



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Planning Committee

A Special Meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 28 April 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 Ardrossan North Shore Development Framework**

Submit a report by the Executive Director (Place) on the Ardrossan North Shore Development Framework (copy enclosed).

#### **3 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Kirkleegreen Reservoir, Beith**

Submit a report by the Chief Planning Officer to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the land for the abatement of the adverse impacts on the amenity of the local area (copy enclosed).

#### **4 Garnock Valley**

Submit reports on the following applications:

**4.1 21/00214/PP: Blairland Farm, Dalry KA24 4EJ**

Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2, 3, 4 and 5 planning permission of planning permission in principle ref. 15/00103/PPPM as amended by planning permission ref. 18/00328/PPM (copy enclosed).

**5 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](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Planning Committee Sederunt

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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:



## NORTH AYRSHIRE COUNCIL

28 April 2021

### Planning Committee

<b>Title:</b>	<b>Ardrossan North Shore Development Framework</b>
<b>Purpose:</b>	To update Members on progress on the development of Ardrossan North Shore and seek approval of a Development Framework for the site.
<b>Recommendation:</b>	It is recommended that the Planning Committee approves the Ardrossan North Shore Development Framework (Appendix 1), which will inform and be a material consideration in the determination of any future planning applications for the site.

### 1. Executive Summary

- 1.1 Ardrossan North Shore is a key regeneration opportunity within North Ayrshire and is identified as a Strategic Development Area by the Adopted Local Development Plan.
- 1.2 This report seeks approval for a development framework for Ardrossan North Shore which would inform detailed proposals and, if approved, would be a material consideration in the determination of future planning applications for the site. It is advised that the framework has been developed through analysis of how the Council's aspirations for the regeneration of the site could best be accommodated, and technical information (site conditions, transport, flood risk) and cost.
- 1.3 The framework has been the subject of an 8-week public consultation period and the comments received have been considered and included at Appendix 2.

### 2. Background

- 2.1 The Ardrossan North Shore site extends to around 12.25 ha (30.3 acres) and has been vacant since the mid-1980s. The site was acquired by a Limited Liability Partnership owned jointly by the Irvine Bay Regeneration Company and Peel Land and Property in 2009 and thereafter promoted for housing development. Following the wind up of the Irvine Bay Regeneration Company in 2017, the Council acquired the interests of the URC and Peel L&P, taking full ownership of the site in 2020.
- 2.2 In January 2019, the creation of a new 3 – 18 years community campus on the North Shore site was proposed. In September 2019, the Council agreed to commence a period of Statutory Public Consultation, in terms of the Education Acts, on the proposal, and following that Consultation, the Council agreed to proceed with the proposal in April 2020. The proposal incorporates a relocated Ardrossan Academy

and Winton Primary, early years provision, swimming pool and offices for health and social care staff and it is considered, would facilitate both the redevelopment of the site and deliver educational benefits for pupils.

2.3 In addition to the community campus, the proposals identify the potential to accommodate a marine sciences centre, new housing development, an expanded marina, commercial uses, and a new coastal path. The development would be part of a wider £150 million regeneration programme for the area, which includes Ardrossan Harbour, and new physical connections to the town, over a 5-10-year period.

2.4 The Ardrossan North Shore Development Framework would establish a site layout, which it is advised would seek to maximise the opportunity provided by this site by proposing what is seen by the Framework as the optimal layout of mix of uses. The Development Framework identifies the principal issues which led to the proposed layout emerging, which include:

- The benefits of locating the campus buildings to the south of the site to maximise their accessibility;
- The activity created by locating the campus buildings to the south of the site, with the benefits of this location in providing a catalyst for other commercial development;
- The benefits of focusing housing development in the north of the site, given the historic site remediation for this use at this part of the site;
- The benefits in locating playing fields/ sports facilities in the centre of the site in creating a level of shelter from exposure; and
- The cost analysis which demonstrated that the proposed layout provides a cost-effective solution

2.5 Technical information was also considered in the development of the proposals, including:

- **Ground conditions** - includes geotechnical analysis (the ability of the site to accommodate structures and the nature of foundations solutions required), and historic site contamination and how this will be addressed to make the site suitable for use. A site remediation strategy has been developed in consultation with The Council's Environmental Health Service and the Scottish Environmental Protection Agency (SEPA).
- **Flood risk** - recognises the need to develop the site to allow protection against a 1:1000 year flood event as required by SEPA guidance. The development of the site will also require protection against wave action by a sea wall or revetment.
- **Transport** - The development framework proposes that a link road runs through the site from North Shore Crescent to Montgomerie Street, through a new site access.

Further detail on these matters would be considered by a design team appointed to develop proposals for the site and would be required to support any future planning applications for the site.

2.6 An 8-week period of public consultation on the development framework was launched on 15th February, with the framework published on the Council's website and

coverage secured in the local press. Nineteen individual responses to the consultation were received in addition to a letter undersigned by 61 residents of Harbour View incorporating Moonlight Place, Raylight Place, Dawnlight Circle and Stormlight Road.

