



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 01 September 2021** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of meeting of the Committee held on 16 June 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Call In Request: 21/00676/PP – Millport, College Street Erection of 5 holiday lodges

Submit report by the Chief Executive on a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers (copy enclosed).

4 Isle of Arran

Submit reports on the following applications:

- 4.1 21/00655/PP: Glenard Manse Road Brodick, Arran, KA27 8DN**
Removal of condition 1 of planning approval 04/00333/PP and retain use as dental surgery (copy enclosed).
- 5 North Coast and Cumbraes**
Submit reports on the following applications:
- 5.1 21/00547/PP: Plot 1 Craig-En-Ros Road Millport Ayrshire**
Erection of detached dwelling house and variation of Conditions 2 and 8 of N/06/01108/PP (copy enclosed).
- 5.2 21/00555/PP: 10 Kirkton Crescent Millport Ayrshire KA28 0HJ**
Erection of detached dwelling house (copy enclosed).
- 5.3 21/00596/PP: Site To North Of Fairlie Bowling Club Main Road Fairlie Largs Ayrshire**
Erection of garden centre and restaurant with associated access, parking and landscaping (copy enclosed).
- 5.4 21/00247/PP: 120-122 Irvine Road Largs Ayrshire**
Erection of 30 dwelling flats with associated access and landscaping (copy enclosed).
- 6 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land outside of Laigh Gree & East Laigh Gree, Burnhouse.**
To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all deposited rubble, boulders and masonry blocks on the land for the abatement of the adverse impacts on the amenity of the local area (copy enclosed).
- 7 Urgent Items**
Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

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

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Planning Committee Sederunt

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

Chair:

Apologies:

Attending:

**Planning Committee
16 June 2021**

Agenda Item 2

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

Present

Tom Marshall, Timothy Billings, Ian Clarkson, Robert Foster, Christina Larsen, Ellen McMaster and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, A. Gemmell, Strategic Planning Manager, L. Dempster, Technician, K. Gee, Technician (Planning); A. Craig, Senior Manager (Legal Services); and C. Stewart and A. Little, Committee Services Officers (Chief Executive's Service).

Apologies

Robert Barr, Shaun Macauley and Ronnie McNicol.

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Planning Committee held on 19 May 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 21/00055/PP: Fir Trees, Lamlash, Brodick KA27 8JN

Ms Penny Albrich has applied for planning permission for the erection of two four-bedroom detached dwellinghouses on the site of a former bungalow at Fir Trees, Lamlash, Brodick, Isle of Arran KA27 8JN. Two objections were received and summarised in the report.

Councillor Marshall, seconded by Councillor Billings, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

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

1. That, prior to the occupation of the first of the houses hereby approved: (i) the first 2 metres of the access measured from the junction with the public road shall be hard surfaced and designed in such a way as to prevent the discharge of surface water or loose materials onto the surface of the public road; (ii) sufficient visibility splays to both sides of the access shall be provided and maintained thereafter on land within the developers control; and (iii) a Road Opening Permit shall be obtained by the developer prior to these works. All of the above shall be to the satisfaction of North Ayrshire Council as planning authority.
2. That, prior to the commencement of the development hereby approved, details of an appropriate storage and collection point for refuse from the development shall be submitted for the written approval of the planning authority. The development shall not commence until written approval of the details has been received and the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority.
3. 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 and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
4. That, prior to the commencement of the development hereby approved, details of obscured glazed screening to the north and south sides of the rear balconies and the south sides of the front balconies of both properties, which shall be adequate to protect the privacy of neighbouring properties to the south, shall be submitted for the written approval of the planning authority and that the development shall thereafter be completed and maintained, only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority.
5. That prior to the commencement of the development hereby approved, details of the heat and power system for the houses, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That prior to the commencement of the development hereby approved, full details of: (i) all boundary treatments; and (ii) any proposed artificial lighting to be installed on the site shall be submitted for the written approval of the planning authority. The development shall thereafter be completed only in

accordance with such details as may be approved and maintained as such unless the written agreement of the planning authority is obtained, all to the satisfaction of North Ayrshire Council as planning authority.

7. That, prior to the commencement of the development hereby approved, full details of a scheme of landscaping for the site, including details of the proposed use of or removal from the site of the mounded demolition spoil in the centre of the site, shall be submitted for the written approval of North Ayrshire Council as planning authority. For the avoidance of doubt, an ecological consultant shall be engaged in the preparation of the landscaping scheme to ensure that the habitat features, including the watercourse, of the site are protected and maintained.
8. That the details of the proposed drainage and private foul sewer arrangements for the houses, certified by an appropriately qualified person, shall be provided for the written agreement of the planning authority prior to the commencement of the development hereby approved and that the siting and outflow of sewage shall take account of advice received from SEPA and be completed to the satisfaction of North Ayrshire Council as planning authority prior to the occupation of the dwellinghouses hereby approved.
9. That the Recommendations in Section 4.2 2 of the Otter Survey Report dated 17th May 2021 and prepared by Erik Paterson of EP Ecology Ltd shall be followed and fully adhered to in the construction phase of the development hereby approved and that the presence of any Protected Species encountered shall be reported to NatureScot for licensing or action as required, all to the satisfaction of North Ayrshire Council as planning authority.

Note: Councillor Foster left the meeting at this point in the proceedings.

4. Policy Guidance Note: Housing in the Countryside

Submitted report by the Chief Planning Officer on the consultation on the draft Housing in the Countryside Policy Guidance Note. The Housing in the Countryside policy guidance note was set out at Appendix 1 and the draft Policy Guidance Note set out at Appendix 2 to the report.

The Chief Planning Officer advised the Committee of the need to produce guidance on Housing in the Countryside as part of a wider review of the Council's existing Planning Guidance to ensure all policies and decision-making are in line with Local Development Plan 2 following its adoption in November 2019.

Members asked questions and were provided further information in relation to:

- Concerns relating to some aspects of the legislation listed, and particularly around permitted development rights in respect of forestry and agricultural buildings.

Councillor Billings, seconded by Councillor Marshall, moved to approve the report, subject to the amendment of Paragraph 3.11 in Appendix 1 (Housing in the Countryside – Policy Guidance Note) to remove the reference to Registered Social Landlord in this section.

As an amendment, Councillor McMaster, seconded by Councillor Reid, moved to agree the report recommendations and to (a) note the detail of the six-week consultation undertaken on the draft Policy Guidance Note set out at Appendix 2 to the report; and (b) approve the Housing in the Countryside policy guidance note set out at Appendix 1 to the report, which would be a material consideration in the determination of future planning applications relating to housing in the countryside.

On a division and a roll call vote, there voted for the amendment, Councillors Clarkson, Larsen, McMaster and Reid (4) and for the motion, Councillors Billings and Marshall (2), and the amendment was declared carried.

5. Local Place Plans – proposals for regulations

Submitted report by the Executive Director (Place) on the introduction of Local Place Plans with proposed response to the consultation set out in Appendix 1 to the report.

Members asked questions and were provided further information in relation to:

- the potential effect of local place plans being contradictory to the Local Development Plan and/or the National Islands Plan and variances that could occur between different local place plans in a locality, as well as development of local islands plans, and how any conflicts could be addressed in this respect.

The Committee unanimously agreed to approve the proposed response to the consultation on proposals for Local Place Plan regulations set out at Appendix 1 to the report.

6. Planning Performance Framework

Submitted report by the Executive Director (Place) on the 2020/2021 Planning Performance Framework Report set out at Appendix 1 to the report.

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

The meeting ended at 3.30 p.m.

NORTH AYRSHIRE COUNCIL

1 September 2021

Planning Committee

Title: **Call In Request: 21/00676/PP – Millport, College Street
Erection of 5 holiday lodges**

Purpose: To advise the Planning Committee of a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

Recommendation: The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

1. Executive Summary

- 1.1 In terms of Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

2. Background

- 2.1 A request has been made by Councillors Ferguson, Gallacher and Glover that the application 21/00676/PP for the erection of 5 holiday lodges and reception building to include the formation of access, a car park, landscaping and ancillary works at College Street, Millport, Isle of Cumbrae should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers.
- 2.2 The planning application was validated on 29 June 2021 and the call in request has been submitted within the 3 week deadline in accordance with the approved procedure (Appendix 1).
- 2.3 The stated reason for the call in request is as follows: -
- Application will affect the setting of the Cathedral of the Isles - a Category A listed building - and its environs;
 - Large number of local objections; and
 - Overprovision of this type of tourist accommodation in Millport.

3. Proposals

- 3.1 The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

4. Implications/Socio-economic Duty

Financial

- 4.1 None

Human Resources

- 4.2 None

Legal

- 4.3 Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

Equality/Socio-economic

- 4.4 None

Environmental and Sustainability

- 4.5 None

Key Priorities

- 4.6 None

Community Wealth Building

- 4.7 None

5. Consultation

- 5.1 No consultations were required.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

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Planning Committee Call-in

In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee.

The following steps should be followed when submitting a call in request:

- Requests must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question.
- Requests must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application.
- Requests must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

On receipt of a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call in request.

At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.

NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	Isle of Arran
Reference	21/00655/PP
Application Registered	25th June 2021
Decision Due	25th August 2021
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	Glenard Manse Road Brodick Ayrshire KA27 8DN
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Applicant	Mr Bruce Jenkins
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Proposal	Removal of condition 1 of planning approval 04/00333/PP and retain use as dental surgery
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1. Description

Planning permission is sought for the removal of a planning condition. Planning permission (ref. 04/00333/PP) was granted by the Planning Committee in 2004 for the sub-division and part change of use of a house to form a dental surgery. Condition No. 1 of the consent states that the use would enure for the benefit of the applicant only and for no other person. The applicant now wishes to retire and to sell both the house and dental surgery as a package and therefore requests removal of the condition to enable someone else to continue providing the dental service to Arran.

A new 180mm high ramp would be formed to the front door and internal alterations would also be carried out to form an accessible WC. The original two storey house faces north to the coast. The dental surgery is in a later extension to the rear which is accessed from Manse Road at the west. Existing parking provision is on Manse Road. The building is adjoined by dwellinghouses to three sides and by the playing fields of Ormidale Park to the west.

The application site is within the settlement of Brodick, as identified in the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP"). Strategic Policy 1: the Towns and Villages Objective is relevant. In terms of planning history, a Certificate of Lawfulness

was also issued in 2012 (12/00594/LUE) for the use of a detached chalet in the rear garden of Glenard to provide ancillary accommodation to the main house.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective

Towns and Villages Objective

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

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

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

2. Consultations and Representations

The statutory neighbour notification procedures were undertaken, and no objections were received.

3. Analysis

Section 42 of the Town and Country Planning (Scotland) Act 1997 allows that applications can be made to allow development to be carried out without compliance with a condition of a previous planning permission. As above, the part change of the use of the building was established by the previous planning permission. A condition had been applied linking the use to the applicant. The determining factor in this application to remove the condition is therefore whether the use has now been established and whether the condition has now served its purpose and can be removed.

The application site is within the General Urban Area of Brodick and Strategic Policy 1: the Towns and Villages Objective supports a wide range of facilities and services which support the social and economic functions of our towns and villages. Use as a dental surgery is generally considered an appropriate use within a residential area, as it is unlikely to result in adverse effects on the residential amenity of any other properties. There are no land use planning issues in principle.

The building is within an existing residential curtilage and its operation as a Class 2 (Professional Services) dental surgery is appropriate to the amenity of a residential area. There is no record of any planning breach or complaints regarding its operation during the preceding seventeen-year period regarding disturbance of residential amenity. The proposal in this case does not raise any significant issues and therefore complies with SP1.

The business appears to have become well established in the interim period and there is no reason to suspect that the operation would change if operated by a different dentist. The condition has therefore served its purpose and can be removed allowing the property to be marketed for sale for continuation of the established use. A second existing condition of the Planning Permission (ref. 04/00333/PP) limits the operating hours to between 0800 and 1800 Mondays to Fridays. A request has not been made to remove this condition and it can therefore be re-applied, allowing that any request by a new operator, to amend the stated hours, could be considered on its merits by Planning Services without requiring a new planning application.

The proposed external ramp to the front would be minor, would aid accessibility to the premises and would have no significant adverse effect on visual amenity. The internal alterations would not require planning permission and there are no issues to consider in terms of Strategic Policy 2: Placemaking. In conclusion, planning permission can be granted. As above, the original condition to limit the hours of operation should be re-applied to protect residential amenity given the location within the residential area.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the operating hours of the surgery hereby approved shall be limited to between 0800 and 1800 hours, Monday to Friday inclusive unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, .

