proper completion of the development in the interest of amenity.
16. To ensure the proper maintenance and management of the areas of open space.
17. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
18. To avoid disturbance to bats.
19. To avoid disturbance to birds during the nesting season.
20. In the interest of the amenity of the area.
21. To ensure that occupants of the dwellinghouses are provided with adequate play facilities.
22. In recognition of the archaeological potential of the site.
23. To meet the requirements of Environmental Health.

Reason(s) for approval:

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

# Committee Plans

12/00159/PPM



**NORTH AYRSHIRE**  
COUNCIL

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**Not To Scale**