- 2.7 A full summary of comments received, and the responses is included within Appendix 2. In general, comments received were related to the contamination of the site and also to technical information such as traffic, access and wildlife. The Harbour View Residents letter objects to the proposed Ardrossan North Shore Development Framework, stating that the current development framework option chosen is not necessarily the best option for the layout and there needs to be further public consultation; and that development of the site should be on hold until the contamination is addressed.

### Planning Assessment

- 2.8 Strategic Policy 3 of the Adopted Local Development Plan (LDP2) identifies Ardrossan Harbour and North Shore as a Strategic Development Area. The strategic development areas policy sets out the key factors to be considered in developing these major areas of change. LDP2 supports 'the regeneration of Ardrossan North Shore area for residential and mixed-use development, particularly where community uses can be integrated into the development, which will increase pedestrian flow through the area and into the town centre'.
- 2.9 It is assessed that the proposed Development Framework accords with Strategic Policy 3 of the Local Development, both in terms of the proposed uses and, in principle on the layout of these uses within the site. The siting of the Community Campus to the south of the site would maximise the potential of the development to increase pedestrian flow through the area and into the town centre and for the Campus to be accessed by sustainable transport. The coastal path and public space would accord with the LDP's support for development that provides active travel routes into and throughout the site and the regeneration of vacant land to form an attractive open space resource for the local community.
- 2.10 The LDP promotes the use of Masterplans for identified Strategic Development Areas in order to co-ordinate development in a manner that supports the creation of sustainable and successful places. The Ardrossan North Shore Development Framework is relatively high level and does not extend to the level of detail typically contained within a Masterplan but does establish some design principles. It provides a positive basis on which to develop detailed proposals for individual elements of the site. It establishes how coherent spaces and layouts will be created that would maximise the potential of the site and how people and places would be connected by enabling ease of movement within and through the North Shore. Furthermore, community consultation is a key element of Masterplanning and has been undertaken in respect to the Development Framework, with not any significant issues raised.
- 2.11 Detailed proposals would be required to demonstrate specific siting and design, and that there would not be any adverse impact on the environmental quality of North Ayrshire. The detailed proposals would be assessed against the detailed policies of the LDP in any future planning application

### Next Steps

2.12 An architect and design team has recently been appointed to take forward the detailed design of the community campus. That design will be developed in line with the development framework and if approved see planning applications for the site submitted in late 2021. The programme for the campus envisages the start of construction work in August 2022.

2.13 For the remainder of the Ardrossan North Shore site, a Design Brief will be prepared for the proposed private and social housing and open space to support the creation of a high-quality new neighbourhood, to meet the six qualities of a successful place and the LDP Placemaking policy. The proposed International Marine Science and Environment Centre (IMSE) and associated marine uses which form the final part of the site are being progressed as part of the Ayrshire Growth Deal.

### **3. Proposals**

3.1 It is proposed that the Committee notes the consultation undertaken on the Ardrossan North Shore Development Framework and approves the Development Framework as a material consideration in the determination of any future planning applications for the site.

### **4. Implications/Socio-economic Duty**

#### **Financial**

4.1 This report has no financial implications.

#### **Human Resources**

4.2 None.

#### **Legal**

4.3 If approved, the Ardrossan North Shore Development Framework will be a material consideration in the assessment of future planning applications for the site.

#### **Equality/Socio-economic**

4.4 None.

#### **Environmental and Sustainability**

4.5 The Development Framework has considered flood risk and ground conditions and how to maximise opportunities for sustainable transport. A full assessment of sustainability and environmental impact will be undertaken as part of future planning applications.

#### **Key Priorities**

4.6 The Ardrossan North Shore Development Framework seeks to deliver on a number of the Council's key priorities, including: children and young people experiencing the best start in life; an inclusive, growing and enterprising local economy; vibrant, welcoming and attractive places; and a sustainable environment.



## **Community Wealth Building**

- 4.7 Supporting the wider regeneration of our communities by maximising all of our land and assets is a key pillar of the Community Wealth Building strategy.

### **5. Consultation**

- 5.1 As noted at paragraph 2.6, an 8-week period of public consultation on the development framework was launched on 15<sup>th</sup> February, with the framework published on the Council's website and coverage secured in the local press. A full summary of comments received, and a response is included within Appendix 2.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Alistair Gemmell, Strategic Planning Manager**, on **01294 324005**.

### **Background Papers**

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## Introduction

The diagram illustrated in this slide, and in further detail on slide 14, shows the proposed development framework with the layout of uses within the site. Also included are key design considerations such as the main points of access into the site, the route of principal roads, coastal path route, and the indicative location of the campus buildings. Key design principles are further described below.

## Community Campus

The framework proposes to locate the community campus to the southern edge of the site, maximising opportunities for connectivity with the town centre, with an aim to facilitating relationships and integration with the community, existing businesses, local industry and transport links.

The scale of the campus buildings will be appropriate to their location, with a relationship and similar building height to existing flatted residential development at Mariners view, to help create a sense of scale around the Montgomerie Pier area. An entrance will be formed at the southern elevation of the campus to encourage activity in this key area.

The outdoor sports provision will be provided adjacent to the campus building and sit centrally within the site, affording a level of shelter, and open views for adjacent housing development.

The later development of a marine sciences centre and/or commercial space will require to establish a strong relationship between the campus and marina, by providing a strong frontage for development on to the marina.