Reason

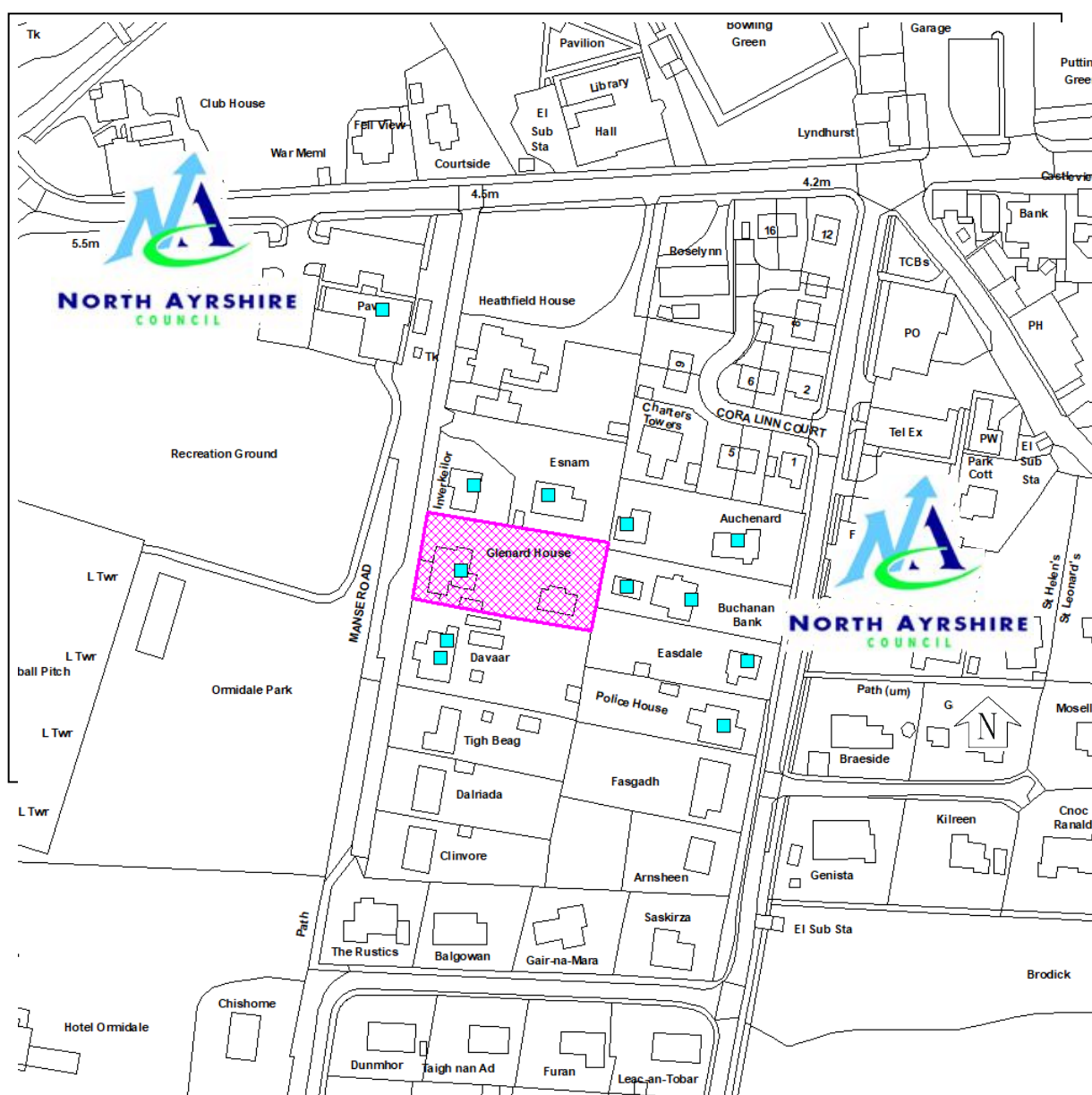
In the interest of the amenity of the area.

James Miller
Chief Planning Officer

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/00547/PP
Application Registered	3rd June 2021
Decision Due	3rd August 2021
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	Plot 1 Craig-En-Ros Road Millport Ayrshire
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Applicant	Mr and Mrs F Taylor
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Proposal	Erection of detached dwelling house and variation of Conditions 2 and 8 of N/06/01108/PP
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1. Description

The application site relates to plot no. 1 within the Craig-en-Ros residential plotted development. Craig-en-Ros Road is a late twentieth century cul-de-sac on the edge of Millport. Plot no. 1 is a corner plot on the entrance into the plotted site. It measures approx. 800sqm in area and is mostly level, although with a significant slope close to the eastern boundary down to the neighbouring property.

It is proposed to erect a one and a half storey detached dwellinghouse on plot 1 and to seek variations to conditions 2 and 8 of planning permission ref. 06/01108/PP. The floor plan of the proposed house would be split into two offset sections with a connecting passage between, and at ground level would measure 126.5sqm in area. Only the southeast section would have an upper floor, and this would measure 55sqm in area. The house would have a gabled roof design, with the single storey northwest section measuring approx. 5m to the ridge and one and a half storey southeast section measuring approx. 6m in height. The house would sit at a 45-degree angle within the plot, with its front elevation facing north. The roof of the house would be finished in standing seam metal and the walls would be finished in a mixture of white render and vertical timber cladding.

The application seeks to vary conditions 2 and 8 of Planning Permission ref. 06/01108/PP. Condition 2 states:

"That with the exception of the dwellinghouses on Plots 1, 2 and 3, the proposed house types shall accord with the design brief hereby approved. The dwellinghouses on plots 1, 2 and 3 shall be either single or one-and-a-half storey construction with no windows on the southeast roof slope and the floor level of the three dwellinghouses shall be no higher than 100mm above the present ground level at plots 1 and 2 (68.1m) shown on the plans hereby approved."

The proposed variation of this condition is to allow the floor level to be 150mm above the present ground level. It is unclear the reference to 68.1m refers in the condition, the applicants topographical survey places the ground level at approx. 21m above ordnance datum (AOD), and this appears to be accurate.

Condition 8 of 06/01108/PP states:

"That prior to the commencement of the construction of any dwellinghouses on the plots, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a plan showing the revised building zones for the plots which shall provide a minimum distance of 20m from the rear of the building zones on plots 1, 2 and 3 to the boundary with no. 5 Craig-en-Ros Road."

The proposed variation of this condition is that at the closest the proposed dwellinghouse would be located 11.5m from the boundary with no. 5 Craig-en-Ros Road.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a General Urban Area allocation and therefore the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking. In addition, the application requires to be assessed against Policy 29: Energy Infrastructure Development, of the LDP.

In terms of the history of the site, in 2003, planning permission was granted for the formation of an extension to Craig-en-Ros Road consisting of 9 no. serviced plots (ref. 02/00611/PP). A further planning permission was approved in January 2007 for the retrospective alteration of ground levels on the serviced plots (ref. 06/01108/PP). To date, none of the serviced plots have been developed although there have been previous planning permissions granted for the development of plots no. 3 and no. 9, both of which have now lapsed. Some of the road infrastructure has been formed, consisting of a mono-block roadway.

Pre-application planning advice was given to the applicant in May 2021. The advice highlighted the relevant conditions of previous planning permissions and offered comment on the design. It was noted that the proposed design did not meet the 20m setback required by condition 8 of planning permission ref. 06/01108/PP. Furthermore, it was advised that a proposed balcony would not be supported due to the potential for overlooking. In addition, it was advised that the metal roof may not be in-keeping with the character of the area, and that a tiled roof should be considered instead. The application was then submitted with no changes to the design.

Since the application has been submitted, the case officer requested and secured the removal of the balcony, in favour of a Juliet balcony, and the repositioning of the house a further 1.5m from the boundary. In addition, a proposed garage has been removed as it would have been forwards of the front building line.

The application is supported by a Design Statement which seeks to justify both the proposed design and non-compliance with the conditions of planning permission ref. 06/01108/PP.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective Towns and Villages Objective

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

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

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

Strategic Policy 2 Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

Public Safety

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

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved.

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

Buildings: Low and Zero Carbon Generating Technology

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

This requirement will not apply to:

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

2. Consultations and Representations

The statutory neighbour notification process was carried out, and the application was advertised in a local newspaper. Four letters of objection have been received; the points raised in which are summarised below:

1. The proposal is contrary to conditions of previous planning permissions for the plotted development, specifically conditions 2, 8 and 10 of ref. 06/01108/PP. The proposed floor level and balcony are considered contrary to condition 2, the lack of a 20m setback from the boundary is considered contrary to condition 8, and the lack of information regarding the lowering of ground levels and removal of surplus materials is considered contrary to condition 10.

Response: Variations to these conditions are being sought by the applicants as part of their proposals. Discussion on the proposed variations is included in the Analysis section of this report. With regards to condition 10, the ground levels to the rear of plots 1, 2 and 3 were built up with surplus materials taken from plots 4-8 which forms a flat development plateau ending in a steep slope down to the boundary with no. 5 Craig-en-Ros Road. Condition 10 required that within 6 months of the approval (July 2007) a plan for removing the surplus material and lowering the ground levels on these plots should be submitted. No such plan was ever submitted. Planning permission was subsequently granted on plot three for the erection of a house with no requirement to adjust the ground levels in January 2011 (ref. 10/00771/PP). The applicants have been advised to remove excess material and form a gentler slope in the rear garden. However, they have responded that this would require the removal of a large amount of material off the island which, they state, would make development financially unfeasible. Given the fact that the developer did not submit a plan for the removal of the excess material within the date specified and given the subsequent approval with no requirement to remove the material, it is not considered that Condition 10

still applies, and the ground level as existing is now considered to be the established ground level of the site.

2. The proposed metal roof is not in-keeping with the character of the area where all the houses have roof tiles.

Response: Agreed. This matter was highlighted to the applicant at the pre-application stage, as noted above. The applicant's Design Statement seeks to justify the use of a metal roof by stating that it is a high-quality material with a long history in Scotland. It is considered that while not in-keeping with the surrounding area, the metal roof would not detract from the appearance of the area and is important to the contemporary design which is being proposed; the use of a tiled roof would likely detract from the overall design aesthetic, in their view.

3. No reference is made in the application to underlying geological issues or the proposed foundations. The ground level at plots 1-3 have been formed by materials removed from plots 4-8.

Response: These are matters that would require to be considered during the building warrant stage.

4. The developer removed the vegetation on site during the bird nesting season which led to the death of local wildlife.

Response: Planning permission is not required for the removal of vegetation and the applicants have stated that it was not them who removed the vegetation from the site. Any alleged wildlife crimes are Police matters and should be reported directly by any concerned person.

5. There is concerns over the potential for construction noise to affect the amenity of neighbouring properties. Craig-en-Ros Road is unfit for construction traffic due to its steep topography and tight bends.

Response: Construction traffic for the erection of a single dwellinghouse does not raise significant amenity issues. Any noise disturbance can be reported to North Ayrshire Council Environmental Health, should this occur.

6. There are at least four other potential applications at Craig-en-Ros Road who are waiting to see the outcome of this application before submitting. The Council should delay the start time of the current applications so that all development takes place at the same time, to minimise the disruption for neighbours.

Response: This application at Craig-en-Ros Road is currently the only one, which has been submitted, and the application requires to be determined in line with the statutory processing period that applies to local developments. A time-extension has been agreed as the application requires to be determined by the Planning Committee.

7. The amended scheme only contains minor changes to the original application, and the proposed development is still contrary to conditions of the previous planning permissions.

Response: The proposed changes were to remove the proposed balcony and replace it with a Juliet balcony, to set the building back a further 1.5m from the boundary and to remove the proposed garage. However, the proposal remains contrary to conditions 2 and 8 of planning permission ref. 06/01108/PP and accordingly the applicant is seeking variations of these conditions.

NAC Active Travel and Transportation: Craig-en-Ros Road has not yet been adopted and needs to be upgraded to an adoptable standard. Other standard conditions are suggested.

Response: An appropriate condition would address these matters.

3. Analysis

The principle, of the erection of a dwellinghouse on this site, was established firstly by planning permission ref. 02/00611/PP in 2003 and again in 2007 with planning permission ref. 06/01108/PP. In addition, the erection of a dwellinghouse in a General Urban Area is acceptable in principle in terms of the Towns and Villages Objective of Strategic Policy 1 of the adopted Local Development Plan. The detail of the application therefore only requires to be assessed in terms of Strategic Policy 2: Placemaking and Policy 29: Energy Infrastructure Development. Strategic Policy 2 states that all applications for Planning Permission should meet the qualities of successful places (distinctive, welcoming, safe and pleasant, adaptable, resource efficient and easy to move around and beyond.)

With regards to the proposed siting, the applicant has chosen to orientate the dwellinghouse at a 45-degree angle with relation to the plot boundaries. The reason for this siting is to take advantage of views to the south towards the sea, which would also result in the front elevation facing north and addressing the corner. The proposed diagonal siting results in the house breaching the setback of 20m from the boundary with no. 5 Craig-en-Ros Road as required by condition 8 of Planning Permission ref. 06/01108/PP, as the corner of the proposed house would be located only 11.5m from the boundary. However, given the angle of the proposed house, the majority of the proposed house would be further away from the boundary, and the siting would also ensure that windows would not directly overlook the side elevation of the neighbouring property. The 20m no build zone established by condition 8 of Planning Permission ref. 06/01108/PP was conceived on the basis that the house would be arranged parallel to the road to prevent overlooking of the side elevation of no. 5 Craig-en-Ros Road. Due to its diagonal orientation, the proposed dwellinghouse would not overlook the side elevation of 5 Craig-en-Ros Road and the siting is considered acceptable. It should be noted that a previous application at plot 3 also permitted a variation of condition 8 to allow a breach of the 20m no build zone (10/00771/PP). The angled orientation of the proposed dwellinghouse is considered acceptable given the corner plot location.

The other variation proposed is to condition 2 of planning permission ref. 06/01108/PP, to allow for the floor level to be 150mm above the ground as opposed to 100mm. The proposed variation of 5cm would not lead to excessive underbuilding and the amendment to condition 2 can therefore be supported.