## Housing

Housing is proposed to the eastern and northern parts of the site. To the east, blocks would be formed which are back to back with existing residential parcels along Montgomerie Road, with vehicular and pedestrian connection points introduced in strategic locations to create a stronger urban grid formation. This will help to 'repair' the current edge condition and establish development which faces on to a new central road within the site and then on to playing fields within the Campus.

The requirement for a form of grid pattern will continue at the northern end of the site, creating a clear urban residential arrangement. Opportunities to maximise views and accessibility to the coastal frontage will be achieved by having housing fronting onto the coast/new coastal path. This will also facilitate an inherently secure route along the front, with the path having passive supervision as a result of it's relationship with housing. This relationship is also reminiscent of traditional seafront boulevards found elsewhere in Ardrossan and other seaside towns.

## Roads & Parking

The principal vehicular access points into the site will be from North Crescent Road and from a continuation of Barr St through the existing Coast to Coast garage site, which enables a clearer onward connection with the town centre.

There will be two main routes through the site with a road running along part of the coastal frontage, following the route of the new coastal path, and a central 'boulevard' running north/south and serving the community campus and residential blocks.

It is not the intention to provide a vehicular route around the entire coastal perimeter of the site, rather, the coastal road will terminate before it reaches Montgomerie Pier and will provide some limited parking provision. The new central road within the site which separates the campus from new housing will serve the housing area to the north, but not provide a second vehicular access on to North Crescent Road.

Analysis will be undertaken on the extent to which parking provision can be shared between the campus, marina, and other facilities. This will reflect the varying demands for parking space in terms of the time of year (marina demand evident most during school holidays) and peak times of the day. Parking will be designed to allow provision to be shared by allowing appropriate proximity to uses. It should be designed to avoid concentration within one large space which dominates the site, and be focused on the east of the campus and marina to retain the development, commercial and tourism potential of these areas.

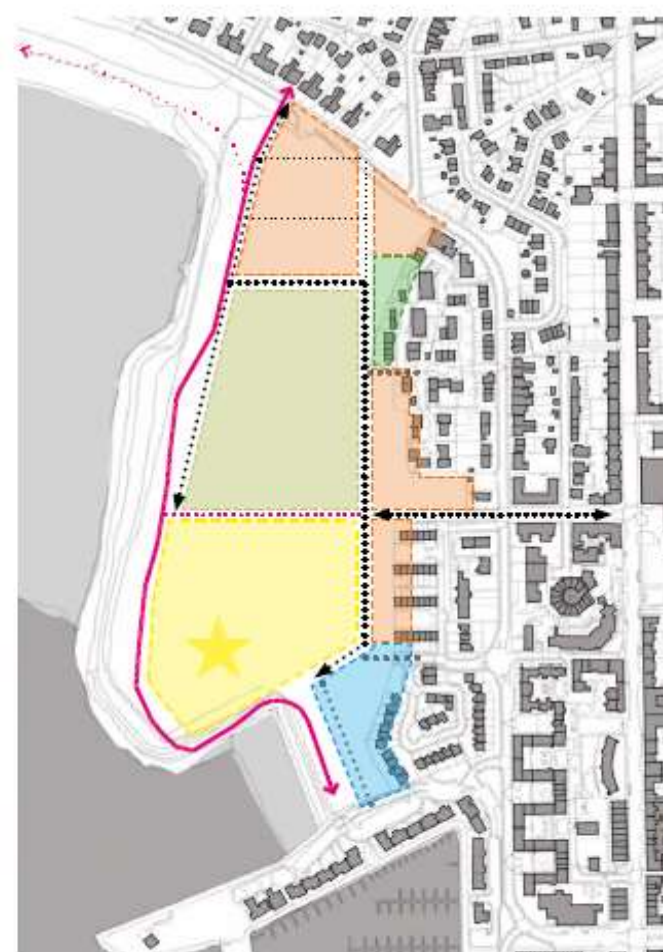
## Coastal Path & Public Space

Public open spaces are provided across the site. The new coastal path will be a focus with associated landscaping to create an attractive resource for the local community, for pupils through outdoor education space/ 'daily mile' provision, and a draw for visitors.

A pocket park is also proposed within the site, served from the main boulevard, creating a central amenity for the local residents.

An area of public realm is proposed to the southern edge of the site between the campus buildings and Montgomerie Pier, and this would also serve as a gateway to the campus buildings, giving an opportunity for the new community facility to open out to the town and encourage activity at the mouth of the marina where there is potential for later commercial development. Located with views out to the Firth of Clyde and over the new marina extension, this would also provide a significant draw for visitors to the town and encourage use of the coastal path.

A landscape strategy will be developed to determine in detail the nature of open space appropriate in accommodating aspirations for the coastal path, public realm/civic space, outdoor education space and a tourism/ recreational facility.



- ← COASTAL PATH
- NEW HOUSING
- EDUCATION & COMMUNITY CAMPUS
- SPORTS PITCHES
- EXTERNAL SPACE
- LEISURE / WORK SPACE
- PRINCIPAL VEHICLE ROUTES
- SECONDARY CONNECTION POINTS (PEDESTRIAN/CYCLE)



### **Ardrossan North Shore Development Framework**

#### **Summary of Consultation Process and Response**

Consultation on the North Shore development framework was launched on 15<sup>th</sup> February, with the framework put on the Council's website. A press release and inclusion on the Council's social media channels followed a few days later.

Just prior to the launch, around 60 letters were issued to residents in the area affected by the proposed access into the site via Barr Street, as a courtesy before the information became public.

The consultation process saw three meetings with a Stakeholder Reference Group (SRG) on 4<sup>th</sup> February, 3<sup>rd</sup> March and 31<sup>st</sup> March to discuss the content of the consultation material prior to its launch, the responses how those would be considered.

In addition to the meetings with the SRG, included representation from local community groups, including the Ardrossan Community Development Trust and North Shore Positive Action Group, engagement on the framework was promoted through the Locality Planning Partnership at its meeting on 17th March and through the local community development officer. Discussions were also held with residents who expressed interest in an online meeting, with the relatively low interest in this aspect of the consultation, allowing that to take place on a one to one basis.

In total, 19 individual responses were received and a letter from Harbour View Residents with 61 signatories.

- Nine of the responses sought a more legible plan, as a letter that was issued was hard to read;
- Two stated that they were against the principle of the development (one due to contamination, one due to disruption);
- Three stated that they were supportive of the plans and the difference they would make;
- Others commented on specific issues like transport or contamination, as summarised in the table below;
- Harbour View Residents objected to the proposed Ardrossan North Shore Development Framework, stating that the current development framework option chosen is not necessarily the best option for the layout and there needs to be further public consultation; and that proposed development of the site should be on hold until the contamination is addressed.

A summary of the comments received during the consultation process and the responses is provided in the table below.



Issue	Response
<p><b>Contamination</b></p> <p>The site is highly polluted and there is significant infrastructure below ground level. Housing and schools are not suitable for the site.</p> <p>Request for a public auditing process, and requirement for local residents to be 100% satisfied that the proposals will have no health, safety or environmental impacts.</p> <p>Concerns over smells, transfer of airborne particles, dust, structural effects and noise pollution arising from construction works.</p>	<p>Site conditions have been the subject of extensive testing and investigations over a number of years. A site remediation strategy has been developed in association with the Council's Environmental Health Service and SEPA as environmental regulator. The remediation and development of a long-term derelict site will see positive environmental outcomes.</p> <p>Proposals for decontamination have been developed by an environmental consultant in line with best practice and consultation with the Scottish Environmental Protection Agency.</p> <p>Proposals for decontamination of the site will be reported publicly to Members of North Ayrshire Council. Thereafter the proposals require to accompany planning applications for the site.</p> <p>The planning application process will consider the need for any conditions that the development or contractors will require to comply with. That may include construction methodology statements, limitations on construction hours, etc.</p>
<p><b>Flood Risk</b></p>	<p>A flood risk assessment has been developed which identifies the required finished level of the site.</p> <p>Proposals are also under development for the design/specification of a sea wall to provide wave defences.</p>
<p><b>Access / Traffic / Disruption</b></p> <p>Concerned about the access being directly opposite of the fire station. Thinks it will cause a massive increase on traffic and hinder access to fire engines when in emergency</p> <p>Noise/environmental/health impacts of increased traffic.</p>	<p>A traffic assessment will require to be undertaken to consider the impact of the various uses on the site, and the need for any on/off site improvements. That may include signals at the junction of Barr Street and Montgomerie Street, and priority for emergency vehicles. Traffic assessment will accompany a planning application for the education campus.</p> <p>A traffic assessment will accompany a planning application for the education campus. This will seek to mitigate any noise/environmental/health impacts. Examples will be the need for on- and off-site transport or junction improvements, the provision of the coastal path which will encourage active travel, consideration of the use of pick up/drop off areas, etc.</p>

<p>No access should be available through Raylight and Moonlight Place.</p> <p>The location of the school on the edge of Ardrossan will make it difficult for pupils to travel by foot</p> <p>Concerned about the impact on Montgomerie Street</p> <p>Not happy about having a school at the back of their property, think it will cause disruption.</p>	<p>While subject to the detailed design of the site, it is considered unlikely that access through these residential streets will be required given nearby access points at Mariners View, Montgomerie Street and the new site access linking to Barr Street.</p> <p>Active travel will be encouraged by the development of a new coastal path at the boundary of the north shore site (for which funding has been secured), as well as additional off-site improvements to facilitate access by foot por bike.</p> <p>As above, a traffic assessment will consider the need for any off-site improvements, traffic calming/restrictions., etc.</p> <p>The principle of the development of the site for the uses proposed is accepted by Local Development Plan 2 and has been the subject of extensive public consultation. The potential for any disruption will be considered through processes such as the transport assessment or environmental assessments and impacts mitigated through these processes.</p>
<p><b>Impact on Wildlife</b></p> <p>Concerns over the impact on the proposals on wildlife on the site</p>	<p>As a derelict site there is understood to be little in the way of habitat with ecological value and the principle of the sites' development has been accepted by previous planning applications and LDP2. The site will be subject to ecological surveys to determine the presence of any protected species and any mitigation measures that require to be put in place to protect these in the design and construction of the site.</p>
<p><b>Open Space/Recreation</b></p> <p>Concerned about loss of Open Space and recreational facility</p> <p>Concerned about the lack of green space and suggests the need for a play park</p>	<p>The principle of the sites' development is established by the Local Development Plan the recreational value of the site are not protected. New opportunities will be created e.g. coastal path, external spaces.</p> <p>Site will incorporate a large area of open space through the playing fields within the site, and also landscaping around the proposed coastal path. Housing development areas will require to comply with the council's policy on play provision, and this will determine whether there are play facilities developed within the site.</p>
<p><b>Design &amp; Layout</b></p> <p>Consider building bungalows – there are plenty of flats in the area</p>	<p>Bungalows could be provided on the site, albeit that will be a decision for the developer based on marketability/demand.</p>