The proposed dwellinghouse would occupy 126.5sqm of an approx. 800sqm plot, which is considered to be an appropriate level of density for a suburban location. The one and a half storey height of the proposed house is in-keeping with the neighbouring properties and

condition 2 of planning permission ref. 06/01108/PP. The proposed design takes inspiration from more traditional rural Scottish building forms but utilises high quality modern materials. While this finish may contrast with the more traditionally suburban character of the nearby houses, it is not considered that it would detract from the overall appearance of the area. Final full details of the finishing materials could be ensured via condition.

No details have been provided with regards to hard or soft landscaping or boundary treatments. Such details could be ensured via condition. A parking area for at least two vehicles would be provided in the front curtilage. Given that any additional development in the rear garden of the proposed dwellinghouse could impact upon the amenity of no. 5 Craig-en-Ros Road, it is considered prudent to remove permitted development rights for rear extensions and ancillary buildings.

Turning to amenity, as previously stated, the proposed house would be located 11.5m from the boundary with the neighbouring property, 5 Craig-en-Ros Road, at the closest point. This point would be located 16.5m from the side elevation of No. 5 Craig-en-Ros Road. Due to the proposed house being positioned at an angle, no windows would directly overlook the first-floor side window of no. 5. The proposed first floor Juliet balcony would allow for a degree of overlooking of the back garden within the neighbouring plot. The applicant initially proposed a full balcony; however, it would have resulted in an unacceptable loss of privacy for the neighbour. The Juliet balcony would be located approx. 25m from the boundary with No.5 when measuring its direct southerly outlook, and given this distance, and the removal of the balcony, it is not considered that this overlooking would lead to a significant loss of privacy for the neighbour.

Overlooking of the back garden within the neighbouring plot, would also be possible from the back garden of the proposed house, due to the raised ground to the rear of the plot. While Planning Officers sought the re-grading of the rear garden to reinstate a gentler slope, the applicants state that it is not considered feasible. It is further noted that the raised slope is set back from the boundary and a degree of overlook is common in residential areas. The only other upper floor window would face north onto the public road. The neighbouring development plots would not be overlooked. The proposed dwelling would be located a sufficient distance from the plot boundaries to ensure that there would not be overshadowing of neighbouring properties. The proposed development would meet the six qualities of a successful place and is therefore in accordance with Strategic Policy 2: Placemaking.

Policy 29: Energy Infrastructure Developments, requires applicants to demonstrate that at least 10% of the current carbon emission reductions targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The proposed dwellinghouse would have solar photovoltaic panels on the rear elevation. Full details of these panels can be ensured via condition to seek compliance with policy 29.

There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

Reason

In order to ensure that the final appearance of the finishing materials is acceptable; in the interest of visual amenity.

Condition

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

Reason

In order to ensure that the size, location and appearance of any proposed boundary treatments is acceptable; in the interest of amenity.

Condition

3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

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

Reason

In order to ensure a suitable scheme of landscaping is undertaken and the landscaping maintained; in the interest of amenity.

Condition

4. That, notwithstanding the permission granted by Article 3 of and Classes 1A, 1B, 1D, 3A and 3B of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the curtilage of the dwellinghouse, hereby approved.

Reason

In order to ensure that no additional structure or extension is erected in the rear garden of the dwellinghouse hereby approved utilising permitted development rights, which would negatively affect the amenity of the neighbouring dwellinghouse.

Condition

5. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid Construction Consent and Road Bond for the upgrading of the access road from the end of the currently adopted section of Craig-en-Ros Road up to the access to the dwellinghouse hereby approved. The road shall then be upgraded prior to the first occupation of the dwellinghouse to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the road is upgraded to adoptable standards; in the interest of road safety.

Condition

6. That the first 2m of the driveway of the dwellinghouse hereby approved shall be surfaced in a hard, bituminous material to the satisfaction of North Ayrshire Council as Planning Authority and designed to ensure that no surface water shall issue from the access onto the road. Vehicular access to the site shall be provided with a drop kerb crossing to be formed as detailed in the Roads Development Guidelines.

Reason

In order to ensure that no loose material or surface water is issued from the road; in the interest of road safety.

Condition

7. That prior to the commencement of the development hereby approved, full details of the solar photovoltaic panels shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

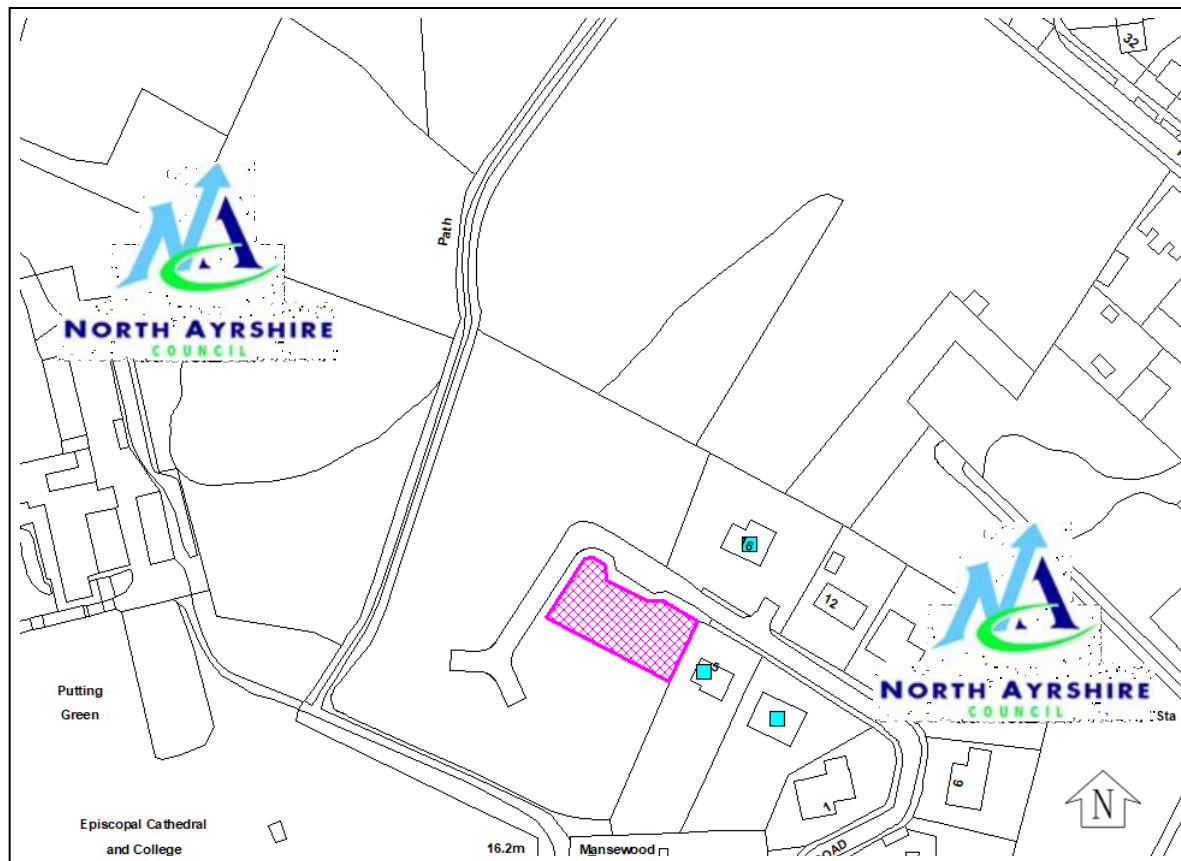
In order to ensure that the proposed building meets the carbon reduction requirements through the use of low and zero carbon generating technologies.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/00555/PP
Application Registered	3rd June 2021
Decision Due	3rd August 2021
Ward	North Coast and Cumbraes

Recommendation	Approved subject to Conditions
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Location	10 Kirkton Crescent Millport Ayrshire KA28 0HJ
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Applicant	Ms Carol Fox
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Proposal	Erection of detached dwelling house
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1. Description

The site is located within the second phase of a plotted residential development in Millport. The first phase, Golf Road, was granted planning permission in 2005 for 22 residential plots (04/00684/PP) and is almost completed. The second phase (Kirkton Crescent) was granted planning permission in 2007 and comprises of a further 15 plots (06/00854/PP).

Kirkton Crescent has seen less development and only a few plots are completed. The application plot is plot 7, or number 10 Kirkton Crescent. A completed house, 8 Kirkton Crescent lies to its southwest and approval was granted in January 2021 for the development of plot 8, or 12 Kirkton Crescent, to the northeast of the application site (20/01084/PP). The application plot is currently under long grass with a slight fall in levels to the rear of the site.

It is proposed to erect a one and a half storey detached dwellinghouse on the site based on the theme of a Scottish longhouse. The house would have a floor area of approx. 112sqm and would be located in the centre of the plot. It would have a gabled roof design, with the gable ends oriented to the front and back of the building with a ridge height of approx. 7.5m in height. The majority of the fenestration would be located on the gables ends, but the main access door would be located on the southwest side elevation. There would be a Juliet balcony on the first floor of the rear (southeast) elevation. The proposed finishing materials

would be slate for the roof, Cedral blue/grey weatherboard cladding on the walls, with buff facing brick as a secondary material. There would be a terrace measuring approx. 23sqm in area and 1m in height to the rear which would be accessed via patio doors. The terrace would be finished in facing brick and would have glazed balustrades. The site layout would feature a driveway to the southwest side of the dwellinghouse.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a General Urban Area allocation and therefore the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking. Proposals for new buildings require to be assessed in terms of Policy 29: Energy Infrastructure Development. A Design Brief was prepared for the plotted development, and this is also a material consideration.

Changes to the design were secured by the Planning Officer to remove a recessed balcony on the rear elevation. It was considered that this balcony would have led to unacceptable loss of privacy through overlooking for the neighbouring property to the rear. The balcony has been replaced with a Juliet balcony, and whilst there will still be overlooking, the impact on privacy is considered to be suitably reduced. Changes were also secured to increase the proportion of the secondary brick finishing material from 15% of the external wall area to 31% to seek finishes more in keeping with the characteristics of the area.

The application is supported by a Design Statement which summarises the design concept for the longhouse and its influences, the character of the street, and describes/explains the resulting design.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective Towns and Villages Objective

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

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

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 29 - Energy Infrastructure

Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

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

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

Buildings: Low and Zero Carbon Generating Technology

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

This requirement will not apply to:

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

2. Consultations and Representations

The standard neighbour notification was undertaken, and the application was advertised in the local press. No letters of representation were received.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: Defer as the road for Phase 2 of the plotted development (Kirkton Crescent) has not been upgraded to an adoptable standard. A valid Road Construction Consent and Road Bond will need to be submitted.

Response: Noted. Permission has been granted previously to develop plots at Kirkton Crescent subject to the condition to ensure that a valid Road Construction Consent and Road Bond are submitted, and that the road is constructed to adoptable standards up to access of the proposed house. It is considered that a similar condition could be attached to this proposal in order to address these requirements.

3. Analysis

The principle, of the erection of a dwellinghouse on this site, was established by the initial Planning Permission for the plotted development (06/00854/PP). The erection of a dwellinghouse in a General Urban Area allocation is considered acceptable in principle in terms of the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy of the LDP, and the detail of the application therefore only requires to be assessed in terms of Strategic Policy 2: Placemaking, and Policy 29: Energy Infrastructure Development. Strategic Policy 2 states that all applications for Planning Permission should meet the qualities of successful places. The Kirkton Crescent Design Brief is also a material consideration, although it is given lesser weight than Strategic Policy 2 in terms of the determination.

Criterion 1 of the Kirkton Crescent Design Brief states that each plot shall be developed within the Building Lines set on the overall development plan and no house shall cover more than 30% of the plot area. In the development plan the build zone for the application site (plot 7) allows for an 8m deep building footprint. The proposed house would be in line with the front building line but would breach the rear building line by approx. 8m. It is considered that a breach of the rear building line may be acceptable. Permission was granted earlier this year for a proposal on the adjacent plot, which also breached the rear building line (ref. 20/01084/PP). The rear elevation of the proposed house would be in line with the rear elevation of the existing house to the southwest. There would be approx. 7.7m between the rear elevation and the rear boundary. It is not considered that this would lead to any significant amenity issues and therefore the non-compliance with criterion 1 of the Design Brief can be accepted in this instance. With regards to the site coverage, the proposed house would cover approx. 23% of the plot, which accords with the Design Brief. The proposed house would be one and a half storeys and 7.5m in height which is considered appropriate and in-keeping with the area. It also accords with criterion 5 of the Design Brief.

The proposed finishing material for the roof would be natural slate which would accord with criterion 6 of the Design Brief, however, the proposed finishing materials for the walls, which would be primarily fibre cement cladding with small areas of facing brick, does not accord with criterion 6. Criterion 6 states that walls should be finished in a mixture of render, stone and facing brick, The Design Statement provided by the applicant states that the approved Design Brief is quite prescriptive and that architecture for new houses in Scotland has moved on since it was produced in 2007. The Design Statement also states that the precedent for a variation to the finishing materials was established by the Planning Permissions for 6, 8 and 12 Kirkton Crescent which all use a combination of finishing materials not in compliance with the finishing materials listed in the Design Brief. The justification for the departure from the Design Brief is accepted. Furthermore, the proposed finishing materials are high quality, robust materials which would give the house a contemporary and attractive appearance. Design changes were secured by the case officer to increase the area of brickwork in order to seek finishes more in keeping with the characteristics of the area. A condition could be added to secure further details of the finishing materials.