Concerned about the colour – do not want brown and would suggest the use of light colours	No decision has been made on the colour of the buildings at this stage, this will be for the appointed architect to consider.
Restriction on building height to 2 storeys	While no building heights have been specified at this stage and for the community campus this will be determined by the architect, there is already context in the immediate area for development of four storeys at Mariners view, and three storeys on higher land at Sweeney Gardens. The reference to previous proposals being limited to two storeys relates only to proposals by Persimmon Homes for part of the site to the north.
Over development	This conclusion cannot be reached as the layout is indicative and does not for example confirm a specific number of houses, parking spaces, etc.
New housing should be required to be separated from existing housing by open space	There is no planning reason why new housing cannot adjoin existing housing, with appropriate design.
<b>Other issues</b>	
Suggested to make bike fast charging points and shelter for waiting as this will help to promote the coastal cycle path	Suggestion passed to active travel team and low carbon hub officer. Funding has been secured for electric vehicle charging points at two locations within Ardrossan, and the siting of those can also consider charging facilities for e-bikes.
Plans illegible	Letter sent as a courtesy to around 60 local residents most affected by the proposed new access to the site were provided with a plan at a scale that made it difficult to read. The accompanying letter advised residents that plans were available online, and a revised plan was later issued at a better scale.
Requirement for transparency on costs.	Accepted. All costs when confirmed will be available through the Councils capital plan. The figure for investment in Ardrossan (over £150M) includes investment the cost of improvements at Ardrossan Harbour which will be funded by a range of partners.
Welcome proposals	A number of responses welcomed the proposals as positive both for the town and for young people.





## **NORTH AYRSHIRE COUNCIL**

**28<sup>th</sup> April 2021**

### **Planning Committee**

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**Title:** **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Kirkleegreen Reservoir, Beith**

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**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 fly-tipped materials on the land for the abatement of the adverse impacts on the amenity of the local area

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**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

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#### **1. Executive Summary**

- 1.1 An area of land beside the public road adjacent to Kirkleegreen Reservoir near Beith has been blighted by fly-tipping incidents involving a variety of construction waste and other bulky items such as scrap metal.
- 1.2 The land is privately owned. Contact has been made with the owner to request the removal of all waste materials from the land and their disposal to a licensed waste or recycling facility.
- 1.3 To date, the land has not been satisfactorily cleared of the waste and its condition is harming the amenity of the rural area at Kirkleegreen Reservoir.

#### **2. Background**

- 2.1 A report regarding fly-tipping on privately owned land adjacent to Kirkleegreen Reservoir near Beith was received by Planning Services during late February 2021. The matter was also reported to the Council's Fly Tipping Officer, Environmental Health and SEPA. The extent of the fly-tipping was noted as being considerable.
- 2.2 Since the fly-tipping had occurred on privately owned land, the Council was unable to remove the waste materials, in line with Council policy. Following preliminary enquiries about the circumstances with the Fly Tipping Officer, Planning Services raised the matter directly with the landowner.

- 2.3 In response to the initial request to clear the land, the landowner agreed to remove the fly-tipped materials on 10th March 2021 and to erect barriers to deter further attempts at illegal waste dumping at Kirkleegreen. The landowner highlighted that there had been similar occurrences in the past involving bulky items and building materials being dumped near the public road at Kirkleegreen.
- 2.4 However, despite the landowner having undertaken a clean-up of one area of ground at Kirkleegreen on 10th March, it was reported to Planning Services on 11th March that the materials had not been removed off the site to an appropriate waste disposal facility, as had been requested. The waste materials had, in fact, simply been moved to another part of the land at Kirkleegreen. Additional piles of waste materials were also identified by the Council's Fly Tipping Officer on 12<sup>th</sup> March 2021. It was also noted that a series of metal posts had been erected by the owner alongside the road verge to restrict further vehicular access onto the land. Despite this, a further complaint was made on 30<sup>th</sup> March 2021 following another fly tipping incident.
- 2.5 The waste dumped at Kirkleegreen consists of building materials, such as rubble, as well as other bulky items such as scrap metal and furniture. There is considerable evidence of waste materials having been set on fire, which has left parts of the ground scorched and covered in ash and metal wire.
- 2.6 Overall, the condition of the land is unsatisfactory, and the presence of waste materials are harmful to the amenity of the rural setting of Kirkleegreen Reservoir, which is popular local beauty spot.