Criterion 5 of the Design Brief states that on plots 7, 8 and 9 the houses shall not have upper floor windows on their southeast roof slope. The proposed house would not have a southeast roof slope but would have an upper floor Juliet balcony window on its southeast gable. The initial proposal included a balcony on the upper floor rear elevation, but considering the rear elevation is 7.7m from the boundary it was considered that this design feature would have led to an unacceptable loss of privacy for the neighbouring property to the rear. The balcony was therefore removed at the request of the case officer and replaced with a Juliet balcony. While the Juliet balcony would still allow for a degree of overlooking of the back gardens of the neighbouring property to the rear, it would not significantly impact on the residential amenity of that property. Upper floor windows on the rear elevation were also approved at the adjacent plot 8 in January 2021(20/01084/PP).

The proposed house would also have windows on the side elevations which may allow for a degree of overlooking of the plots to either side. The existing house to the southwest has upper floor dormer windows facing directly onto the application site. A degree of mutual overlooking between the side facing windows of the proposed house and the neighbour to the southwest would be possible but would not significantly impact upon the privacy of either property. Any overlooking from the proposed terrace to the rear could be addressed by boundary treatments and screening which could be covered by Planning conditions. The proposed house is a sufficient distance from the boundaries of the site to ensure it would not overshadow any neighbouring properties.

NAC Active Travel and Transportation has recommended deferral of a decision on Planning Permission for a number of reasons including the requirement for a Road Bond and Construction Consent. It is considered that all these issues could be addressed by Planning Condition as these matters have been for other Planning Permissions on plots in Kirkton Crescent.

Criterion 3 of the Design Brief states that no boundary treatments shall be erected to the front of the dwellinghouses and that 0.3m high hedges shall delineate the front garden. 2m high fences are permitted to the sides and rear. No details of boundary treatments have been provided; these can be secured via condition. Criterion 4 relates to landscaping and states that each house shall have a tree in the front garden and that no more than 25% of the curtilage can be covered in hardstanding. The site plan shows a tree in the front garden and less than 25% of the plot would be covered in hardstanding, however, further details of landscaping are required and could be ensured via condition. Criterion 4 also states that on plots 7, 8 and 9 shall have a mature planting screen along their southeast boundary. No details of such a screen have been provided, although this could also be ensured via condition. The proposed development meets the qualities of successful places as highlighted above, and therefore it complies with Strategic Policy 2: Placemaking.

Policy 29 of the LDP states that all proposals for new buildings must demonstrate that at least 10% of the current carbon emissions reductions set by Scottish Building Standards will be met through the use of low or zero carbon generating technologies. A condition could be attached to any permission, if granted, to require the exact detail of the low and zero carbon generating technologies to be provided. Subject to such a condition, the proposal also accords with Policy 29.

While the proposal is contrary to a number of the criteria of the Design Brief, the justification provided for the departure from the Design Brief is considered to be acceptable. Although

the Design Brief is a material consideration, the main design policy consideration is Strategic Policy 2, which the proposal accords with. There are no other material considerations. Given the proposal is in accordance with the relevant policies of the LDP, it is considered that Planning Permission can be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

Reason

In order to ensure that the final choice of finishing materials is acceptable in terms of appearance and durability.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid Construction Consent, including a Road Bond, for the upgrading of Kirkton Crescent to adoptable standards up to the driveway access to the dwellinghouse hereby approved. The road shall then be upgraded prior to the first occupation of the dwellinghouse to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the road is upgraded to adoptable standards; in the interest of road safety.

Condition

3. That prior to the first occupation of the dwellinghouse hereby approved, the first 2m of the driveway shall be hard surfaced to the satisfaction of North Ayrshire Council as Planning Authority, and designed to ensure that surface water shall not issue from the driveway onto the public footway or carriageway.

Reason

In order to prevent loose material or surface water from issuing onto the public road; in the interest of road safety.

Condition

4. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

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

Reason

In order to ensure a suitable scheme of landscaping is undertaken and the landscaping maintained; in the interest of amenity.

Condition

5. That no development shall take place until details of a mature planting screen along the southeast boundary of the site is provided for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the screen shall be provided in accordance with the approved details within 6 months of the occupation of the house.

Reason

In order to provide suitable screening between the site and the neighbours to the rear; in the interest of amenity.

Condition

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

Reason

In order to ensure that the boundary treatments are in-keeping with the appearance of the area; in the interest of visual amenity.

Condition

7. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

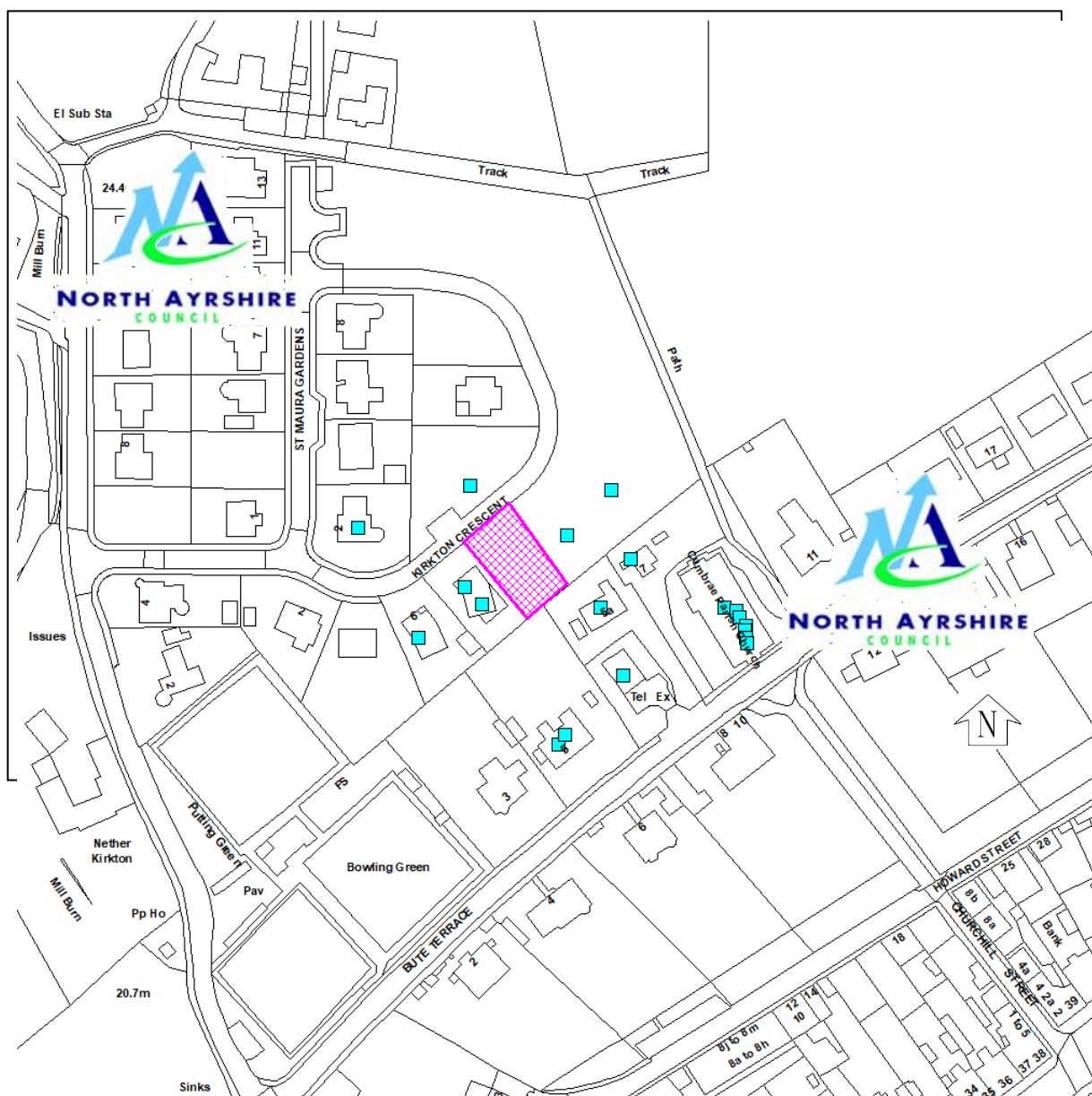
In order to ensure that the proposed building meets the carbon emission reduction requirements through the use of low and zero carbon generating technologies.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/00596/PP
Application Registered	15th June 2021
Decision Due	15th August 2021
Ward	North Coast And Cumbraes

Recommendation Refused

Location Site To North Of Fairlie Bowling Club Main Road
Fairlie Largs Ayrshire

Applicant Mr David Castelvechi

Proposal Erection of garden centre and restaurant with
associated access, parking and landscaping

1. Description

Planning permission is sought for the erection of a garden centre and restaurant with associated access, parking, and landscaping at a site to the north of Fairlie Bowling Club, Main Road, Fairlie. Given the planning history, set out below, this application requires to be determined by the Planning Committee.

The site is some 5100sqm in area. It is roughly rectangular in plan form, with shared access with the bowling club at the south-eastern corner. The building would be some 1010sqm in area. The building would be some 4m from the western boundary and 4.5m from the southern boundary at its closest point. The building would be some 25.5m from the northern boundary at its closest point and 23.6m from the eastern boundary at the closest point.

The building would be single storey. The building would be mainly aligned north to south with the principal elevation being the east. The roof would comprise three pitched roof sections with two perpendicular pitched roof sections at the northern end. The roof would be some 6.4m in height at the ridge and 3.25m at the eaves. There would be flat roof sections, some 5.7m in height joining the pitched roofs. The roof would be finished in slate grey concrete tiles. There would be white render chimneys and timber-effect roof glazing towards the northern end. The elevations would be finished in brown and white vertical Cedral

cladding with white render gables. There would be extensive glazing on all elevations. One of the gables on the southern and western elevations would be glazed frames.

The restaurant/café areas would comprise some 603sqm. The retail/garden centre area would be some 407sqm in area. An external sales planting area of some 368sqm would be located to the north of the area. A car parking area with some 62 spaces would be sited on the eastern portion of the site.

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

Planning Statement

This Statement sets out the planning history of the site and considers the 2013 (ref: 10/00813/PP) permission to establish this as an acceptable development in this location. The Council stated such a use could be more acceptable than houses in the 2019 LDP examination. The statement also considers that the development would provide services/facilities to the village of Fairlie. It considers the development has significant potential to assist in Covid recovery. It considers that it would help encourage tourists to the area. The development is claimed to have potential to create 30 full and part time jobs.

Design Statement

This Statement sets out the thought process for the design of the proposal and assesses the previous permission's conditions. The statement considered that all of the previous conditions could be met. However, it is not considered that a pedestrian crossing over the A78 is required.

Landscape

This Appraisal considers there would be limited impact in visual terms and buffer planting could mitigate any impact, and considers that as permission was granted in 2013, it must be concluded that there was no significant impact, and little has changed since then (It is noted that the 2017 refused application and the rejection from the 2019 LDP are not assessed - see below).

Flood Risk Assessment

This Assessment is dated December 2019 and builds on a previously undertaken FRA submitted with the 2017 refused application. The FRA concludes that any flooding of the watercourse at the northern end of the site would be to the north i.e. outwith the application site, because of the topography of the land. This assessment was previously accepted by SEPA. In terms of surface water, it is considered that an appropriate soakaway system can be designed to overcome this.

Transportation Statement

This Statement assesses likely impacts on the local road network. The report concludes that the development could be integrated into the road network. Impact on the A78 is expected to be modest. There are ample public transport services and there are good links to the cycle network.

Site Investigation Report

This Report gives information on ground conditions. It is considered there is negligible scope for contamination given the historic use for agriculture. It is also considered that a soakaway and porous paving could be utilised to deal with surface water.

The site is identified as Countryside in the adopted Local Development Plan (LDP). The settlement of Fairlie is to the south (the bowling club) and to the east on the opposite side of the A78. The application site extends north of the settlement boundary on the eastern side of the road by approx. 25m. This part of the application site is within the Clyde Muirshiel Regional Park. The whole site is within the Special Landscape Area. The very north-eastern most corner, approx. 100sqm in area, is within the Kelburn and Fairlie Glen Local Nature Conservation Site.

The application is bounded by the Largs/Kilwinning railway line on its western side and Countryside to the north. The adopted Core Path NC21 runs through the eastern part of the site. The path location would be modified to facilitate the car parking.

There is a history of applications for development on this site, since 2001:

2001 (ref: 00/00748/PP) application for a new bowling club and garden/craft centre was refused. The development was considered contrary to policies seeking to prevent development with no specific locational need in the countryside and would have had an adverse impact on the amenity and appearance of the area.

2010 (ref: 10/00063/PP) application for a garden centre and bar/restaurant was refused. The development was again considered contrary to policies seeking to prevent development with no specific locational need in the countryside and would have had an adverse impact on the amenity and appearance of the area. The development was also considered to be detrimental to the openness and appearance of the countryside, landscape character area and Clyde Muirshiel Regional Park.

2013 (ref: 10/00813/PP) permission for a garden centre and restaurant was granted by the Planning Committee in 2011 subject to a legal agreement. This permission lapsed in 2016 having not been implemented.

2017 (ref: 16/01176/PP) application for 19 houses was refused. The development was considered to represent unjustified development in the countryside, ribbon development with potential for visual and physical coalescence along the coast and set an undesirable precedent for other unjustified development. The proposal was also considered to be detriment of the visual amenity of the area. The Local Review Body upheld the decision to refuse the application.

During the preparation of the current LDP, this site was promoted as an allocation for housing. The Council did not allocate the site. An objection to the non-allocation was considered by the Scottish Government when the LDP was examined. The Scottish Government's Reporter concluded that the site should not be allocated for development. The Reporter came to this conclusion on the grounds of landscape and visual impact and the housing land supply.

The development requires to be assessed against Strategic Policy 1: The Countryside Objective, Strategic Policy 2, Policy 3, Policy 6, Policy 15, Policy 16, Policy 17, Policy 23, Policy 27, and Policy 29 of the LDP.

Relevant Development Plan Policies

SP1 - The Countryside Objective

The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy. In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Detailed Policy 3 -Town Centres & Retail

Policy 3:

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Detailed Policy 6 - Supporting Tourism

Policy 6:

Supporting Sustainable Tourism

We will, in principle support the creation and enhancement of tourism and related activities that are in accordance with the Tourism Framework for Scotland and with the Council's current Tourism Strategy, including development and expansion of:

- o Chalets, static and touring caravan, and other camping sites.
- o Hotels, boarding houses, hostels, bed and breakfast facilities and guesthouses.
- o Destination clusters (for example cafes, visitor shops, views, starts of walks and so on).
- o Associated staff and seasonal accommodation.

Development should be sited to take into account the details contained with the flood risk management policy, in particular for uses described as being most vulnerable by SEPA.

Strategic Policy 2

Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 15-Landscape & Seascape

Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our
Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 17 - CMRP

Policy 17:

Clyde Muirshiel Regional Park

Proposals that affect Clyde Muirshiel Regional Park must have regard to the Park's statutory purpose of providing recreational access to the countryside.

Proposals should also take account of wider objectives as set out in relevant management plans and strategies, namely to:

o Provide visitors of all ages and abilities the opportunity for quality recreation. Using its unique assets, the Park will facilitate a high quality programme of leisure activities which contribute to the health agenda

o Ensure the Park is an increasingly popular and productive venue for formal and informal education and outdoor learning. More people will participate in learning opportunities and will develop a better appreciation of the area's natural and cultural heritage

o Ensure the Park is an attractive and ecologically important visitor destination with increased biodiversity value. The Park embraces opportunities for positive environmental change

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

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

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only

be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

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

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

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

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

We will take account of:

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

National Development:

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

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

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

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

Public Safety

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

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

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through

the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

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

2. Consultations and Representations

Neighbour notification has been carried out and the application has been advertised. There have been 6 objections and 1 representation. The objections can be summarised as follows:

1. Loss of countryside and amenity it provides. This will reduce the separation of Fairlie between and Largs. Inappropriate ribbon development and could set a precedent for further development. The land provides views for user of the core path towards the Clyde.

Response: Noted. The impact on the development on the countryside and settlements is assessed below.

2. Loss of biodiversity and impact on wildlife.

Response: A very small corner of the site is part of a LNCS. The impact on this is assessed below. However, it is not considered that overall integrity of the LNCS would be compromised. If permission was granted, any development would have to have regard to the legal requirements in respect of any protected species.

3. The site is prone to flooding.

Response: It is noted that part of the site is identified as being at Medium to High risk of river flooding, which is considered further below.

4. Neighbouring properties will be exposed to noise and smell impacts.

Response: The nearest neighbouring residential gardens would be some 34m to the east of the building, with the houses in those plots some 60m distant. As such it is not considered that any smells generated by the restaurant etc. would be significant. If granted a condition could require details of any external flues for the kitchen to be agreed. A restaurant use could generate late night use. As the restaurant is sought in connection with a garden centre which it primarily a daytime use, if permission was granted, the hours of operation could be controlled to lessen any impact on neighbouring properties. Notwithstanding, should acute disturbance occur, NAC Environmental Health can investigate and take action regardless of any planning conditions.

5. The previous permission has long since lapsed and was granted prior to the redevelopment extension of the bowling club in 2012. Use of a joint of access will add to the

pressure on the busy trunk road and increase traffic flows, at an accident blackspot. A pedestrian crossing on the A78 is required.

Response: The bowling club building was built following permission in 2012. Although the previous permission for garden centre and restaurant was granted in 2013, it was only concluded following a legal agreement relating to a pedestrian crossing. The Planning Committee approved the previous permission in 2011. However, it is noted that the permission for this site expired in March 2016. Transport Scotland has provided comments on the access, as set out below.

6. There is no need for such a facility in this area. The development could adversely affect existing businesses. The application would more accurately be described as a restaurant with adjacent garden centre. Brownfield land at Hunterston would be better suited.

Response: The perceived need, or otherwise, for a commercial development is not a material planning consideration. The application must be assessed on its own merits in this specific location. The application is for a mixed use garden centre/restaurant.

7. The site was rejected as a suitable site for development in the preparation of the plan.

Response: Agreed. The findings of the examination into the LDP are set out in this report.

The representation can be summarised as follows:

1. The Flood Risk Assessment (FRA) is insufficient. It provides no information about the invert level of the culvert from the watercourse on the northern boundary of the site. Given the level of the culvert and the information provided it appear likely that the sea will flow through the culvert to the site. This risk is not addressed in the FRA.

Response: The submitted FRA is an update of that submitted with a previous application (ref. 16/01176/PP) to which SEPA had no objection. An assessment of SEPA's guidance is outlined below.

Consultations

Transport Scotland - Initially required further information. The access position has been altered following these requests. No objection subject to conditions including prior to commencement of development, the access to be constructed in a method to be agreed by the Planning Authority and Transport Scotland; the existing access to be closed following completion of new access; visibility splays to provided and maintained; modification of the core path; details of landscaping; a Construction Traffic Management Plan to be agreed; and no connection to the trunk road drainage.

Response: Noted. Such details could be secured by condition if permission was granted.

NAC Active Travel and Transport - No objection. The parking provision and internal layout of the parking area is considered to accord with guidance. Amendments to the path must be in accordance with Cycling by Design guidelines.

Response: Noted. Full details of the amended path could be required by condition if permission was granted.

Scottish Water - No objection. There is currently sufficient capacity to service the development. Advice to any developer is provided.

Response: Noted.

Network Rail - No objection subject to a condition requiring a 1.8m high trespass proof fence on the eastern boundary adjacent to the railway.

Response: Noted. Full details of the fence could be required by condition if permission was granted.

NAC Flooding Officer - No comments

Response: The Flooding Officer has not provided any comments.

SEPA was not consulted due to ongoing issues with a loss of the IT services. SEPA is directing Planning Authorities to the guidance. SEPA's standing guidance classifies this type of development as a 'Least Vulnerable Use.' Part of the site is also identified as being at Medium to High risk (0.1% to 0.5% of flood risk per year). Least Vulnerable Uses are not considered appropriate for Medium to High risk unless: redevelopment of an existing building; or redevelopment of a previously developed site; or the principle of the development has been established by the current LDP.

The site does not comprise redevelopment of a building and the site has not been previously developed. The principle of the development is considered below. It is noted that the submitted FRA is an update of that submitted with a previous application (ref. 16/01176/PP) to which SEPA had no objection.

Fairlie Community Council - The site is a known flood plain. Large areas of hardstanding will likely exacerbate this. An earlier request for housing on the site was rejected. Concern about the sewage facilities and believe major infrastructure improvements are necessary. The development is on an area of undeveloped land which has high amenity value as a safe path between Fairlie and Largs. There should be no erosion of the remaining small strip of coastal countryside. Do not consider that the development would be an appropriate end to the village. It is considered the bowling club building already creates an attractive end of the village. Any new access will impact on the A78. Reference is made to the objection from Fairlie Bowling Club.

Response: The concern of the Community Council is noted. The suitability of the site for development was considered during the preparation of the LDP, which is discussed further below, as is the impact on the countryside and edge of the village. Scottish Water and Transport Scotland have been consulted and offer no objections. Fairlie Bowling Club initially objected to the development but withdrew the objection following discussions with the applicant and changes to the access.

3. Analysis

The site was assessed by the Scottish Government's Reporters in their examination of the draft LDP in July 2019. The Scottish Government found that the site should not be included

in the LDP as suitable for development. The Reporters assessed the site in the context of a request for houses. However, the Reporters found that the site itself was a gateway to the village and it plays a valuable role in defining the setting of Fairlie. The Reporters found that the northward extension of the built-up-area of Fairlie, in this vicinity, would represent a prominent encroachment into views of the setting. Development would result in adverse impacts on the visual perception and landscape setting of the village. Development of the site was considered to be inconsistent with Policies 15, 16 and 17 of the LDP.

It is considered that significant weight should be given to the findings of the examination of the LDP. The Council did suggest that a garden centre/restaurant use could potentially be more acceptable than housing in the examination process. However, this suggestion was prior to the Reporters' findings. It should also be noted that the housing request was for a site that extended to the line of the existing village boundary on the east side of A78. This application site extends approx. 25m further to the north of the settlement boundary.

The Countryside Objective of Strategic Policy 1 states that in principle support will be given to development in the Countryside in certain circumstances. The only circumstance which is considered potentially relevant is (d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/infrastructure. Any support in principle would still require to be assessed against the specific site and detailed policies of the LDP.

Policy 6 of the LDP states that in principle support will be given to creation of tourism and related activities.

The proposal could be defined as a tourism and leisure use, providing a restaurant/garden centre facility for Fairlie whilst also likely to attract visitors to the area. The applicant has claimed that 30 jobs would be created. The development would certainly promote economic activity and bring a new use of a garden centre to the area. The development has the potential to be sustainable, although the failure to implement the previous permission is noted. On balance therefore the proposal is held to accord with Strategic Policy 1 and Policy 6.

Notwithstanding, the specific details of the proposal and the site require to be assessed against Strategic Policy 2, Policy 3, Policy 15, Policy 16, Policy 17, Policy 23, Policy 27 and Policy 29 of the LDP.

Policy 3 of the LDP seeks to direct development with significant potential footfall to Town Centres, which includes retail and leisure uses, such as restaurants. The policy does state that this will be applied flexibly to ensure that different uses are developed in the most appropriate locations. This proposal is for a sui generis use being a mixed restaurant (Class 3) and garden centre (Class 1) use. Whilst individually Class 3 and Class 1 uses are best placed in Town Centres, and the applicant has not considered the sequential test, it was noted within the determination of the 2013 consent that such a sui generis mixed use is unlikely to fit easily within a Town Centre, particularly the garden centre element. There is no identified Town Centre within Fairlie, and the nearest Town Centre is some 2.6km to the north in Largs. As a sui generis use is proposed, further planning permission would be required to change the use to solely a Class 3 or Class 1 use which would be unacceptable in such a location. Given all the above, it is considered the proposal accords with Policy 3.

Policy 15 of the LDP states that support will be given to proposals which protect or enhance landscape character, avoiding unacceptable adverse impact on landscape areas. In respect of Special Landscape Areas proposals will only be supported where it would not have an unacceptable impact on their special character, qualities and setting. In terms of local landscape features, development should take consideration or impact on features including settlement settings and approaches.

Policy 17 of the LDP states that proposals within the Clyde Muirshiel Regional Park (CMRP) should take account of the wider objectives of the park namely: use its unique assets to facilitate a high-quality programme of leisure activities; ensure the park is a popular and productive venue for formal and informal education; and ensure the CMRP is an attractive and ecologically important visitor destination.

Strategic Policy 2 of the LDP set out the six qualities of a successful place which all proposal should meet. The qualities considered to be relevant to these applications are: distinctive, in that proposals draw upon the positive characteristics of the surrounding area including landscapes; safe and pleasant, in that proposals respect the amenity of existing and future users; resource efficient; and easy to move around and beyond.

Whilst the building in itself is considered to be of reasonable visual quality, the northward extension beyond the settlement is considered to have a negative visual effect on the setting of the village. The proposal would extend the settlement on the western side of the A78 by approx. 90m into the Countryside. The development would extend the site north of the settlement, on the eastern side of the A78, by approx. 25m. The distance between the built-up area and the dwellinghouse at Kelburnfoot would be reduced to approx. 400m. There is approx. 750m of Countryside between the north side of Kelburnfoot and Largs. Given the narrow width of the Countryside between the A78 and the railway line, it is considered that any loss would impact on the setting of Fairlie and separation of the settlements. Loss of Countryside in this location could set an undesirable precedent for other unjustified development.

The development would be highly prominent in approach from the north. Whilst the northern boundary could be landscaped it is not considered that landscaping would successfully mitigate the impact on the setting of Fairlie. The site comprises a small part of the special landscape area. However, it is a prominent part and as discussed would diminish the openness of the landscape between Fairlie and Largs. Development of the site would not draw upon the positive characteristics of the area.

The proposal would not add a high-quality leisure activity that requires to be in the CMRP. The proposal gives limited scope to use of the CMRP as a venue for formal and informal education. The adverse visual impact on the area is discussed above.