### **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 waste materials from the land at Kirkleegreen Reservoir to a licensed waste disposal or recycling facility.
  2. The undertaking of measures to safeguard the land against further fly-tipping, so far as practicable.
  3. Improved maintenance of the land, to include regular checks for waste dumping 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 support the improvement of an area of rural land at Kirkleegreen Reservoir near Beith which has been adversely affected by fly-tipping incidents.

### **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.

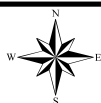
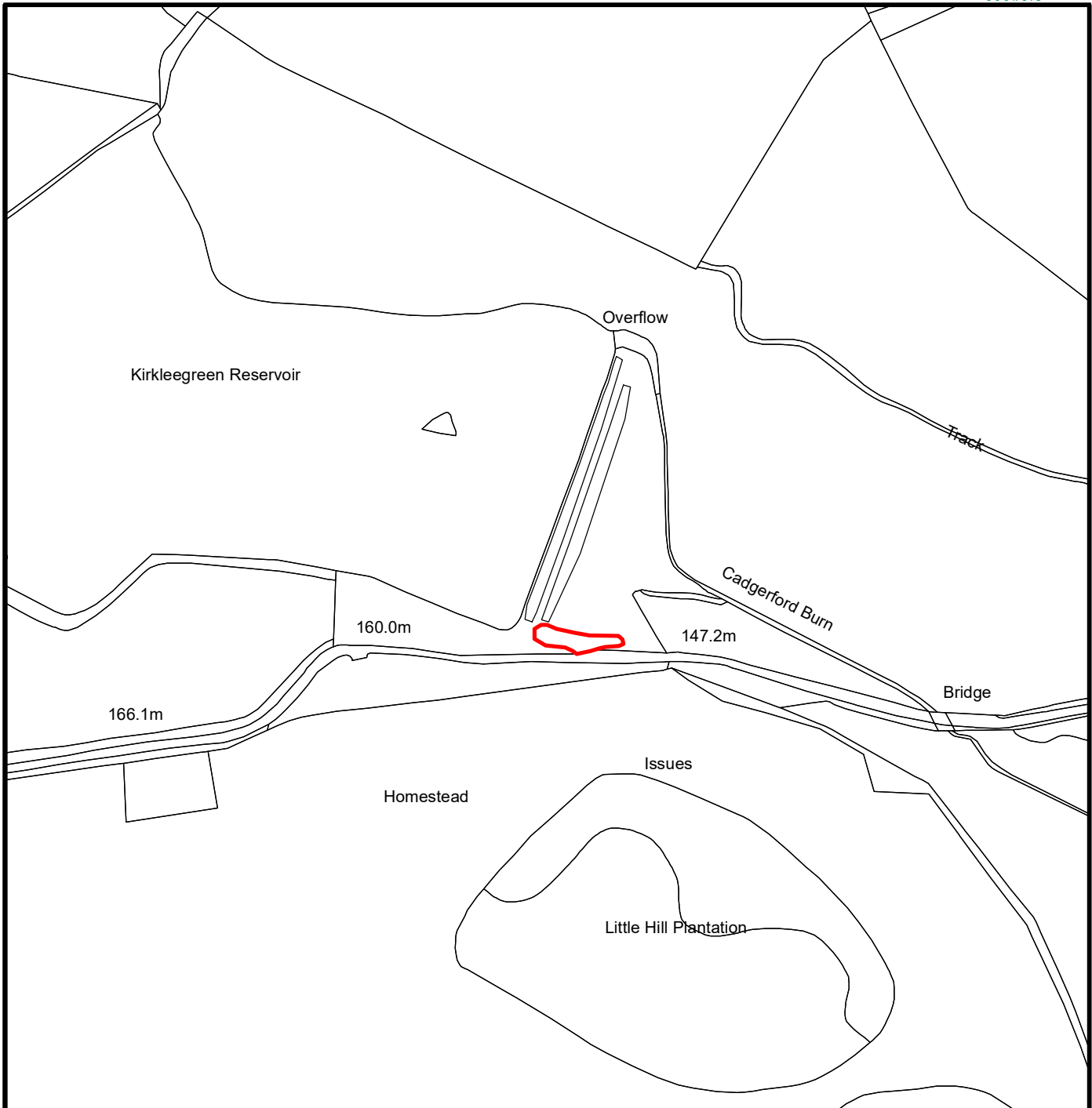
JAMES MILLER  
Chief Planning Officer

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

### **Background Papers**

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Notice under Section 179 of the Town and Country  
Planning (Scotland) Act 1997:  
Kirkleegreen Reservoir, Beith



1:2,500

0 30 60 120 Metres

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## NORTH AYRSHIRE COUNCIL

28th April 2021

### Planning Committee

Locality	Garnock Valley
Reference	21/00214/PP
Application Registered	9th March 2021
Decision Due	9th May 2021
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Blairland Farm Dalry Ayrshire KA24 4EJ
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<b>Applicant</b>	The Blair Trust Co Ltd Per Galbraith
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<b>Proposal</b>	Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2, 3, 4 and 5 planning permission of planning permission in principle ref. 15/00103/PPPM as amended by planning permission ref. 18/00328/PPM
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### 1. Description

A Section 42 application has been sought in relation to some of the planning conditions attached to permission in principle for a major housing development at Blairland Farm in Dalry. The site has been allocated for residential development purposes since the adoption of the first Local Development Plan in May 2014.