The Reporters' assessment of the site and development as contrary to Policy 15 and Policy 17 is noted above. This submitted proposal for the site is not considered to alter that assessment. The proposal is considered to be contrary to Policy 15, Policy 17, and Strategic Policy 2, in terms of creating a distinctive development.

The development would introduce a commercial use to an edge of settlement site. However, it would be sited between a trunk road and a railway line with the only immediate neighbour being a bowling club. The nearest residential gardens would be some 34m to the east of the proposed building. The nearest houses would be some 60m distant. The car park would

between 15m and 40m distant from the gardens and houses respectively, separated by the trunk road. Given these circumstances, it is not considered that the proposal would give rise to any significant daytime disturbance. In order to minimise late night disturbance, and given the restaurant is sought in connection with a garden centre use, a condition restricting the hours of operation of the restaurant/café could be imposed if permission was granted. A condition could also be imposed requiring details of any external flues in order for cooking odours to be fully assessed. Details of external lighting, to reflect the amended access, could also be required by condition.

Subject to such conditions it is not considered the development would give rise to any significant noise, odour or light impacts. There would be no overshadowing or overlooking impacts. The proposal therefore accords with Strategic Policy 2 in terms of respecting the amenity of existing and future users.

Policy 16 of the LDP states that support will be given to development which would not have an unacceptable adverse impact on the natural environment. In terms of Local Nature Conservation Sites, development adversely affecting an LNCS will generally not be permitted unless it can be demonstrated that the overall integrity of the area would not be compromised.

An area of some 100sqm in the north-eastern corner of the site is within the Kelburn and Fairlie Glen Local Nature Conservation Site. The LNCS is some 612ha in area. The area would have some parking but would also contain landscaping and the existing core path. Some mature trees would be removed to re-align the core path. However, it is considered any effect on the LNCS would be minimal and this development is not considered to be compromise the overall integrity of the area.

The Reporters' assessment of the site and development of it being contrary to Policy 16 is noted above. However, the specific details of this proposal are not considered to affect the LNCS. The proposal is therefore considered to accord with Policy 16.

Policy 23 of the LDP states that support will be given to proposals which set out measures to protect against and manage flood risk, including being supported by an appropriate FRA and take account of SEPA's guidance.

An FRA for the site has been submitted, which states that there is a risk of flooding given the watercourse on the northern boundary. However, it is considered that any flooding would be directed onto the open land to the north given the topography of the area. Surface water could be managed through an appropriate soakaway system including porous landscaping.

The representation which considers the FRA to be deficient is noted. However, it is also noted that SEPA had no objection to the FRA submitted with the 2016 application on which this FRA is based. As discussed above, the development is considered to be acceptable in principle in terms of Strategic Policy 1 and tourism and leisure uses. As such a 'Least Vulnerable Use,' as defined by SEPA, such as this proposal, could be appropriate in an area of this type of flood risk. As such, subject to appropriate conditions, the proposal is considered to accord with Policy 23.

Policy 27 states that proposals which provide safe and convenient sustainable transport options will be supported. NAC Active Travel and Transportation and Transport Scotland have been consulted. No objections are offered subject to conditions.

The site is on the edge of the settlement of Fairlie. The core path runs through the site and would have to be slightly re-aligned but would remain extant and provide easy access to the site for active travel. There are bus stops on A78 approx. 50m to the south. Given all of the above, the proposal is considered to be accord with Policy 27 and Strategic Policy 2, in terms of easy to move around and beyond.

Policy 29 states that all new buildings should demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon technologies. Compliance with this requirement could be required through condition if permission was granted. Subject to such a condition the proposal would accord with Policy 29 and Strategic Policy 2, in terms of being resource efficient.

In terms of other material considerations, much weight is given by the applicant to the 2013 decision. Since that Permission was supported by the Committee, there have been two new LDPs. This application is required to be assessed against the current LDP adopted in 2019.

It is noted that the 2013 permission was not implemented and lapsed in 2016. In 2017 an application for houses on the site was refused and a request to allocate the site for houses also made. That request was rejected by the Scottish Government's examination of the current LDP. The 2013 decision is not considered to outweigh the findings that this proposal is contrary to the current LDP. These findings reflect the findings of the examination of the LDP, which is considered to have considerable weight in the assessment of any development for this site.

The proposal is therefore recommended to be refused for the following reason:

The development is contrary to Policies 15 and Strategic Policy 2 of the LDP, in that it constitutes inappropriate development which will undermine the setting of Fairlie, with potential for visual and physical coalescence along the coast and set an undesirable precedent for other unjustified development, it will have an unacceptable impact on the Special Landscape Area.

The development is contrary to Policy 17 of the LDP, in that it fails to take account of the objectives of Clyde Muirshiel Regional Park.

4. Full Recommendation

Refused

Reason for Refusal

Reason

1. The development would be contrary to Policies 15 and Strategic Policy 2 of the adopted North Ayrshire Local Development Plan, as inappropriate development which would undermine the setting of Fairlie, with potential for visual and physical coalescence along the coast, set an undesirable precedent for other unjustified development, and have an unacceptable impact on the Special Landscape Area.

Reason

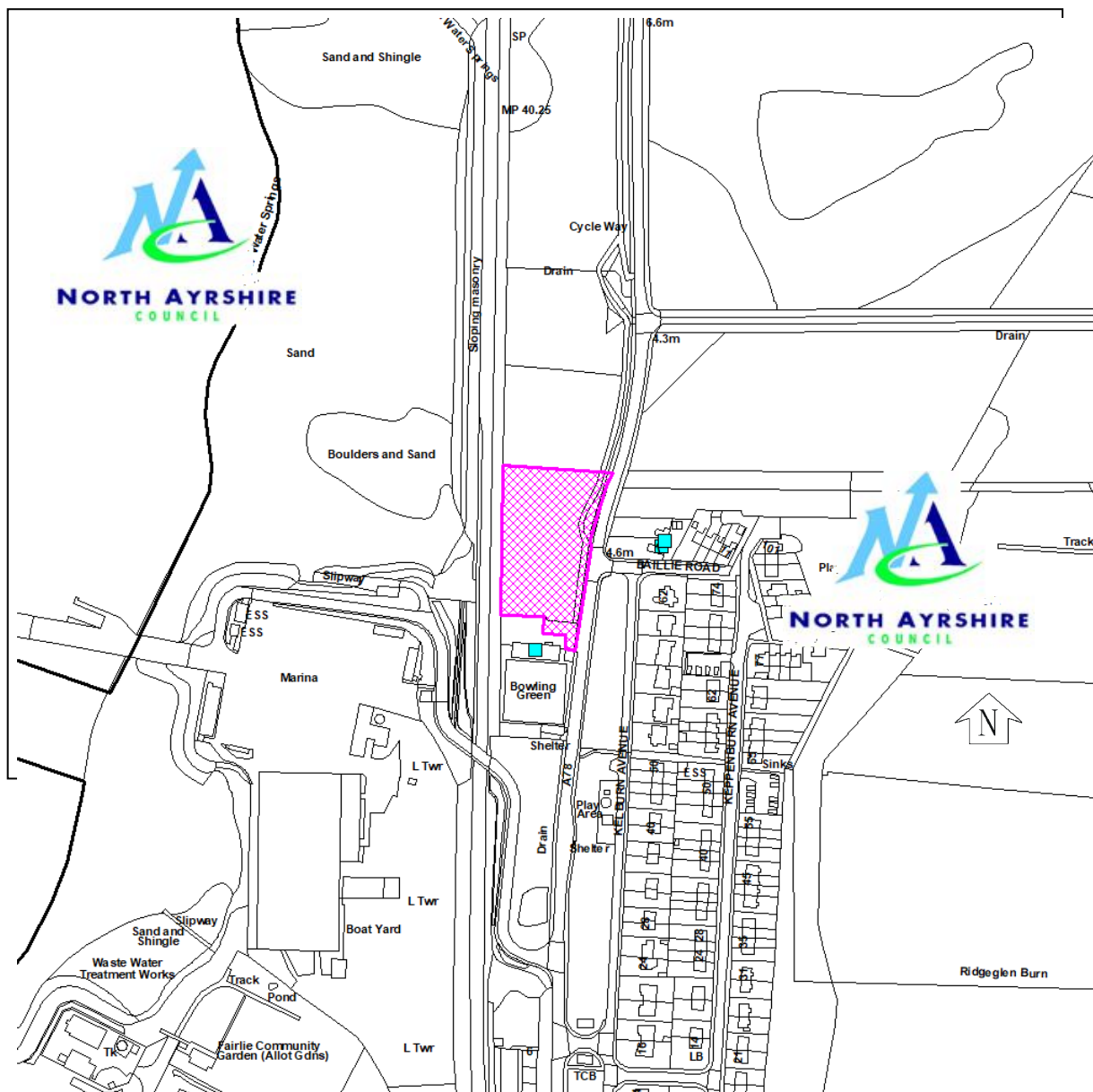
2. The development would be contrary to Policy 17 of the adopted North Ayrshire Local Development Plan, as it would fail to take account of the wider objectives of Clyde Muirshiel Regional Park.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Locality	
Reference	21/00247/PP
Application Registered	24th March 2021
Decision Due	24th May 2021
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	120-122 Irvine Road Largs Ayrshire
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Applicant	GHG Holdings Ltd
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Proposal	Erection of 30 dwelling flats with associated access and landscaping
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1. Description

Planning permission is sought to erect four blocks of flats, comprising a total of 30 units, at 120-122 Irvine Road, also known as Walkerstone House, Largs. The site currently comprises two dwellinghouses with a shared curtilage. The buildings have been unoccupied and boarded up since July 2015. The main building is a two-storey villa dating to around the mid-20th century with a bungalow (No. 122) sited as a gatehouse in the south-eastern corner. There are other garden buildings within the curtilage. The prior approval of the demolition of these buildings was determined to not be required in April 2021 (ref: 21/00249/DN) as it complied with Regulation in terms of demolition method and aftercare.

The plot is some 6126sqm in area. There is an area of some 2240sqm of woodland, part of the garden grounds, to the south-west which is not included in this application. The plot sits on the west side of Irvine Road (A78) with access to that trunk road. The plot slopes east to west, being relatively flat for the eastern most 54.8m, falling from 30.4mAOD to 26.74mAOD. The site then falls sharply from 26.75mAOD to 14mAOD over the last 27.4m at the western end.

The flatted dwellinghouse blocks would be arranged in two rows. Blocks 1 and 2 would be 'L' shape in plan form and sited in the south-east and north-east corners respectively. The access to the site would be between these two blocks. Blocks 1 and 2 would be sited some

6m from the eastern boundary and 6.9m from the southern boundary and 7.3m from the northern boundary. These blocks would face towards Irvine Road and the access, with the south-west corner and north-west corner respectively being a courtyard and bin store.

Blocks 3 and 4 would be sited some 13.2m to the west of Blocks 1 and 2. They would be positioned as a row with a landscaped pedestrian access, some 4.2m wide, between a shared terrace area of some 134.26sqm to the west. These blocks would face onto the internal access, where 52 parking spaces would be provided, and have views to the west towards the sea. Bin stores for these blocks would be located to the south and north respectively. Surface water attenuation tanks would be constructed under the car parking spaces.

Blocks 1 and 2 would have footprints of some 368sqm. Blocks 3 and 4 would have footprints of some 295sqm. The blocks would be expressed as 2 and a half storeys being some 11.8m in height to the ridge and 8.1m to eaves with wall head dormers. Given level changes within the site, Block 4 would have an additional lower level in the north-west corner. Of the proposed 30 units, there would be one 3 bed flat with a floor area of some 148sqm., and the other flats would all be 2 bed with floor areas between 86sqm and 110sqm.

To facilitate the development the eastern portion of the site would be graded to create a fall from 30.7mAOD to 25.5mAOD. Blocks 1 and 2 would have finished floor levels (FFL) of 29.9mAOD. Blocks 3 and 4 would have a FFLs of 27.5mAOD with the land cut away to create the terrace at a height of 25.5mAOD. The western most 22.85m of the site would be unchanged.

The design of the proposal has been amended through discussions with Officers. Blocks 1 and 2 were originally 2.9m from the eastern boundary, and the blocks were originally expressed as three storeys with a ridge height of 11.8m and eaves of 9m.

The site is identified as being within the settlement of Largs, in the North Ayrshire Council Local Development Plan (LDP). There are residential properties to all side and with Largs Golf Club also to the east across Irvine Road. The development requires to be assessed against Strategic Policy 1: The Towns and Villages Objective, Strategic Policy 2, Policy 2, Policy 18, Policy 27, and Policy 29 of the LDP.

2. Consultations and Representations

Neighbour notification has been carried out and the application has been advertised. There have been 17 objections and one representation received. The objections, many of which supported the principle of redevelopment, can be summarised as follows:

1. Development Pattern: The development form is not consistent with existing urban pattern. The established pattern is detached houses in large plots which have been subdivided to create a few additional dwellings. The original detached houses have been subdivided into a small number of flats. This proposal would be overdevelopment of the site.