Planning permission in principle was granted for residential development in June 2015 under ref. 15/00103/PPPM. An application was subsequently granted in May 2018 (ref. 18/00328/PPM) to extend the time for submitting matters specified in conditions (MSC) applications. At that time, developer interest had been expressed from a national house builder.

Since May 2018, the following key events have occurred in relation to the Blairland Farm site:

1. The A737 Dalry bypass was completed in May 2019, which has brought about a substantial reduction in traffic levels through Dalry as well as creating the 'defensible edge' to the settlement envisaged at the time the Blairland Farm site was first released through the 2014 LDP. The defensible edge takes the form of earthworks and landscaping, which acts to screen the bypass from the Blairland Farm site and the existing built-up area of Dalry.

2. The adoption of LDP 2 in November 2019, which continued to allocate Blairland Farm as a housing opportunity site within the Garnock Valley. The site is therefore part of the established housing land supply, with an indicative capacity of 200 units. The LDP is the statutory development plan against which all applications for planning permission in North Ayrshire must be determined.

3. Persimmon Homes had been preparing to submit a planning application for a first phase of development around the time of the Covid-19 lockdown in March 2020, but subsequently withdrew interest in the site in June 2020, citing the presence of deep peat deposits below parts the ground at the northeast 'corridor' (i.e.. between the rear of Baidland Avenue and the Dalry Bypass) as a constraint which emerged following a detailed site investigation undertaken in January/February 2020. Notwithstanding the decision of Persimmon Homes, the owners are continuing to market the site with the benefit of the planning permission in principle and have been in active discussion with several other potential developers over the past 9 months.

Due to the Covid-19 Emergency legislation, all planning permissions (including permissions in principle) which would have been due to expire between 24th February 2021 and 30th September 2021 have been automatically extended for a further year until 31st March 2022. However, for marketing purposes, the owners of Blairland Farm are seeking a further three year extension to the planning permission in principle to avoid any doubt or uncertainty as to the developmental status of the site in land use planning terms.

In the current application, it is proposed to retain the previous conditions with minor updates to the text, where necessary, whilst allowing for a further 3 years to enable MSC application(s) to be submitted to the Council. An application under Section 42 of the Act, if granted, creates a new planning permission without altering the conditions on the previously granted permission. The planning authority must consider "only the question of the conditions to which planning permission should be granted."

## **2. Consultations and Representations**

The application was subject to the statutory neighbour notification procedures which included an advertisement in a local newspaper and notification of 86 neighbouring residential properties. Four letters of objection have been received, the points of which are summarised below:

1. Loss of greenfield land, loss of views across the countryside from existing housing and the farm track through the site (which is popular local walk), overdevelopment of the land, the number of houses proposed which seems disproportionate for the area, loss of peace and quiet, removal of green spaces and trees, adverse impacts on wildlife and the Blair Estate designed landscape, privacy and overlooking impacts from new housing on existing housing, and the process favours the applicant rather than the local community.

*Response: The current application seeks permission to provide a further three-year period during which detailed applications for the development of the site could be submitted. As noted above, the site has been allocated for residential development in the adopted North Ayrshire Local Development Plan since May 2014. In addition, planning permission has previously been granted, on two occasions, for the principle of housing development on the land.*

*The indicative capacity of the site is 200 houses, which reflects the various constraints on the site including former coal bings, topography and areas of potentially unstable ground. The current application has been submitted under Section 42 of the planning legislation, and therefore does not provide a detailed layout, which would follow in any future matters specified in conditions application(s) to the Council. Whilst the loss of a view is not a material planning consideration, the other matters raised would require consideration as part of any future detailed applications.*

*It is not considered that the Blair Estate Designed Landscape would be affected by any housing development at Blairland Farm due to the existing earthworks alongside the Dalry bypass, which visually encloses and separates the site from the woodland grounds of the Blair Estate.*

*Finally, if detailed proposals are submitted, there would be a further opportunity for public comments.*

2. Concern about general disruption arising from construction activities and new housing, traffic generation and damage to roads/pavements, and privacy and overlooking impacts from new housing on existing housing.

*Response: Conditions would be attached to any grant of consent (as in the previous applications), to address a range of environmental, amenity, site layout, ecological and other factors, including the management of construction impacts such as traffic routing.*

3. A belief that planning permission had previously been refused on two occasions, and a decrease in property values.

*Response: There is no history of planning permission ever having been refused for the development of Blairland Farm. The impact of new development on property values is not a material planning consideration.*

**Communities and Education** – advise that having reviewed the roll projection for Dalry Primary School, whilst the roll is projected to increase as a direct result of this proposed development, the maximum number of units per annum could be raised to 25.

*Response: The previous consent restricted the maximum number of units per annum to 20. A condition can address this amendment whilst still maintaining the need for periodic review.*

### **3. Analysis**

Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with condition(s) subject to which a previous permission was granted. As noted

above, Section 42 of the Act stipulates that in this type of application the "planning authority shall consider only the question of the conditions subject to which permission should be granted." The main determining issue in this case is whether the proposed conditions would accord with the relevant LDP policies for the site.