Response: Whilst some plots to the south have been divided in that pattern, to the north and west are a mix of detached, semi-detached, and terraced houses. To the east is the golf club and flatted development at 8-13 Trigoni Court. Although the property to the immediate south was a detached villa with a subdivided garden, beyond that at Broomieknowe and Broompark, semi-detached properties, have been sub-divided and with 11 houses in the

gardens have a very dense settlement pattern. It is considered that this proposal represents an appropriate use of the site in terms of area with adequate amenity space for the occupiers.

2. Mass and Scale: Three and four storey buildings will visually dominate the site and the wider area. The visual approach to Largs from the south will be impacted. The flats at Trigoni Court have been carefully scaled and designed to respect building lines and heights. The flats will have an inappropriate mass and scale and do not respect the building line of Irvine Road. Proximity of 2.4m to the boundary with Irvine Road is too close.

Response: The roof design of the flats has been changed from three storeys to being expressed as 2.5 storeys with lower eaves. The layout has been amended so that the block would be some 6m from Irvine Road. The buildings would represent approx. 21% of the footprint of site, not including the land to the south-west. In these circumstances it is not considered the development would represent overdevelopment or visually dominate the area.

3. Design and Materials: The proposed design of the flats is uninspiring, and the site deserves a better design solution. The design and materials do not reflect the existing development in the immediate locality. The landscaping is dominated by car parking and the design does not reflect best practice nor create a pedestrian friendly development. If there is a landscape and visual impact assessment it should be made public.

Response: With regards to materials, it is not considered there is an existing pattern that requires to be replicated. Notwithstanding, it is considered that the proposed materials would be appropriate for the site. The design is considered further below. However, it is also considered to be appropriate. NAC Active Travel and Transportation has been consulted and offers no objection in terms of access. A pedestrian link to Seabank Avenue was discussed with the applicant. However, this is a private road, and such a link could not be required by planning. The layout of the development is such that a link could potentially be formed if there were an agreement between the private parties. A landscape and visual impact assessment are not required for a development of this scale.

4. Overlooking and Overshadowing: The properties to the south are single storey. The development will be overbearing on neighbouring properties. The ground floor level will only be 1.5m below the gutter height of the nearest property to the south. The proposed terrace and balcony will overlook private gardens. Properties to the west will be overlooked. Properties to the east will be overlooked.

Response: The relationship of the proposal to the adjacent properties is discussed below. However, it is not considered that there would be any significant overlooking or overshadowing from the development.

5. Parking and Access: Parking provision should meet the Council's published standards for this type of development. It is not considered that the site can safely provide this. Lowering the boundary wall with Irvine Road may make it unsafe for pedestrians. The development will generate significant vehicles on a road which already significantly backs up when busy. The junction with Hayley Brae is an accident black spot. The pavement is narrow, and it is not clear what amendments to Irvine Road are proposed. Further accesses onto the road will impact on existing accesses.

Response: NAC Active Travel and Transportation was consulted and has no objections in respect of parking provision. Transport Scotland, as Trunk Roads Authority, was also consulted and offers no objection.

6. Drainage: No drainage details have been provided and SUDs information suggests water will be directed north and south. Water draining to the west could also affect neighbouring properties.

Response: It is proposed that surface water attenuation tanks be located beneath parking bays. Further details could be required by condition. Any water draining outwith the site would be a private legal matter.

7. Trees and Landscaping: There is no tree report or details of tree protection. More information is required. A large number of trees would be felled. No information about proposed works to trees on adjoining land. Felling trees would undermine the potential screening they could provide to neighbouring properties. Clarity is sought with regards the blue edged area on the location plan and proposals for landscaping and maintenance of existing hedges on the western boundary. Some boundary walls are shared.

Response: A tree survey drawing identifying trees to be retained and removed has been provided, which is considered sufficient to enable the determination of this application. No works to trees on adjoining land are proposed. Such works would be a private legal matter between landowners. Conditions requiring protection of trees could be added to any permission if approved. Works to existing shared boundary walls would be a private legal matter.

8. Wildlife: There is no survey relating to the potential for bats which are a protected species. Birds nest in the trees. Provisions should be in place to deal with any vermin disturbed by the development.

Response: A bat survey was requested by Officers and has been submitted. NatureScot is the licensing authority for any required works affecting a protected species. The need to resurvey if required could be secured by condition. Any developer of the site would have to ensure the requirements of all other legislation are met including disturbance of any nesting birds.

9. Development Type: Do not consider the type of flats meets the need for family homes in Largs. It is claimed they are aimed at mature residents, but it is not considered they would be suitable for elderly or frail residents.

Response: The occupancy of the flats or the types of houses, in terms of perceived need, are not issues which can be controlled through this planning application process.

10. Noise and Wider Services: 30 flats will cause noise disturbance and put pressure on existing services such as the schools and doctors. Noise disturbance is likely during construction and from bin store usage.

Response: It is not considered that the residential use of the site would lead to significant noise disturbance. The site is within the settlement of Largs and the development is therefore acceptable in principle.

11. Demolition of Existing: The building should not be demolished as it has high aesthetic and historical value. There is no information as to its structural integrity

Response: The main building is not listed. It is a mid-20th century villa largely enclosed within extensive grounds and is not readily visible from outwith the site, other than to the north. It is not considered it has and high aesthetic or historic value. It is not considered structural information is required. However, the applicant has advised that following theft of roofing material, the main building had been subject to water ingress and is uninhabitable.

The representation can be summarised as follows:

1. Support the development of the site in principle. Welcome removal of trees from north-east of site which have caused issues to neighbours. Would wish to see more details of the proposed bin store and that this should be roofed as it will be overlooked by neighbouring properties. It is questioned if there is a market for this type of development as permission has been granted in the last 3 years for flats at Anthony Court and Warrenpark Nursing Home but neither has been developed. There appears to be a shortage of quality detached homes in this part of Largs.

Response: Noted. Details of the bin store could be governed by condition

2. Question the height of the proposed development which is 4m higher than existing building. The development should be 1 storey lower. The nearest flats at Trigoni Court may be a similar height but it is a 2 and a half storey building and lower than the adjacent houses. That block is also set back 9m from the road whilst this proposal would be 3m from the boundary creating an imposing canyon appearance on Irvine Road. The proximity to the road will also impact on the privacy of occupants of the lower flats.

Response: The proximity to the road has been altered and the closest blocks would now be 6m from the A78. The elevation of Trigoni Court towards the A78 is essentially its rear elevation whilst these proposed flats would front that road. The height and privacy issues surrounding the development are assessed further below.

3. The application is silent on sewerage. The site is served by a septic tank which is assumed not be suitable. It is also understood there is no gas connection on site.

Response: Scottish Water was consulted and offers no objection. Any developer would have to gain the necessary consents from the relevant statutory undertakers in respect of servicing.

Consultations

Transport Scotland - Any permission should be subject to conditions. Details of the type and method of construction of the access onto the A78 shall be agreed with the Council and Transport Scotland. Visibility splays must be provided. No drainage connections to the trunk road drainage system.

Response: Noted. Details of access and visibility splays could be required by condition. The applicant would have to seek approval of the Trunk Roads Authority to connect to the trunk road drainage system.

Scottish Water - No objection. Advice is given on further steps required to be undertaken to meet their requirements.

Response: Noted.

NAC Active Travel and Transport - No objections. 50 spaces are proposed for 30 flats. The access and parking will remain private

Response: Noted. The layout has changed during the application process and 52 spaces are now proposed.

Largs Community Council - Objects. Overdevelopment of site. Impact on road network through cars accessing and exiting the A78. Pedestrian access via Seabank Avenue should be considered. Significant loss of woodland. The proposal is stated to be for older residents, but the design does not appear sympathetic to needs of such groups.

Response: In terms of concern about overdevelopment - see Analysis below. Transport Scotland, as Trunk Roads Authority, and NAC Active Travel and Transportation have been consulted and offer no objection. Pedestrian access via Seabank Avenue has been considered but as that is a private road, it is not considered appropriate to require an access that would be outwith any developer's control. The site is considered to have reasonable pedestrian links. Notwithstanding, the proposed layout maintains the possibility of a link to Seabank Avenue should an arrangement be made with the owners of that road. The applicant has provided detail of the trees that would be lost, and an assessment of this - see Analysis below. It is noted that at least 2240sqm of woodland to the south-west would be retained. In terms of the occupancy, any desire for a particular demographic would be a matter for the developer. In planning terms there would be no restriction on the type of occupancy.

3. Analysis

The Towns and Villages Objective of Strategic Policy 1 states that in principle support will be given to the right new homes in the right places. Proposals which regenerate vacant and derelict land will also be supported. The site is within the settlement of Largs. The site has been vacant for approx. 6 years. The proposal for residential development is therefore acceptable in principle. Policy 2 of the LDP states that development of brownfield land will be supported in principle, where the development aligns with the placemaking policy. A range of regeneration opportunities for a range of urban uses, including residential and local employment will be supported.

Strategic Policy 2: Placemaking of the LDP sets out the six qualities of a successful place: distinctive, safe, and pleasant, resource efficient, welcoming, adaptable, easy to move around and beyond. Policy 27 of the LDP relates to sustainable transport and active travel. This states that the Council will support development which meets criteria including improving accessibility to amenities, mitigates adverse impacts of significant traffic generation and provides safe and convenient sustainable transport options.

The application proposes the replacement of a range of buildings, last in use as two dwellinghouses, with four blocks of flatted dwellinghouses. The plot has a large area, and the proposal is for buildings which would occupy approx. 21% of the site. With access and hard landscaping, the developed area comprises approx. 48% of the total area. There is no defined settlement pattern in this part of Largs, and it is considered that this proposal presents an appropriate use of the site in terms of area with adequate amenity space for the

occupiers. There is also a wide variance of house types including flats, within the area. The development would be set back from the front (east) boundary by 6m and as such it is not considered that it would be overly prominent or otherwise imposing on the A78. The flats at Trigoni Court are some 9m from the road with the open car park of the golf club to the south.

The Council's 'Neighbourhood Design Guidance,' is non-statutory and pre-dates the current LDP. It does not form part of the LDP and therefore only carries limited weight. Notwithstanding, the guidance states that proposals should provide an appropriate relationship between building type and plot and consider the massing of the development. A canyon effect, where a building dominates an area, should be avoided. Given the size of the plot and set back from boundaries, outlined above, it is considered the proposal has taken cognisance of the guidance.

The design of the blocks is modern with the roof and the building being expressed as two and half storeys to minimise mass and scale. The proposed finish materials are considered appropriate for an area of varied design and finish. However, the exact details could be secured by condition. Balconies are proposed to provide external amenity and the proposal has been designed to maximise views to the west whilst giving an appropriate frontage to the east. The details of the boundary treatment onto the A78 could be governed by condition to ensure an appropriate frontage whilst meeting Transport Scotland's requirements.

The buildings have been designed and sited to reflect the topography of the site. They would be sited on the eastern portion of the site which is generally flat. The north-western portion, where Block 4 would be sited, slopes to the north and the design incorporates a sub-ground floor flat to minimise underbuild. The siting has provided a set back from the A78 of 6m and distances of at least 18m, 7.4m and 6.9m from the western, northern, and southern boundaries respectively.

Block 1 would be closest to the southern boundary which at the eastern end is the side boundary of The Cottage, 124 Irvine Road. The closest windows would be some 14m from the side of that property with other windows looking towards the rear garden at a distance of at least 16.75m. A condition could be added to require the upper floor closest windows to be obscure glazed to minimise overlooking of the gardens. Windows on the east of Block 3 would be some 33.9m distant to the rear elevation of The Cottage, at an oblique angle. Windows on the side of Block 3 would look towards the southern boundary, where it is the side boundary of 124 Irvine Road. These would be some 14.9m distant from the boundary and 31m from the building. There are mature trees on this boundary which are to be retained.

The Building Research Establishment (BRE) has produced guidance in relation to the effects of development on sunlight and daylight, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.' This states that development which is 45degrees or less from a window will likely cause a significant reduction of light to the room within the window and overshadow the window.

The eaves of Block 1 would be some 2.7m above the roof ridge of the cottage. However, Block 1 would be 63degrees in elevation and 75degrees in plan from The Cottage. Block 1's roof ridge would be some 21m from the eaves of The Cottage.

Given the above it is not considered there would be any significant overlooking or overshadowing or daylight issues arising in respect of the properties to the south. The development would be at least 25m from Trigoni Court on the east side of the A78 with the car park for the golf club to the south of Trigoni Court.

Block 2 would be closest to the northern boundary which at the eastern end is the side boundary of 19 Seabank Avenue. The closest windows of Block 2 would be some 15.5m from the rear that property at an oblique angle. A condition could be added to require the upper floor closest windows to be obscure glazed to minimise overlooking of the gardens. These windows would have a reveal of approx., 1.2m. Other windows on Block 2 would be some 22.3m from the side elevation of 19 Seabank Avenue. The northern elevation of Block 4 would look towards the road of Seabank Avenue at a distance of some 14.2m 25.2m from the front elevation of 19 Seabank Avenue.

The eaves of Block 2 would be some 3.4m above 19 Seabank Avenue, which sits at a lower level to the site. However, Block 2 would be some 51degrees from the ground floor of 19 Seabank Avenue in elevation and 56degrees in plan. Block 2's roof ridge would be some 20m from the eaves of 19 Seabank Avenue. The front elevation of 19 Seabank Avenue sits some 6m to the west of Block 2 and 6.5m to the east of Block 4. Given the above it is not considered there would be any significant overlooking or overshadowing or daylight issues arising in respect of the properties to the north.