Strategic Policy 1, the spatial strategy of the adopted Local Development Plan (LDP), states under the Towns and Villages Objective that "within the General Urban Area, proposals for residential development will accord with the development plan in principle." Since its allocation for residential development in 2014, when the previous LDP was adopted, Blairland Farm has been included within the General Urban Area of Dalry.

Policy 1 of the LDP states "in principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b." Blairland Farm is listed under Schedule 2b with an indicative capacity of 200 houses.

As such, the proposed development of Blairland Farm for housing accords with the spatial strategy for Towns and Villages and Policy 1 of the LDP.

Circular 4/1998 sets out the tests for planning conditions, as follows:

- Need for a Condition
- Relevance to Planning
- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

As in the 2015 and 2018 planning permissions, the proposed conditions would comply with all the above tests. The planning permission in principle remains extant. Other than minor wording amendments where necessary (e.g. the omission of the word 'proposed' in relation to the Dalry bypass, since this is now complete), there are no substantive changes proposed to the conditions previously attached to the 2018 planning permission. At the time of the permission in principle being considered during 2015, there was no developer attached to the site. As such, the applicant's planning consultant recommended an approach whereby various additional investigations and studies were undertaken in advance of the submission of an application for matters specified in conditions. The consultant had considered this to be good practice in the circumstances, taking account of other similar projects elsewhere in Scotland.

The developer previously attached to the site, Persimmon Homes, had proposed in 2018 that the remaining investigations and studies (relating to historic coal mining, archaeology, flooding and sustainable drainage) could be submitted concurrently with the first application for the approval of matters specified in conditions (MSC), and that that the masterplan and development brief would be drawn up and submitted with the first MSC application.

It is considered that this approach remains acceptable on the grounds that the intent of the original conditions would be fulfilled. The main benefit to the applicants would be to streamline the planning process in the lead up to the development. The planning authority would continue to have the same opportunity to scrutinise all of the details associated with the proposal, which is the key issue in this case. The wider community would also have the same opportunity to make representations.



The delivery of major housing sites identified in the adopted LDP remains a key priority for the Council, particularly in relation to its strategic policies of stimulating population growth and economic development as part of the regeneration of North Ayrshire. The proposal to develop the site for housing purposes therefore accords with the LDP.

It is therefore recommended that planning permission is approved, subject to the conditions set out below. This would enable a further three-year period during which detailed matters specified in conditions application(s) could be submitted for the consideration of the Council.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That, along with the first application for the approval of matters specified in conditions (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.

##### **Reason**

To meet the requirements of The Coal Authority.

##### **Condition**

2. That, along with the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

##### **Reason**

To meet the requirements of the West of Scotland Archaeology Service.

##### **Condition**

3. That, along with the first application for the approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:

- there shall be no drainage connections to the trunk road drainage system;

- all foul water arising from the development must be collected and diverted away from operational railway land;
- all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
- the SuDS scheme shall not be sited within 10 metres of railway infrastructure.

Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

#### **Reason**

To ensure that an appropriate SuDS strategy is prepared and implemented in accordance with up to date practice.

#### **Condition**

4. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.

#### **Reason**

To meet the requirements of SEPA.

#### **Condition**

5. That, along with the first application for the approval of matters specified in conditions (MSC), a development brief together with a masterplan for the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. The brief and masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively.

The development brief and associated masterplan shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the details contained in the MSC application(s) shall accord with the development brief and masterplan as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

#### **Reason**

To secure a masterplan for the development in the interests of the proper planning of the area.

#### **Condition**

6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:

- (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
- (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
- (c) Night time internal level, 45dB LA Max (2300-0700).

Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.

#### **Reason**

To ensure that the houses are provided with an adequate level of protection against road and railway noise.

#### **Condition**

7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. Thereafter, the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme to be agreed in writing with North Ayrshire Council as Planning Authority. On completion of the proposed works, written verification, detailing what was done by way of any remediation, shall also be submitted to North Ayrshire Council as Planning Authority.

#### **Reason**

To ensure that any contamination is appropriately remediated.

#### **Condition**

8. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

#### **Reason**

In the interests of amenity, traffic and pedestrian safety.

#### **Condition**

9. That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in

accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.

**Reason**

In the interests of the proper planning of the development.

**Condition**

10. That prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.

**Reason**

To meet the requirements of Transport Scotland in the interests of trunk road safety.

**Condition**

11. That prior to the commencement of the development hereby approved, the developer shall submit details of the landscaping treatment along the boundary with the A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.

**Reason**

To meet the requirements of Transport Scotland in the interests of trunk road safety.

**Condition**

12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland shall be erected and maintained along the proposed boundary of the site with the A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.

**Reason**

To meet the requirements of Transport Scotland and Network Rail in the interests of trunk road and railway safety.

**Condition**

13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100\_R\_1\_1\_2\_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of the ecology of the area and to safeguard protected species.

**Condition**

14. That the development shall initially be limited to a maximum of 25 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school

capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 25 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

### Reason

To enable the development to proceed on a phased basis in order to take into account local primary school capacity.

James Miller  
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

### Appendix 1 – Location Plan

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