The northern end of Block 4 would be closest to the western boundary, some 18m distant. This increases to 38.8m at the southern end of Block 3. The boundary is with an access lane to the rear of 19-41 Walkerston Avenue, with the rear gardens of those properties beyond. There are balconies proposed for the eastern elevations. However, Block 3 and 4 would be between 39m and 52m from the rear elevations of Walkerston Avenue. The retention of mature trees is proposed along the western boundary and details of landscaping for the northern corner can be secured by condition if permission is granted. As such it is not considered there would be any significant overlooking to the west.

Blocks 3 and 4 would have a ground FFL of 27.5AOD. The properties on Walkerston Avenue have a ground FFL of less than 14AOD. However, given the separation distance it is not considered there would be any significant overshadowing or daylight issues in respect of properties to the west. It is considered that there are adequate separation distances between the blocks. Given this and the proposed fenestration it is not considered that there would be any significant amenity impacts within the development.

The development would have landscaping in the form of parking between the blocks, a terrace to the west of Blocks 3 and 4 and paths on the slope beyond. Exact details of the landscaping, including the open spaces around Blocks 1 and 2 could be secured via condition.

Active Travel and Transportation has no objections in terms of parking and access and the requirements of Transport Scotland can be secured by condition. Details of the bin stores could also be conditioned in the interest of amenity.

The site is considered to have reasonable active travel links with a bus stop and the golf club directly opposite the site. There is a pavement leading north/south on the eastern boundary of the site and Transport Scotland has no objection to the proposal. The site is 1km south of Largs Town Centre. Douglas and Anderson Parks are some 500m to the north and Bownecraig Pitches are some 400m to the south. The seafront can be accessed on foot via

Rockland Park, some 600m away, or Anthony Road, some 490m. A pedestrian access from the site to Seabank Avenue was considered but that is a private road. A path is shown on the drawings leading to the private path at the rear of Walkerston Avenue. Should the developer come to an agreement with the owners of that road or path, access could potentially be formed without planning permission. The layout of the site gives potential for such private accesses to be formed in the future.

It is proposed that surface water attenuation tanks be located beneath parking bays. As the details of these relate to a previous layout, it is considered that further details should be required by condition. Notwithstanding the surface water attenuation is considered to be acceptable. Given the above it is considered that the proposal accords with Strategic Policy 2, and therefore Policy 2, and Policy 27 of the LDP.

Policy 18 states that development proposals will only be supported when it would not result in the deterioration of semi-natural woodland unless there are overriding public benefits. The site is a mature domestic garden. Notwithstanding it is noted there is an area of semi-natural woodland to the south-west outwith the application site. It is not proposed to remove trees from within this area. The applicant has indicated that mature trees along the southern and western boundaries will be retained. Retention of those trees and their protection during construction works could be secured by condition.

The applicant's bat survey concludes that the site has moderate suitability for roosting and foraging bats and negligible suitability for hibernation. One roost for an individual bat was found. The survey states that a licence should be sought from NatureScot to ensure compliance with current wildlife legislation. Further information is given as to steps a developer should take during construction. The content of the survey is noted, and it is the developer's responsibility to ensure the works are compliant with wildlife legislation. It is noted NatureScot are the licensing body for such works. Given the above it is considered the proposal accords with Policy 18 of the LDP.

Policy 29 states that all new buildings should demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon technologies. Compliance with this requirement can be required through condition.

Given all of the above the proposal is held to accord with the relevant policies of the LDP. Accordingly, the application should be approved subject to the conditions referred to in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That if the development, hereby approved, does not commence prior to 1st May 2022, then prior to the date of commencement of the development a Preliminary Bat Roost Assessment, dated between May and August in the year of the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written

approval. Thereafter the development will be carried out in accordance with the recommendations of any Assessment as may be approved.

Reason

To ensure an appropriately up-to-date Preliminary Bat Roost Assessment in recognition of the possibility of protected species to move onto the site.

Condition

2. Prior to the commencement, the proposed means of access to the A78 shall be constructed in accordance with drawing 5822-PA-3C. The type (and method) of construction to be approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Roads Authority, before the development is commenced. For the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.

Reason

In the interests of road safety

Condition

3. That prior to the commencement of the development, details of tree protection measures for the trees identified as to be retained on approved drawing 5822-PA-3C shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter commence in accordance with any details as may be approved.

Reason

To protect the trees to be retained on site in the interests of the visual amenity of the area.

Condition

4. The trees identified as to be retained on approved drawing 5822-PA-3C shall not be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed except with the written permission of the Council, as Planning Authority.

Reason

To retain the trees identified in the interests of the amenity of the area.

Condition

5. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping. Any landscaping scheme as may be approved shall be carried out in the first planting season following completion or first occupation of the development, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

To ensure an appropriate landscaping scheme in the interests of visual amenity.

Condition

6. That prior to the commencement of the development, details of the surface water attenuation shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter the development will be carried out in accordance with any details as may be approved.

Reason

To ensure an appropriate surface water attenuation in the interests of the drainage of the site

Condition

7. That prior to the commencement of the development details of the bin stores shall be submitted to the Council, as Planning Authority, for written approval. Any details as may be approved shall be implemented prior to the occupation of the relevant block.

Reason

To ensure appropriate bin stores in the interest of the amenity of the area.

Condition

8. That prior to the commencement of the development, details of the external finish materials for the blocks shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter commence in accordance with any details as may be approved.

Reason

To ensure appropriate external finished in the interest of the visual amenity of the area.

Condition

9. That prior to the commencement of the development details of the eastern boundary treatment shall be submitted to the Council, as Planning Authority, for written approval. This must include visibility splays from the vehicle access as shown on drawing 5822-PA-3C . In a vertical plane, nothing shall obscure visibility measured from a driver's eye height between 1.05m and 2m positioned at the set back dimension to an object height of between 0.26m and 1.05m along the y dimension. Any details as approved must be implemented prior to the occupation of the first property.

Reason

In the interests of the visual amenity of the area and road safety, meeting Transport Scotland's requirements.

Condition

10. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan.

Condition

11. That prior to the commencement of the development, details of obscure glazing for the southernmost elevation windows of Block 1 and northernmost elevation windows of Block 2 shall be submitted to the Council, as Planning Authority, for written approval. Any glazing, as may be approved, shall be installed prior to occupation of the relevant flat and retained thereafter.

Reason

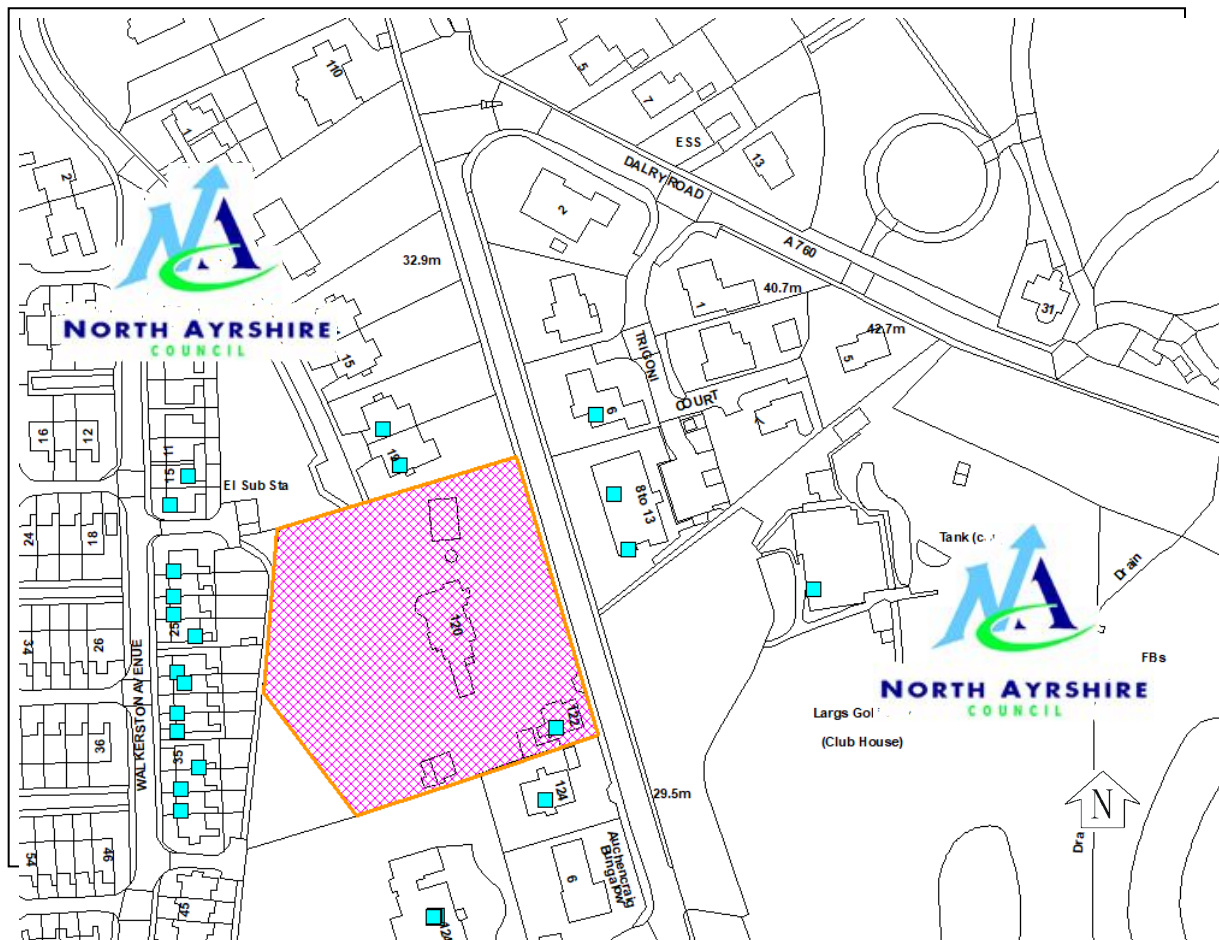
To ensure appropriate obscure glazing in order to protect the amenity of adjoining properties.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Title: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land outside of Laigh Gree & East Laigh Gree, Burnhouse.**

Purpose: To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all deposited rubble, boulders and masonry blocks on the land for the abatement of the adverse impacts on the amenity of the local area

Recommendation: Agree that authority be given to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to improve and safeguard the amenity of the area

1. Executive Summary

- 1.1 An area of land between the public road and the entrances to Laigh Gree Cottage and neighbouring East Laigh Gree, Burnhouse, has been blighted by the placement of rubble, boulders, and masonry blocks.
- 1.2 The condition of the land is harming the amenity of the rural setting of Burnhouse and the stockpile could pose a risk to residents and visitors to Laigh Gree Cottage and neighbouring East Laigh Gree, particularly during the hours of darkness. It is considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the clearance of all deposited rubble, boulders, and masonry blocks.

2. Background

- 2.1 A report regarding the placement of a single row of boulders within the area of land between the carriageway of the B706 Dunlop to Beith road and the entrances to Laigh Gree Cottage and the neighbouring East Laigh Gree, was received by Planning Services on the 15th of February 2021.
- 2.2 The land was once part of the main carriageway of the B706 Dunlop to Beith road but does not form part of the adopted road network due to carriageway realignment works that were undertaken in or around the 1970s. The land is in private ownership, but details of the owner are not known. The purpose of the single row of boulders was to

compartmentalise the land in the interests of the users of the adjacent properties and was not considered by Planning Services to constitute development nor to have any notable effect on the amenity of the surrounding area. An apparent disagreement between the neighbours on the exact position of the boulders was considered by Planning Services to be a private matter for the interested parties to address between themselves.

- 2.3 Further reports were received on the 29th March and 27th May 2021 by Planning Services on the additional placement of rubble, boulders, and masonry blocks. The deposition of the additional material appears to be the result of an escalation of the apparent disagreement between the occupants of Laigh Gree Cottage and East Laigh Gree on the rights over the area of land in question.
- 2.5 Overall, the condition of the land is unsatisfactory, and the presence of the deposited material is harmful to the amenity of the rural setting of Burnhouse and could pose a risk to residents and visitors to Laigh Gree Cottage and East Laigh Gree, particularly during the hours of darkness.
- 2.6 As the neighbours now appear unlikely to be able to resolve the matter between themselves, it is considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the clearance of all deposited rubble, boulders, and masonry blocks, returning the land to an acceptable condition.

3. Proposals

- 3.1 It is recommended that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the landowner to require:
1. The removal of all rubble, boulders and masonry blocks from the land between the B706 and the entrances to Laigh Gree Cottage and East Laigh Gree to a licensed waste disposal or recycling facility.
 2. The undertaking of measures to safeguard the land against further stockpiling of material, so far as practicable.
 3. Improved maintenance of the land, to include regular checks for further stockpiling of material and its prompt removal should it occur.
- 3.2 The timescale for undertaking such works should be no greater than 6 weeks from the date of the notice.

4. Implications/Socio-economic Duty

Financial

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

Human Resources

4.2 None.

Legal

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

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 The proposed Amenity Notice would restore and maintain the rural setting of Burnhouse to an expected condition.

Key Priorities

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

Community Wealth Building

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

5. Consultation

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

James Miller
Chief Planning Officer

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

Background Papers

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